

CITY OF AMSTERDAM, NY
COMMON COUNCIL
FEBRUARY 23, 2016

RESOLUTION #15/16-198

BOND RESOLUTION DATED FEBRUARY 23, 2016.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$5,000,000 BONDS OF THE CITY OF AMSTERDAM, MONTGOMERY COUNTY, NEW YORK, TO PAY THE \$5,000,000 ESTIMATED MAXIMUM COST OF IMPROVEMENTS TO THE CITY'S SEWER SYSTEM TO FACILITATE COMPLIANCE WITH AN ORDER ON CONSENT, IN AND FOR SAID CITY.

BY: MAYOR VILLA

WHEREAS, all conditions precedent to the financing of the capital purpose hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital purpose;

RESOLVED, by the Common Council of the City of Amsterdam, Montgomery County, New York, as follows:

Section 1. For paying the cost of improvements to the City's sewer system, in and for the City of Amsterdam, Montgomery County, New York, including, without limitation, the replacement or lining of sewer mains, grouting or replacement of leaking manhole structures, removal of directly connected storm sewer pipes and improvements to the main sewage pump stations, including the installation of additional equipment or the replacement of equipment, and incidental expenses in connection therewith, to facilitate compliance with a New York State Department of Environmental Conservation Order on Consent, which is a class of objects or purposes, there are hereby authorized to be issued \$5,000,000 bonds of the City of Amsterdam, Montgomery County, New York, pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$5,000,000, and that the plan for the financing thereof is by the issuance of the \$5,000,000 bonds of said City authorized to be issued pursuant to this bond resolution, provided, however, that the amount of bonds to be issued shall be reduced by the amount of New York State aid received for the aforesaid class of objects or purposes, presently expected in the amount of \$ _____.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid class of objects or purposes is thirty years, pursuant to subdivision four of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the City Controller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Controller, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said City of Amsterdam, Montgomery County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Amsterdam, Montgomery County, New York, by the manual or facsimile signature the City Controller and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Controller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Controller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the City Controller. Such notes shall be of such terms, form and contents as may be prescribed by said City Controller consistent with the provisions of the Local Finance Law.

Section 9. The City Controller is hereby further authorized, at his or her sole discretion, to execute a project financing agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond, and, or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 10. The intent of this resolution is to give the City Controller sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and, or notes, without resorting to further action of this City Controller.

Section 11. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of its City Controller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Controller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the City Controller shall determine.

Section 12. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this 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
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 13. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

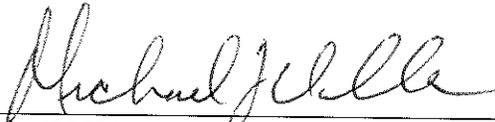
Section 14. Upon this resolution shall take effect immediately upon its passage and the approval thereof by the Mayor, pursuant to Section C34 of the Charter of the City, and shall then be published in full in *The Recorder*, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

MOTION TO AMEND by Alderman Russo, in Section 2 insert "\$1,250,000" passed with Aye.

RESOLUTION ADOPTED UNANIMOUSLY.

Common Council
City of Amsterdam, NY

	Aye	Nay
Alderman Russo	√	
Alderman Ochal	√	
Alderman Majewski	√	
Alderman Wojnar	√	
Alderman Martuscello	√	



MICHAEL VILLA, MAYOR

DATED: 2/24, 2016

This is to certify that I, Susan Alibozek, City Clerk of the City of Amsterdam, County of Montgomery, State of New York, that the above is the original Resolution, passed by the City of Amsterdam Common Council on February 23, 2016 a majority of all members elected to the Council voting in favor.

I have set my hand and the official seal of the City of Amsterdam this 24th day of February 2016.


CITY CLERK

CITY SEAL

Received & Filed in the Office of the City Clerk: 2/24/16

Received by: DA

CITY OF AMSTERDAM, NY
COMMON COUNCIL
FEBRUARY 23, 2016

RESOLUTION #15/16-200(consent)

RESOLUTION AUTHORIZING ENGINEERING SERVICES IN CONNECTION WITH THE PLANNING, PROJECT ADMINISTRATION, DESIGN AND CONSTRUCTION OF VARIOUS SEWER SYSTEM IMPROVEMENTS FOR THE CITY OF AMSTERDAM

BY: MAYOR VILLA

WHEREAS, the City of Amsterdam is under Consent Order from the NYSDEC to reduce sanitary sewer system overflows within the City of Amsterdam collection system, and

WHEREAS, John M. McDonald Engineering has completed the necessary engineering reports which have been submitted to the regulatory and funding agencies in accordance with the compliance schedule, and

WHEREAS, John M. McDonald Engineering is assisting with the funding applications necessary to secure loan and grant funding in the amount of \$5,000,000 for this project, and

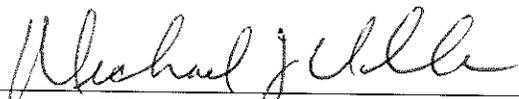
WHEREAS, in accordance with the application requirements, the City must submit the Engineering services agreement in order to have a complete application,

RESOLVED, the Mayor to enter into an agreement with John M. McDonald Engineering, to provide planning and administration, design, and construction phase services in connection with this project, with funds to be obtained from the project budget as submitted with the application.

RESOLUTION ADOPTED UNANIMOUSLY

Common Council
City of Amsterdam, NY

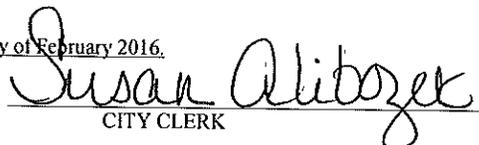
	Aye	Nay
Alderman Russo	√	
Alderman Ochal	√	
Alderman Majewski	√	
Alderman Wojnar	√	
Alderman Martuscello	√	


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Received by: SA

CITY OF AMSTERDAM, NY
COMMON COUNCIL
FEBRUARY 23, 2016

RESOLUTION #15/16-199

RESOLUTION AUTHORIZING PAYMENT OF SCHOOL TAXES

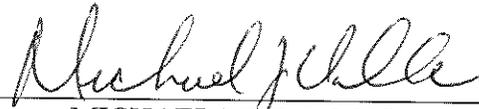
BY: ALDERMAN RUSSO

RESOLVED, the Controller is authorized to make payment prior to March 1, 2016 of school taxes on a property owned by the City of Amsterdam to avoid further late charges.

RESOLUTION ADOPTED UNANIMOUSLY

Common Council
City of Amsterdam, NY

	Aye	Nay
Alderman Russo	√	
Alderman Ochal	√	
Alderman Majewski	√	
Alderman Wojnar	√	
Alderman Martuscello	√	



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CITY OF AMSTERDAM, NY
COMMON COUNCIL
FEBRUARY 23, 2016

RESOLUTION #15/16-201(consent)

RESOLUTION ENSURING THAT ALL FEDERAL MIONIES THAT ARE PASSED THROUGH THE CITY OF AMSTERDAM TO ANOTHER AGENCY HAVE A SUB-RECIPIENT ATTACHED TO THEM FOR SAID FUNDS

BY: FULL COUNCIL

WHEREAS, the City of Amsterdam at times receives Federal Funds that are to be passed through to AIDA or any other entity, and

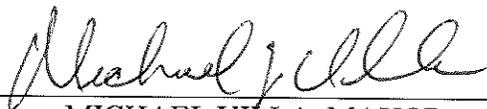
WHEREAS, the Mayor, Common Council, Controllor and Corporation Counsel shall be responsible for ensuring that all future monies that pass through the City of Amsterdam to these entities have in place a sub-recipient agreement between the City of Amsterdam and AIDA or other entity so that those funds can be tracked by the City of Amsterdam to ensure proper use of those funds,

RESOLVED, the Mayor, Corporation Counsel, Controllor and Common Council shall each be responsible for ensuring that all future grant monies that pass through the City of Amsterdam to AIDA or any like entity there shall be in place a sub-recipient agreement between the City of Amsterdam and AIDA or other similar entity so as to allow the City of Amsterdam to ensure proper use, distribution and auditing of said grant money.

RESOLUTION ADOPTED UNANIMOUSLY

Common Council
City of Amsterdam, NY

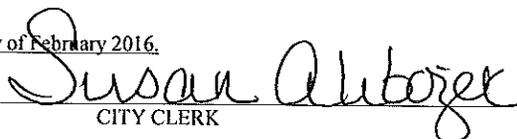
	Aye	Nay
Alderman Russo	√	
Alderman Ochal	√	
Alderman Majewski	√	
Alderman Wojnar	√	
Alderman Martuscello	√	


MICHAEL VILLA, MAYOR

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