

November 9, 2023

V - - 2023 - - 067

A RESOLUTION AUTHORIZING THE BRENTWOOD BROOK FLOOD PLAIN RESTORATION PROJECT OFF OF CRYSTAL STREET BY VETERAN'S PARK, IN AND FOR THE VILLAGE OF HARRISON, WESTCHESTER COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$3,000,000 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF UP TO \$3,000,000 SERIAL BONDS OF SAID VILLAGE TO PAY COSTS THEREOF.

WHEREAS, the capital project hereinafter described has been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the Board of Trustees has determined will not result in any significant adverse environmental effects; and

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

WHEREAS, it is now desired to authorize the financing of said capital project, NOW, THEREFORE BE IT

RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Harrison, Westchester County, New York, as follows:

Section 1. The Brentwood Brook Flood Plain Restoration Project off of Crystal Street by Veteran's Park, including incidental improvements in connection therewith, in and for the Village of Harrison, Westchester County, New York, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$3,000,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of up to \$3,000,000 serial bonds of said Village, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; provided, however, that the amount of serial bonds ultimately to be issued shall be reduced by the amount of any grant monies received therefor, presently estimated in the amount of \$2,600,000.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is 30 years, pursuant to subdivision 3 of paragraph a of

Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Village of Harrison, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds 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 bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. 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 serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, 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 Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. 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 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. 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 Village 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 8. 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 object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the Journal News, which is hereby designated as the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

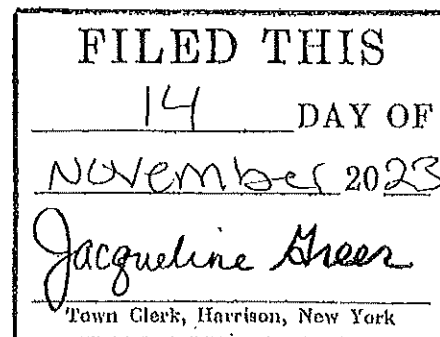
<u>SUPERVISOR DIONISIO</u>	<u>VOTING</u>	<u>AYES</u>
<u>COUNCILWOMAN LEADER</u>	<u>VOTING</u>	<u>AYES</u>
<u>COUNCILWOMAN BROWN</u>	<u>VOTING</u>	<u>AYES</u>
<u>COUNCILMAN SCILIANO</u>	<u>VOTING</u>	<u>AYES</u>
<u>COUNCILWOMAN EVANGELISTA</u>	<u>VOTING</u>	<u>AYES</u>

Adopted by the following vote:

AYES: Trustees Leader, Brown, Sciliano and Evangelista  
Mayor Dionisio

NAYS: None

ABSENT: None





V-E-1

January 23, 2024

VIA E-MAIL (mmackenzie@harrison-ny.gov)

Ms. Maureen MacKenzie  
Comptroller/Treasurer  
Village of Harrison  
1 Heineman Place  
Harrison, NY 10528

Orrick, Herrington & Sutcliffe LLP  
51 West 52nd Street  
New York, NY 10019-6142

+1 212 506 5000  
orrick.com

Thomas E. Myers  
E tmyers@orrick.com  
D +1 212 506 5212  
F +1 212 506 5151

Re: Village of Harrison, Westchester County, New York  
Brentwood Brook Flood Plain Restoration Project - \$3,000,000 Serial Bonds  
Orrick File: 42509-2-520

Dear Maureen:

In accordance with your request, enclosed is a suggested form for the bond resolution in connection with the above matter, subject to permissive referendum.

If the resolution meets with the approval of the Board, please have it adopted by a super majority vote, that is a vote of at least two-thirds of the total voting strength of the Board.

Since the bond resolution is subject to permissive referendum, Notice of Adoption thereof must be published once in the official newspaper of the Village, and copies thereof conspicuously posted in at least six public places within the Village, such publication and postings **TO BE MADE WITHIN TEN DAYS AFTER ADOPTION.**

***Please note that the ten-day publication and posting requirement is absolute. Failure to make the required publication and posting within the ten days will invalidate the adoption of the resolution.***

In due course, if this format is utilized, please furnish us with the following via email, followed by mail to our office:

- 1) An originally certified copy of the enclosed bond resolution.
- 2) An original printer's affidavit of publication of the Notice of Adoption thereof from the official newspaper of the Village.
- 3) An original Village Clerk's Certification of Posting of such Notice. For your convenience, we are enclosing herewith a form for such certification. When returning the same to us, please make sure there is attached thereto, as recited therein, a true, correct and complete copy of the Notice of Adoption as was actually posted.

After the permissive referendum period has elapsed (thirty days after adoption), a Legal Notice of estoppel will need to be published. We will forward the same upon receipt of the above.

With best wishes,

Very truly yours,

*Tom*

Thomas E. Myers

/es

Enclosures

cc: Megan Pierroz PE, w/ encl. (mpierroz@harrison-ny.gov)  
Michael Amodeo, PE w/ encl. (mamodeo@harrison-ny.gov)

**BOND RESOLUTION  
(SUBJECT TO PERMISSIVE REFERENDUM)**

At a regular meeting of the Board of Trustees of the Village of Harrison, Westchester County, New York, held at the Village Hall, in Harrison, New York, in said Village, on the 1st day of February, 2024, at \_\_\_\_\_ o'clock P.M., Prevailing Time.

The meeting was called to order by \_\_\_\_\_, and upon roll being called, the following were

PRESENT:

ABSENT:

The following resolution was offered by Trustee \_\_\_\_\_, who moved its adoption, seconded by Trustee \_\_\_\_\_, to-wit:

BOND RESOLUTION DATED FEBRUARY 1, 2024.

A RESOLUTION AUTHORIZING THE BRENTWOOD BROOK FLOOD PLAIN RESTORATION PROJECT OFF OF CRYSTAL STREET BY VETERAN'S PARK, IN AND FOR THE VILLAGE OF HARRISON, WESTCHESTER COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$3,000,000 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF UP TO \$3,000,000 SERIAL BONDS OF SAID VILLAGE TO PAY COSTS THEREOF.

WHEREAS, the capital project hereinafter described has been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the Board of Trustees has determined will not result in any significant adverse environmental effects; and

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

WHEREAS, it is now desired to authorize the financing of said capital project, NOW, THEREFORE BE IT

RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Harrison, Westchester County, New York, as follows:

Section 1. The Brentwood Brook Flood Plain Restoration Project off of Crystal Street by Veteran's Park, including incidental improvements in connection therewith, in and for the Village of Harrison, Westchester County, New York, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$3,000,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of up to \$3,000,000 serial bonds of said Village, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; provided, however, that the amount of serial bonds ultimately to be issued shall be reduced by the amount of any grant monies received therefor, presently estimated in the amount of \$2,600,000.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is 30 years, pursuant to subdivision 3 of paragraph a of Section 11.00 of the

Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Village of Harrison, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds 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 bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. 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 serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, 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 Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. 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 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. 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 Village 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 8. 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 object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the Journal News, which is hereby designated as the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.



The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

\_\_\_\_\_ VOTING \_\_\_\_\_

\_\_\_\_\_ VOTING \_\_\_\_\_

\_\_\_\_\_ VOTING \_\_\_\_\_

\_\_\_\_\_ VOTING \_\_\_\_\_

\_\_\_\_\_ VOTING \_\_\_\_\_

The resolution was thereupon declared duly adopted.

\* \* \* \* \*

CERTIFICATION FORM

STATE OF NEW YORK                    )  
  ) ss.:  
COUNTY OF WESTCHESTER        )

I, the undersigned Clerk of the Village of Harrison in the County of Westchester, New York (the "Issuer"), DO HEREBY CERTIFY:

1. That a meeting of the Issuer was duly called, held and conducted on the 1st day of February, 2024.
2. That such meeting was a **special regular** (circle one) meeting.
3. That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
4. That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
5. That all members of the Board of the Issuer had due notice of said meeting.
6. That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
7. That notice of said meeting (*the meeting at which the proceeding was adopted*) was caused to be given PRIOR THERETO in the following manner:

**PUBLICATION** (here insert newspaper(s) and date(s) of publication - should be a date or dates falling prior to the date set forth above in item 1)

**POSTING** (here insert place(s) and date(s) of posting- should be a date or dates falling prior to the date set forth above in item 1)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this  
\_\_\_\_ day of February, 2024.

\_\_\_\_\_  
Village Clerk

(CORPORATE SEAL)

## NOTICE OF ADOPTION OF RESOLUTION

NOTICE IS HEREBY GIVEN that the Board of Trustees of the Village of Harrison, Westchester County New York, at a meeting held on the 1st day of February, 2024, duly adopted the resolution published herewith **SUBJECT TO A PERMISSIVE REFERENDUM.**

Dated: Harrison, New York,

\_\_\_\_\_, 2023.

\_\_\_\_\_  
Village Clerk

BOND RESOLUTION DATED FEBRUARY 1, 2024.

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

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Section 8. 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 object or purpose described herein.

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Section 10. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

**CERTIFICATION OF POSTING**

STATE OF NEW YORK                    )  
  ) ss.:  
COUNTY OF WESTCHESTER         )

I, the undersigned Clerk of the Village of Harrison, Westchester County, New York, DO HEREBY CERTIFY:

That on the \_\_\_\_ day of \_\_\_\_\_, 2024, I caused to be posted a Notice of Adoption of a bond resolution dated February 1, 2024, at the following six (6) conspicuous public places in said Village:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

A true, correct and complete copy of such Notice of Adoption, in the exact form in which the same was actually posted, is attached hereto and made a part hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Village this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Village Clerk

(CORPORATE  
SEAL)