

# PRELIMINARY OFFICIAL STATEMENT DATED MARCH 17, 2023

## NEW ISSUE/RENEWALS

## BOND ANTICIPATION NOTES

*In the opinion of Harris Beach PLLC, Bond Counsel under existing statutes, regulations, administrative rulings, and court decisions, and assuming continuing compliance by the Town with its covenants relating to certain requirements contained in the Internal Revenue Code of 1986, as amended (the "Code"), and the accuracy of certain representations made by the Town, interest on the Notes is not excluded from gross income of the owners thereof for federal income tax purposes. Bond counsel is also of the opinion that under existing statutes interest on the Notes is exempt from personal income taxes imposed by the State of New York and any political subdivision thereof (including The City of New York). No opinion is expressed regarding other Federal or State tax consequences arising with respect to the Notes. See "TAX MATTERS" herein.*

*The Notes will NOT be designated by the Town as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Code.*

### TOWN OF CLARKSTOWN ROCKLAND COUNTY, NEW YORK (the "Town")

## \$3,735,000

### BOND ANTICIPATION NOTES, 2023 SERIES B (FEDERALLY TAXABLE)

Dated Date: April 13, 2023

Maturity Date: April 4, 2024

**Security and Sources of Payment:** The Notes will constitute general obligations of the Town and will contain a pledge of its faith and credit for the punctual payment of the principal of and interest on the Notes and, unless paid from other sources, all the taxable real property within the Town will be subject to the levy of ad valorem taxes, for such purpose, subject to certain applicable statutory limitations imposed by Chapter 97 of the New York Laws of 2011, as amended. See "Tax Levy Limitation Law" herein.

**Prior Redemption:** The Notes will not be subject to redemption prior to their maturity.

At the option of the purchaser(s), the Notes will be issued in (i) registered form registered in the name of the successful bidder(s) or (ii) registered book-entry form registered to Cede & Co., as the partnership nominee for the Depository Trust Company ("DTC").

If the Notes are issued registered in the name of the successful bidder(s), a single note certificate will be issued for those Notes bearing the same rate of interest in the aggregate principal amount awarded to such purchaser at such interest rate. Principal of and interest on such Notes will be payable in Federal Funds by the Town, at such bank or trust company located and authorized to do business in the State of New York as selected by the successful bidder(s).

DTC will act as Securities Depository for those Notes issued as book-entry notes registered to Cede & Co. Individual purchases may be made in book-entry form only, in principal amounts of \$5,000 or integral multiples thereof. Purchasers will not receive certificates representing their ownership interests in those Notes issued as book-entry-only notes. Payment of the principal of and interest on such Notes will be made by the Town to DTC, which will in turn remit such principal and interest to its participants for subsequent disbursement to the beneficial owners of such Notes as described herein. See "Book-Entry System" herein.

Proposals for the Notes will be received at 11:00 A.M. (Prevailing Time) on March 28, 2023 at the office of Munistat Services, Inc., 12 Roosevelt Avenue, Port Jefferson Station, New York 11776.

*The Notes are offered when, as and if issued and received by the purchaser(s) and subject to the receipt of an approving legal opinion as to the validity of the Notes of Harris Beach PLLC, White Plains, New York, Bond Counsel to the Town and certain other conditions. It is expected that delivery of the Notes will be made in New York, New York or such other place as may be agreed upon with the purchaser(s) on or about April 13, 2023.*

THIS PRELIMINARY OFFICIAL STATEMENT IS IN A FORM DEEMED TO BE FINAL BY THE TOWN FOR PURPOSES OF SECURITIES AND EXCHANGE COMMISSION RULE 15c2-12 (THE "RULE"). FOR A DESCRIPTION OF THE TOWN'S AGREEMENT TO PROVIDE NOTICE OF CERTAIN EVENTS AS DESCRIBED IN THE RULE, SEE "DISCLOSURE UNDERTAKING," HEREIN.

Dated: March , 2023

**TOWN OF CLARKSTOWN  
ROCKLAND COUNTY, NEW YORK**

Town Hall  
10 Maple Ave.  
New City, New York 10956  
Telephone: 845/639-2020  
Fax: 845/639-2019

**TOWN BOARD**

George A. Hoehmann, Supervisor

Frank Borelli  
Patrick Carroll  
Donald Franchino  
Michael Graziano

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Robert Alberty, Director of Finance  
Justin Sweet, Town Clerk  
Craig Johns, Esq., Town Attorney

\* \* \*

**BOND COUNSEL**

Harris Beach PLLC  
White Plains, New York

\* \* \*

**MUNICIPAL ADVISOR**



Municipal Finance Advisory Service

12 Roosevelt Avenue  
Port Jefferson Station, N.Y. 11776  
(631) 331-8888

E-mail: [info@munistat.com](mailto:info@munistat.com)  
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No dealer, broker, salesman or other person has been authorized by the Town to give any information or to make any representations, other than those contained in this Official Statement and if given or made, such other information or representations must not be relied upon as having been authorized by the Town. This Official Statement does not constitute an offer to sell or the solicitation of an offer to buy, any of the bonds or notes in any jurisdiction to any person in which it is unlawful for such person to make such offer, solicitation or sale. The information set forth herein has been obtained by the Town from sources which are believed to be reliable but it is not guaranteed as to accuracy or completeness. The information and expressions of opinion herein are subject to change without notice and neither the delivery of this Official Statement nor any sale made hereunder shall, under any circumstances, create any implication that there has been no change in the affairs of the Town since the date hereof.

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## **OFFICIAL STATEMENT**

**Relating to**

### **TOWN OF CLARKTOWN ROCKLAND COUNTY, NEW YORK**

**\$3,735,000**

### **BOND ANTICIPATION NOTES, 2023 SERIES B (FEDERALLY TAXABLE)**

This Official Statement, including the cover page and appendices thereto, has been prepared by the Town of Clarkstown, Rockland County, New York (the "Town" and "County") and presents certain information relating to the Town's \$3,735,000 Bond Anticipation Notes, 2023 Series B (Federally Taxable) (the "Notes"). All quotations from and summaries and explanations of provisions of the Constitution and laws of the State of New York (the "State") and acts and proceedings of the Town contained herein do not purport to be complete and are qualified in their entirety by reference to the official compilations thereof and all references to the Notes and the proceedings of the Town relating thereto are qualified in their entirety by reference to the definitive form of the Notes and such proceedings.

#### **THE NOTES**

##### **Description of the Notes**

The Notes will be dated April 13, 2023 and will mature, without right of redemption prior to maturity, on April 4, 2024, with interest payable at maturity.

At the option of the purchaser(s), the Notes may be either registered to the purchaser(s) or registered in the name of Cede & Co., as nominee for The Depository Trust Company ("DTC") as book-entry notes.

For those Notes registered to the purchaser(s), a single note certificate shall be delivered to the purchaser(s), for those Notes bearing the same rate of interest in the aggregate principal amount awarded to such purchaser at such interest rate. Principal of and interest on such Notes will be payable in lawful money of the United States of America (Federal Funds) at the office of the Town Clerk in New City, New York.

For those Notes issued as book-entry notes registered to Cede & Co., DTC will act as securities depository for the Notes and owners will not receive certificates representing their respective interests in the Notes. Individual purchases of such registered Notes may be made in denominations of \$5,000 or integral multiples thereof. A single note certificate will be issued for those Notes bearing the same rate of interest and CUSIP number in the aggregate principal amount awarded to such purchaser(s) at such interest rate. Principal of and interest on said Notes will be paid in Federal Funds by the Town to Cede & Co., as nominee for DTC, which will in turn remit such principal and interest to its participants for subsequent distribution to the beneficial owners of the Notes as described herein. See "Book-Entry System" herein.

The Town will act as Paying Agent for the Notes. The Town's contact information is as follows: Mary Maloney, Deputy Comptroller, Town of Clarkstown, Town Hall, 10 Maple Avenue, New City, NY 10956, telephone number (845) 639-2025 and email: [m.maloney@clarkstown.org](mailto:m.maloney@clarkstown.org).

##### **Optional Redemption**

The Notes will not be subject to redemption prior to their maturity.

##### **Book-Entry System**

In the event that the Notes are issued in registered book-entry form, DTC will act as securities depository for the Notes and the Notes will be issued as fully-registered Notes registered in the name of Cede & Co., (DTC's partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully-registered note certificate will be issued for each note bearing the same rate of interest and CUSIP number and will be deposited with DTC.

DTC, the world's largest depository, is a limited-purpose trust company organized under the New York Banking Law, a "banking organization" within the meaning of the New York Banking Law, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds and provides asset servicing for over 3.5 million issues of U.S. and non-U.S. equity issues, corporate and municipal debt issues, and money market instruments (from over 100 countries) that DTC's participants ("Direct Participants") deposit with DTC. DTC also facilitates the post-trade settlement among Direct Participants of sales and other securities transactions in deposited securities, through electronic computerized book-entry transfers and pledges between Direct Participants' accounts. This eliminates the need for physical movement of securities certificates. Direct Participants include both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations. DTC is a wholly-owned subsidiary of The Depository Trust & Clearing Corporation ("DTCC"). DTCC is the holding company for DTC, National Securities Clearing Corporation and Fixed Income Clearing Corporation, all of which are registered clearing agencies. DTCC is owned by the users of its regulated subsidiaries. Access to the DTC system is also available to others such as both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, and clearing corporations that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly ("Indirect Participants"). The DTC Rules applicable to its Participants are on file with the Securities and Exchange Commission. More information about DTC can be found at [www.dtcc.com](http://www.dtcc.com) and [www.dtc.org](http://www.dtc.org).

Purchases of the Notes under the DTC system must be made by or through Direct Participants, which will receive a credit for the Notes on DTC's records. The ownership interest of each actual purchaser of each bond ("Beneficial Owner") is in turn to be recorded on the Direct and Indirect Participants' records. Beneficial Owners will not receive written confirmation from DTC of their purchase. Beneficial Owners are, however, expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the Notes are to be accomplished by entries made on the books of Direct and Indirect Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in the Notes, except in the event that use of the book-entry system for the Notes is discontinued.

To facilitate subsequent transfers, all Notes deposited by Direct Participants with DTC are registered in the name of DTC's partnership nominee, Cede & Co., or such other name as may be requested by an authorized representative of DTC. The deposit of the Notes with DTC and their registration in the name of Cede & Co. or such other DTC nominee do not effect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Notes; DTC's records reflect only the identity of the Direct Participants to whose accounts such Notes are credited, which may or may not be the Beneficial Owners. The Direct and Indirect Participants will remain responsible for keeping account of their holdings on behalf of their customers.

Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time.

Redemption notices shall be sent to DTC. If less than all of the Notes are being redeemed, DTC's practice is to determine by lot the amount of the interest of each Direct Participant in such issue to be redeemed.

Neither DTC nor Cede & Co. (nor any other DTC nominee) will consent or vote with respect to the Notes unless authorized by a Direct Participant in accordance with DTC's MMI Procedures. Under its usual procedures, DTC mails an Omnibus Proxy to the Town as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts the Notes are credited on the record date (identified in a listing attached to the Omnibus Proxy).

Principal and interest payments on the Notes will be made to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC. DTC's practice is to credit Direct Participants' accounts upon DTC's receipt of funds and corresponding detail information from the Town, on payable date in accordance with their respective holdings shown on DTC's records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC or the Town, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of principal and interest payments to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC) is the responsibility of the Town, disbursement of such payments to Direct Participants will be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners will be the responsibility of Direct and Indirect Participants.

DTC may discontinue providing its services as depository with respect to the Notes at any time by giving reasonable notice to the Town. Under such circumstances, in the event that a successor depository is not obtained, note certificates are required to be printed and delivered.

The Town may decide to discontinue use of the system of book-entry-only transfers through DTC (or a successor securities depository). In that event, note certificates will be printed and delivered.

The information in this section concerning DTC and DTC's book-entry system has been obtained from sources that the Town believes to be reliable, but the Town takes no responsibility for the accuracy thereof.

Source: The Depository Trust Company

### **Authorization and Purpose**

The Notes are being issued pursuant to the Constitution and statutes of the State of New York, including among others, the Local Finance Law and a bond resolution adopted by the Town Board. The project that will be financed by such amount is as follows:

<u>Purpose</u>	<u>Amount Outstanding</u>	<u>Amount to be Paid</u>	<u>Amount to be Issued</u>
Acquisition of land located at 32-34 Kings Highway	\$2,370,000	\$ 60,000	\$2,310,000
Acquisition of buildings and related improvements located thereon	<u>1,545,000</u>	<u>120,000</u>	<u>1,425,000</u>
	<u>\$3,915,000</u>	<u>\$180,000</u>	<u>\$3,735,000</u>

### **Nature of Obligation**

Each of the Notes when duly issued and paid for will constitute a contract between the Town and the holder thereof.

Holders of any series of notes or bonds of the Town may bring an action or commence a proceeding in accordance with the civil practice law and rules to enforce the rights of the holders of such series of notes or bonds.

The Notes will be general obligations of the Town and will contain a pledge of the faith and credit of the Town for the payment of the principal thereof and the interest thereon as required by the Constitution and laws of the State. For the payment of such principal and interest, the Town has power and statutory authorization to levy ad valorem taxes on all real property within the Town subject to such taxation by the Town, subject to certain applicable statutory limitations imposed by Chapter 97 of the New York Laws of 2011, as amended. See "Tax Levy Limitation Law," herein.

Under the Constitution of the State, the Town is required to pledge its faith and credit for the payment of the principal of and interest on the Notes and is required to raise real estate taxes, and without specification, other revenues, if such levy is necessary to repay such indebtedness. While the Tax Levy Limitation Law (as defined below) imposes a statutory limitation on the Town's power to increase its annual tax levy with the amount of such increase limited by the formulas set forth in the Tax Levy Limitation Law, it also provides the procedural method to surmount that limitation. See "Tax Levy Limitation Law," herein.

### **TAX LEVY LIMITATION LAW**

On June 24, 2011, Chapter 97 of the Laws of 2011 which created Section 3-c of the General Municipal Law was signed into law by the Governor (the "Tax Levy Limitation Law"). The Tax Levy Limitation Law applies to all local governments, including school districts (with the exception of New York City, and the counties comprising New York). It also applies to independent special districts and to town and county improvement districts as part of their parent municipalities tax levies.

The Tax Levy Limitation Law restricts, among other things, the amount of real property taxes (including assessments of certain special improvement districts) that may be levied by or on behalf of a municipality in a particular year, beginning with fiscal years commencing on or after January 1, 2012. Pursuant to the Tax Levy Limitation Law, the tax levy of a municipality cannot increase by more than the lesser of (i) two percent (2%) or (ii) the annual increase in the consumer price index ("CPI"), over the amount of the prior year's tax levy. Certain adjustments would be permitted for taxable real property full valuation increases or changes in physical or quantity growth in the real property base as defined in Section 1220 of the Real Property Tax Law. A municipality may exceed the tax levy limitation for the coming fiscal year only if the governing body of such municipality first enacts, by at least a sixty percent vote of the total voting strength of the board, a local law (resolution in the case of fire districts and certain special districts) to override such limitation for such coming fiscal year only. There are permissible exceptions to the tax levy limitation provided in the Tax Levy Limitation Law, including expenditures made on account of certain tort settlements and certain increases in the average actuarial contribution rates of the New York State and Local Employees' Retirement System, the Police and Fire Retirement System,

and the Teachers' Retirement System. Municipalities are also permitted to carry forward a certain portion of their unused levy limitation from a prior year. Each municipality prior to adoption of its fiscal year budget must submit for review to the State Comptroller any information that is necessary in the calculation of its tax levy for such fiscal year.

The Tax Levy Limitation Law does not contain an exception from the levy limitation for the payment of debt service on either outstanding general obligation debt of municipalities or such debt incurred after the effective date of the Tax Levy Limitation Law (June 24, 2011).

Article 8 Section 2 of the State Constitution requires every issuer of general obligation notes and bonds in the State to pledge its faith and credit for the payment of the principal thereof and the interest thereon. This has been interpreted by the Court of Appeals, the State's highest court, in Flushing National Bank v. Municipal Assistance Corporation for the City of New York, 40 N.Y.2d 731 (1976), as follows:

“A pledge of the city's faith and credit is both a commitment to pay and a commitment of the city's revenue generating powers to produce the funds to pay. Hence, an obligation containing a pledge of the City's “faith and credit” is secured by a promise both to pay and to use in good faith the city's general revenue powers to produce sufficient funds to pay the principal and interest of the obligation as it becomes due. That is why both words, “faith” and “credit”, are used and they are not tautological. That is what the words say and that is what courts have held they mean.”

Article 8 Section 12 of the State Constitution specifically provides as follows:

“It shall be the duty of the legislature, subject to the provisions of this constitution, to restrict the power of taxation, assessment, borrowing money, contracting indebtedness, and loaning the credit of counties, cities, towns and villages, so as to prevent abuses in taxation and assessments and in contracting of indebtedness by them. Nothing in this article shall be construed to prevent the legislature from further restricting the powers herein specified of any county, city, town, village or school district to contract indebtedness or to levy taxes on real estate. The legislature shall not, however, restrict the power to levy taxes on real estate for the payment of interest on or principal of indebtedness theretofore contracted.”

On the relationship of the Article 8 Section 2 requirement to pledge the faith and credit and the Article 8 Section 12 protection of the levy of real property taxes to pay debt service on bonds subject to the general obligation pledge, the Court of Appeals in the Flushing National Bank case stated:

“So, too, although the Legislature is given the duty to restrict municipalities in order to prevent abuses in taxation, assessment, and in contracting of indebtedness, it may not constrict the city's power to levy taxes on real estate for the payment of interest on or principal of indebtedness previously contracted....While phrased in permissive language, these provisions, when read together with the requirement of the pledge of faith and credit, express a constitutional imperative: debt obligations must be paid, even if tax limits be exceeded”.

In addition, the Court of Appeals in the Flushing National Bank case has held that the payment of debt service on outstanding general obligation bonds and notes takes precedence over fiscal emergencies and the police power of municipalities.

Therefore, while the Tax Levy Limitation Law may constrict an issuer's power to levy real property taxes for the payment of debt service on debt contracted after the effective date of the Tax Levy Limitation Law, it is clear that no statute is able (1) to limit an issuer's pledge of its faith and credit to the payment of any of its general obligation indebtedness or (2) to limit an issuer's levy of real property taxes to pay debt service on general obligation debt contracted prior to the effective date of the Tax Levy Limitation Law. Whether the Constitution grants a municipality authority to treat debt service payments as a constitutional exception to such statutory tax levy limitation is not clear.

It is possible that the Tax Levy Limitation Law will be subject to judicial review to resolve the constitutional issues raised by its adoption. Although courts in New York have historically been protective of the rights of holders of general obligation debt of political subdivisions, the outcome of any such legal challenge cannot be predicted.

## **SPECIAL PROVISIONS AFFECTING REMEDIES UPON DEFAULT**

### **General Municipal Law Contract Creditors' Provision**

Each Note when duly issued and paid for will constitute a contract between the Town and the holder thereof. Under current law, provision is made for contract creditors of the Town to enforce payments upon such contracts, if necessary, through court action. Section 3-a of the General Municipal Law provides, subject to exceptions not pertinent, that the rate of interest to be paid by the Town upon any judgment or accrued claim against it on an amount adjudged due to a creditor shall not exceed nine per centum per annum from the date due to the date of payment. This provision might be construed to have application to the holders of the Notes in the event of a default in the payment of the principal of and interest on the Notes.

### **Execution/Attachment of Municipal Property**

As a general rule, property and funds of a municipal corporation serving the public welfare and interest have not been judicially subjected to execution or attachment to satisfy a judgment, although judicial mandates have been issued to officials to appropriate and pay judgments out of certain funds or the proceeds of a tax levy. In accordance with the general rule with respect to municipalities, judgments against the Town may not be enforced by levy and execution against property owned by the Town.

### **Authority to File For Municipal Bankruptcy**

The Federal Bankruptcy Code allows public bodies, such as counties, cities, towns or villages, recourse to the protection of a Federal Court for the purpose of adjusting outstanding indebtedness. Section 85.80 of the Local Finance Law contains specific authorization for any municipality in the State or its emergency control board to file a petition under any provision of Federal bankruptcy law for the composition or adjustment of municipal indebtedness. While this Local Finance Law provision does not apply to school districts, there can be no assurance that it will not be made so applicable in the future.

The State has consented that any municipality in the State may file a petition with the United States District Court or court of bankruptcy under any provision of the laws of the United States, now or hereafter in effect, for the composition or adjustment of municipal indebtedness. Subject to such State consent, under the United States Constitution, Congress has jurisdiction over such matters and has enacted amendments to the existing federal bankruptcy statute, being Chapter 9 thereof, generally to the effect and with the purpose of affording municipal corporations, under certain circumstances, with easier access to judicially approved adjustment of debt including judicial control over identifiable and unidentifiable creditors.

No current state law purports to create any priority for holders of the Notes should the Town be under the jurisdiction of any court, pursuant to the laws of the United States, now or hereafter in effect, for the composition or adjustment of municipal indebtedness.

The rights of the owners of Notes to receive interest and principal from the Town could be adversely affected by the restructuring of the Town's debt under Chapter 9 of the Federal Bankruptcy Code. No assurance can be given that any priority of holders of debt obligations issued by the Town (including the Notes) to payment from monies retained in any debt service fund or from other cash resources would be recognized if a petition were filed by or on behalf of the Town under the Federal Bankruptcy Code or pursuant to other subsequently enacted laws relating to creditors' rights; such monies might, under such circumstances, be paid to satisfy the claims of all creditors generally.

Under the Federal Bankruptcy Code, a petition may be filed in the Federal Bankruptcy court by a municipality which is insolvent or unable to meet its debts as they mature. Generally, the filing of such a petition operates as a stay of any proceeding to enforce a claim against the municipality. The Federal Bankruptcy Code also requires that a plan be filed for the adjustment of the municipality's debt, which may modify or alter the rights of creditors and which could be secured. Any plan of adjustment confirmed by the court must be approved by the requisite number of creditors. If confirmed by the bankruptcy court, the plan would be binding upon all creditors affected by it.

### **State Debt Moratorium Law**

There are separate State law provisions regarding debt service moratoriums enacted into law in 1975.

At the Extraordinary Session of the State Legislature held in November, 1975, legislation was enacted which purported to suspend the right to commence or continue an action in any court to collect or enforce certain short-term obligations of The City of New York. The effect of such act was to create a three-year moratorium on actions to enforce the payment of such obligations. On November 19, 1976, the Court of Appeals, the State's highest court, declared such act to be invalid on the ground that it violates the provisions of the State Constitution requiring a pledge by such Town of its faith and credit for the payment of obligations.

As a result of the Court of Appeals decision in Flushing National Bank v. Municipal Assistance Corporation for the City of New York, 40 N.Y.2d 731 (1976), the constitutionality of that portion of Title 6-A of Article 2 of the Local Finance Law enacted at the 1975 Extraordinary Session of the State legislature, as described below, authorizing any county, city, town or village with respect to which the State has declared a financial emergency to petition the State Supreme Court to stay the enforcement against such municipality of any claim for payment relating to any contract, debt or obligation of the municipality during the emergency period, is subject to doubt. In any event, no such emergency has been declared with respect to the Town.

Right of Municipality or State to Declare a Municipal Financial Emergency and Stay Claims Under State Debt Moratorium Law. The State Legislature is authorized to declare by special act that a state of financial emergency exists in any county, city, town or village. (The provision does not by its terms apply to school districts or fire districts.) In addition, the State Legislature may authorize by special act establishment of an “emergency financial control board” for any county, city, town or village upon determination that such a state of financial emergency exists. Thereafter, unless such special act provides otherwise, a voluntary petition to stay claims may be filed by any such municipality (or by its emergency financial control board in the event said board requests the municipality to petition and the municipality fails to do so within five days thereafter). A petition filed in supreme court in county in which the municipality is located in accordance with the requirements of Title 6-A of the Local Finance Law (“Title 6-A”) effectively prohibits the doing of any act for ninety days in the payment of claims, against the municipality including payment of debt service on outstanding indebtedness.

This includes staying the commencement or continuation of any court proceedings seeking payment of debt service due, the assessment, levy or collection of taxes by or for the municipality or the application of any funds, property, receivables or revenues of the municipality to the payment of debt service. The stay can be vacated under certain circumstances with provisions for the payment of amounts due or overdue upon a demand for payment in accordance with the statutory provisions set forth therein. The filing of a petition may be accompanied with a proposed repayment plan which upon court order approving the plan, may extend any stay in the payment of claims against the municipality for such “additional period of time as is required to carry out fully all the terms and provisions of the plan with respect to those creditors who accept the plan or any benefits thereunder.” Court approval is conditioned, after a hearing, upon certain findings as provided in Title 6-A.

A proposed plan can be modified prior to court approval or disapproval. After approval, modification is not permissible without court order after a hearing. If not approved, the proposed plan must be amended within ten days or else the stay is vacated and claims including debt service due or overdue must be paid. It is at the discretion of the court to permit additional filings of amended plans and continuation of any stay during such time. A stay may be vacated or modified by the court upon motion of any creditor if the court finds after a hearing, that the municipality has failed to comply with a material provision of an accepted repayment plan or that due to a “material change in circumstances” the repayment plan is no longer in compliance with statutory requirements.

Once an approved repayment plan has been completed, the court, after a hearing upon motion of any creditor, or a motion of the municipality or its emergency financial control board, will enter an order vacating any stay then in effect and enjoining of creditors who accepted the plan or any benefits thereunder from commencing or continuing any court action, proceeding or other act described in Title 6-A relating to any debt included in the plan.

Title 6-A requires notice to all creditors of each material step in the proceedings. Court determinations adverse to the municipality or its financial emergency control board are appealable as of right to the appellate division in the judicial department in which the court is located and thereafter, if necessary, to the Court of Appeals. Such appeals stay the judgment or appealed from and all other actions, special proceedings or acts within the scope of Section 85.30 of Title 6-A pending the hearing and determination of the appeals.

Whether Title 6-A is valid under the Constitutional provisions regarding the payment of debt service is not known. However, based upon the decision in the Flushing National Bank case described above, its validity is subject to doubt.

While the State Legislature has from time to time adopted legislation in response to a municipal fiscal emergency and established public benefit corporations with a broad range of financial control and oversight powers to oversee such municipalities, generally such legislation has provided that the provisions of Title 6-A are not applicable during any period of time that such a public benefit corporation has outstanding indebtedness issued on behalf of such municipality.

Fiscal Stress and State Emergency Financial Control Boards. Pursuant to Article IX Section 2(b)(2) of the State Constitution, any local government in the State may request the intervention of the State in its “property, affairs and government” by a two-thirds vote of the total membership of its legislative body or on request of its chief executive officer concurred in by a majority of such membership. This has resulted in the adoption of special acts for the establishment of public benefit corporations with varying degrees of authority to control the finances

(including debt issuance) of the cities of Buffalo, Troy and Yonkers and the County of Nassau. The specific authority, powers and composition of the financial control boards established by these acts varies based upon circumstances and needs. Generally, the State legislature has granted such boards the power to approve or disapprove budget and financial plans and to issue debt on behalf of the municipality, as well as to impose wage and/or hiring freezes and approve collective bargaining agreements in certain cases. Implementation is left to the discretion of the board of the public benefit corporation. Such a State financial control board was first established for New York City in 1975. In addition, on a certificate of necessity of the governor reciting facts which in the judgment of governor constitute an emergency requiring enactment of such laws, with the concurrences of two-thirds of the members elected in each house of the State legislature the State is authorized to intervene in the “property, affairs and governments” of local government units. This occurred in the case of the County of Erie in 2005. The authority of the State to intervene in the financial affairs of local government is further supported by Article VIII, Section 12 of the Constitution which declares it to be the duty of the State legislature to restrict, subject to other provisions of the Constitution, the power of taxation, assessment, borrowing money and contracting indebtedness and loaning the credit of counties, cities, towns and villages so as to prevent abuses in taxation and assessment and in contracting indebtedness by them.

In 2013, the State established a new state advisory board to assist counties, cities, towns and villages in financial distress. The Financial Restructuring Board for Local Governments (the “FRB”), is authorized to conduct a comprehensive review of the finances and operations of any such municipality deemed by the FRB to be fiscally eligible for its services upon request by resolution of the municipal legislative body and concurrence of its chief executive. The FRB is authorized to make recommendations for, but cannot compel improvement of fiscal stability, management and delivery of municipal services, including shared services opportunities and is authorized to offer grants and/or loans of up to \$5,000,000 through a Local Government Performance and Efficiency Program to undertake certain recommendations. If a municipality agrees to undertake the FRB recommendations, it will be automatically bound to fulfill the terms in order to receive the aid.

The FRB is also authorized to serve as an alternative arbitration panel for binding arbitration.

Although from time to time, there have been proposals for the creation of a statewide financial control board with broad authority over local governments in the State, the FRB does not have emergency financial control board powers to intervene such as the public benefit corporations established by special acts as described above.

Several municipalities in the State are presently working with the FRB. The Town is presently not working with the FRB and does not reasonably anticipate doing so in the foreseeable future. School districts and fire districts are not eligible for FRB assistance.

### **Constitutional Non-Appropriation Provision**

There is in the Constitution of the State, Article VIII, Section 2, the following provision relating to the annual appropriation of monies for the payment of due principal of and interest on indebtedness of every county, city, town, village and school district in the State: “If at any time the respective appropriating authorities shall fail to make such appropriations, a sufficient sum shall be set apart from the first revenues thereafter received and shall be applied to such purposes. The fiscal officer of any county, city, town, village or school district may be required to set aside and apply such revenues as aforesaid at the suit of any holder of obligations issued for any such indebtedness.” This constitutes a specific non-exclusive constitutional remedy against a defaulting municipality or school district; however, it does not apply in a context in which monies have been appropriated for debt service but the appropriating authorities decline to use such monies to pay debt service. However, Article VIII, Section 2 of the Constitution of the State also provides that the fiscal officer of any county, city, town, village or school district may be required to set apart and apply such revenues at the suit of any holder of any obligations of indebtedness issued with the pledge of the faith of the credit of such political subdivision. See “General Municipal Law Contract Creditors’ Provision” herein.

The Constitutional provision providing for first revenue set asides does not apply to tax anticipation notes, revenue anticipation notes or bond anticipation notes.

### **Default Litigation**

In prior years, certain events and legislation affecting a holder’s remedies upon default have resulted in litigation. While courts of final jurisdiction have upheld and sustained the rights of bondholders, such courts might hold that future events including financial crises as they may occur in the State and in political subdivisions of the State require the exercise by the State or its political subdivisions of emergency and police powers to assure the continuation of essential public services prior to the payment of debt service. See “Nature of Obligation” and “State Debt Moratorium Law” herein.

## **No Past Due Debt**

No principal of or interest on Town indebtedness is past due. The Town has never defaulted in the payment of the principal of and interest on any indebtedness.

## **THE TOWN**

There follows in this Official Statement a brief description of the Town, together with certain information concerning its economy and governmental organization, its indebtedness, current major revenue sources and expenditures and general and specific funds.

### **General Information**

The Town is located in Rockland County, New York. The County Seat is located within the Town in New City. The Town encompasses an area of approximately 40.9 square miles, is the second largest town in the County, and is located about 20 miles north of the George Washington Bridge. It is bordered on the east by the Hudson River, on the north by the Town of Haverstraw, on the west by the Town of Ramapo and on the south by the Town of Orangetown. The Town has developed primarily as a residential area close to New York City; however, it also includes significant commercial, industrial and governmental operations.

The population of the Town is 86,353 according to the U.S. Census population estimates for 2020. The Town covers approximately one-fourth of the area of the County and includes the Village of Upper Nyack and portions of the Villages of Nyack and Spring Valley and highly developed unincorporated areas such as New City, Nanuet, Congers, Central Nyack and West Nyack, Valley Cottage and Bardonia.

Residential development includes single family homes, apartment complexes and condominiums. Commercial and industrial activity is centered in the above-named communities. Residents find employment in the Town or commute to New York City, Westchester County, Northern New Jersey or other nearby areas.

Rail transportation is provided by Conrail. Commuter and local bus service is provided by several carriers. Major highways serving the Town include the New York State Thruway (Interstate Route 87), the Palisades Interstate Parkway, U.S. Route 9W, and New York State Routes 59, 303 and 304.

### **Utilities and Other Services**

Electric and gas service is provided to the Town by Orange & Rockland Utilities. Water is provided by Veolia Water of New York and village financed municipal water systems. Sewer collection and treatment is provided by the Town and County respectively. Police protection is provided by State, County and Town police; fire protection is provided by various fire districts and village fire departments.

### **Government**

The Town was established in 1791. Five independently governed school districts are located wholly or partially within the Town, and rely on their own taxing powers granted by the State to raise revenues. The school districts use the Town's assessment roll as their basis for taxation of property located within the Town.

Subject to the provisions of the State Constitution, the Town operates pursuant to the Town Law, the Local Finance Law, other laws generally applicable to the Town, and any special laws generally applicable to the Town. Under such laws, there is no authority for the Town to have a charter, but pursuant to the Town Law and other laws generally applicable to home rule, the Town may from time to time adopt local laws.

The legislative power of the Town is vested in the Town Board, which consists of five members, including the Supervisor, who is the chief executive officer of the Town, elected for a term of two years. The four other members of the Town Board are elected to two-year terms. The Supervisor is elected at large; council members are elected from four districts. The Town adopted a local law in 2014, effective January 1, 2015, establishing term limits for any official elected after January 1, 2015 to eight years. The Town's other elected officials include the Superintendent of Highways and the Town Clerk. Its appointed officials include the Town Comptroller, Chief of Staff, Director of Finance, Court Clerk and the Town Attorney. Town responsibilities in its unincorporated areas include law enforcement, building inspection, planning and zoning, parks and recreational activities, paving and street lighting, drainage, traffic control, and water and sewerage collection facilities.

## Financial Organization

The Supervisor is the chief fiscal officer of the Town. The Comptroller is the accounting officer of the Town, and his/her duties include administration, direction and control of budget, accounts payable and receivable and payroll. The Comptroller is also responsible for drafting and preparing the operating and capital budgets and securing and administering State and Federal grants.

## Employees

The Town provides services through approximately 440 full-time employees and 135 part-time employees, some of whom the following are represented by organized labor.

<u>Name of Union</u>	<u>Approx. No. of Members</u>	<u>Expiration Date of Contract</u>
Civil Service Employees Association - Full Time	254	12/31/2025
Civil Service Employees Association - Part Time	42	12/31/2025
Patrolmen's Benevolent Association	160	12/31/2022
Town Assessor Contractual Agreement	1	09/30/2025
Police Officers (Chief)	1	12/31/2023
Police Officers (Captain)	1	12/31/2023

## ECONOMIC AND DEMOGRAPHIC INFORMATION

### Population Characteristics

Since 1970, the Town has had a population trend, as compared to the County and the State, as indicated below:

<u>Year</u>	<u>Town of Clarkstown</u>	<u>County of Rockland</u>	<u>State of New York</u>
1990	79,346	265,475	17,990,455
2000	82,082	286,753	18,976,457
2010	84,137	311,687	19,378,102
2020	86,353	325,213	19,514,849

Source: U.S. Bureau of the Census.

### Median Income of Families

	<u>Median Income of Families</u>			
	<u>1990</u>	<u>2000</u>	<u>2010</u>	<u>2020<sup>a</sup></u>
Town of Clarkstown	\$68,741	\$91,827	\$112,563	\$144,624
County of Rockland	60,479	78,806	96,836	112,034
State of New York	39,741	51,691	67,405	87,270

Source: U.S. Bureau of the Census.

### Per Capita Money Income

	Per Capita Money Income			
	<u>1990</u>	<u>2000</u>	<u>2010</u>	<u>2020</u> <sup>a</sup>
Town of Clarkstown	\$23,671	\$34,430	\$42,042	\$51,226
County of Rockland	20,195	28,082	34,304	39,923
State of New York	16,501	23,389	30,791	40,898

Source: United States Department of Commerce, Bureau of the Census  
a. Based on American Community Survey 5-Year Estimates (2016-2020)

### Selected Listing of Larger Employers

<u>Name</u>	<u>Type</u>	<u>Estimated Number Of Employees</u>
Clarkstown CSD	Education	1,620
BOCES of Rockland County	Education	1,100
Jawonio, Inc	Non-Profit Organization	1,100
ARC of Rockland	Non-Profit Organization	760
Camp Venture	Non-Profit Organization	700
Town of Clarkstown	Local Government	560
Intercos America	Commercial	425
Rockland Bakery	Bakery	400
Nanuet UFSD	Education	376
Better Homes & Gardens/Rand Realty	Real Estate	350

Source: Town Officials.

### Unemployment Rate Statistics

Unemployment statistics are available for the Town, the County and the State, as set forth below. The information set forth below with respect to the County and the State is included for information purposes only.

<u>Annual Averages</u>	<u>Town of Clarkstown (%)</u>	<u>County of Rockland (%)</u>	<u>State of New York (%)</u>
2018	3.6	3.7	4.1
2019	3.5	3.6	4.0
2020	7.7	7.9	10.0
2021	4.4	4.6	7.2
2022	2.7	2.8	4.4

Source: Department of Labor, State of New York.

## INDEBTEDNESS OF THE TOWN

### Constitutional Requirements

The State Constitution limits the power of the Town (as well as other municipalities and school districts of the State) to issue obligations and contract indebtedness. Such constitutional limitations include the following, in summary form, and are generally applicable to the Town and the Notes:

**Purpose and Pledge.** The Town shall not give or loan any money or property to or in aid of any individual or private corporation or private undertaking or give or loan its credit to or in aid of any of the foregoing or any public corporation.

The Town may contract indebtedness only for a Town purpose and shall pledge its faith and credit for the payment of principal of and interest thereon.

**Payment and Maturity.** Except for certain short-term indebtedness contracted in anticipation of taxes, indebtedness shall be paid in annual installments commencing no later than two years after the date such indebtedness shall have been contracted and ending no later than the expiration of the period of probable usefulness of the object or purpose as determined by statute; no installment may be more than fifty per centum in excess of the smallest prior installment, unless the Town has authorized the issuance of indebtedness having substantially level or declining annual debt service. The Town is required to provide an annual appropriation for the payment of interest due during the year on its indebtedness and for the amounts required in such year for amortization and redemption of its serial bonds and bond anticipation notes.

**General.** The Town is further subject to constitutional limitation by the general constitutionally imposed duty on the State Legislature to restrict the power of taxation, assessment, borrowing money, contracting indebtedness and loaning the credit of the Town so as to prevent abuses in the exercise of such powers; however, as has been noted under "*Nature of Obligation*", the State Legislature is prohibited by a specific constitutional provision from restricting the power of the Town to levy taxes on real estate for the payment of interest on or principal of indebtedness theretofore contracted. However, the Tax Levy Limitation Law imposes a statutory limitation on the Town's power to increase its annual tax levy. The amount of such increase is limited by the formulas set forth in the Tax Levy Limitation Law. (See "*Tax Levy Limitation Law*" herein).

### Statutory Procedure

In general, the State Legislature has authorized the power and procedure for the Town to borrow and incur indebtedness subject, of course, to the constitutional provisions set forth above. The power to spend money, however, generally derives from other law, including the Town Law and the General Municipal Law.

Pursuant to the Local Finance Law, the Town authorizes the issuance of indebtedness by the adoption of a bond resolution approved by at least two-thirds of the members of the Town Board, the finance board of the Town. Customarily, the Town Board has delegated to the Town Supervisor, as chief fiscal officer of the Town, the power to authorize and sell bonds and bond anticipation notes in anticipation of the sale of authorized bonds.

The Local Finance Law also provides a twenty-day statute of limitations after publication of a bond resolution which, in effect, estops thereafter legal challenges to the validity of obligations authorized by such bond resolution except for alleged constitutional violations. The Town has complied with such requirement with respect to the bond resolution authorizing the issuance of the Notes.

Each bond resolution usually authorizes the construction, acquisition or installation of the object or purpose to be financed, sets forth the plan of financing and specifies the maximum maturity of the bonds subject to the legal (Constitution, Local Finance Law and case law) restrictions relating to the period of probable usefulness with respect thereto.

Each bond resolution also authorizes the issuance of bond anticipation notes prior to the issuance of serial bonds. Statutory law in New York permits notes to be renewed each year provided that principal is amortized and provided that such renewals do not (with certain exceptions) extend more than five years beyond the original date of borrowing. However, notes issued in anticipation of the sale of serial bonds for assessable improvements are not subject to such five-year limit and may be renewed subject to annual reductions of principal for the entire period of probable usefulness of the purpose for which such notes were originally issued. (See "*Payment and Maturity*" under "*Constitutional Requirements*" herein).

In addition, under each bond resolution, the Town Board may delegate, and has delegated, power to issue and sell bonds and notes, to the Town Supervisor, the chief fiscal officer of the Town.

In general, the Local Finance Law contains similar provisions providing the Town with power to issue general obligation revenue anticipation notes, tax anticipation notes, deficiency notes and budget notes.

**Debt Limit.** The Town has the power to contract indebtedness for any Town purpose so long as the principal amount thereof shall not exceed seven per centum of the average full valuation of taxable real estate of the Town and subject to certain enumerated exclusions and deductions such as water and certain sewer facilities and cash or appropriations for current debt service. The constitutional and statutory method for determining the full valuation is by dividing the assessed valuation of taxable real estate by the respective equalization rates assigned to each assessment roll. Such equalization rates are the ratios which each of such assessed valuations bear to the respective full valuation of such year, as assigned by the Office of Real Property Tax Services. The State Legislature is required to prescribe the manner by which such ratios shall be determined. Average full valuation is determined by adding the full valuations for the most recently completed assessment roll and the four immediately preceding assessments rolls and dividing the resulting sum of such addition by five.

There is no constitutional limitation on the amount that may be raised by the Town by tax on real estate in any fiscal year to pay principal and interest on all indebtedness. However, the Tax Levy Limitation Law imposes a statutory limitation on the power of the Town to increase its annual tax levy. The amount of such increases is limited by the formulas set forth in the Tax Levy Limitation Law. (See “*Tax Levy Limitation Law*,” herein).

**Computation of Debt Limit and Calculation of Net Debt Contracting Margin**  
(As of March 17, 2023)

<u>Fiscal Year Ending December</u> <u>31:</u>	<u>Assessed</u> <u>Valuation</u>	State <u>Equalization</u> <u>Rate (%)</u>	<u>Full Valuation</u>
2018	\$4,158,802,225	31.50	\$12,566,354,388
2019	4,176,528,226	30.00	12,613,911,158
2020	4,202,589,375	29.75	13,202,546,746
2021	4,223,634,283	30.35	13,916,422,679
2022	4,232,034,822	27.05	<u>15,645,230,396</u>
Total Five Year Full Valuation			\$67,944,465,366
Average Five Year Full Valuation			13,588,893,073
Debt Limit - 7% of Average Full Valuation			951,222,515
Inclusions:			
Outstanding Bonds:			
General Purposes			109,485,471
Sub-Total			109,485,471
Bond Anticipation Notes			<u>8,265,000</u>
Total Inclusions			<u>117,750,471</u>
Exclusions:			
Note Appropriations			180,000
Bond Appropriations			<u>11,023,900</u>
Total Exclusions			11,203,900
Total Net Indebtedness			106,546,571
Net Debt Contracting Margin			<u><u>\$844,675,944</u></u>
Per Cent of Debt Contracting Margin Exhausted			11.20%

a. The issuance of the Notes will not increase the net indebtedness of the Town.

## Debt Service Requirements - Outstanding Bonds <sup>a</sup>

Fiscal Year Ending <u>December 31:</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2023	\$11,023,900	\$3,526,143	\$14,550,043
2024	10,456,571	3,160,098	13,616,669
2025	10,235,000	2,775,732	13,010,732
2026	9,825,000	2,408,550	12,233,550
2027	9,105,000	2,055,450	11,160,450
2028	9,010,000	1,760,937	10,770,937
2029	8,005,000	1,477,137	9,482,137
2030	7,850,000	1,239,825	9,089,825
2031	7,530,000	1,017,875	8,547,875
2032	4,275,000	805,675	5,080,675
2033	3,910,000	691,469	4,601,469
2034	3,065,000	579,787	3,644,787
2035	2,695,000	491,325	3,186,325
2036	2,535,000	411,850	2,946,850
2037	2,615,000	333,850	2,948,850
2038	1,855,000	253,200	2,108,200
2039	1,915,000	195,050	2,110,050
2040	1,140,000	143,200	1,283,200
2041	1,195,000	97,600	1,292,600
2042	1,245,000	49,800	1,294,800
Totals:	<u>\$109,485,471</u>	<u>\$23,474,549</u>	<u>\$132,960,020</u>

b. Does not include payments made to date.

c. Rounded to the nearest dollar; for issues sold to NYS Environmental Facilities Corp., interest included does not take into account estimated subsidies and annual administrative charges.

### Details of Short-Term Indebtedness Outstanding (March 17, 2023)

As of the date of this Official Statement, the Town has outstanding bond anticipation notes in the amount of \$4,350,000 maturing on January 12, 2024 and \$3,915,000 maturing on April 14, 2023. The issuance of the Notes along with \$180,000 in available funds will redeem such notes maturing April 14, 2023.

### Capital Project Plans

The Town is generally responsible for providing services as required to the citizens on a Town-wide basis. The Town maintains a Town road system necessitating road resurfacing and improvements and the acquisition of machinery and equipment. Additionally, although not a capital expense, such road system requires annual expenditures for snow removal as well as regular general operating maintenance expenses. In addition, the Town is regularly acquiring and improving recreation facilities and maintaining Town-owned buildings and other facilities and constructing improvements to downtown areas which require capital outlays or borrowings. The Town also provides drainage improvements. The Town also has a program for the acquisition of open space for which bonds and notes have been authorized and issued. Needs for capital funding for the above described projects for which the Town has responsibility are anticipated to be authorized by the Town Board pursuant to its annual Capital Plan.

### Authorized but Unissued Debt

The following represents the Town's authorized but unissued debt outstanding.

Date of Authorization	Purpose	Amount Authorized	Issued to Date	Authorized But Unissued
07/02/2013	Drainage Improvements - Central Nyack	\$ 10,360,000	\$ 10,140,000	\$ 220,000
09/10/2013	Plans for West Nyack Stormwater Management	450,000	0	450,000
11/05/2014	West Nyack Downtown Revitalization	6,710,000	1,618,500	5,091,500
10/25/2016	Acquisition of Format Plotter	16,700	0	16,700
10/10/2017	Acquisition of Trucks - Highway Department	1,435,000	1,431,336	3,664
10/12/2021	Acquisition of Backhoe	145,000	0	145,000
10/12/2021	Construction of 9/11 Commemorative Bronze Sculpture	100,000	0	100,000
04/05/2022	Acquisition of Police Vehicles and Equipment	460,000	0	460,000
04/26/2022	Planning for the Jeffrey Court Flood Amelioration Project	180,000	0	7,000
10/11/2022	Planning for Improvements to Hereford Lane Culvert	27,500	0	27,500
10/25/2022	Snake Hill Road Bridge Replacement	2,444,900	0	2,444,900
01/17/2023	Town Building Minor Improvements	250,000	0	250,000
02/07/2023	Germonds Park Amphitheater Planning Costs	18,000	0	18,000
02/07/2023	Turf Soccer Field - Zukor Park	2,015,000	0	2,015,000
02/07/2023	Acquisition of Highway Equipment	350,000	0	350,000
TOTAL		\$ <u>24,962,100</u>	\$ <u>13,189,836</u>	\$ <u>11,599,264</u>

a. It is expected that grant funds, or other sources of revenue, may be received by the Town in connection with these projects and any grant funds are authorized to be applied toward the cost of said project thereby reducing the amount of funding necessary from the issuance of bonds to finance said project.

### Trend of Town Indebtedness

The following table represents the trend of outstanding indebtedness not including refunded bonds of the Town at the end of the last five preceding fiscal years.

	Fiscal Year Ending December 31:				
	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
Debt Outstanding End of Year:					
Bonds	\$108,615,000	\$106,199,045	\$103,483,545	\$103,758,900	\$109,485,471
BANs	<u>0</u>	<u>4,450,000</u>	<u>8,895,000</u>	<u>8,725,000</u>	<u>8,390,000</u>
Total Debt Outstanding	<u>\$108,615,000</u>	<u>\$110,649,045</u>	<u>\$112,378,545</u>	<u>\$112,483,900</u>	<u>\$117,875,471</u>

### Underlying and Overlapping Indebtedness of Political Subdivisions Within the Town

In addition to the Town, the following political subdivisions have the power to issue bonds and to levy taxes or cause taxes to be levied on taxable real property in the Town. The estimated applicable outstanding indebtedness of such political subdivisions is as follows:

### Calculation of Estimated Overlapping and Underlying Indebtedness

<u>Overlapping Units</u>	<u>Date of Report</u>	<u>Percentage Applicable (%)</u>	<u>Applicable Total Indebtedness</u>	<u>Applicable Net Indebtedness</u>
County of Rockland	08/23/2022	34.78%	\$153,518,572	\$149,021,866
Village of:				
Nyack	02/09/2023	15.00	2,000,850	1,860,750
Spring Valley	09/30/2022	10.00	646,500	646,500
Upper Nyack	10/05/2022	100.00	3,525,000	3,525,000
School District:				
Clarkstown CSD	12/20/2022	100.00	30,120,000	13,554,000
East Ramapo CSD	08/03/2022	10.32	5,249,268	2,257,185
Nanuet UFSD	02/14/2023	71.98	17,595,511	9,677,531
Nyack UFSD	12/12/2022	59.75	7,181,950	4,021,892
Fire Districts:				
Central Nyack	12/31/2021	100.00	0	0
Congers	12/31/2021	100.00	7,175,000	7,175,000
East Spring Valley	12/31/2021	100.00	0	0
Moleston	12/31/2021	100.00	9,325,000	9,325,000
Nanuet	12/31/2021	100.00	10,475,000	10,475,000
New City	12/31/2021	100.00	0	0
Rockland Lake	12/31/2021	100.00	0	0
Valley Cottage	12/31/2021	100.00	12,200,000	12,200,000
West Nyack	12/31/2021	100.00	0	0
Totals			<u>\$259,012,651</u>	<u>\$223,739,724</u>

Sources: Annual Reports of the respective units for the most recently completed fiscal year on file with the Office of the State Comptroller or more recently published Statements.

### Debt Ratios

	<u>Amount</u>	<u>Per Capita</u> <sup>a</sup>	<u>Percentage of Full Value (%)</u> <sup>b</sup>
Total Direct Debt	\$117,750,471	\$1,364	0.75%
Net Direct Debt	106,546,571	1,234	0.68
Total Direct & Applicable Total Overlapping Debt	376,763,122	4,363	2.41
Net Direct & Applicable Net Overlapping Debt	330,286,295	3,825	2.11

a. The estimated population of the Town is 86,353 according to the 2020 U.S. Census.

b. The full valuation of taxable real property in the Town for 2022 is \$15,645,230,396.

## **FINANCES OF THE TOWN**

### **Financial Statements and Accounting Procedures**

The Town maintains its financial records in accordance with the Uniform System of Accounts for Towns prescribed by the State Comptroller. The financial records of the Town are audited by independent accountants. The last such audit made available for public inspection covers the fiscal year ended December 31, 2021 and is attached as Appendix B. The Town also prepares an Annual Financial Update Report Document each year. In addition, the financial affairs of the Town are subject to periodic compliance review by the Office of the State Comptroller to ascertain whether the Town has complied with the requirements of various State and Federal statutes.

#### *Fund Structure and Accounts*

The Town utilizes fund accounting to record and report its various service activities. A fund represents both a legal and an accounting entity which segregates the transactions of specific programs in accordance with special regulations, restrictions or limitations.

There are three basic fund types: (1) governmental funds that are used to account for basic services and capital projects; (2) proprietary funds that account for operations of a commercial nature; and (3) fiduciary funds that account for assets held in a trustee capacity. Account groups, which do not represent funds, are used to record fixed assets and long-term obligations that are not accounted for in a specific fund.

The Town presently maintains the following governmental funds: General Fund, Highway Fund, Special Districts Funds, and the Capital Projects Fund. Fiduciary funds consist of a Custodial Fund. There are no proprietary funds. The Town's financial statements also include a component unit which accounts for the operations of an apartment complex located within the Town. Account groups are maintained for fixed assets and long-term debt.

#### *Basis of Accounting*

The governmental fund statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Under this method, revenues are recognized when measurable and available. The Town considers all revenues reported in the governmental funds to be available if the revenues are collected within 365 days after the end of the fiscal year. Expenditures are recorded when the related fund liability is incurred, except for principal and interest on general long-term debt, sanitary landfill post closure costs, installment purchases, judgments and claims, and compensated absences, which are recognized as expenditures to the extent they have matured. General capital asset acquisitions are reported as expenditures in governmental funds. Proceeds of general long-term debt and acquisitions under capital leases are reported as other financing sources.

### **Investment Policy**

Pursuant to the statutes of the State of New York and its adopted Investment Policy, the Town is permitted to temporarily invest moneys which are not required for immediate expenditures, with the exception of moneys the investment of which is otherwise provided for by law, in the following investments: (1) special time deposit accounts in, or certificates of deposit issued by a bank or trust company located and authorized to do business in the State, provided however, that such time deposit account or certificate of deposit is payable within such time as the proceeds shall be needed to meet the expenditures for which such moneys were obtained and provided further that such time deposit account or certificate of deposit, in excess of the amount insured under the Federal Deposit Insurance Act, be secured by either a pledge of eligible securities, an eligible surety bond or an eligible letter of credit, as those terms are defined in the law; (2) obligations of the United States of America; (3) obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America; (4) obligations of the State of New York; (5) with the approval of the New York State Comptroller in tax anticipation notes or revenue anticipation notes issued by any municipalities, school district, or district corporation, other than those notes issued by the Town; (6) certificates of participation issued by political subdivisions of the State, as those terms are defined in the law; (7) obligations of a New York public corporation which are made lawful investments for the Town pursuant to the enabling laws of such public corporation; or (8) in the case of moneys held in certain reserve funds established by the Town pursuant to law, in obligations of the Town. Any investments made by the Town pursuant to law are required to be payable or redeemable at the option of the Town within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable in any event, at the option of the owner, within two years of the date of purchase. These statutes also require that the Town's investments, unless registered or inscribed in the name of the Town, must be purchased through, delivered to and held in custody of a bank or trust company in the State. All such investments held in the custody of a bank or trust company must be held pursuant to a written custodial agreement as that term is defined in the law.

Collateral is required for demand deposit, money market accounts and certificates of deposit not covered by Federal deposit insurance and the eligible securities utilized for such collateral must be held by a third party financial institution, pursuant to security and custodial agreements. Obligations that may be pledged as collateral are obligations of the United States and its agencies and obligations of New York State and its municipalities and school districts.

The Town maintains a list of financial institutions and dealers approved for investment purposes and establishes appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the Town conducts business must be credit worthy. Banks are required to provide their most recent Consolidated Report of Condition (Call Report) at the request of the Town. Security dealers not affiliated with a bank are required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The chief fiscal officer is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

The Town Comptroller is authorized to contract for the purpose of investments: (1) directly, including through a repurchase agreement, from an authorized trading partner, (2) by participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board; and (3) by utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

All purchased obligations, unless registered or inscribed in the name of the Town, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Town by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, §10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the Town, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the Town a perfected interest in the securities.

Repurchase agreements are authorized subject to the following restrictions: (1) all repurchase agreements must be entered into subject to a Master Repurchase Agreement; (2) trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers; (3) obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America; (4) no substitution of securities will be allowed; and (5) the custodian shall be a party other than the trading partner.

### **Budgetary Procedures**

The head of each administrative unit of the Town is required to file detailed estimates of revenues (other than real property taxes) and expenditures for the next fiscal year with the budget officer on or before August 15<sup>th</sup>. After reviewing these estimates, the budget officer prepares a tentative budget which includes his recommendations. A budget message explaining the main features of the budget is also prepared at this time. The tentative budget is filed with the Town Clerk not later than the 30th of September. Subsequently, the Town Clerk presents the tentative budget to the Town Board at the regular or special hearing which must be held on or before October 5th. The Town Board reviews the tentative budget and makes such changes as it deems necessary and that are not inconsistent with the provisions of the law. Following this review process, the tentative budget and such modifications, if any, as approved by the Town Board become the preliminary budget. A public hearing, notice of which must be duly published in the Town's official newspaper, on the preliminary budget is generally required to be held on the Thursday immediately following the general election. At such hearing, any person may express his opinion concerning the preliminary budget; however, there is no requirement or provision that the preliminary budget or any portion thereof be voted on by members of the public. After the public hearing, the Town Board may further change and revise the preliminary budget. The Town Board, by resolution, adopts the preliminary budget as submitted or amended no later than November 20th, at which time, the preliminary budget becomes the annual budget of the Town for the ensuing fiscal year. Budgetary control during the year is the responsibility of the Supervisor who is assisted in this area by the Town Comptroller. However, any changes or modifications to the annual budget including the transfer of appropriations among line items must be approved by resolution of the Town Board.

Budget Summaries for the 2022 and 2023 fiscal years may be found in Appendix A, hereof.

## Financial Operations

The Supervisor functions as the chief fiscal officer as provided in Section 2 of the Local Finance Law; in this role, the Supervisor is responsible for the Town's accounting and financial reporting activities. Pursuant to Section 30 of the Local Finance Law, the Supervisor has been authorized to issue or renew certain specific types of notes. As required by law, the Supervisor must execute an authorizing certificate which then becomes a matter of public record.

The Town Board, as a whole, serves as the finance board of the Town and is responsible for authorizing, by resolution, all material financial transactions such as operating and capital budgets and the issuance of bonds or notes.

Town finances are operated primarily through the General and Special Revenue Funds. The General Fund receives most of its revenue from real property tax and State aid. Current operating expenditures are paid from these funds subject to available appropriations. The Special Revenue Funds are made up of the Town outside Village, Highway, Sewer, Sanitation, Lighting, Ambulance and Water Funds. The primary source of income for these districts comes from special assessments levied against district properties at the same time real estate taxes are levied. Capital projects and equipment purchases are accounted for in special capital projects funds. The Town observes a calendar year (January 1 through December 31) for operating and reporting purposes.

### The State Comptroller's Fiscal Stress Monitoring System

The New York State Comptroller has reported that New York State's school districts and municipalities are facing significant fiscal challenges. As a result, the Office of the State Comptroller has developed a Fiscal Stress Monitoring System ("FSMS") to provide independent, objectively measured and quantifiable information to school district and municipal officials, taxpayers and policy makers regarding the various levels of fiscal stress under which the State's school districts and municipalities are operating.

The fiscal stress scores are based on financial information submitted as part of each school district's ST-3 report filed with the State Education Department annually, and each municipality's annual report filed with the State Comptroller. Using financial indicators that include year-end fund balance, cash position and patterns of operating deficits, the system creates an overall fiscal stress score which classifies whether a school district or municipality is in "significant fiscal stress", in "moderate fiscal stress," as "susceptible to fiscal stress" or "no designation". Entities that do not accumulate the number of points that would place them in a stress category will receive a financial score but will be classified in a category of "no designation." This classification should not be interpreted to imply that the entity is completely free of fiscal stress conditions. Rather, the entity's financial information, when objectively scored according to the FSMS criteria, did not generate sufficient points to place them in one of the three established stress categories.

The most current applicable report of the State Comptroller designates the Town as "No Designation" (Score: 28.3%, Environmental Score: 13.3%).

### Revenues

The Town receives most of its revenues from a real property tax on all non-exempt property situated within the Town and from State Aid. A summary of such revenues for the five most recently completed fiscal years may be found in Appendix A. (See "*Real Property Tax Information*" herein).

### State Aid

Based on the audited financial reports of the Town, the Town received approximately 5.58% of its total General Fund operating revenue from State aid in 2021. There is no assurance, however, that State appropriations for aid to municipalities will continue, either pursuant to existing formulas or in any form whatsoever. The State is not constitutionally obligated to maintain or continue such aid and has the ability to reduce funding to municipalities and school districts in order to balance its own budget.

If the State should not adopt its budget in a timely manner, municipalities and school districts in the State, including the Town, may be affected by a delay in the payment of State aid. Additionally, if the State should experience difficulty in borrowing funds in anticipation of the receipt of State taxes in order to pay State aid to municipalities and school districts in the State, including the Town, in this year or future years, the Town may be affected by a delay in the receipt of State aid until sufficient State taxes have been received by the State to make State aid payments.

Should the Town fail to receive State aid expected from the State in the amounts and at the times expected, occasioned by a delay in the payment of such monies, the Town is authorized by the Local Finance Law to provide operating funds by borrowing in anticipation of the receipt of uncollected State aid.

The following table sets forth the percentage of the Town’s General Fund revenue comprised of State aid for each of the fiscal years 2017 through 2021 and as budgeted, for 2022 and 2023.

<u>Fiscal Year Ended December 31:</u>	<u>General Fund Total Revenue</u>	<u>State Aid</u>	<u>State Aid To Revenues (%)</u>
2017	\$ 98,545,856	\$4,175,018	4.24
2018	100,485,867	3,802,391	3.78
2019	105,688,276	3,447,095	3.26
2020	104,740,207	4,354,219	4.16
2021	115,313,078	6,438,518	5.58
2022 (Budgeted)	112,402,060	4,306,000	3.83
2023 (Budgeted)	117,222,723	3,895,000	3.32

Source: Audited financial statements (2017-2021), and the Adopted Budget for 2022 and 2023. Table itself is not audited.

### **Expenditures**

The major categories of expenditure for the Town are General Government Support, Public Safety, Transportation, Economic Assistance and Opportunity, Home and Community Services, Culture and Recreation, Employee Benefits and Debt Service. A summary of the expenditures for the five most recently completed fiscal years may be found in Appendix A hereof.

### **Status and Financing Employee Pension Benefits**

Substantially all employees of the Town are members of the New York State and Local Employees’ Retirement System (“ERS”) or the State and Local Police and Fire Retirement System (“PFRS” and together with ERS, the “Retirement System”). The Retirement System is a cost-sharing multiple public employer retirement system. The obligation of employers and employees to contribute and the benefits to employees are governed by the New York State Retirement System and Social Security Law (the “Retirement System Law”). The Retirement System offers a wide range of plans and benefits which are related to years of service and final average salary, vesting of retirement benefits, death and disability benefits and optional methods of benefit payments. All benefits generally vest after five years of credited service. The Retirement System Law generally provides that all participating employers in the Retirement System are jointly and severally liable for any unfunded amounts. Such amounts are collected through annual billings to all participating employers. Generally, all employees, except certain part-time employees, participate in the Retirement System. The Retirement System is non-contributory with respect to members hired prior to July 27, 1976. All members hired on or after July 27, 1976 and before January 1, 2010 must contribute three percent of their gross annual salary towards the costs of retirement programs until they attain ten years in the Retirement System, at such time contributions become voluntary. On December 10, 2009, a new Tier 5 was created, which was effective for new ERS employees hired on or after January 1, 2010. New ERS employees in Tier 5 contribute 3% of their salaries to the pensions. There is no provision for these contributions to cease for Tier 5 employees after a certain period of service.

Pension reform legislation changed the billing cycle for employer contributions to the ERS retirement system to match budget cycles of the Town. Under the previous method, the Town was not provided with required payment until after the budget was implemented. Under the reforms implemented, the employer contribution for a given fiscal year is based on the value of the pension fund on the prior April 1, instead of the following April 1. As a result, the Town is notified of and can include the actual cost of the employer contribution in its budget. Legislation also required a minimum payment of 4.5% of payroll each year, including years in which investment performance of the fund would make a lower employer contribution possible.

In addition, the pension payment date for all local governments was changed from December 15 to February 1 and permits the legislative body of a municipality to establish a retirement contribution reserve fund for the purpose of financing retirement contributions in the future. The New York State Retirement System has advised the Town that municipalities can elect to make employer contribution payments in the December or the following February, as required. If such payments are made in the December prior to the scheduled payment date in February, such payments may be made at a discount amount.

On March 16, 2012, the new Tier 6 pension program was established, effective for new ERS employees hired after April 1, 2012. The Tier 6 legislation provides for increased employee contribution rates of between 3% and 6%, an increase in the retirement age from 62 years to 63 years, a readjustment of the pension multiplier, and a change in the time period for final average salary calculation from 3 years to 5 years. Tier 6 employees will vest in the system after five years of employment and will continue to make employee contributions throughout employment.

Members of the PFRS are divided into four tiers. The plans adopted for PFRS employees are noncontributory for Tier 1 and Tier 2 employees. PFRS members that were hired between July 1, 2009 to January 8, 2010 are currently in Tier 3, which has a 3% employee contribution rate by members. There is no Tier 4 in PFRS. PFRS members hired after January 9, 2010 are in Tier 5 which also requires a 3% employee contribution. PFRS members hired after April 1, 2012 are in Tier 6, which also originally has a 3% contribution requirement for members for fiscal year 2012-2013; however, as of April 1, 2013, Tier 6 PFRS members are required to contribute a specific percentage of their annual salary, as follows, until retirement or until the member has reached 32 years of service credit, whichever occurs first: \$45,000.00 or less contributes 3%; \$45,000.01 to \$55,000.00 contributes 3.5%; \$55,000.01 to \$75,000.00 contributes 4.5%; \$75,000.01 to \$100,000.00 contributes 5.75%; and more than \$100,000.00 contributes 6%.

Due to significant capital market declines in the past, the State's Retirement System portfolio has experienced negative investment performance and severe downward trends in market earnings. As a result of the foregoing, the employer contribution rate for the State's Retirement System continues to be higher than the minimum contribution rate established in the past. The State calculates contribution amounts based upon a five-year rolling average. As a result, contribution rates are expected to remain higher than the minimum contribution rates set by past legislation. To mitigate the expected increases in the employer contribution rate, various forms of legislation has been enacted that would permit local governments to borrow a portion of their required payments from the State pension plan.

Due to prior poor performance of the investment portfolio of the Retirement System, the employer contribution rates for required pension contributions has increased. To help mitigate the impact of such increases, legislation has been enacted that permits local governments and school districts to amortize a portion of such contributions. The Town has elected to amortize certain contribution costs. As of December 31, 2022, the principal and interest payments to maturity are as follows:

<u>PFRS</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2023	\$240,268	\$18,571	\$258,839
2024	247,732	11,107	258,839
2025	94,731	3,410	98,141
2026	20,256	534	20,790
2027	1,862	53	1,915
Totals:	<u>\$604,849</u>	<u>\$33,675</u>	<u>\$638,524</u>

<u>ERS</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2023	\$ 597,952	\$35,438	\$ 633,390
2024	337,561	15,194	352,755
2025	130,367	4,559	134,926
2026	11,738	450	12,188
2027	5,245	149	5,394
Totals:	<u>\$1,082,863</u>	<u>\$55,790</u>	<u>\$1,138,653</u>
Totals:	<u>\$1,687,712</u>	<u>\$89,465</u>	<u>\$1,777,177</u>

## **Retirement Contributions**

Fiscal Year Ending <u>December 31:</u>	<u>Amount</u>
2018	\$12,810,402
2019	12,767,772
2020	13,134,132
2021	13,852,789
2022	14,588,875
2023 (Budgeted)	15,660,876

## **Other Post-Employment Benefits**

The Town provides post-retirement healthcare benefits to various categories of former employees. These costs may be expected to rise substantially in the future. School districts and Boards of Cooperative Education Services, unlike other municipal units of government in the State, have been prohibited from reducing retiree health benefits or increasing health care contributions received or paid by retirees below the level of benefits or contributions afforded to or required from active employees. This protection from unilateral reduction of benefits had been extended annually by the New York State Legislature until recently when legislation was enacted to make permanent these health insurance benefit protections for retirees. Legislative attempts to provide similar protection to retirees of other local units of government in the State have not succeeded as of the date hereof. Nevertheless, many such retirees of all varieties of municipal units in the State do presently receive such benefits.

GASB Statement No. 75 ("GASB 75") of the Governmental Accounting Standards Board ("GASB"), requires state and local governments to account for and report their costs associated with post-retirement healthcare benefits and other non-pension benefits ("OPEB"). GASB 75 generally requires that employers account for and report the annual cost of the OPEB and the outstanding obligations and commitments related to OPEB in essentially the same manner as they currently do for pensions. Under previous rules, these benefits have generally been administered on a pay-as-you-go basis and have not been reported as a liability on governmental financial statements. Only current payments to existing retirees were recorded as an expense.

GASB 75 requires that state and local governments adopt the actuarial methodologies to determine annual OPEB costs. Annual OPEB cost for most employers will be based on actuarially determined amounts that, if paid on an ongoing basis, generally would provide sufficient resources to pay benefits as they come due.

During the year ended December 31, 2018, the Town adopted GASB 75, which supersedes and eliminates GASB 45. Under GASB 45, based on actuarial valuation, an annual required contribution ("ARC") was determined for each state or local government. The ARC is the sum of (a) the normal cost for the year (the present value of future benefits being earned by current employees) plus (b) amortization of the unfunded accrued liability (benefits already earned by current and former employees but not yet provided for), using an amortization period of not more than 30 years. If a municipality contributes an amount less than the ARC, a net OPEB obligation will result, which is required to be recorded as a liability on its financial statements.

GASB 75 establishes new standards for recognizing and measuring OPEB liabilities, deferred outflows of resources, deferred inflows of resources, and expense/expenditures to provide more transparent reporting and useful information about the liability and cost of benefits. Municipalities and school districts are required to account for OPEB within the financial statements rather than only noted in the footnotes as previously required by GASB 45. It is measured as of a date no earlier than the end of the employer's prior fiscal year and no later than the employer's current fiscal year. The discount rate is based on 20-year, tax exempt general obligation municipal bonds. There is no amortization of prior service cost.

The implementation of GASB 75 resulted in the reporting of the entire actuarial accrued liability for other post-employment benefits. The Town’s total OPEB liability at December 31, 2021 is as follows:

Total OPEB Liability at Dec 31, 2020	<u>\$264,385,039</u>
Charges for the Year:	
Service Cost	11,367,257
Interest	5,451,945
Changes of Benefit Terms	-
Differences between expected and actual experience in measurement of OPEB liability	-
Changes in Assumptions or Other Inputs	11,157,932
Benefit Payments	<u>(6,310,072)</u>
Net Changes in total OPEB liability	<u>21,667,062</u>
Total OPEB Liability at Dec 31, 2021	<u><u>\$286,052,101</u></u>

At this time, New York State has not developed guidelines for the creation and use of irrevocable trusts for the funding of OPEB. As a result, the Town had decided to continue funding the expenditure on a pay-as-you-go basis.

**REAL PROPERTY TAX INFORMATION**

**Real Property Taxes**

The Town derives a major portion of its revenues from a tax on real property (see “Statement of Revenues, Expenditures and Changes in Fund Balance” in Appendix A, herein.) Property taxes accounted for approximately 79.80% of total budgeted general fund revenues, for the fiscal year ended 2021. On June 24, 2011, the Tax Levy Limitation Law was enacted, which imposes a tax levy limitation upon the municipalities, school districts and fire districts in the State, including the Town, without providing an exclusion for debt service on obligations issued by municipalities and fire districts, including the Town. (See “TAX LEVY LIMITATION LAW” herein).

The following table presents the total tax levy, by purpose, with adjustments and collection performance for each of the last five fiscal years.

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**Tax Levies, Collection Records and Tax Rates**

	Fiscal Year Ending December 31:				
	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
<b>Tax Levies:</b>					
Town and Highway	\$98,751,940	\$100,346,691	\$104,740,284	\$104,408,942	\$111,604,639
Solid Waste Management	6,498,496	6,642,219	7,698,384	8,251,542	9,607,334
Open Space Preservation	655,515	631,965	451,926	325,524	308,369
<b>Special Districts:</b>					
Fire	9,386,577	9,547,984	9,821,582	10,029,580	11,127,543
Water	2,505,379	2,691,294	2,675,366	2,759,867	3,457,620
Sewer					
Ambulances	1,498,902	1,582,753	1,475,675	1,720,214	1,769,959
Special Imprvt. Assessment	27,330	27,330	13,697	65,813	54,350
Lighting	631,782	1,035,118	1,023,072	1,000,020	867,045
Sanitation	8,460,305	8,893,576	9,337,271	9,936,465	10,559,527
County and State	39,469,125	40,612,562	40,464,292	41,832,894	41,292,703
Relevied School Taxes	5,730,800	5,819,354	6,208,681	6,073,232	6,901,301
Relevied Village Taxes	518,470	148,435	123,418	117,072	258,333
Misc. Items & Adjustments	270,659	275,184	308,547	295,654	516,668
County Sewer District	16,280,936	16,856,148	16,951,540	17,386,879	18,063,539
Warrant Adjustments			(2,403)	(9,159)	(562)
<b>Total Adjusted Tax Levy</b>	<b>\$190,686,216</b>	<b>\$195,110,613</b>	<b>\$201,291,332</b>	<b>\$204,194,539</b>	<b>\$216,388,366</b>
<b>Amount Collected</b>	<b>174,090,821</b>	<b>178,130,777</b>	<b>186,805,021</b>	<b>195,259,504</b>	<b>202,265,120</b>
<b>Returned to County:</b>					
Quarterly Payments	\$8,457,828	\$8,916,982	\$9,261,054	\$8,878,493	\$8,412,854
Unpaid	\$4,943,291	\$4,752,676	\$5,225,257	\$5,056,541	\$5,710,392
Per Cent Unpaid	2.59%	2.44%	2.60%	2.42%	2.64%
Uncollected End of Year Levy	None	None	None	None	None

The following table sets forth the percentage of the Town’s General Fund revenue (excluding other financing sources) comprised of real property taxes for each of the fiscal years 2017 through 2021, inclusive, and budgeted amount for fiscal year 2022 and 2023.

<u>Fiscal Year Ending December 31:</u>	<u>Total Revenue<sup>a</sup></u>	<u>Real Property Taxes</u>	<u>Real Property Taxes to Revenues (%)</u>
2017	\$ 98,545,856	\$81,015,857	82.21
2018	100,485,867	82,765,388	82.37
2019	105,688,276	83,754,108	79.25
2020	104,740,207	87,949,441	83.97
2021	115,313,078	92,024,449	79.80
2022 (Budgeted)	112,402,060	92,414,624	82.22
2023 (Budgeted)	117,222,723	95,240,833	81.25

a. Includes appropriation of fund balance, reserves and interfund transfers.

## **Tax Collection Procedure**

The Town levies and collects all ad valorem and special assessment taxes and charges for general Town, highway, special district and fire district purposes. The Town also collects County and school district property taxes.

Town tax bills, which include the County levy, are mailed on or about January 1 of each year, and may be paid without penalty or interest charge on or before January 31. Penalties for delinquent payment are imposed at the rate of 1% for bills paid in February, 1-1/2% for bills paid in March, and 2% for bills paid in April. Thereafter, all unpaid taxes and the penalties thereon must be paid to the County Commissioner of Finance, and an additional penalty of 5% is added thereto.

The Town permits the payment of its taxes on an installment basis, with equal installments due on or before January 15 and July 15, respectively. A 3% service charge is added to the tax bills of those taxpayers selecting the installment plan. In addition, a 1% interest charge is imposed for the first installment if paid after January 15 and on or before January 20; the installment option may not be exercised thereafter. After January 20, the tax bill is payable in full without interest or penalty if paid on or before January 31.

Pursuant to the Real Property Tax Law, the Town retains from the first tax collections an amount sufficient to satisfy the amounts levied for all Town purposes. The balance is then paid to the County Commissioner of Finance. In April, the Town files a report of uncollected taxes with the County Commissioner of Finance. In the event the Town does not collect sufficient amounts to satisfy all Town purposes, the County is permitted under the Local Finance Law to issue tax anticipation notes to provide funds to pay delinquent Town items to the Town.

School district taxes are billed in September and payable without penalty to September 30th. If paid during October a penalty of 3% is imposed thereon. After October 31st, unpaid school district taxes are returned to the County Commissioner of Finance and relevelied on the County Tax Roll with a 7% penalty added.

As far as the Town is concerned there are no uncollected taxes. The full amount of the Town tax levies are guaranteed by the County.

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**Tax Rates**  
(Per \$1,000 Assessed Valuation)

	Fiscal Year Ending December 31:				
	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
County	\$9.74	\$10.00	\$9.93	\$10.21	\$10.02
Town Outside Villages - Homestead	21.91	22.14	23.00	23.92	24.29
Open Space Initiative - Homestead	0.14	0.14	0.10	0.07	0.06
Nyack & Upper Nyack - Homestead	18.36	18.44	19.28	20.13	20.22
Spring Valley - Homestead	10.65	10.97	11.26	11.87	11.67
<b>Fire Districts:</b>					
Central Nyack	5.66	5.99	6.13	6.29	6.34
Congers	3.19	3.25	3.28	3.31	3.41
East Spring Valley	2.22	1.84	1.88	1.93	2.08
Moleston	1.70	1.78	1.72	1.77	1.76
Nanuet	3.10	3.12	3.18	3.21	3.26
New City	1.34	1.36	1.43	1.47	1.51
Nyack Joint	3.12	3.14	3.12	3.06	3.11
Rockland Lake	1.99	2.65	4.25	4.38	4.55
Valley Cottage	2.46	2.53	2.58	2.60	3.57
West Nyack	1.50	1.59	1.58	1.58	2.48
<b>Ambulance Districts:</b>					
Congers - Valley Cottage	0.59	0.60	0.56	0.62	0.63
Nanuet	0.26	0.27	0.25	0.29	0.33
New City	0.19	0.20	0.25	0.29	0.26
Nyack	0.56	0.58	0.42	0.47	0.48
Spring Hill	1.75	1.85	1.74	1.87	1.83
<b>Water Districts:</b>					
Consol. #1	0.73	0.78	0.78	0.79	1.00
Central Nyack	0.41	0.41	0.41	0.40	0.40
West Nyack #1	0.24	0.24	0.24	0.23	0.23
West Nyack #2	0.22	0.22	0.23	0.22	0.22
West Nyack #3	0.13	0.13	0.14	0.13	0.13
Consolidated Light District Homestead	0.14	0.22	0.22	0.21	0.18

**Large Taxable Properties**  
2022 Assessment Roll <sup>a</sup>

<u>Name</u>	<u>Type</u>	<u>Assessed Valuation</u>
Eklecco	Retail	\$118,284,241
Orange & Rockland Utilities	Public Utility	77,828,012
Palisades Interstate Park	State	68,808,734
United Water Co.	Public Utility	58,986,856
The Retail Property	Condos & Apts.	29,870,000
Nanuet Owner 551 & 90	Commercial	25,825,000
CORG	Commercial	15,863,623
Normandy Village	Retail	14,774,300
Spring Valley Marketplace	Public Utility	11,931,300
Centro NP Holdings	Retail	11,127,600
Rockland Center Associates	Retail	8,732,500
DP 57 LLC	Commercial	6,667,500
Verizon	Industrial	6,653,290
180 New City Realty LLC.	Retail	6,070,900
RCD Park Owner LLC	Condos & Apts.	5,984,550
	Total <sup>a</sup>	\$467,408,406

a. Assessment Roll established in 2021 for levy and collection of taxes in 2022.

b. Represents 11.04% of the 2022 Taxable Assessed Valuation of the Town.

**LITIGATION**

In common with other towns, the Town from time to time receives notices of claim and is party to litigation. In the opinion of the Town Attorney, unless otherwise set forth herein and apart from matters provided for by applicable insurance coverage, there are no significant claims or actions pending in which the Town has not asserted a substantial and adequate defense, nor which, if determined against the Town, would have an adverse material effect on the financial conditions of the Town.

**CYBERSECURITY**

The Town, like many other public and private entities, relies on technology to conduct its operations. As a recipient and provider of personal, private, or sensitive information, the Town faces multiple cyber threats including, but not limited to, hacking, viruses, malware and other attacks on computer and other sensitive digital networks and systems. To mitigate the risk of business operations impact and/or damage from cyber incidents or cyber-attacks, the Town invests in various forms of cybersecurity and operational controls; however, no assurances can be given that such security and operational control measures will be completely successful to guard against cyber threats and attacks. The results of any such attack could impact business operations and/or damage Town digital networks and systems and the costs of remedying any such damage could be substantial.

## IMPACT OF COVID-19

On March 11, 2021, President Biden signed into law the American Rescue Plan Act of 2021 (“ARPA”). Included in this bill was \$350 billion in direct aid to state and local governments. Payments to local governments will be made in two tranches, the first half 60 days after enactment and the second half one year later. The funding is available through, and must be spent by, September 30, 2024.

Specifically, eligible uses of the aid include: (i) revenue replacement for the provision of government services to the extent the reduction in revenue is due to the COVID-19 public health emergency relative to revenues collected in the most recent fiscal year prior to the emergency’ (ii) premium pay for essential workers; (iii) assistance to small businesses, households, and hard-hit industries, and economic recovery; and (iv) investments in water, sewer and broadband infrastructure. The bill also contains two restrictions on eligible uses: (i) funds cannot be used to directly or indirectly offset tax reductions or delay a tax increase; and (ii) funds cannot be deposited into any pension fund.

The Town is received \$8,237,821 in aid through the ARPA, which was signed into law on March 11, 2021. The Town received 50% of its allocation in 2021 and received the remaining 50% in 2022.

## MARKET MATTERS AFFECTING FINANCINGS OF THE MUNICIPALITIES OF THE STATE

The Town’s credit rating could be affected by circumstances beyond the Town’s control. Economic conditions such as the rate of unemployment and inflation, termination of commercial operations by corporate taxpayers and employers, as well as natural catastrophes, could adversely affect the assessed valuation of Town property and its ability to maintain fund balances and other statistical indices commensurate with its current credit rating. As a consequence, a decline in the Town’s credit rating could adversely affect the market value of the Notes.

If and when an owner of any of the Notes should elect to sell a Note prior to its maturity, there can be no assurance that a market will have been established, maintained and continue in existence for the purchase and sale of any of those Notes. The market value of the Notes is dependent upon the ability of the holder to potentially incur a capital loss if such Note is sold prior to its maturity.

There can be no assurance that adverse events including, for example, the seeking by another municipality in the State or elsewhere of remedies pursuant to the Federal Bankruptcy Act or otherwise, will not occur which might affect the market price of and the market for the Notes. In particular, if a significant default or other financial crisis should occur in the affairs of the State or any of its municipalities, public authorities or other political subdivisions thereby possibly further impairing the acceptability of obligations issued by those entities, both the ability of the Town to arrange for additional borrowing(s) as well as the market for and market value of outstanding debt obligations, including the Notes, could be adversely affected.

The Town is dependent in part on financial assistance from the State in the form of State aid as well as grants and loans to be received (“State Aid”). The availability of such monies and the timeliness of such payment may be affected by a delay in the adoption of the State budget, the impact to the State’s economy and financial condition due to the COVID-19 outbreak and other circumstances, including State fiscal stress. State aid appropriated and apportioned to the Town can be paid only if the State has such monies available therefor. Should the Town fail to receive all or a portion of the amounts of State Aid expected to be received from the State in the amounts and at the times anticipated, occasioned by a delay in the payment of such moneys, the Town is authorized pursuant to the Local Finance Law (“LFL”) to provide operating funds by borrowing in anticipation of the receipt of such uncollected State Aid, however, there can be no assurance that, in such event, the Town will have market access for any such borrowing on a cost effective basis. (See also “*State Aid*” herein.)

Future amendments to applicable statutes whether enacted by the State or the United States of America affecting the treatment of interest paid on municipal obligations, including the Notes, for income taxation purposes could have an adverse effect on the market value of the Notes (see “*Tax Matters*” herein).

The enactment of the Tax Levy Limitation Law, which imposes a tax levy limitation upon municipalities, school districts and fire districts in the State, including the Town, without providing an exclusion for debt service on obligations issued by municipalities and fire districts, including the Town, may affect the market price and/or marketability for the Notes. (See “*Tax Levy Limitation Law*” herein.)

Federal or State legislation imposing new or increased mandatory expenditures by municipalities, school districts and fire districts in the State, including the Town could impair the financial condition of such entities, including the Town and the ability of such entities, including the Town, to pay debt service on the Notes.

The Town received approximately \$9.4 million in aid through the ARPA which was signed into law on March 11, 2021. It is the intent of the Town, to the extent allowable under the ARPA, to use these funds for expenditures incurred as well as lost revenue related to COVID-19. The intended use of the remaining funds is still under discussion, but investment in the Town's infrastructure is under consideration (pending further guidance under the ARPA).

Although the ARPA provides for funds to be paid to the State, it is not possible to predict whether any future federal legislation will contain reduction in other federal aid to the State. Any reduction in Federal funding levels could have a materially adverse impact on the State budget. In addition to the potential fiscal impact of policies that may be proposed and adopted by the new administration and Congress, the State budget may be adversely affected by other actions taken by the federal government, including audits, disallowances, and changes to federal participation rates or other Medicaid rules. The Town will continue to monitor closely the economic environment and the global COVID-19 pandemic situation, and take the proactive measures as required to ensure the strong financial condition of the Town.

## **TAX MATTERS**

In the opinion of Bond Counsel, interest on the Notes is not excluded from gross income for federal income tax purposes.

In the opinion of Bond Counsel, interest on the Notes is exempt from personal income taxes imposed by the State or any political subdivision thereof, including The City of New York.

Bond Counsel expresses no opinion regarding any other state or local tax consequences related to the ownership or disposition of, or the receipt or accrual of interest on, the Notes.

Interest on the Notes may or may not be subject to state or local income taxes in jurisdictions other than the State of New York under applicable state or local tax laws. Bond Counsel expresses no opinion, however, as to the tax treatment of the Notes under other state or local jurisdictions. Each purchaser of the Notes should consult his or her own tax advisor regarding the taxable status of the Notes in a particular state or local jurisdiction other than the State of New York.

Bond Counsel has not undertaken to determine (or to inform any person) whether any actions taken (or not taken) or events occurring (or not occurring) after the date of issuance and delivery of the Notes may affect the tax status of interest on the Notes.

No assurance can be given that any future legislation, including amendments to the Code or the State income tax laws, regulations, administrative rulings, or court decisions, will not, directly or indirectly, cause interest on the Notes to be subject to Federal or State income taxation, or otherwise prevent Noteholders and noteholders from realizing the full current benefit of the tax status of such interest. Further, no assurance can be given that the introduction or enactment of any such future legislation, or any judicial decision or action of the Internal Revenue Service or any State taxing authority, including, but not limited to, the promulgation of a regulation or ruling, or the selection of the Notes for audit examination, or the course or result of any Internal Revenue Service examination of the Notes or of obligations which present similar tax issues, will not affect the market price or marketability of the Notes.

All summaries and explanations of provisions of law do not purport to be complete and reference is made to such laws for full and complete statements of their provisions.

***ALL PROSPECTIVE PURCHASERS OF THE NOTES SHOULD CONSULT WITH THEIR TAX ADVISORS IN ORDER TO UNDERSTAND THE IMPLICATIONS OF THE CODE AS TO THE TAX CONSEQUENCES OF PURCHASING OR HOLDING THE NOTES.***

## LEGAL MATTERS

Legal matters incident to the authorization, issuance and sale of the Notes will be subject to the final approving opinion of Harris Beach PLLC, White Plains, New York. Such legal opinion will state that in the opinion of Bond Counsel (i) the Notes have been authorized and issued in accordance with the Constitution and statutes of the State of New York and constitute valid and legally binding general obligations of the Town, all the taxable real property within which is subject to the levy of ad valorem taxes to pay the Notes and interest thereon, subject to certain applicable statutory limitations imposed by Chapter 97 of the New York Laws of 2011, as amended (See "Tax Levy Limitation Law" herein); provided, however, that the enforceability (but not the validity) of such Notes may be limited by any applicable existing or future bankruptcy, insolvency or other law (State or Federal) affecting the enforcement of creditors' rights.

Such legal opinions will also state that (i) in rendering the opinions expressed therein, Bond Counsel has assumed the accuracy and truthfulness of all public records, documents and proceedings examined by Bond Counsel which have been executed or certified by public officials acting within the scope of their official capacities, and has not verified the accuracy or truthfulness thereof, and Bond Counsel also has assumed the accuracy of the signatures appearing upon such public records, documents and proceedings and such certifications; (ii) the scope of Bond Counsel's engagement in relation to the issuance of the Notes, as applicable, has extended solely to the examination of the facts and law incident to rendering the opinions expressed therein; (iii) the opinions expressed therein are not intended and should not be construed to express or imply any conclusion that the amount of real property subject to taxation within the boundaries of the Town together with other legally available sources of revenue, if any, will be sufficient to enable the Town to pay the principal of and interest on the Notes as the same become due and payable; (iv) reference should be made to the Official Statement for factual information which, in the judgment of the Town, would materially affect the ability of the Town to pay such principal and interest; and (v) while Bond Counsel has participated in the preparation of the Official Statement, Bond Counsel has not verified the accuracy, completeness or fairness of the factual information contained therein and, accordingly, no opinion is expressed by Bond Counsel as to whether the Town, in connection with the sale of such Notes, has made any untrue statement of a material fact, or omitted to state a material fact necessary in order to make any statements made, in the light of the circumstances under which they were made, not misleading.

## CONTINUING DISCLOSURE

This Preliminary Official Statement is in a form "deemed final" by the Town for the purposes of Securities and Exchange Commission Rule 15c2-12 (the "Rule"). At the time of the delivery of the Notes, the Town will provide an executed copy of its "Undertaking to Provide Notices of Events" (the "Undertaking"). Said Undertaking will constitute a written agreement or contract of the Town for the benefit of holders of and owners of beneficial interests in the Notes, to provide, or cause to be provided, to the Electronic Municipal Market Access ("EMMA") System implemented by the Municipal Securities Rulemaking Board established pursuant to Section 15B(b)(1) of the Securities Exchange Act of 1934, or any successor thereto, timely notice not in excess of ten (10) business days after the occurrence of any of the following events with respect to the Notes:

(i) principal and interest payment delinquencies; (ii) non-payment related defaults, if material; (iii) unscheduled draws on debt service reserves reflecting financial difficulties; (iv) unscheduled draws on credit enhancements reflecting financial difficulties; (v) substitution of credit or liquidity providers, or their failure to perform; (vi) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices of determinations with respect to the tax status of the Notes, or other material events affecting the tax status of the Notes; (vii) modifications to rights of Noteholders, if material; (viii) Note calls, if material, and tender offers; (ix) defeasances; (x) release, substitution, or sale of property securing repayment of the Notes, if material; (xi) rating changes; (xii) bankruptcy, insolvency, receivership or similar event of the Town; note to clause (xii): For the purposes of the event identified in clause (xii) above, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the Town in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or government authority has assumed jurisdiction over substantially all of the assets or business of the Town, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Town; (xiii) the consummation of a merger, consolidation, or acquisition involving the Town or the sale of all or substantially all of the assets of the Town, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; (xiv) appointment of a successor or additional trustee or the change of name of a trustee, if material; (xv) incurrence of a financial obligation (as defined in the Rule) of the Town, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a

“financial obligation” of the Town, any of which affect noteholders, if material; and (xvi) default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the Town, any of which reflect financial difficulties.

Event (iii) is included pursuant to a letter from the SEC staff to the National Association of Bond Lawyers dated September 19, 1995. However, event (iii) is not applicable, since no “debt services reserves” will be established for the Notes.

With respect to event (iv) the Town does not undertake to provide any notice with respect to credit enhancement added after the primary offering of the Notes.

With respect to event (xii) above, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the Town in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or government authority has assumed jurisdiction over substantially all of the assets or business of the Town, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Town.

With respect to events (xv) and (xvi), the term “financial obligation” means a (i) debt obligation (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (iii) guarantee of (i) or (ii). The term “financial obligation” shall not include municipal securities as to which a final official statement has been provided to the Municipal Securities Rulemaking Board consistent with the Rule.

The Town may provide notice of the occurrence of certain other events, in addition to those listed above, if it determines that any such other event is material with respect to the Notes; but the Town does not undertake to commit to provide any such notice of the occurrence of any event except those events listed above.

The Town's Undertaking shall remain in full force and effect until such time as the principal of, redemption premiums, if any, and interest on the Notes shall have been paid in full. The sole and exclusive remedy for breach or default under the Undertaking is an action to compel specific performance of the undertakings of the Town, and no person or entity, including a holder of the Notes, shall be entitled to recover monetary damages thereunder under any circumstances. Any failure by the Town to comply with the Undertaking will not constitute a default with respect to the Notes.

The Town reserves the right to amend or modify the Undertaking under certain circumstances set forth therein; provided that, any such amendment or modification will be done in a manner consistent with Rule 15c2-12 as then in effect.

### **Compliance History**

The following table sets forth the dates of the annual filings for each of the five preceding fiscal years.

<u>Fiscal Year Ending December 31:</u>	<u>Financial &amp; Operating Information</u>	<u>Audited Financial Statements</u>
2017	06/29/2018	11/30/2018
2018	06/20/2019	08/28/2019
2019	06/26/2020	07/14/2020
2020	06/25/2021	08/10/2021
2021	06/28/2022	08/31/2022

## RATING

The Notes are not rated. Standard & Poor's Corporation ("S&P") has assigned a rating of "AA" to the outstanding bonds of the Town. This rating reflects only the view of such rating agency and an explanation of the significance of such rating should be obtained from S&P. Generally, a rating agency bases its ratings on the information and materials furnished to it and on investigation, studies and assumptions by the rating agency. There is no assurance that a particular rating will apply for any given period of time or that it will not be lowered or withdrawn entirely if, in the judgment of the agency originally establishing the rating, circumstances so warrant. Any downward revision or withdrawal of such rating could have an adverse effect on the market price of the Notes or the availability of a secondary market for such Notes.

## MUNICIPAL ADVISOR

Munistat Services, Inc. (the "Municipal Advisor"), is a Municipal Advisor, registered with the Securities and Exchange Commission and the Municipal Securities Rulemaking Board. The Municipal Advisor serves as independent financial advisor to the Town on matters relating to debt management. The Municipal Advisor is a financial advisory and consulting organization and is not engaged in the business of underwriting, marketing, or trading municipal securities or any other negotiated instruments. The Municipal Advisor has assisted the Town as to the plan of finance and the structuring of the Notes and has reviewed and commented on certain legal documents, including this Official Statement. The advice on the plan of financing and the structuring of the Notes was based on materials provided by the Town and other sources of information believed to be reliable. The Municipal Advisor has not audited, authenticated, or otherwise verified the information provided by the Town or the information set forth in this Official Statement or any other information available to the Town with respect to the appropriateness, accuracy, or completeness of disclosure of such information and no guarantee, warranty, or other representation is made by the Municipal Advisor respecting the accuracy and completeness of or any other matter related to such information and this Official Statement.

## ADDITIONAL INFORMATION

Additional information may be obtained upon request from the office of the Town Comptroller, Mary Maloney, Deputy Comptroller, Town of Clarkstown, Town Hall, 10 Maple Avenue, New City, NY 10956, telephone number (845) 639-2025 and email: [m.maloney@clarkstown.org](mailto:m.maloney@clarkstown.org) or from the office of Munistat Services, Inc., 12 Roosevelt Avenue, Port Jefferson Station, New York 11776, telephone number 631/331-8888 and website: <http://www.munistat.com>.

## MISCELLANEOUS

Any statements made in this Official Statement and indicated to involve matters of opinion or estimates are represented to be opinions or estimates in good faith. No assurance can be given, however, that the facts will materialize as so opined or estimated. Neither this Official Statement nor any statement which may have been made verbally or in writing is to be construed as a contract with the holders of the Notes.

Harris Beach PLLC expresses no opinion as to the accuracy or completeness of any documents prepared by or on behalf of the Town for use in connection with the offer or sale of the Notes, including this Official Statement. This Official Statement has been prepared only in connection with the sale of the Notes by the Town and may not be reproduced or used in whole or in part for any other purposes.

TOWN OF CLARKSTOWN

By: /s/ \_\_\_\_\_  
George A. Hoehmann  
Town Supervisor

Dated: March                      , 2023

**APPENDIX A**

**FINANCIAL INFORMATION**

**Statement of Revenues, Expenditures and Fund Balances  
General Fund (Town-Wide)**

	Fiscal Year Ending December 31:				
	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
<b>Revenues:</b>					
Real Property Taxes	\$ 81,015,857	\$ 82,765,388	\$ 83,754,108	\$ 87,949,441	\$ 92,024,449
Other Tax Items	2,228,019	2,177,291	2,219,009	2,197,674	2,277,667
Departmental Income	3,229,206	2,409,064	2,420,535	592,243	1,916,685
Intergovernmental Charges	5,084,123			5,444,545	6,351,315
Use of Money and Property	342,512	473,909	1,121,350	658,112	476,613
Licenses & Permits	63,075	56,765	63,651	74,817	150,924
Fines & Forfeitures	1,114,621	1,056,249	1,050,369	773,012	851,931
Sale of Property & Compensation for Loss	101,453	65,412	1,823,485	379,445	649,566
State Aid	4,175,018	3,802,391	3,447,095	4,354,218	6,438,518
Federal Aid	187,106	215,268	709,600	99,012	1,171,559
Miscellaneous	1,004,866	7,464,130	9,079,074	2,217,688	3,003,851
<b>Total Revenues</b>	<b>\$ 98,545,856</b>	<b>\$ 100,485,867</b>	<b>\$ 105,688,276</b>	<b>\$ 104,740,207</b>	<b>\$ 115,313,078</b>
<b>Expenditures:</b>					
General Government Support	\$ 16,483,296	\$ 15,735,104	\$ 15,820,735	\$ 14,608,439	\$ 16,109,418
Education	624,986				
Public Safety	37,738,280	39,950,771	39,990,102	40,528,991	42,411,473
Health	2,192,230				
Transportation	1,321,379	1,402,849	940,999	902,333	1,041,758
Economic Assistance	247,067	67,311	69,025	58,701	99,391
Culture and Recreation	6,480,237	6,683,907	6,126,004	4,633,357	5,754,153
Home and Community Services	1,676,313	1,632,394	1,270,361	1,282,487	1,403,286
Employee Benefits	25,847,144	26,783,776	26,943,796	27,296,603	28,418,778
Debt Service	14,938,162	14,690,707	15,137,625	14,810,139	13,990,280
<b>Total Expenditures</b>	<b>\$ 107,549,094</b>	<b>\$ 106,946,819</b>	<b>\$ 106,298,647</b>	<b>\$ 104,121,050</b>	<b>\$ 109,228,537</b>
<b>Other Financing Sources (Uses):</b>					
<b>Proceeds From:</b>					
Operating Transfers In	3,398,758	2,645,423	2,426,863	334,923	
Operating Transfers Out				(24,850)	(543,266)
Proceeds for Bond Anticipation Notes					
	<u>3,398,758</u>	<u>2,645,423</u>	<u>2,426,863</u>	<u>310,073</u>	<u>(543,266)</u>
<b>Excess (Deficiency) of Revenues &amp; Other Financing Sources Over Expenditures &amp; Other Uses</b>	<b>(5,604,480)</b>	<b>(3,815,529)</b>	<b>1,816,492</b>	<b>929,230</b>	<b>5,541,275</b>
<b>Fund Balance Beginning of Year</b>	<b>13,374,330</b>	<b>7,769,850</b>	<b>3,954,321</b>	<b>5,770,813</b>	<b>6,700,043</b>
<b>Prior Period Adjustments</b>					
<b>Fund Balance End of Year</b>	<b>\$ 7,769,850</b>	<b>3,954,321</b>	<b>5,770,813</b>	<b>6,700,043</b>	<b>12,241,318</b>

Sources: Audited Financial Statement (2017-2021)

**Statement of Revenues, Expenditures and Fund Balances  
Highway Fund (Town Outside Villages)**

	Fiscal Year Ending December 31:				
	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
Revenues:					
Real Property Taxes	\$ 13,004,492	\$ 11,883,138	\$ 12,859,030	\$ 12,927,294	\$ 13,124,343
Departmental Income	36,365	22,129	42,733	13,267	31,107
Intergovernmental Charges					
Use of Money and Property	32,960	52,973	162,129	71,671	4,178
Licenses & Permits	199,425	205,210	181,968	115,654	90,333
Gifts & Donations		110,698			250
Fines & Forfeitures					
Sale of Property & Compensation for Loss	5,160	7,599	26,916	42,980	33,355
Refund Prior Years Expenditures					
State Aid	914,602	917,068	1,016,129	890,278	1,192,003
Federal Aid					5,266
Miscellaneous	4,381	831	567	2,652	100
	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
Total Revenues	\$ 14,197,385	\$ 13,199,646	\$ 14,289,472	\$ 14,063,796	\$ 14,480,935
Expenditures:					
General Government Support					
Transportation	12,172,021	13,870,387	13,879,721	14,712,941	15,483,134
Employee Benefits					
	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
Total Expenditures	\$ 12,172,021	\$ 13,870,387	\$ 13,879,721	\$ 14,712,941	\$ 15,483,134
Other Financing Sources (Uses):					
Proceeds From:					
Operating Transfers In	498,000	482,089	578,459	455,976	716,009
Operating Transfers Out	<u>(1,677,601)</u>	<u>(1,005,835)</u>	<u>(1,005,835)</u>	<u>          </u>	<u>          </u>
Total Other Financing Sources (Uses)	\$ (1,179,601)	\$ (523,746)	\$ (427,376)	\$ 455,976	\$ 716,009
Excess (Deficiency) of Revenues & Other Financing Sources Over	<u>845,763</u>	<u>(1,194,487)</u>	<u>(17,625)</u>	<u>(193,169)</u>	<u>(286,190)</u>
Fund Balance Beginning of Year	<u>2,592,769</u>	<u>3,438,532</u>	<u>2,244,045</u>	<u>2,226,420</u>	<u>2,033,251</u>
Fund Balance End of Year	<u>\$ 3,438,532</u>	<u>\$ 2,244,045</u>	<u>\$ 2,226,420</u>	<u>\$ 2,033,251</u>	<u>\$ 1,747,061</u>

Sources: Audited Financial Statement (2017-2021)

**Statement of Revenues, Expenditures and Fund Balances**  
**Non-Major Governmental Funds <sup>1</sup>**

	Fiscal Year Ending December 31:				
	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
<b>Revenues:</b>					
Real Property Taxes	\$ 18,814,094	\$ 18,094,388	\$ 18,658,946	\$ 9,773,871	\$ 20,095,774
Other Tax Items			150,643		169,501
Departmental Income	1,965,427	2,092,375	4,588,033	11,048,305	4,878,554
Intergovernmental Charges	896,370	936,598		823,247	
Interest Earnings	20,364	34,825			
License & Permits	1,546,542	1,832,952	16,400	1,917,387	18,800
Use of Money and Property	40,386	87,292	333,504	97,086	15,504
Sale of Property and Comp for Loss	22,163	29,423		60,820	39,673
Federal Aid					
State Aid	105,225	105,225	105,225		24,035
Miscellaneous	60,377	184,558	108,097	1,719	11,434
<b>Total Revenues</b>	<b>\$ 23,470,948</b>	<b>\$ 23,397,636</b>	<b>\$ 23,960,848</b>	<b>\$ 23,722,435</b>	<b>\$ 25,253,275</b>
<b>Expenditures:</b>					
General Government Support	40,030	46,976		437,220	300,330
Public Safety	1,910,226	1,975,513	1,956,131	1,975,330	2,101,699
Health	3,105,059	3,051,395	3,092,257	3,152,079	3,363,281
Transportation	1,819,929	1,691,031	1,615,241	1,313,349	1,186,879
Home and Community Services	13,009,227	13,258,618	14,785,549	14,296,979	16,278,635
Employee Benefits	1,836,884	1,921,425	1,749,159	1,929,323	1,772,607
Debt Service			0	447,094	420,650
<b>Total Expenditures</b>	<b>\$ 21,721,355</b>	<b>\$ 21,944,958</b>	<b>\$ 23,198,337</b>	<b>\$ 23,551,374</b>	<b>\$ 25,424,081</b>
<b>Other Financing Sources (Uses):</b>					
<b>Proceeds From:</b>					
Operating Transfers In					76,300
Operating Transfers Out	(1,321,439)	(1,304,993)	(1,420,263)	(455,976)	(527,509)
<b>Total Other Financing Sources (Uses)</b>	<b>\$ (1,321,439)</b>	<b>\$ (1,304,993)</b>	<b>\$ (1,420,263)</b>	<b>\$ (455,976)</b>	<b>\$ (451,209)</b>
<b>Excess (Deficiency) of Revenues &amp; Other Financing Sources Over Expenditures &amp; Other Uses</b>	<b>428,154</b>	<b>147,685</b>	<b>(657,752)</b>	<b>(284,915)</b>	<b>(622,015)</b>
<b>Period Adjustment</b>		<b>20,271</b>			
<b>Fund Balance Beginning of Year</b>	<b>8,455,947</b>	<b>8,884,101</b>	<b>9,052,057</b>	<b>8,394,305</b>	<b>8,109,390</b>
<b>Fund Balance End of Year</b>	<b>\$ 8,884,101</b>	<b>\$ 9,052,057</b>	<b>\$ 8,394,305</b>	<b>\$ 8,109,390</b>	<b>\$ 7,487,375</b>

1. Non-Major Governmental Funds consist of the following funds: General Fund Town Outside Village, Highway Town Wide, Lighting, Miscellaneous, Refuse & Garbage, and Water.

Sources: Audited Financial Statement (2017-2021)

**Balance Sheet  
Governmental Funds**

Fiscal Year Ending December 31, 2021

	General Fund <u>Townwide</u>	Highway Town Outside <u>Village</u>	Capital <u>Projects</u>	Non-Major Governmental <u>Funds</u> <sup>1</sup>
<b>Assets:</b>				
Cash	\$ 17,990,279	\$ 1,859,763	\$ 7,414,718	\$ 8,474,852
Other Receivables	8,513,594	61,407	30	442,040
State and Federal Aid Receivables				94,431
Due from Other Funds	367,432	209,893	278,466	
Assessments Receivable	414,122			
Restricted Assets				
Prepaid Expenses	2,819,682	295,047		177,499
Other	<u>225,000</u>			
Total Assets	<u><u>30,330,109</u></u>	<u><u>2,426,110</u></u>	<u><u>7,693,214</u></u>	<u><u>9,188,822</u></u>
<b>Liabilities:</b>				
Accounts Payable	\$ 2,497,891	\$ 186,543	\$ 333,064	\$ 1,089,944
Accrued Liabilities	2,364,904	488,446		222,542
Notes Payable			8,725,000	
Due to Other Governments	102,756			
Other Liabilities	3,256,028			
Due to Other Funds	579,980	2,503		367,739
Unearned Revenues	<u>7,225,759</u>	<u>1,557</u>	<u>40,250</u>	<u>21,222</u>
Total Liabilities	<u>16,027,318</u>	<u>679,049</u>	<u>9,098,314</u>	<u>1,701,447</u>
Deferred Inflows of Resources	<u>2,061,473</u>			
<b>Fund Balances:</b>				
Nonspendable	2,819,682	295,047		177,499
Restricted	4,402,254			
Assigned	181,780	1,452,014		7,309,876
Unassigned	<u>4,837,602</u>		<u>(1,405,100)</u>	
Total Fund Balances	<u>12,241,318</u>	<u>1,747,061</u>	<u>(1,405,100)</u>	<u>7,487,375</u>
Total Liabilities, Deferred Inflows & Fund Balance	<u><u>\$ 30,330,109</u></u>	<u><u>\$ 2,426,110</u></u>	<u><u>\$ 7,693,214</u></u>	<u><u>\$ 9,182,822</u></u>

1. Non-Major Governmental Funds consist of the following funds: General Fund Town Outside Village, Highway Town Wide, Lighting, Miscellaneous, Refuse & Garbage, and Water.

Sources: Audited Annual Financial Report (2021)

**Balance Sheet  
Governmental Funds**

Fiscal Year Ending December 31, 2020

	General Fund Townwide	Highway Town Outside Village	Capital Projects	Non-Major Governmental Funds <sup>1</sup>
Cash	\$ 8,153,002	\$ 1,746,246	\$ 3,759,193	\$ 8,601,145
Other Receivables	3,815,941	523,666	30	425,862
Due from Other Funds	114,557	12,409	15,781	54,312
Restricted Assets				
Assessments Receivable	473,179			
Prepaid Expenses	2,780,291	288,389		
Other	225,000			214,254
<b>Total Assets</b>	<b><u>15,561,970</u></b>	<b><u>2,570,710</u></b>	<b><u>3,775,004</u></b>	<b><u>9,295,573</u></b>
Accounts Payable	\$ 1,689,710	\$ 239,992	\$ 147,044	\$ 1,060,885
Accrued Liabilities	1,915,752	295,320		114,345
Unearned Revenue	44,765	241		
Notes Payable			8,895,000	
Due to Other Governments				
Other Liabilities	2,992,217		42,102	
Due to Other Funds	79,077	1,906		1,519
<b>Total Liabilities</b>	<b><u>6,721,521</u></b>	<b><u>537,459</u></b>	<b><u>9,084,146</u></b>	<b><u>1,176,749</u></b>
Deferred Inflows of Resources	<u>2,140,406</u>			<u>9,435</u>
Nonspendable	2,780,291	288,389		214,254
Restricted	4,516,064			
Assigned	135,690	1,744,862		7,895,135
Unassigned	<u>(732,002)</u>		<u>(5,309,142)</u>	<u>0</u>
<b>Total Fund Balances</b>	<b><u>6,700,043</u></b>	<b><u>2,033,251</u></b>	<b><u>(5,309,142)</u></b>	<b><u>8,109,389</u></b>
<b>Total Liabilities, Deferred Inflows &amp; Fund Balance</b>	<b><u>\$ 15,561,970</u></b>	<b><u>\$ 2,570,710</u></b>	<b><u>\$ 3,775,004</u></b>	<b><u>\$ 9,295,573</u></b>

1. Non-Major Governmental Funds consist of the following funds: General Fund Town Outside Village, Highway Town Wide, Lighting, Miscellaneous, Refuse & Garbage, and Water.

Sources: Audited Financial Report (2020)

**Budget Summaries**  
**Governmental and Other Operating Funds**

Fiscal Year Ending December 31, 2023				
	<u>Appropriations</u>	<u>Estimated Revenues</u>	<u>Application of Surplus</u>	<u>Tax Levy</u>
Fund:				
General	\$ 117,222,723	\$ 22,284,010	\$	\$ 94,938,713
Town Outside Village	6,758,209	2,446,601		4,311,608
Highway No.1	16,375,616	1,792,595		14,583,021
Highway No.2	1,268,174	9,600		1,258,574
Special Districts:				
Light	898,743	2,000		896,743
Ambulance	4,054,562	1,570,900		2,483,662
Water	3,772,467	12,860		3,759,607
Sanitation & Refuse	12,296,910	907,000		11,389,910
Total	\$ 162,647,404	\$ 29,025,566	\$ 0	\$ 133,621,838

Source: Adopted Budget of the Town of Clarkstown.

**Budget Summaries**  
**Governmental and Other Operating Funds**

Fiscal Year Ending December 31, 2022				
	<u>Appropriations</u>	<u>Estimated Revenues</u>	<u>Application of Surplus</u>	<u>Tax Levy</u>
Fund:				
General	\$ 112,402,060	\$ 19,679,067	\$	\$ 92,722,993
Town Outside Village	6,206,499	2,229,450		3,977,049
Highway No.1	15,746,140	1,777,730		13,968,410
Highway No.2	1,253,555	9,000		1,244,555
Special Districts:				
Light	868,042	1,000		867,042
Ambulance	3,683,125	1,913,169		1,769,956
Water	3,468,397	10,805		3,457,592
Sanitation & Refuse	11,482,530	923,000		10,559,530
Total	\$ 155,110,348	\$ 26,543,221	\$ 0	\$ 128,567,127

Source: Adopted Budget of the Town of Clarkstown.

**Budget Summaries**

**Fiscal Year Ending December 31, 2023**

	General Fund (Town-Wide)	Highway Town Outside Villages
Revenues:		
Real Property Taxes	\$ 95,240,833	\$ 14,583,021
Other Tax Items	7,473,636	
Departmental Income	2,299,500	100,000
Intergovernmental Charges	1,600,000	30,000
Use of Money and Property	615,206	17,300
Licenses & Permits	158,550	
Fines & Forfeitures	1,200,000	
Sale of Property	125,000	
State Aid	3,895,000	1,119,795
Federal Aid	47,000	
Miscellaneous	4,567,998	500
Interfund Items		525,000
Approp. Fund Bals. and Rsvs.		
	<hr/>	<hr/>
Total Revenues	\$ <u>117,222,723</u>	\$ <u>16,375,616</u>
Expenditures:		
General Government Support	\$ 14,300,755	\$
Public Safety	40,978,773	
Health	2,514,286	
Transportation	1,127,055	9,893,450
Economic Assistance and Opportunity	79,500	
Home and Community Services	6,817,491	
Culture amd Recreation	1,738,700	
Employee Benefits	33,156,825	5,243,077
Education	800,000	
Debt Service	14,230,465	
Interfund Transfers	1,478,873	1,239,089
	<hr/>	<hr/>
Total Expenditures	\$ <u>117,222,723</u>	\$ <u>16,375,616</u>

Source: 2023 Budget Adopted by the Town Board of the Town of Clarkstown.

**Budget Summaries**

**Fiscal Year Ending December 31, 2022**

	General Fund (Town-Wide)	Highway Town Outside Villages
Revenues:		
Real Property Taxes	\$ 92,939,388	\$ 13,968,410
Other Tax Items	2,315,350	
Departmental Income	2,199,800	150,000
Intergovernmental Charges	5,925,000	20,000
Use of Money and Property	470,243	10,300
Licenses & Permits	93,350	
Fines & Forfeitures	1,000,000	
Sale of Property	280,000	
State Aid	3,895,000	1,107,330
Federal Aid	25,000	
Miscellaneous	3,258,929	500
Interfund Items		489,600
Approp. Fund Bals. and Rsvs.		
	<hr/>	<hr/>
Total Revenues	\$ <u>112,402,060</u>	\$ <u>15,746,140</u>
Expenditures:		
General Government Support	\$ 15,152,170	\$
Public Safety	40,360,382	
Health	2,395,272	
Transportation	1,062,430	9,550,447
Economic Assistance and Opportunity	79,500	
Home and Community Services	1,386,688	
Culture amd Recreation	6,808,064	
Employee Benefits	30,395,119	5,068,008
Education	800,000	
Debt Service	13,962,435	
Interfund Transfers		1,127,685
	<hr/>	<hr/>
Total Expenditures	\$ <u>112,402,060</u>	\$ <u>15,746,140</u>

Source: 2022 Budget Adopted by the Town Board of the Town of Clarkstown.

**APPENDIX B**

**AUDITED FINANCIAL STATEMENT  
FOR THE FISCAL YEAR ENDED DECEMBER 31, 2021**

**[▶ Click Here For 2021 Audit](#)**