

## **BOARD OF TRUSTEES MEETING MINUTES – November 2, 2015**

The monthly meeting of the Board of Trustees of the Inc. Village of Brightwaters held on Monday, November 2, 2015 at 8:00 p.m. at Village Hall, 40 Seneca Drive, Brightwaters, NY, with the following officers present:

Joseph McDermott  
Diane Urso  
Bernadette Whitwell  
Laurie Elliott  
Christian Sullivan  
Donna M. Barnett  
Charles J. Casolaro

Mayor  
Deputy Mayor  
Trustee  
Trustee  
Trustee  
Clerk-Treasurer  
Village Attorney

Also:

John Catania  
Alexander Dumala

DPW Foreman  
Code Enforcement Supervisor

At 8:00 pm, Mayor McDermott called the meeting to order followed by a salute to the flag and a moment of silence for our troops. He asked all Veterans in the audience to please stand and thanked them for their service.

Approval of the Minutes from the Board Meetings of October 19, 2015:

Motion: Trustee Elliott

Second: Trustee Urso

Vote: 5 ayes                      0 nays

SCPD Police Report: No Officer present. Mayor McDermott reported that with the SCPD help, there were no incidents reported for Halloween night. There were thirteen vehicles between the SCPD and our vehicles out.

### Mayor's Report:

Seven drains were installed on Richland Boulevard and then it was paved. Thanks to Phil Boyle for the \$100,000 grant for this project. We also did a small portion of Seneca Blvd. with some extra savings in front of the Jon Thomas Inne. This area and the road behind the deli has brought many compliments.

### Highway Report – Trustee Whitwell:

Richland Boulevard was paved, as the Mayor said. 29 trees were removed from Wohseepee Park due to the beetle situation and the stumps have been ground. We are looking to purchase 6 new trees at least for the Park.

### Code Enforcement – Trustee Sullivan:

Want to publicly thank the SCPD, the DPW, code enforcement and the Library staff for making Halloween incident free. The lights at the fields aided in this endeavor. SCPD – there were 57 calls to 911. As the temperature drops so do the calls to 911. There were two suspicious vehicles reported, one on Sunrise Highway and one by the bakery. We had 23 summonses, 5 violations and 21 complaints, commercial garbage pickup, Halloween decorations being stolen. Political signs are allowed on property. If the signs were too close to the street on Village right-of-way they were taken and subsequently returned. Reminder to lock cars. Building Inspector continues to monitor the businesses on Orinoco.

Lakes and Parks – Trustee Urso:

October 24<sup>th</sup> was the Pumpkin Run with 375 runners. Would like to thank Kevin Niles and all the volunteers. This past Saturday was the Ragamuffin parade and the business association took over the festivities and it was very enjoyable. Like to thank John Valdini, Keith Zicollello, Paul Wernersbach, Pat's Deli, Phil Terribile, Craig Lowe, Frank and Mike from Hairtique, Larry Caputo. We gave out about 400 bags of candy. There were at least 500 children and another 500 parents and friends.

Coming up on November 28<sup>th</sup> is the Photos with Santa at the Cabin and the Tree Lighting. December 1<sup>st</sup> is the last day for boats on the canal. We have several residents who would like to step up to the Parks Committee and plan some new activities including educational seminars.

Movie night was a success with hot chocolate on a very cold night. Ray the ice cream vendor donated all the candy and ice cream in his truck. I want to thank all of the Trustees, Mayor and all the volunteers.

Administration – Trustee Elliott:

This month I attended the annual Fire Department Budget meeting to get a better understanding of their budget. I also attended their bond hearing requesting \$11 million dollars to increase their space for vehicles and equipment. They have to replace three trucks that are over 25 years old and no longer can be repaired. They also need to repair several other locations. They will be having another meeting to discuss the bond with the date to be determined.

Fire Marshall's Report

As of this report, all permits for Public Assembly and Multiple Dwelling occupancies within the Village of Brightwaters are currently valid and up to date. Currently, the "Public Assembly Permit" for the following occupancy is being processed;

- North Windsor / Sea Levels Restaurant

Commercial Occupancy Fire inspections have continued in the Village of Brightwaters since my last report, with subsequent re-inspections having also been conducted to insure that all violations have since been removed. Beginning Wednesday, 11/11/15, I will begin visiting and advising all commercial occupancies within the Village of Brightwaters of the new law requiring the installation of Carbon Monoxide detectors. The new law will apply to all new & existing commercial buildings that have fuel burning appliances, systems or devices that emit Carbon Monoxide. The Village Building Inspector and I will visit these locations jointly to insure the accuracy of village records as related to commercial occupancy activity.

Additional recent activity has included meeting with design professionals regarding the review, approval and in certain cases the testing and approval of Automatic Fire Alarm plans for the following occupancies;

- 402 Potter Blvd. / Professional Building
- 1 Orinoco Dr. / National Grid

Most recently, the Automatic Fire Alarm System for the National Grid building on Orinoco was tested and accepted pending two minor additions.

During the past month, there were no requests for investigations of fire from the Bay Shore Fire Department. However, I have coordinated the installation of a "Knox Box" installation between the management of National Grid, The Bay Shore Fire Department and the T.O.I. Fire Marshal's Office.

Sincerely,

*Matthew Brennan*

Matthew Brennan, Fire Marshal  
Village Of Brightwaters

Open Public Comment session on possible Term Limits Legislation.

Motion: Trustee Urso

Second: Trustee Whitwell

Vote: 5 ayes

0 nays

- Frank Maffucci: how can we get the opinion of the whole Village on this topic? Mayor McDermott said that it was mentioned at several meetings, an email blast was sent out and it was on the website
- Joan Manahan: Do you have some idea of what you are proposing? Have you checked with other Villages? Mayor McDermott: either 3 or 4 terms of 2 years each.
- Would there be another public comment session or is this a fact finding session?
- David Gauntlett: Elections are our form of term limits. People are generally satisfied with how things are so they don't come to meetings. They are satisfied with the team
- Robert Fischer: It would be insulting to voters to invoke term limits
- Joan Manahan: the Presidency has a term limits. In a Village of this size incumbents have a huge advantage. Not enough people show up to the meetings. It would give more people the opportunity to participate
- John Valdini: the same dozen people do the 95% of the work in the Village. Term limits would give new faces and new ideas every eight years or so. When people sit back and are satisfied they don't see what is going on. Emails and Facebook is not enough. Flyers should have been sent out
- Joe Pers: 3 year term with 2 terms. Perhaps a flyer with a tear off for people to drop off or mail in
- Craig Lowe: Term limits disenfranchises the voter. If someone is willing to do a great job year after year let them do it. It takes the vote out of my pocket
- Noel Nixon: question on the process: Resolution would be drafted, notice would be posted for a Public Hearing and then a vote would be held. Village Attorney: a resolution would be drafted, a public hearing held and a vote would be held. There is a 20 day referendum period whereby 20% of the voting public would have to submit a petition to the Board to have the resolution appear on the ballot. The Board may also put the resolution on the ballot.
- Carmine Chiappetta: what is the position of the Board members on this issue? Mayor McDermott replied that this is just a comment session and no one on the Board is prepared to provide an opinion at this time. Mr. Chiappetta commented that term limits may have mitigated some of the issues that the current Board is facing

- Nick DelVecchio: Generally I am not in favor of term limits but in such a small Village there is a benefit to a 3 or 4 term limit for the elected officials. Because we live here so closely it can be difficult to run against each other

Motion to Close Public comment session: Trustee Urso      Second: Trustee Elliott  
Vote: 5 ayes      0 nays

**Approve** Public Assembly Permit for the Tri-ing for Kids Turkey Trot to be held on Thanksgiving Day. Doug Rabin has been sponsoring a Turkey Trot for the past several years. Since we passed the Public Assembly law, we sent him an application and he will be notifying the SCPD, providing portable toilets, insurance, monitoring the music and noise. He has been very cooperative.

Motion: Trustee Urso      Second: Trustee Sullivan  
Vote: 5 ayes      0 nays

**Adopt** Resolution 2015-14 Permission to participate in the Justice Court Assistance Program Grant. To provide new chairs for the dais, tables and a New York State flag.

Motion: Trustee Elliott      Second: Trustee Urso  
Vote: 5 ayes      0 nays

**Adopt** the following Bond resolutions:

\$250,000 for DPW Equipment  
\$1,500,000 for Road Repairs  
\$1,600,000 for Canal Repairs

Mayor McDermott explained that because we pass the bond resolutions does not mean that we are going to bond. This is only the first step and will allow the Board, if they decide to do so, may then go to bond. The infrastructure is in bad need of repairs. The pay as you go method is not keeping up with the repairs. This is a tool in the toolbox in case we need it. It does not mean we are going to borrow. This was mentioned in the newsletter. If the Board decides to go to bond, there will be adequate notification and a public hearing.

The money for the canal will not replace the entire canal. The cost is approximately \$1,000 a linear foot. It would depend on when we fix it and how much of it is fixed.

17 roads are currently on the list for repairs.

Bonds are for specific items and cannot be spent for anything else. All costs associated with the bonds would be included in the bond funds.

These resolutions are subject to a 30 day period of permissive referendum. If 20% of the registered voters in the Village object to the passing of these resolutions, there will have to be a referendum on a voting ballot. This is pursuant to article 9 of Village Law. The petitions have to be bound and delivered to the Village clerk. There will be much more discussion on this matter in the future.

Motion: Trustee Sullivan      Second: Trustee Urso  
Vote: 5 ayes      0 nays

**Permission** to go to bid for the construction of a new DPW building consisting of approximately 3,000 square feet.

Motion: Trustee Whitwell      Second: Trustee Sullivan  
Vote: 5 ayes      0 nays

**Call for Public Hearing** on LL 2015-10 additional stop signs on Orinoco Drive to be held on December 7, 2015.

Motion: Trustee Urso      Second: Trustee Sullivan

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Vote: 5 ayes

0 nays

**Call for Public Hearing** on December 7, 2015 to adopt the Bay Shore Fire District Protection Contract with Village cost of \$246,125.

Motion: Trustee Elliott

Second: Trustee Urso

Vote: 5 ayes

0 nays

**Invite** residents to an open forum on the Downtown Revitalization Grant Round12 and an update on where we are with the project.

**Approval** of Treasurer's Report and Abstract:

<b>ABSTRACT REPORT FOR BOT November 2, 2015</b>			
Seeking to approve payment on:			
Abstracts # 3964-3967	70 vouchers		\$78,914.96
<b>Large Payments</b>			
Alpha Carting - monthly garbage removal - October		\$	31,789.00
Employee Benefits - Civil Service health insurance		\$	10,072.22
Hohwald/Manella - tree removal		\$	8,150.00
<b>Treasurer's Report</b>			
Cash on Hand as of 11/2/2015			
General Fund - BNB		67,296	
Gneral Money Market - BNB		971,126	
CLASS General		314,695	
	Total Cash on Hand	<b>1,353,117</b>	

Motion: Trustee Urso

Second: Trustee Sullivan

Vote: 5 ayes

0 nays

**Adjourn** the meeting:

Motion: Trustee Sullivan

Second: Trustee Urso

Vote: 5 ayes

0 nays

Meeting adjourned at 9:40PM.

13 people signed in,

BOND RESOLUTION OF THE VILLAGE OF BRIGHTWATERS, NEW YORK, ADOPTED NOVEMBER 2, 2015, AUTHORIZING THE CONSTRUCTION OF ROAD IMPROVEMENTS IN THE VILLAGE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,500,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$1,500,000 BONDS OF SAID VILLAGE TO FINANCE SAID APPROPRIATION

THE BOARD OF TRUSTEES OF THE VILLAGE OF BRIGHTWATERS, IN THE COUNTY OF SUFFOLK, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Board of Trustees) AS FOLLOWS:

Section 1. The Village of Brightwaters, in the County of Suffolk, New York (herein called the "Village"), is hereby authorized to construct road improvements in the Village. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,500,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$1,500,000 bonds of the Village to finance said appropriation and the levy and collection of taxes upon all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Village in the principal amount of \$1,500,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 20 (c) of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Village Clerk is hereby authorized and directed, within ten (10) days after the adoption hereof, to cause to be published, in full, in "*The Islip Bulletin*," a newspaper having general circulation in said Village and hereby designated the official newspaper of the Village for such publication, and



posted in at least six (6) public places and in each polling place in the Village, a Notice in substantially the following form:

VILLAGE OF BRIGHTWATERS, NEW YORK

PLEASE TAKE NOTICE that on November 2, 2015, the Board of Trustees of the Village of Brightwaters, in the County of Suffolk, New York, adopted the bond resolution entitled:

“Bond Resolution of the Village of Brightwaters, New York, adopted November 2, 2015, authorizing the construction of road improvements in the Village, stating the estimated maximum cost thereof is \$1,500,000, appropriating said amount for such purpose, and authorizing the issuance of \$1,500,000 bonds of said Village to finance said appropriation,”

an abstract of such bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING the Village of Brightwaters to construct road improvements in the Village; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,500,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of \$1,500,000 bonds of the Village to finance said appropriation, and the levy of taxes upon all the taxable real property within the Village to pay the principal of said bonds and the interest thereon;

SECOND: AUTHORIZING the issuance of \$1,500,000 bonds of the Village pursuant to the Local Finance Law of the State of New York (the “Law”) to finance said appropriation;

THIRD: DETERMINING and STATING that (a) the period of probable usefulness of the object or purpose for which the bonds are authorized is fifteen (15) years; (b) the proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized; and (c) the proposed maturity of said bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Village; and PLEDGING to their payment the faith and credit of the Village;

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: November 2, 2015

DONNA M. BARNETT  
Village Clerk

BOND RESOLUTION OF THE VILLAGE OF BRIGHTWATERS, NEW YORK, ADOPTED NOVEMBER 2, 2015, AUTHORIZING THE REPLACEMENT AND RECONSTRUCTION OF CANAL BULKHEADING, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,600,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$1,600,000 BONDS OF SAID VILLAGE TO FINANCE SAID APPROPRIATION

THE BOARD OF TRUSTEES OF THE VILLAGE OF BRIGHTWATERS, IN THE COUNTY OF SUFFOLK, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Board of Trustees) AS FOLLOWS:

Section 1. The Village of Brightwaters, in the County of Suffolk, New York (herein called the "Village"), is hereby authorized to replace and reconstruct canal bulkheading in the Village, including any ancillary work in connection therewith. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,600,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$1,600,000 bonds of the Village to finance said appropriation and the levy

and collection of taxes upon all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Village in the principal amount of \$1,600,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 22 of the Law, is twenty (20) years.

(b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village. The faith and credit of the Village

are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Village Clerk is hereby authorized and directed, within ten (10) days after the adoption hereof, to cause to be published, in full, in "*The Islip Bulletin*," a newspaper having general circulation in said Village and hereby designated the official newspaper of the Village for such publication, and posted in at least six (6) public places and in each polling place in the Village, a Notice in substantially the following form:

VILLAGE OF BRIGHTWATERS, NEW YORK

PLEASE TAKE NOTICE that on November 2, 2015, the Board of Trustees of the Village of Brightwaters, in the County of Suffolk, New York, adopted the bond resolution entitled:

“Bond Resolution of the Village of Brightwaters, New York, adopted November 2, 2015, authorizing the replacement and reconstruction of canal bulkheading, stating the estimated maximum cost thereof is \$1,600,000, appropriating said amount for such purpose, and authorizing the issuance of \$1,600,000 bonds of said Village to finance said appropriation,”

an abstract of such bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING the Village of Brightwaters to replace and reconstruct canal bulkheading in the Village, including any ancillary work in connection therewith; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,600,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of \$1,600,000 bonds of the Village to finance said appropriation, and the levy of taxes upon all the taxable real property within the Village to pay the principal of said bonds and the interest thereon;

SECOND: AUTHORIZING the issuance of \$1,600,000 bonds of the Village pursuant to the Local Finance Law of the State of New York (the “Law”) to finance said appropriation;

THIRD: DETERMINING and STATING that (a) the period of probable usefulness of the object or purpose for which the bonds are authorized is thirty (30) years; (b) the proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized; and (c) the proposed maturity of said bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Village; and PLEDGING to their payment the faith and credit of the Village;

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

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SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: November 2, 2015

DONNA M. BARNETT  
Village Clerk

BOND RESOLUTION OF THE VILLAGE OF BRIGHTWATERS, NEW YORK, ADOPTED NOVEMBER 2, 2015, AUTHORIZING THE ACQUISITION OF DPW EQUIPMENT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$250,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$250,000 BONDS OF SAID VILLAGE TO FINANCE SAID APPROPRIATION

THE BOARD OF TRUSTEES OF THE VILLAGE OF BRIGHTWATERS, IN THE COUNTY OF SUFFOLK, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Board of Trustees) AS FOLLOWS:

Section 1. The Village of Brightwaters, in the County of Suffolk, New York (herein called the "Village"), is hereby authorized to acquire DPW equipment. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$250,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$250,000 bonds of the Village to finance said appropriation and the levy and collection of taxes upon all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Village in the principal amount of \$250,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter

33-a of the Consolidated Laws of the State of New York (herein called the “Law”), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 28 of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of



the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Village Clerk is hereby authorized and directed, within ten (10) days after the adoption hereof, to

11/02/2015 - Board of Trustees Meeting

cause to be published, in full, in "*The Islip Bulletin*," a newspaper having general circulation in said Village and hereby designated the official newspaper of the Village for such publication, and posted in at least six (6) public places and in each polling place in the Village, a Notice in substantially the following form:

VILLAGE OF BRIGHTWATERS, NEW YORK

PLEASE TAKE NOTICE that on November 2, 2015, the Board of Trustees of the Village of Brightwaters, in the County of Suffolk, New York, adopted the bond resolution entitled:

“Bond Resolution of the Village of Brightwaters, New York, adopted November 2, 2015, authorizing the acquisition of DPW equipment, stating the estimated maximum cost thereof is \$250,000, appropriating said amount for such purpose, and authorizing the issuance of \$250,000 bonds of said Village to finance said appropriation,”

an abstract of such bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING the Village of Brightwaters to acquire DPW equipment; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$250,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of \$250,000 bonds of the Village to finance said appropriation, and the levy of taxes upon all the taxable real property within the Village to pay the principal of said bonds and the interest thereon;

SECOND: AUTHORIZING the issuance of \$250,000 bonds of the Village pursuant to the Local Finance Law of the State of New York (the “Law”) to finance said appropriation;

THIRD: DETERMINING and STATING that (a) the period of probable usefulness of the object or purpose for which the bonds are authorized is fifteen (15) years; (b) the proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized; and (c) the proposed maturity of said bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Village; and PLEDGING to their payment the faith and credit of the Village;

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

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SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: November 2, 2015

DONNA M. BARNETT  
Village Clerk

11/02/2015 - Board of Trustees Meeting