

PRELIMINARY OFFICIAL STATEMENT DATED JUNE 20, 2024

RENEWALS

BOND ANTICIPATION NOTES

In the opinion of Harris Beach PLLC, New York, New York, 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 excluded from gross income of the owners thereof for Federal income tax purposes and is not an "item of tax preference" for purposes of the Federal alternative minimum tax imposed on individuals. However, interest on the Notes held by certain corporations that are subject to the Federal corporate alternative minimum tax is included in the computation of "adjusted financial statement income" for purposes of the Federal alternative minimum tax imposed on such corporations. 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 or 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 Town will designate the Notes as "qualified tax-exempt obligations" pursuant to the provision of Section 265 of the Internal Revenue Code of 1986, as amended.

TOWN OF FISHKILL DUTCHESS COUNTY, NEW YORK (the "Town")

\$1,640,000

BOND ANTICIPATION NOTES, 2024

Dated Date: July 11, 2024

Maturity Date: July 11, 2025

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 to pay such principal and the interest, 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 may either be registered to the purchaser(s) or registered in the name of Cede & Co., as nominee for the Depository Trust Company, New York, New York ("DTC") as book-entry notes. Note certificates shall bear a single rate of interest and shall be in a denomination equal to the aggregate principal amount awarded to such purchaser at such interest rate.

Form and Denomination: The Notes to be issued in book-entry form will be issued as registered notes, and, when issued, will be registered in the name of Cede & Co. as nominee, which will act as the securities depository for the Notes. 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. Individual purchases of the Notes to be issued in book-entry form may be made only in book-entry form in denominations of \$5,000 or integral multiples thereof. Noteholders will not receive certificates representing their ownership interest in the Notes to be issued in book-entry form purchased. See "Book-Entry System" herein.

Payment: Payment of the principal of and interest on the Notes to be issued in book-entry form will be made by DTC Participants and Indirect Participants in accordance with standing instructions and customary practices, as is now the case with municipal securities held for the accounts of customers registered in "street name." Payment will be the responsibility of the DTC Participant or Indirect Participant and not of DTC or the Town, subject to any statutory and regulatory requirements as may be in effect from time to time. See "Book-Entry System" herein. Payment of the principal of and interest on the Notes issued in the form registered to the purchaser(s) will be payable at such bank of trust company located and authorized to do business in the State of New York as may be selected by the successful bidder.

Proposals for the Notes will be received at 11:00 A.M. (Prevailing Time) on June 27, 2024 at the office of Munistat Services, Inc., 12 Roosevelt Avenue, Port Jefferson Station, New York 11776.

The Notes are offered subject to the final approving opinion of Harris Beach PLLC, New York, New York, Bond Counsel to the Town, and certain other conditions. It is expected that delivery of the Notes in book-entry form will be made through the facilities of DTC in New York, New York, on or about July 11, 2024 in New York, New York.

FOR A DESCRIPTION OF THE TOWN'S AGREEMENT TO PROVIDE CONTINUING DISCLOSURE FOR THE NOTES, AS DESCRIBED IN RULE 15c2-12 OF THE SECURITIES AND EXCHANGE COMMISSION, SEE "DISCLOSURE UNDERTAKING" HEREIN.



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DUTCHESS COUNTY, NEW YORK**

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* * *

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* * *

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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, nor shall there be any sale of the Notes by any person in any jurisdiction 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 FISHKILL
DUTCHESS COUNTY, NEW YORK**

\$1,640,000

BOND ANTICIPATION NOTES, 2024

This Official Statement and appendices thereto present certain information relating to the Town of Fishkill, in the County of Dutchess, and in the State of New York (the "Town", the "County" and "State," respectively) in connection with the sale of \$1,640,000 Bond Anticipation Notes – 2024 (the "Notes").

All quotations from and summaries and explanations of provisions of the Constitution and laws of 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 July 11, 2024 and will mature, without right of redemption prior to maturity, on July 11, 2025, 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, New York, New York ("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 Supervisor in Fishkill, 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: Sharon A. Mitchell, Town Interim Comptroller, Town of Fishkill, 807 Route 52, Fishkill, New York, 12524-3110, telephone number (845) 831-7800, Email: smitchell@fishkill-ny.gov.

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 or 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 and 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 affect 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 Laws of the State of New York, including among others, the Local Finance Law, the Town Law and various bond resolutions duly adopted by the Town Board on the respective dates noted below to finance the following purposes:

<u>Date</u>	<u>Purpose</u>	<u>Amount Outstanding</u>	<u>Amount to be Paid</u>	<u>Amount to be Issued</u>
03/15/2023	Reconstruction of Town Recreation Center & Acquisition of Machinery and Apparatus	\$1,700,000	\$340,000	\$1,360,000
03/06/2019	Improvements to the Rombout Water District	<u>350,000</u>	<u>70,000</u>	<u>280,000</u>
Totals:		<u>\$2,050,000</u>	<u>\$410,000</u>	<u>\$1,640,000</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. For the payment of such principal and interest, the Town has the power and statutory authorization to levy ad valorem taxes on all taxable real property within 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.

Although the State Legislature is restricted by Article VIII, Section 12 of the State Constitution from imposing limitations on the power to raise taxes to pay “interest on or principal of indebtedness theretofore contracted” prior to the effective date of any such legislation, the New York State Legislature may from time to time impose additional limitations or requirements on the ability to increase a real property tax levy or on the methodology, exclusions or other restrictions of various aspects of real property taxation (as well as on the ability to issue new indebtedness). On June 24, 2011, Chapter 97 of the New York Laws of 2011 was signed into law by the Governor (the “Tax Levy Limitation Law”). The Tax Levy Limitation Law applies to local governments and school districts in the State (with certain exceptions) and imposes additional procedural requirements on the ability of municipalities and school districts to levy certain year-to-year increases in real property taxes.

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 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.

The Constitutionally-mandated general obligation pledge of municipalities and school districts in New York State 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 Town’s faith and credit is both a commitment to pay and a commitment of the Town’s revenue generating powers to produce the funds to pay. Hence, an obligation containing a pledge of the Town’s “faith and credit” is secured by a promise both to pay and to use in good faith the Town’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 this is what the courts have held they mean . . . 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 Town’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 and 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 (1976) 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 political subdivisions in New York State.

The pledge has generally been understood as a promise to levy property taxes without limitation as to rate or amount to the extent necessary to cover debt service due to language in Article VIII Section 10 of the Constitution which provides an exclusion for debt service from Constitutional limitations on the amount of a real property tax levy, insuring the availability of the levy of property tax revenues to pay debt service. As the Flushing National Bank (1976) Court noted, the term “faith and credit” in its context is “not qualified in any way”. Indeed, in Flushing National Bank v. Municipal Assistance Corp., 40 N.Y.2d 1088 (1977) the Court of Appeals described the pledge as a direct constitutional mandate. In Quirk v. Municipal Assistance Corp., 41 N.Y.2d 644 (1977), the Court of Appeals stated that, while holders of general obligation debt did not have a right to particular revenues such as sales tax, “with respect to traditional real estate tax levies, the bondholders are constitutionally protected against an attempt by the State to deprive the Town of those revenues to meet its obligations.” According to the Court in Quirk, the State Constitution “requires the Town to raise real estate taxes, and without specification other revenues, if such a levy be necessary to repay indebtedness.”

In addition, the Constitution of the State requires that every county, city, town, village, and school district in the State provide annually by appropriation for the payment of all interest and principal on its serial bonds and certain other obligations, and that, if at any time the respective appropriating authorities shall fail to make such appropriation, a sufficient sum shall be set apart from the first revenues thereafter received and shall be applied to such purposes. In the event that an appropriating authority were to make an appropriation for debt service and then decline to expend it for that purpose, this provision would not apply. However, the Constitution of the State does also provide that the fiscal officer of any county, city, town, village, or school district may be required to set apart and apply such first revenues at the suit of any holder of any such obligations.

In Quirk v. Municipal Assistance Corp., the Court of Appeals described this as a “first lien” on revenues, but one that does not give holders a right to any particular revenues. It should thus be noted that the pledge of the faith and credit of a political subdivision in New York State is a pledge of an issuer of a general obligation bond or note to use its general revenue powers, including, but not limited to, its property tax levy to pay debt service on such obligations, but that such pledge may not be interpreted by a court of competent jurisdiction to include a constitutional or statutory lien upon any particular revenues.

While the courts in New York State have historically been protective of the rights of holders of general obligation debt of political subdivisions, it is not possible to predict what a future court might hold.

Tax Levy Limitation Law

On June 24, 2011, Chapter 97 of the New York Laws of 2011 was signed into law by the Governor . The Tax Levy Limitation Law applies to virtually all local governments, including school districts (with the exception of New York City, Yonkers, Syracuse, Rochester and Buffalo). It also applies to independent special districts and to improvements districts as part of their parent municipalities tax levies.

The Tax Levy Limitations 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 due to 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 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. Each municipality, prior to adoption of each fiscal year budget, must submit for review to the State Comptroller any information that is necessary in the calculation of its tax levy for each 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 provisions.

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 said 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 outside of any statutorily determined tax levy amount is not clear.

The 2015 through 2024 Town Budgets did not exceed the tax levy limitation.

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, city, town or village, 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 crisis 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/or 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, incorporated in 1788, with a land area of 27.5 square miles and a population of 24,099 (2020 US Census), is located in the southwestern portion of Dutchess County. The Town lies approximately 15 miles south of the City of Poughkeepsie. The Village of Fishkill is wholly encompassed within the Town. The New York Thruway and a network of highways provide access to the area. Air transportation is available from the nearby Stewart International Airport, train transportation is available from a nearby Amtrak station and bus service is available through Coach USA.

The Town is generally suburban and residential in nature. The Town has many retail and commercial activities available to its residents. Water and sewer services are provided by the Town. Police protection is provided by the Town, with support from the County Sheriff's Office and the New York State Police. Fire protection is provided by five fire districts located in the Town. Electricity and natural gas are supplied by CH Energy Group, Inc.

Public education is provided by the Beacon, Haldane and Wappingers Central School Districts for grades K-12. Higher educational opportunities are available at Dutchess and Orange Community Colleges, Bard College, Marist College, Mount Saint Mary College, and Vassar College. The Culinary Institute of America is also located in Dutchess County.

The Town is served by Key Bank, M&T Bank, Salisbury Bank, Putnam County Savings Bank, Mahopac Bank, Citizens Bank, Rhinebeck Savings Bank and TD Bank.

Governmental Organization

Three independently governed school districts are located wholly or partially within the Town, which 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, along with any special laws 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 Town Board is comprised of five members, including the Supervisor, all elected at-large (representing the entire Town, not a specific area). Together, these five elected officials comprise the legislative branch of the government. Each member has one vote with a majority vote required for the passage of most legislation. The Supervisor, elected to a four-year term, is the presiding member of the Town Board and is the chief fiscal officer of the Town. Board members are elected to four-year terms during odd numbered years, where only two may run at a time. On March 18, 2020, the Town Board adopted a local law which established a term limit of two terms of four years each regardless of whether consecutive or not consecutive for the Town Supervisor and Board members. Board members are responsible for passage of all legislation, the adoption of the Town's capital budget and making all decisions relating to personnel matters and property rezoning. Every year, each Board member is assigned various liaisons by the Supervisor.

The Town Clerk serves as custodian of the Town’s records, maintains the minutes of proceedings of the Town Board and is responsible for the publication and filing of all official notices. The Clerk is elected to a four-year term and the number of terms is not limited. Other officers of the Town include: two Town Justices, each elected to a four-year term; the Highway Superintendent, elected to a four-year term; and the Town Comptroller and Town Attorney who are appointed by and serve at the pleasure of the Town Board.

Source: Town Officials

Employees

The Town provides services through approximately 41 full-time employees, 85 part-time employees and 11 seasonal employees. Of the employees, 45 are part-time police officers that are represented by the New York State Union of Police Association under a contract which expired December 31, 2023 and is currently engaged in negotiation of a new contract.

DEMOGRAPHIC AND STATISTICAL INFORMATION

Population

<u>Year</u>	<u>Town of Fishkill</u>	<u>Dutchess County</u>	<u>State of New York</u>
1990	17,655	259,462	17,990,455
2000	19,274	280,150	18,976,457
2010	22,107	297,488	19,378,102
2020	24,099	293,524	19,514,849

Source: U.S. Census Bureau.

Median Household Income

	<u>Median Household Income</u>			
	<u>1990</u>	<u>2000</u>	<u>2010</u>	<u>2020</u>
Town of Fishkill	N/A	\$22,662	\$36,482	\$41,778
County of Dutchess	N/A	23,940	33,037	42,309
State of New York	16,501	23,389	30,791	40,898

Per Capita Income

	<u>Per Capita Money Income</u>			
	<u>1990</u>	<u>2000</u>	<u>2010</u>	<u>2020</u>
Town of Fishkill	N/A	\$52,745	\$81,980	\$86,076
County of Dutchess	N/A	53,086	71,508	81,842
State of New York	32,965	43,393	55,603	71,117

Source: U.S. Census Bureau.

Unemployment Rate Statistics

Unemployment statistics are not available for the Town as such. The smallest area for which such statistics are available (which includes the Town) is the County. The information set forth below with respect to such County is included for information purposes only. It should not be implied from the inclusion of such data in this Statement that the Town is necessarily representative of the County, or vice versa.

<u>Annual Averages:</u>	<u>County of Dutchess (%)</u>	<u>New York State (%)</u>
2019	3.6	4.0
2020	7.7	10
2021	4.4	6.9
2022	3.0	4.4
2023	3.1	4.2
2024 (4 months)	3.6	4.2

Source: Department of Labor, State of New York.

Selected Listing of Larger Employers

<u>Name</u>	<u>Type</u>	<u>Estimated Number of Employees</u>
Gap, Inc. - Fishkill Distribution Campus	Distributors	1325
Fishkill Correctional Facility	Maximum security prison	535
CareMount Medical Group	Physicians - Specialists	607
Splash Down Beach Water Park	Sports & Recreation	180
Manufacturers and Traders Trust Company	Banks & Banking Associations	150
Home Depot	Retail	120
Sam's Club	Wholesale Clubs/Foods	135
Walmart	Wholesale	182
All Sport Health and Fitness	Fitness Clubs and Services	260
Hudson Valley Renegades	Entertainment and/or Amusement	190

Source: Town Officials

Note: Includes part-time employees.

INDEBTEDNESS OF THE TOWN

Constitutional Requirements

The New York State Constitution limits the power of the Town (and other municipalities and school districts of the State) to issue obligations and to otherwise contract indebtedness. Such constitutional and statutory 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 or the weighted average period of probable usefulness thereof; and 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 incurrence 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. Certain such resolutions may be submitted to the Town voters at the discretion of the Town Board.

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. Except on rare occasions, the Town complies with this estoppel procedure. The Town is in compliance with such requirements 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 (subject to certain exceptions) 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".

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 "Nature of Obligation" and "Tax Levy Limitation Law," herein.

The following pages set forth certain details with respect to the Indebtedness of the Town.

Computation of Debt Limit and Net Debt Contracting Margin
(As of June 20, 2024)

Fiscal Year Ending <u>December 31:</u>	<u>Assessed Valuation</u>	State Equalization <u>Rate (%)</u>	<u>Full Valuation</u>
2019	\$2,700,035,718	100.00	\$2,700,035,718
2020	2,703,676,460	99.00	2,730,986,323
2021	2,854,293,458	100.00	2,854,293,458
2022	3,130,196,487	100.00	3,130,196,487
2023	3,465,261,011	100.00	3,465,261,011
Total Five Year Full Valuation			\$14,880,772,997
Average Five Year Full Valuation			2,976,154,599
Debt Limit - 7% of Average Full Valuation			\$208,330,822
Inclusions:			
Outstanding Bonds			\$16,585,000
Bond Anticipation Notes			2,050,000
Total Inclusions			18,635,000
Exclusions:			
Water Indebtedness			0
Sewer Indebtedness			8,025,000
Budgeted Appropriations			430,000
Total Exclusions:			8,455,000
Total Net Indebtedness			10,180,000
Net Debt Contracting Margin			\$198,150,822
Per Cent of Debt Contracting Margin Exhausted			4.89%

a. Equalization rates are established by the New York State Office of Real Property Tax Services.

b. Water and Sewer Indebtedness and budgeted appropriations are excluded pursuant to provisions of the New York State Constitution and Section 136.00 of the Local Finance Law.

Details of Short-Term Indebtedness Outstanding

As of the date of this Official Statement, the Town has bond anticipation notes outstanding in the amount of \$2,050,000 maturing July 12, 2024 which will be redeemed by the issuance of the Notes and available funds.

Revenue and Tax Anticipation Notes

The Town has not found it necessary to borrow in anticipation of taxes and revenues in recent years.

Debt Service Requirements - Outstanding Bonds

Fiscal Year Ending <u>December 31:</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2024	\$1,115,000	\$ 496,956	\$ 1,611,956
2025	1,130,000	469,381	1,599,381
2026	1,150,000	440,072	1,590,072
2027	1,170,000	408,709	1,578,709
2028	1,180,000	375,635	1,555,635
2029	1,200,000	340,522	1,540,522
2030	880,000	309,123	1,189,123
2031	900,000	282,073	1,182,073
2032	915,000	254,760	1,169,760
2033	935,000	227,584	1,162,584
2034	850,000	199,676	1,049,676
2035	740,000	175,852	915,852
2036	575,000	157,421	732,421
2037	595,000	138,331	733,331
2038	615,000	119,918	734,918
2039	640,000	100,631	740,631
2040	665,000	79,036	744,036
2041	690,000	56,608	746,608
2042	715,000	31,169	746,169
2043	115,000	16,000	131,000
2044	120,000	13,050	133,050
2045	120,000	9,450	129,450
2046	125,000	5,775	130,775
2047	130,000	1,950	131,950
	<u>130,000</u>	<u>1,950</u>	<u>131,950</u>
Totals:	<u>\$17,270,000</u>	<u>\$4,709,678</u>	<u>\$21,979,678</u>

Authorized and Unissued Indebtedness

<u>Date of Authorization</u>	<u>Purpose</u>	<u>Amount Authorized</u>	<u>Amount Unissued</u>
10/02/2019	Salt Shed Construction	\$2,842,388	\$ 67,388
03/06/2019	Rombout Water District	598,775	248,775
07/19/2017	Beacon Hills Water District	<u>5,459,883</u>	<u>2,959,883</u>
	Total:	<u>\$8,901,046</u>	<u>\$3,576,046</u>

Capital Project Plans and Anticipated Future Borrowings

The Town is generally responsible for providing services as required by the citizens on a Town-wide basis. The Town maintains a road system necessitating road resurfacing and improvements and the acquisition of machinery and, from time to time, equipment. Additionally, although not a capital expense, such road system requires annual expenditures for snow removal, as well as regular general operating maintenance expenses.

The Town recognizes that most capital maintenance and replacement projects have a life-cycle of twenty years or less. The Town intends to fund these capital projects through operations on a pay as you go basis. However, due to the years of underfunded capital projects, equipment replacement, and maintenance, the Town faces significant immediate need for funding of several delayed projects. In order to avoid escalating costs and safety concerns, the Town is considering short term financing in order to address the most pressing capital needs while setting a level year to year funding rate.

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 Dutchess	03/20/2024	7.00	\$19,851,300	\$18,970,350
School Districts:				
Beacon	12/22/2023	38.46	12,436,831	11,442,575
Haldane	12/13/2023	1.42	102,226	102,226
Wappingers	12/13/2023	20.23	18,704,764	18,704,764
Village of Fishkill	10/12/2021	100.00	<u>7,736,000</u>	<u>6,656,000</u>
		Totals:	<u><u>\$58,831,121</u></u>	<u><u>\$55,875,915</u></u>

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

Debt Ratios (As of June 20, 2024)

	<u>Amount</u>	<u>Per Capita^a</u>	<u>Percentage Of Full Value (%)^b</u>
Total Direct Debt	\$18,635,000	\$ 773	0.538
Net Direct Debt	10,180,000	422	0.294
Total Direct & Applicable Total Overlapping Debt	77,466,121	3,214	2.236
Net Direct & Applicable Net Overlapping Debt	66,055,915	2,741	1.906

a. The current estimated population of the Town is 24,099.

b. The full valuation of taxable real property is \$3,465,261,011

FINANCES OF THE TOWN

Overall Financial Position, State Comptroller's Audit and Rating Agency Actions

The financial statements of the Town are audited annually by independent accountants. The last independent audit available for public inspection is for the fiscal year ending December 31, 2023 and is attached as Appendix B. In addition, the financial affairs of the Town are subject to periodic compliance review by the NYS Office of the State Comptroller to ascertain whether the Town has complied with the requirements of various State and Federal statutes.

At the conclusion of its 2023 fiscal year, the Town had a cumulative operating fund surplus (inclusive of the General, Town Outside Village, Special Districts and Non-Major Funds) of \$22,424,511, an increase of \$1,711,048 from the cumulative operating fund surplus at December 31, 2022 (See Audited Financial Statements for the fiscal year ended December 31, 2023 in APPENDIX B hereto).

New York State enacted Chapter 97, Laws of 2011 Real Property Tax Cap and mandate relief provisions (See “REAL PROPERTY TAX INFORMATION – Tax Levy Limitation Law,” herein), which includes a 2% property tax cap for municipalities. The Town has been successful in remaining under the mandated NYS tax cap for the last eleven years while at the same time eliminating the deficits and building reserves in all funds. The 2024 Budget includes a Homestead tax rate increase per \$1,000 of assessed value of .88% for the Village and a decrease of 14.11% for the Town Outside Village tax rates and a Non-Homestead tax rate decrease of .43% for the Village and a decrease of 16.12% for the Town Outside Village tax rates. Due to reduced costs in many non-major taxing districts, the overall tax levy for the 2024 budget is 6.18% below the New York State mandated cap and 2.17% less than the 2023 total tax levy.

In February 2022, Moody’s reviewed the Town’s financial position and upgraded its bond rating to Aa1 from Aa2. Moody’s cited the Town’s trend of operational surpluses and reserve growth, conservative fiscal management and budgetary practices as well as the Town’s manageable long-term liabilities and fixed costs as factors leading to the upgrade.

The Town Board continues a policy of conducting thorough reviews of all business practices to streamline and improve operations. This commitment to improving the financial condition of the Town has resulted in the elimination of the deficit, reduction of debt outstanding and establishing adequate fund balances. New York State Comptroller’s Office Fiscal Stress monitoring system which objectively reviews a variety of financial and environmental factors continues to classify the Town as “No Designation” with a score of 1.7 (out of a score of 100) for the seventh year in a row, indicating that the Town is well below the threshold of being susceptible to fiscal stress. See “The State Comptroller’s Fiscal Stress Monitoring System” herein.

The Town is committed to continuing to develop and implement its fiscal improvement plan to eliminate cumulative deficits and establish appropriate reserves. Annually, the Board adopts a multi-year capital plan as part of the budget process in an effort to enhance and support the Town’s future budget deliberations and improve its long-range planning. Because of its continued stable financial condition, the Town has been able to include funds for much needed and previously delayed capital projects which include road paving, Highway and Police vehicles and equipment, as well as structural improvements to Town facilities in the annual budgets. The 2024 budget includes \$2.75 million in capital projects, including the investment in Town assets for costs incurred for road paving, drainage work, equipment replacement and upgrades, facility improvements and water/sewer infrastructure work.

Financial Statements and Accounting Procedures

The financial statements of the Town are audited each year by a certified independent public accountant. The last such audit covers the fiscal year ended December 31, 2023. A copy of such report is attached hereto as APPENDIX B. 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 requirement of various State and Federal statutes.

In June, 1999, the Governmental Accounting Standards Board (“GASB”) issued Statement 34, “Basic Financial Statements and Management’s Discussions and Analysis for State and Local Governments”. This Statement established new financial reporting requirements for state and local governments throughout the United States. Statement 34 requires new information and restructured much of the information that governments had presented in the past. Comparability with reports issued in all prior years have been affected. GASB required the Town to implement this standard for the fiscal year ending December 31, 2003. The Town is currently in compliance with Statement 34 of GASB.

The Balance Sheets and Statements of Revenues, Expenditures and Changes in Fund Balances presented in Appendix A of this Statement are based on the Annual Financial Reports of the Town for the 2019-2023 fiscal years.

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 Funds, Highway Funds, Recreation Fund, Water Funds, Sewer Funds, and Ambulance Fund. Fiduciary funds consist of a Trust and Agency Fund and a Special Purpose Fund. Account groups are maintained for fixed assets and long-term debt.

Basis of Accounting

The Town's governmental funds are accounted for on a modified accrual basis of accounting. Under the modified accrual basis, revenues are recognized when they become susceptible to accrual - that is, when they become "measurable" and "available" to finance expenditures to the current period. Revenues which are susceptible to accrual include real property taxes, intergovernmental revenues (State and Federal aid) and operating transfers.

Expenditures are generally recognized under the modified accrual basis of accounting that is when the related fund liability is incurred. An exception to this general rule is un-matured interest on general long-term debt which is recognized when due.

Investment Policy

The primary objectives of the Town's investment policy are, in priority order, as follows:

- To conform to all applicable federal, state and other legal requirements.
- To adequately safeguard principal.
- To provide sufficient liquidity to meet all operating requirements
- To obtain a reasonable rate of return on invested funds.

Pursuant to State law, including Sections 10 and 11 of the General Municipal Law (the "GML"), the Town is generally permitted to deposit moneys in banks or trust companies located and authorized to do business in the State. All such deposits, including special time deposit accounts and certificates of deposit, in excess of the amount insured under the Federal Deposit Insurance Act, are required to be secured in accordance with the provisions of and subject to the limitations of Section 10 of the GML.

The Town may also temporarily invest moneys in: (1) obligations of the United States of America; (2) obligations of the State of New York; (3) in repurchase agreements involving the purchase and sale of direct obligations of the United States; (4) certificates of deposit issued by a bank or trust company authorized to do business in New York State; (5) time deposit accounts in a bank or trust company authorized to do business in New York State and (6) in the case of moneys held in certain reserve funds established by the Town pursuant to law, in obligations of the Town.

All funds may be invested in (1) 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 and (2) with the approval of the New York State Comptroller, in tax anticipation notes or revenue anticipation notes issued by any municipality, school district, or district corporation, other than obligations issued by the Town.

Reserve funds may be invested in obligations of the Town.

All of the foregoing investments are required to be payable or redeemable at the option of the owner 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. Unless registered or inscribed in the name of the Town, such instruments and investments must be purchased through, delivered to and held in custody of a bank or trust company in the State pursuant to a written custodial agreement as provided by Section 10 of the GML.

The Town Board has adopted an investment policy and such policy conforms with applicable laws of the State governing the deposit and investment of public moneys. All deposits and investments of the Town are made in accordance with such policy.

Budgetary Procedures

The Supervisor prepares a tentative budget and presents to the Town Clerk on or before September 30th. Subsequent to a Budget hearing, revisions, if any, are made and the tentative budget becomes the preliminary budget. A public hearing is held on or before the Thursday immediately following the general election. Following the hearing, the Town board takes action to adopt a final budget for the coming calendar year on or before November 20th. The budget is not subject to voter approval.

The Tax Levy Limitation Law has had significant impact on the Town's budgeting procedures and outcomes, beginning with the town's budget for its 2012 fiscal year. See "*REAL PROPERTY TAX INFORMATION – Tax Levy Limitation Law*," herein.

Financial Operations

The Town 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 which are delegated to and carried out by the Town Comptroller. The Supervisor is also the Town's budget officer and must therefore prepare the annual tentative budget for submission to the Town Board. Budgetary control during the year is the responsibility of the Town Comptroller.

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 bonded debt.

Town finances are operated primarily through the General and Highway Funds. All real property taxes and most of the other Town revenues are credited to these funds. Current operating expenditures are paid from these funds, subject to available appropriations. The Town also has capital projects, water, sewer, ambulance, and lighting districts, which are accounted for within separate 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.

The Town observes a calendar year (January 1 through December 31) for operating and reporting purposes.

Revenues

The Town receives most of its revenues from real property taxes and assessments and a small portion from State aid.

Real Property Taxes

See "*REAL PROPERTY TAX INFORMATION*", herein.

State Aid

The Town is dependent to a slight degree on financial assistance from the State. There can be no assurance that the State appropriation for State aid to municipalities and school districts will not be reduced or delayed in future fiscal years, as the State is not constitutionally obligated to main or continue State aid to the Town. The availability of such monies and the timeliness of such payment could be affected by a delay in the adoption of the State budget. In any event, State aid appropriated and apportioned to the Town can be paid only if the State has such monies available therefore.

The Town cannot predict at this time whether there will be reductions and/or delays in State aid in future fiscal years. The Town believes that it will mitigate the impact of any delays or proposed reductions in State aid by reducing expenditures, increasing revenues, appropriating other available funds on hand, reducing staffing levels, and/or by any combination of the foregoing.

A summary of State aid received by the Town for the last five fiscal years and the amount budgeted for fiscal year 2024 are as follows:

Fiscal Year Ending <u>December 31:</u>	General Fund <u>Revenue^a</u>	<u>State Aid^b</u>	State Aid to General Fund <u>Revenue (%)</u>
2019	\$ 8,325,423	\$ 770,149	9.25
2020	9,125,726	1,532,837	16.80
2021	8,798,684	1,397,380	15.88
2022	9,618,550	909,446	9.46
2023	11,103,000	751,949	6.77
2024 (Budgeted)	10,284,191	749,238	7.29

Source: Audited Annual Financial Reports and budget of the Town.

a. Includes General and Town Outside Village Funds.

b. Includes Mortgage taxes and AIM Funding

Sales Tax

In addition, the Town is dependent to a slight degree on the portion of sales tax revenues received by the Town from the County.

A summary of sales tax payments received by the Town for the last five fiscal years and the amount budgeted for the fiscal year 2024 are as follows:

<u>Fiscal Year Ending December 31:</u>	<u>General Fund Revenue</u>	<u>Total Sales Tax</u>	<u>Sales Tax to Revenue (%)</u>
2019	\$8,325,423	\$1,302,325	15.64
2020	9,125,729	1,417,204	15.53
2021	8,798,684	1,334,076	15.16
2022	9,618,550	2,049,438	21.31
2023	11,103,000	3,088,452	27.82
2024 (Budgeted)	10,284,191	1,560,000	15.17

Expenditures

The major categories of expenditure for the Town are General Government Support, Public Safety, Transportation, Home and Community Services, Employee Benefits and Debt Service. A summary of the expenditures for the five most recently completed fiscal years and the estimated expenditures for the current fiscal year may be found in Appendix A - Financial Statements.

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: 1.7%, Environmental Score: 0.0%).

Employee Pension System

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 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. 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. is no provision for these contributions to cease for Tier 5 employees after a certain period of service.

The following table summarizes the retirement system tier levels currently in effect:

<u>Tier</u>	<u>System</u>	<u>Effective Dates (Hire Date)</u>	<u>Vesting (Years of Credited Service)</u>	<u>Employee Contribution Rate (Percent of Salary)</u>
1	ERS	Before July 1, 1973	5	0%
1	PFRS	Before July 31, 1973	5	0% (Non-Contributory)
2	ERS	July 1, 1973 – July 26, 1976	5	0%
2	PFRS	July 31, 1973 – June 30, 2009	5	0% (Non-Contributory)
3	ERS	July 27, 1976 – August 31, 1983	5	3% throughout 10 years of service, then 0%
3	PFRS	July 1, 2009 – January 8, 2010	5	0% (Non-Contributory)
4	ERS	September 1, 1983 – December 31, 2009	5	3% throughout 10 years of service, then 0%
5	ERS	January 1, 2010 – March 31, 2012	5	3% throughout employment
5	PFRS	January 9, 2010 – March 31, 2012	5	0% (Non-Contributory)
6	ERS	April 1, 2012 and After	5	3% - 6% variable based on annual Salary throughout employment
6	PFRS	April 1, 2012 and After	5	0% (Non-Contributory)

On September 1, 2022, the State Comptroller announced for Fiscal Year 2023-2024, the average contribution rates for ERS will increase from 11.6% to 13.1%, and the average contribution rates for PFRS will increase from 27.0% to 27.8%. Projections of required contributions will vary by employer depending on factors such as retirement plans, salaries and the distribution of their employees among the six retirement tiers.

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.

The annual pension payment due date is February 1 and permits the legislative body of a municipality to establish a retirement contribution reserve fund for the purpose of financing retirement contribution 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.

In 2013, the State and ERS approved a Stable Contribution Option (“SCO”), which modified its existing SCO adopted in 2010, that gives municipalities the ability to better manage the spikes in Actuarially Required Contribution rates (“ARC”). The plan allows municipalities to pay the SCO amount in lieu of the ARC amount. The primary purpose of the SCO plans is to reduce the volatility of future pensions ARC. However, although the pension contribution rates under this program would reduce near-term payments, it will require higher than normal contributions in later years. This Town has not participated in any of the amortization programs and does not intend to do so in the foreseeable future.

Contributions to the Retirement Systems

<u>Fiscal Year Ending December 31:</u>	<u>ERS</u>	<u>PFRS</u>
2019	\$339,089	\$176,183
2020	320,562	168,564
2021	344,533	175,388
2022	278,705	194,017
2023	284,467	195,459
2024 (Budgeted)	373,548	230,342

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”) will be 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 following table shows the components of the Town’s annual OPEB cost for the year, the amount actually contributed to the plan, and changes in the Town’s net OPEB obligation:

Total OPEB Liability at Dec 31, 2022	\$5,583,592
Charges for the Year:	
Service Cost	136,074
Interest	211,714
Changes of Benefit Terms	
Differences Between Expected and Actual Experience	
Changes in Assumptions or Other Inputs	300,403
Benefit Payments	<u>(254,072)</u>
Net Changes in total OPEB liability	<u>394,119</u>
Total OPEB Liability at Dec 31, 2023	<u><u>\$5,977,711</u></u>

The OSC has proposed legislation to provide the State and certain local governments with the authority to establish trusts in which to accumulate assets for OPEB and to establish an OPEB investment fund in the sole custody of the State Comptroller for the investment of OPEB assets of the State and participating eligible local governments. The Town cannot predict at this time whether such proposed legislation will be enacted into law. 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 has decided to continue funding the expenditure on a pay-as-you-go basis.

Should the Town be required to fund its unfunded actuarial accrued OPEB liability, it could have a material adverse impact upon the Town’s finances and could force the Town to reduce services, raise taxes or both.

REAL PROPERTY TAX INFORMATION

Real Property Taxes

The Town derives its authority to levy an ad valorem real property tax from the State Constitution; methods and procedures to levy, collect and enforce this tax are governed by the Real Property Tax Law. Assessment valuations are determined by the Town assessor and the State Board of Real Property Services, which is responsible for certain utility and railroad property. In addition, the State Board of Real Property Services annually establishes State Equalization Rates for all localities in the State, which are determined by statistical sampling of market sales/assessment studies. The equalization rates are used in the calculation and distribution of certain State aid and are used by many localities in the calculation of debt contracting and real property taxing limitations.

The Town derives a significant portion of its annual revenue through a direct real property tax. The following table presents the total tax levy tax rates and collection performance for each of the last five fiscal years.

Tax Collection Record

	Fiscal Year Ending December 31:				
	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>
Tax Levies:					
General & Highway	\$7,653,581	\$7,556,689	\$7,690,971	\$7,608,917	\$7,251,285
Special Districts	<u>732,827</u>	<u>867,596</u>	<u>838,715</u>	<u>918,231</u>	<u>1,090,745</u>
Total Taxes	\$8,386,408	\$8,424,285	\$8,529,686	\$8,527,148	\$8,342,030
Total Uncollected	\$0	\$0	\$0	\$0	\$0
Tax Rate per \$1,000 Assessed Valuation (General & Highway)					
Homestead	\$2.70	\$2.71	\$2.57	\$2.32	\$2.00
Non-Homestead	\$3.97	\$3.91	\$3.88	\$3.49	\$2.93

Source: Town Officials

a. Includes Water, Sewer, Lighting, Park, Ambulance and Fire Districts.

b. The Town deducts the amount due for Town tax purposes prior to returning the balance collected to the county and is thus assured of 100% collection of its levy each year. The County assumes responsibility for the uncollected items and holds annual tax sales. See, “Tax Collection Procedures.

Percentage of Revenues – Real Property Taxes

Fiscal Year Ending <u>December 31:</u>	General Fund <u>Revenue</u>	<u>Real Property Taxes</u>	Real Property Taxes to <u>Revenue (%)</u>
2019	\$ 8,325,423	\$4,406,863	52.93
2020	9,125,726	4,396,125	48.17
2021	8,798,684	4,107,969	46.69
2022	9,618,550	4,287,439	44.57
2023	11,103,000	4,500,493	40.53
2024 (Budgeted)	10,284,191	4,455,572	43.32

Source: Audited Annual Financial Reports and Budgets of the Town
a. Includes general and Town Outside Village funds.

Tax Collection Procedure

Taxes must be paid in full without penalty by February 28th. A 2% penalty is imposed for taxes paid between March 1 and May 31. A 4% penalty is imposed for taxes paid between June 1 and August 31. After August, the tax roll is turned over to the Dutchess County Commissioner of Finance for relevy on County tax rolls.

The Town deducts the amount due for Town tax purposes prior to returning the balance collected to the County and is thus assured of 100% collection of its levy each year. The County assumes responsibility for the uncollected items and holds annual tax sales.

Selected Listing of Large Taxable Properties
2023 Assessment Roll^a

<u>Name</u>	<u>Type</u>	<u>Assessed Valuation^a</u>
Central Hudson Gas and Electric	Public Utility	\$78,774,265
80 Jefferson Blvd, LLC	Rental Apartments	74,239,300
Hudson View Park, LLC	Rental Apartments	52,147,800
1 Town View, LLC	Rental Apartments	51,095,900
Mountain View 1, 2 and 3 TIC Owner, LLC	Rental Apartments	25,332,400
Olde Post Mall Apartments	Rental Apartments	21,846,200
Fishkill Plaza Partners	Retail Space	17,938,500
Welltower OM Group, LLC	Medical Office Building	17,745,000
60 LLB LLC	Professional Office Building	16,813,100
Wilmington Trust, Co.	Wal-Mart Store	16,206,800
	Total ^b	<u><u>\$372,139,265</u></u>

a. The Town of Fishkill’s 2023 assessment roll.
b. Represents 10.74% of the Town’s 2023 Assessed Value.

LITIGATION

In common with other local governments and school districts, the Town from time to time receives notices of claim and is party to litigation. In the opinion of the Town, after consultation with its 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 condition of the Town.

There is no action, suit, proceedings or investigation, at law or in equity, before or by any court, public board or body pending or, to the best knowledge of the Town, threatened against or affecting the Town to restrain or enjoin the issuance, sale or delivery of the Notes or the levy and collection of taxes or assessment to pay same, or in any way contesting or affecting the validity of the Notes or any proceedings or authority of the Town taken with respect to the authorization, issuance or sale of the Notes or contesting the corporate existence or boundaries 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.

MARKET AND RISK FACTORS

There are various forms of risk associated with investing in the Notes. The following is a discussion of certain events that could affect the risk of investing in the Notes. In addition to the events cited herein, there are other potential risk factors that an investor must consider. In order to make an informed investment decision, an investor should be thoroughly familiar with the entire Official Statement, including its appendices, as well as all areas of potential investment risk.

The financial and economic condition of the Town, as well as the market for the Notes, could be affected by a variety of factors, some of which are beyond the Town's control. There can be no assurance that adverse events in the State and in other jurisdictions, including, for example, the seeking by a municipality or large taxable property owner of remedies pursuant to the Federal Bankruptcy Code or otherwise, will not occur which might affect the market price of and the market for the Notes. If a significant default or other financial crisis should occur in the affairs of the State or another jurisdiction or any of its agencies or political subdivisions thereby further impairing the acceptability of obligations issued by borrowers within the State, both the ability of the Town to arrange for additional borrowings, and 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. However, if the State should experience difficulty in borrowing funds in anticipation of the receipt of State taxes and revenues in order to pay State aid to municipalities and school districts in the State, including the Town, in any year, the Town may be affected by a delay, until sufficient taxes have been received by the State to make State aid payments to the Town. In some years, the Town has received delayed payments of State aid which resulted from the State's delay in adopting its budget and appropriating State aid to municipalities and school districts, and consequent delay in State borrowing to finance such appropriations. (See also "*State Aid*").

There are a number of general factors which could have a detrimental effect on the ability of the Town to continue to generate revenues, particularly property taxes. For instance, the termination of a major commercial enterprise or an unexpected increase in tax certiorari proceedings could result in a significant reduction in the assessed valuation of taxable real property in the Town. Unforeseen developments could also result in substantial increases in Town expenditures, thus placing strain on the Town's financial condition. These factors may have an effect on the market price of the Notes.

If a holder elects to sell his investment prior to its scheduled maturity date, market access or price risk may be incurred. If and when a holder of any of the Notes should elect to sell a Note prior to its maturity, there can be no assurance that a market shall have been established, maintained and be in existence for the purchase and sale of any of the Notes. Recent global financial crises have included limited periods of significant disruption. In addition, the price and principal value of the Notes is dependent on the prevailing level of interest rates; if interest rates rise, the price of a bond or note will decline, causing the bondholder or noteholder to incur a potential capital loss if such bond or note is sold prior to its maturity.

Amendments to U.S. Internal Revenue Code could reduce or eliminate the favorable tax treatment granted to municipal debt, including the Notes and other debt issued by the Town. Any such future legislation would have an adverse effect on the market value of the Notes (See "*TAX MATTERS*" herein).

The Tax Levy Limitation Law, which imposes a tax levy limitation upon municipalities, school districts and fire districts in the State, including the Town and continuing technical and constitutional issues raised by its enactment and implementation could have an impact upon the finances and operations of the Town and hence upon the market price of the Notes. See "*Tax Levy Limitation Law*" herein.

TAX MATTERS

In the opinion of Harris Beach PLLC, New York, New York, Bond Counsel to the Town, based on existing statutes, regulations, administrative rulings and court decisions and assuming compliance by the Town with certain covenants and the accuracy of certain representations, interest on the Notes is excluded from gross income for Federal income tax purposes and is not an "item of tax preference" for purposes of the Federal alternative minimum tax imposed on individuals. However, the Code imposes a federal corporate alternative minimum tax equal to 15 percent of the "adjusted financial statement income" of corporations (other than S corporations, regulated investment companies and real estate investment trusts) having an average annual "adjusted financial statement income" for the 3-taxable-year period ending with the tax year that exceeds \$1,000,000,000. Interest on tax-exempt obligations such as the Notes is included in the computation of a corporation's "adjusted financial statement income".

The Internal Revenue Code of 1986, as amended (the "Code"), imposes various limitations, conditions and other requirements which must be met at and subsequent to the date of issue of the Notes in order for interest on the Notes to be and remain excluded from gross income for Federal income tax purposes. Included among these requirements are restrictions on the investment and use of proceeds of the Notes, and in certain circumstances, payment of amounts in respect of such proceeds to the Federal government. Failure to comply with the requirement of the Code may cause interest on the Notes to be includable in gross income for purposes of Federal income tax, possibly from the date of issuance. In the Arbitrage and Use of Proceeds Certificate of the Town to be executed in connection with the issuance of the Notes, the Town will covenant to comply with certain procedures and it will make certain representations and certifications, designed to assure satisfaction of the requirements of the Code with respect to the Notes. The opinion of Bond Counsel assumes compliance with such covenants and the accuracy, in all material respects, of such representations and certificates.

Prospective purchasers of the Notes should be aware that ownership of the Notes, and the accrual or receipt of interest thereon, may have collateral Federal income tax consequences for certain taxpayers, including financial institutions, property and casualty insurance companies, S corporations, certain foreign corporations, individual recipients of Social Security or Railroad benefits and taxpayers who may be deemed to have incurred or continued indebtedness to purchase or carry such obligations. Prospective purchasers should consult their tax advisors as to any possible collateral consequences of their ownership of the Notes and their accrual or receipt of interest thereon. Bond Counsel expresses no opinion regarding any such collateral Federal income tax consequences.

The Notes will be designated as "qualified tax exempt obligations" within the meaning of, and pursuant to, Section 265(b)(3) of the Code.

In the opinion of Bond Counsel, under existing statutes, 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 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 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. Prospective purchasers of the Notes should consult their own tax advisors regarding the foregoing matters.

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.

DOCUMENTS ACCOMPANYING DELIVERY OF THE NOTES

Legal Matters

The legality of the authorization and issuance of the Notes will be covered by the approving legal opinion of Harris Beach PLLC, New York, New York, Bond Counsel to the Town. 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 property within which is subject to the levy of ad valorem taxes to pay the Notes and interest thereon, subject to certain statutory limitations imposed by Chapter 97 of the Laws of 2011 of the State of New York, as amended (see "TAX LEVY LIMITATION LAW" herein); provided, that the enforceability (but not the validity) of the Notes may be limited by any applicable existing or future bankruptcy, insolvency or other law (State or Federal) affecting the enforcement of creditors' rights; (ii) under existing statutes, regulations, administrative rulings and court decisions, interest on the Notes is excluded from the gross income of the owners thereof for Federal income tax purposes, is not an "item of tax preference" for purposes of the Federal alternative minimum taxes imposed on individuals; (iii) interest on the Notes is exempt from personal income taxes imposed by the State of New York or any political subdivision thereof (including The City of New York); and (iv) based upon Bond Counsel's examination of law and review of the arbitrage and use of proceeds certificate executed by the Town Supervisor of the Town pursuant to Section 148 of the Code and the regulations thereunder, the facts, estimates and circumstances as set forth in said arbitrage certificate are sufficient to satisfy the criteria which are necessary under Section 148 of the Code to support the conclusion that the Notes will not be "arbitrage bonds" within the meaning of said section, and no matters have come to Bond Counsel's attention which makes unreasonable or incorrect the representations made in said arbitrage certificate. Bond Counsel expresses no opinion regarding Federal or State income tax consequences arising with respect to the Notes.

Such legal opinions will also state that in the opinion of Bond Counsel (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 genuineness 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 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 respectively 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 the 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.

Closing Certificates

Upon delivery of and payment for the Notes, the purchaser(s) of the Notes will also receive, without cost, in form satisfactory to Bond Counsel, the following dated as of the date of delivery of and payment for the Notes: (a) a certificate or certificates evidencing execution, delivery and receipt of payment for the Notes, (b) a certificate or certificates executed by the officer of the Town who executed the Notes on behalf of the Town, stating that (1) no litigation is then pending or, to the knowledge of such officer, threatened to restrain or enjoin the issuance or delivery of the Notes, (2) no authority or proceedings for the issuance of the Notes has or have been repealed, revoked or rescinded, and (3) the statements contained in this Official Statement relating to the Notes, on the date thereof and on the date of delivery of and payment for the Notes, were and are true in all material respects and did not, and do not, contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements made therein, in the light of the circumstances under which they were made, not misleading, (c) an arbitrage and use of proceeds certificate executed by the Town Comptroller, (d) the approving legal opinion as to the validity of the Notes of Harris Beach PLLC, New York, New York, Bond Counsel, and (e) a Continuing Disclosure Agreement relating to the Notes, executed by the Town Supervisor for purposes of the Rule. (See Appendix C attached hereto).

DISCLOSURE UNDERTAKING

At the time of the delivery of the Notes, the Town will provide an executed copy of its Continuing Disclosure Agreement substantially as set forth in Appendix C.

Compliance History

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

<u>Fiscal Year Ending December 31:</u>	<u>Financial & Operating Information</u>	<u>Audited Financial Statements</u>
2018	06/18/2019	04/29/2019
2019	06/24/2020	06/01/2020
2020	06/01/2021	04/21/2021
2021	06/10/2022	05/31/2022
2022	06/27/2023	05/19/2023

The Town failed to file, in a timely manner, an event notice for a Moody's Investor Service (Moody's) upgrade of the Town's General Obligation rating to A3 from Baa1. The Moody's upgrade occurred on January 13, 2017 but a material event notice was not filed until February 7, 2017.

Other than as noted above, the Town is in compliance with all previous undertakings made pursuant to the Rule for the past 5 years.

RATING

The Notes are not rated. The Town's outstanding bonds is rated "Aa1" by Moody's Investors Service ("Moody's"), 7 WTC at Greenwich Street, New York, NY, Phone: (212) 553-4055 and Fax: (212) 298-6761. The rating reflects only the view of the rating agency and any desired explanation of the significance of such rating should be obtained from Moody's. 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 ratings 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 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 Sharon A. Mitchell, Town Interim Comptroller, Town of Fishkill, 807 Route 52, Fishkill, New York, 12524-3110, telephone number (845) 831-7800, Email: smitchell@fishkill-ny.gov or from the office of Munistat Services Inc., 12 Roosevelt Avenue, Port Jefferson Station, New York 11776, telephone number (631) 331-8888 and website: <https://www.munistat.com>.

Munistat Services, Inc. may place a copy of this Official Statement on its website at www.munistat.com. Unless this Official Statement specifically indicates otherwise, no statement on such website is included by specific reference or constitutes a part of this Official Statement. Munistat Services, Inc. has prepared such website information for convenience, but no decisions should be made in reliance upon that information. Typographical or other errors may have occurred in converting original source documents to digital format, and neither the Town nor Munistat Services, Inc. assumes any liability or responsibility for errors or omissions on such website. Further, Munistat Services, Inc. and the Town disclaim any duty or obligation either to update or to maintain that information or any responsibility or liability for any damages caused by viruses in the electronic files on the website. Munistat Services, Inc. and the Town also assume no liability or responsibility for any errors or omissions or for any updates to dated website information.

Any statements in this Official Statement involving matters of opinion or estimates, whether or not expressly stated, are intended as such and not as representations of fact. No representation is made that any of such statements will be, in fact, realized. This Official Statement is not to be construed as a contract or agreement between the Town and the original purchasers or owners of any of the Notes.

Harris Beach PLLC, has not participated in the preparation of this Official Statement, nor verified the accuracy, completeness of fairness thereof, and accordingly expresses no opinion with respect thereto.

The preparation and distribution of this Official Statement has been authorized by various resolutions of the Town which delegates to the Town Supervisor the power to sell and issue the Notes.

TOWN OF FISHKILL, NEW YORK

By: s/s AZEM ALBRA
Town Supervisor and Chief Fiscal Officer

June , 2024

APPENDIX A

FINANCIAL INFORMATION

Balance Sheets
Fiscal Year Ended December 31, 2023

	<u>General*</u>	Other Governmental <u>Funds**</u>
Assets:		
Cash and Cash Equivalents	\$ 16,077,572	\$ 8,695,874
Accounts Receivable	143,345	2,592
Water & Sewer Rents		1,164,120
Due from Other Funds	339,551	56,013
Due from Other Governments	663,009	126,091
Prepaid Expenditures	<u>197,405</u>	<u>38,036</u>
Total Assets	<u>\$ 17,420,882</u>	<u>\$ 10,082,726</u>
Liabilities:		
Accounts Payable	\$ 1,344,640	\$ 478,395
Accrued Liabilities	250,090	262,545
Due to Other Funds		276,642
Due to Other Governments		413,614
Other Liabilities	1,624,611	
Unearned Revenues	<u>3,000</u>	<u>37,715</u>
Total Liabilities	<u>3,222,341</u>	<u>1,468,911</u>
Fund Balances:		
Nonspendable	197,405	25,015
Restricted	6,126	1,476,798
Assigned	10,284,823	7,112,002
Unassigned	<u>3,710,187</u>	<u> </u>
Total Fund Balances (Deficits)	<u>14,198,541</u>	<u>8,613,815</u>
Total Liabilities & Fund Balances	<u>\$ 17,420,882</u>	<u>\$ 10,082,726</u>

* Includes General Townwide and General Town Outside Village

** Includes Highway, Water, Lighting, Ambulance, Sewer, and Non-Major Governmental Funds

Source: Audited Financial Statement (2023)

NOTE: This Schedule is NOT audited

Balance Sheets
Fiscal Year Ended December 31, 2022

	<u>General*</u>	<u>Other Governmental Funds**</u>
Assets:		
Cash and Cash Equivalents	\$ 13,477,541	\$ 9,399,375
Accounts Receivable	125,361	2,394
Water & Sewer Rents		1,245,063
Other Receivables		
Due from Other Funds	1,414,218	326,959
Due from Other Governments	394,040	94,913
Prepaid Expenditures	177,779	35,254
	<hr/>	<hr/>
Total Assets	\$ 15,588,939	\$ 11,103,958
	<hr/> <hr/>	<hr/> <hr/>
Liabilities:		
Accounts Payable	\$ 1,043,612	\$ 641,482
Accrued payroll and benefits	322,519	236,024
BANs payable		
Due to Other Funds	505,654	246,961
Due to Other Governments		1,109,843
Other Liabilities	1,958,002	
Unearned Revenues		129,923
	<hr/>	<hr/>
Total Liabilities	3,829,787	2,364,233
	<hr/> <hr/>	<hr/> <hr/>
Fund Balances:		
Nonspendable	177,779	27,074
Restricted	6,126	1,512,070
Assigned	7,520,900	7,200,581
Unassigned	4,054,347	
	<hr/>	<hr/>
Total Fund Balances (Deficits)	11,759,152	8,739,725
	<hr/> <hr/>	<hr/> <hr/>
Total Liabilities & Fund Balances	\$ 15,588,939	\$ 11,103,958
	<hr/> <hr/>	<hr/> <hr/>

* Includes General Townwide and General Town Outside Village

** Includes Highway, Water, Lighting, Ambulance, Sewer, and Non-Major Governmental Funds

Source: Audited Financial Statement (2022)

NOTE: This Schedule is NOT audited

Statement of Revenues, Expenditures and Changes in Fund Balance
General Fund*

Fiscal Year Ended December 31:

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
Revenues:					
Real Property Taxes	\$ 4,406,863	\$ 4,396,125	\$ 4,107,969	\$ 4,287,439	\$ 4,500,493
Other Tax Items	668,013	659,696	659,485	584,311	607,081
Non Property Tax Items	1,302,325	1,417,204	1,334,076	2,049,438	3,088,452
Departmental Income	258,846	317,843	305,990	430,562	368,120
Use of Money & Property	57,784	31,854	25,011	61,330	374,387
Licenses & Permits	360,997	401,237	489,407	659,083	676,294
Fines & Forfeitures	360,070	325,142	401,231	272,860	258,067
Sale of Property & Comp. for Loss	59,569	25,301	53,924	34,584	67,844
State Aid	770,149	1,532,837	1,397,380	909,446	751,949
Federal Aid				308,768	333,391
Miscellaneous	80,807	18,487	24,211	20,729	76,922
Total Revenues	<u>8,325,423</u>	<u>9,125,726</u>	<u>8,798,684</u>	<u>9,618,550</u>	<u>11,103,000</u>
Expenditures:					
General Government Support	2,544,311	2,941,202	2,763,039	2,722,107	2,968,547
Public Safety	2,655,456	2,669,378	2,993,549	2,995,624	3,180,082
Transportation	247,044	247,466	251,501	446,408	367,501
Economic Assistance & Opportunity	17,480	10,350	23,230	23,690	23,460
Culture & Recreation	531,217	418,044	533,477	752,220	681,335
Home & Community Services	160,591	197,237	205,657	232,428	220,489
Employee Benefits	256,299	255,384	205,538	234,594	255,675
Debt Service	570,838	571,663	601,109	564,677	560,880
Total Expenditures	<u>6,983,236</u>	<u>7,310,724</u>	<u>7,577,100</u>	<u>7,971,748</u>	<u>8,257,969</u>
Excess (Deficiency) of Revenues Over Expenditures	1,342,187	1,815,002	1,221,584	1,646,802	2,845,031
Other Financing Sources (Uses)					
Proceeds From Bond Refunding				1,970,000	
Payment to Excrow Agent				(1,918,654)	
Bond Issuance Costs				(51,346)	
Operating Transfers In	186,044	458,389	292,582	172,836	153,346
Operating Transfers (Out)	(193,194)	(451,596)	(311,264)	(504,940)	(558,988)
Total Other Financing Sources (Uses)	<u>(7,150)</u>	<u>6,793</u>	<u>(18,682)</u>	<u>(332,104)</u>	<u>(405,642)</u>
Excess (Deficiency) of Revenues and Other Sources Over Expenditures and Other Uses	<u>1,335,037</u>	<u>1,821,795</u>	<u>1,202,902</u>	<u>1,314,698</u>	<u>2,439,389</u>
Fund Balance Beginning of Year	<u>6,084,720</u>	<u>7,419,757</u>	<u>9,241,552</u>	<u>10,444,454</u>	<u>11,759,152</u>
Prior Period Adjustments					
Fund Balance Beginning of Year, as Restated	<u>6,084,720</u>	<u>7,419,757</u>	<u>9,241,552</u>	<u>10,444,454</u>	<u>11,759,152</u>
Fund Balance End of Year	<u>\$ 7,419,757</u>	<u>\$ 9,241,552</u>	<u>\$ 10,444,454</u>	<u>\$ 11,759,152</u>	<u>\$ 14,198,541</u>

* Includes General Townwide and General Town Outside Village

Sources: Audited Annual Financial Reports (2019-2023).

NOTE: This Schedule is NOT audited

**Statement of Revenues, Expenditures and Changes in Fund Balance
Other Governmental Funds***

Fiscal Year Ended December 31:

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
<u>Revenues</u>					
Real Property Taxes	\$ 4,080,264	\$ 3,990,283	\$ 4,316,316	\$ 4,242,247	\$ 4,026,655
Other Property Tax Items	25,307	26,066	27,223	27,938	29,074
Departmental Income	3,941,424	3,820,073	3,789,495	4,580,417	4,163,387
Use of Money & Property	83,892	29,932	9,999	26,853	231,056
Licenses & Permits	350	6,110	3,950	7,320	47,335
Sale of Property & Comp. for Loss	97,161	2,141	28,260	50,836	130,709
State Aid	297,151	285,554	249,918	273,568	356,917
Miscellaneous	148,914	77,458	98,007	131,614	174,103
Total Revenues	<u>8,674,463</u>	<u>8,237,617</u>	<u>8,523,168</u>	<u>9,340,793</u>	<u>9,159,236</u>
<u>Expenditures</u>					
General Government Support	307,249	334,092	328,109	315,924	270,752
Health	31,019	23,605	43,925	36,836	31,481
Transportation	3,819,590	4,082,451	3,002,663	3,261,432	2,934,782
Culture & Recreation	553,724	382,915	426,723	608,804	925,441
Home & Community Services	3,331,478	3,017,289	3,397,786	3,852,661	4,106,580
Employee Benefits	19,120	17,296	13,799	13,523	18,611
Debt Service	757,820	776,008	1,540,374	1,215,579	1,234,544
Total Expenditures	<u>8,820,000</u>	<u>8,633,656</u>	<u>8,753,379</u>	<u>9,304,759</u>	<u>9,522,191</u>
Excess (Deficiency) of Revenues Over Expenditures	(145,537)	(396,039)	(230,211)	36,034	(362,955)
Other Financing Sources (Uses)					
Operating Transfers In	193,194	641,988	544,228	435,790	448,797
Operating Transfers Out	(336,224)	(258,207)	(203,550)	(151,090)	(211,752)
Total Other Financing Sources (Uses)	<u>(143,030)</u>	<u>383,781</u>	<u>340,678</u>	<u>284,700</u>	<u>237,045</u>
Excess (Deficiency) of Revenues and Other Sources Over Expenditures and Other Uses	(288,567)	(12,258)	110,467	320,734	(125,910)
Fund Balance Beginning of Year	8,609,349	8,320,782	8,308,524	8,418,991	8,739,725
Fund Balance End of Year	<u>\$ 8,320,782</u>	<u>\$ 8,308,524</u>	<u>\$ 8,418,991</u>	<u>\$ 8,739,725</u>	<u>\$ 8,613,815</u>

* Includes Highway, Water, Lighting, Ambulance, Sewer, and Non-Major Governmental Funds
(Special Districts+Highway+Non-major Funds)

Sources: Audited Annual Financial Reports (2019-2023)

NOTE: This Schedule is NOT audited

**Adopted Budget Summary
2024**

Fund	Appropriations	Less Revenues	Less Appropriated Fund Balance	Amount to be Raised By Taxes
General - Townwide	\$ 5,819,719	\$ 1,898,789	\$ 1,000,000	\$ 2,920,930
General - TOV	4,618,275	2,383,633	700,000	1,534,642
Special Revenue-Recreation	1,106,717	1,106,717		
Highway - Townwide	1,340,720	73,576	200,000	1,067,144
Highway - TOV	2,469,110	240,541	500,000	1,728,569
Ambulance	251,164	618		250,546
Lighting - FishKill Woods	9,459			9,459
Lighting - Glenham	61,425			61,425
Lighting - Merritt	62,647			62,647
Lighting - Overlook Pointe	37,021			37,021
Lighting - Round Hill	19,535			19,535
Lighting - Sidewalk	8,292			8,292
Lighting - Rombout Village	10,531			10,531
Lighting - Waterfront	71,361			71,361
Sewer - Dutchess Park	2,443,034	2,207,914	235,120	
Sewer - Rombout Sewer	1,021,453	768,009	50,000	203,444
Water - Blodgett	72,309	47,309	25,000	
Water - Beacon Hills	273,632	124,419		149,213
Water - Glenham	1,218,319	338,319	880,000	
Water - Brinkerhoff	219,971	219,971		
Water - Rombout	909,620	832,349		77,271
Water - Merrit	329,719	199,719		130,000
Water - Snook road	143,058	143,058		
Total	\$ 22,517,091	\$ 10,584,941	\$ 3,590,120	\$ 8,342,030

Source: Town of Fishkill 2024 Adopted Budget Summary on the town website.

**Adopted Budget Summary
2023**

Fund	Appropriations	Less Revenues	Less Appropriated Fund Balance	Amount to be Raised By Taxes
General - Townwide	\$ 4,769,114	\$ 1,784,137	\$ 600,000	\$ 2,384,977
General - TOV	4,702,203	1,986,687	600,000	2,115,516
Special Revenue-Recreation	946,116	946,116		
Highway - Townwide	1,358,923	45,836	100,000	1,213,087
Highway - TOV	2,473,137	177,800	400,000	1,895,337
Ambulance	58,464	590		57,874
Lighting - FishKill Woods	9,112			9,112
Lighting - Glenham	60,176		3,000	57,176
Lighting - Merritt	60,663		1,000	59,663
Lighting - Overlook Pointe	24,173			24,173
Lighting - Round Hill	18,978		1,000	17,978
Lighting - Sidewalk	8,067			8,067
Lighting - Rombout Village	10,273		1,000	9,273
Lighting - Waterfront	75,134			75,134
Sewer - Dutchess Park	2,045,356	1,970,716	74,640	
Sewer - Rombout Sewer	1,081,235	798,892	13,000	269,343
Water - Blodgett	66,758	31,758	35,000	
Water - Beacon Hills	325,006	147,273	30,000	147,733
Water - Glenham	313,311	313,311		
Water - Brinkerhoff	285,432	259,057		26,375
Water - Rombout	873,173	760,183	89,410	23,580
Water - Merrit	316,372	183,622		132,750
Water - Snook road	144,800	144,800		
Total	\$ 20,025,976	\$ 9,550,778	\$ 1,948,050	\$ 8,527,148

Source: Town of Fishkill 2023 Adopted Budget Summary on the town website.

APPENDIX B

**AUDITED FINANCIAL STATEMENTS
FOR THE FISCAL YEAR ENDED DECEMBER 31, 2023**

[▶ Click Here For 2023 Audit](#)

APPENDIX C

FORM OF CONTINUING DISCLOSURE

**TOWN OF FISHKILL,
DUTCHESS COUNTY, NEW YORK
CONTINUING DISCLOSURE AGREEMENT**

THIS CONTINUING DISCLOSURE AGREEMENT (the “Agreement”), dated as of July 11, 2024, is made by and between the Town of Fishkill (the “Issuer”), a municipal corporation of the State of New York, located in the County of Dutchess, and the holders and beneficial owners from time to time of the Issuer’s \$1,640,000 Bond Anticipation Notes, 2024, dated July 11, 2024 (the “Note”), under the circumstances summarized in the following recitals:

A. The Issuer, by passage of various serial bond resolutions adopted by the Town Board of the Issuer on March 6, 2019 and March 15, 2023 (the “Resolutions”), and pursuant to a Certificate of Determination of the Town Supervisor, dated the date hereof, has determined to issue the Note to provide funds to finance the reconstruction of the Town Recreation Center & acquisition of machinery and apparatus and to finance the improvements to the Rombout Water District, and _____ (the “Original Purchaser”), has agreed to provide those funds to the Issuer by purchasing the Note.

B. As a condition to the purchase of the Note from the Issuer and the sale of the Note to holders and beneficial owners, the Original Purchaser is required to reasonably determine that the Issuer has made an agreement for the benefit of holders and beneficial owners from time to time of the Note for purposes of paragraph (b)(5)(i) of Rule 15(c)2-12 of the Securities and Exchange Commission (the “Rule”).

NOW, THEREFORE, in consideration of the purchase of the Note from the Issuer by the Original Purchaser, the Issuer hereby agrees pursuant to the Resolution, for the benefit of the holders and beneficial owners from time to time of the Note, as follows:

Section 1. Notices of Events. The Issuer hereby agrees to provide or cause to be provided to the Municipal Securities Rulemaking Board (MSRB) Electronic Municipal Market Access System (EMMA), and to any New York State Information Depository, in a timely manner (but not later than 10 days after the occurrence thereof), notice of the occurrence of any Specified Event described in Section 2.

Section 2. Specified Events. Specified Events shall include: principal and interest payment delinquencies; non-payment related defaults, if material; unscheduled draws on debt service reserve funds reflecting financial difficulties; unscheduled draws on credit enhancements reflecting financial difficulties; substitution of credit or liquidity providers, or their failure to perform; 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 or determinations with respect to the tax status of the Note or events affecting the tax status of the Note; modifications to rights of beneficial owners, if material; bond or note calls, if material; tender offers; defeasances; release, substitution, or sale of property securing repayment of the Note, if material; bankruptcy, insolvency, receivership, or a similar proceeding by the Issuer; consummation of a merger, consolidation, acquisition involving the Issuer, other than in the ordinary course of business, or the sale of substantially all of the assets of the Issuer, or the entry of a definitive agreement to engage in a transaction, or a termination of such an agreement, other

than in accordance with its terms, if material; appointment of a successor or additional trustee, or the change in the name of the trustee, if material; rating changes; incurrence of a “financial obligation” of the Issuer, if material, or agreement to covenants, events of default, remedies, priority rights or other similar terms of a financial obligation, any of which affect security holders, if material; and any default, event of acceleration, termination event, modification of terms or other similar events under a financial obligation of the Issuer, if any such event reflects financial difficulties.

Section 3. Amendments. The Issuer reserves the right to amend this Agreement as may be necessary or appropriate to achieve its compliance with any federal securities law or rule or to cure any ambiguity, inconsistency or formal defect or omission, and, if a change in circumstances arises from a change in legal requirements, change in law, or change in the identity, nature, or status of the Issuer, or type of business conducted by the Issuer, to address any such change in circumstances. Any such amendment shall not be effective unless and until the Issuer shall have received: (a) a written opinion of bond or other independent special counsel expert in federal securities laws that this Agreement (as amended) would have complied with the requirements of the Rule at the time of the primary offering of the Note, after taking into account any amendments to or interpretations of the Rule, as well as any change in circumstances, and (b) a written opinion of bond counsel or the holders or beneficial owners of at least 25% in aggregate principal amount of the Note then outstanding, that the amendment would not materially impair the interests of holders or beneficial owners or, if the amendment would materially impair the interests of holders or beneficial owners, the written approval of the amendment by all of the holders and beneficial owners of the Note then outstanding.

Section 4. Default. Any holder or beneficial owner may enforce the Issuer’s obligation to provide or cause to be provided a filing that is due in accordance with this Agreement and the Resolution in the absence of any pertinent filing having been made (disregarding the sufficiency of the filing if a pertinent filing has been made), and holders and beneficial owners also may take actions or proceedings under applicable law to enforce any other obligations of the Issuer under this Agreement and the Resolution made for purposes of the Rule (including any obligation as to the sufficiency of any filing that is made); provided, that the right of the beneficial holders or owners to enforce any provision of this Agreement, or the agreement made by the Issuer in the Resolution for purposes of the Rule, shall be limited to a right to obtain specific enforcement of the Issuer’s obligations hereunder.

Section 5. Non-Appropriation. The performance by the Issuer of its obligations under this Agreement and the Resolution shall be subject to the availability of funds and their annual appropriation to meet costs the Issuer would be required to incur in their performance.

Section 6. Termination. The obligations of the Issuer under this Agreement shall remain in effect only for such period that the Note is outstanding in accordance with its terms and the Issuer remains an obligated person with respect to the Note within the meaning of the Rule.

IN WITNESS WHEREOF, the Issuer has caused this Agreement to be duly signed and delivered on its behalf by Town Supervisor, all as of the date set forth above, and the holders and beneficial owners from time to time of the Note shall be deemed to have accepted this Agreement and the agreement made by the Issuer in the Resolution for purposes of the Rule, upon acquisition and acceptance of any interest in the Note.

Dated: July 11, 2024

TOWN OF FISHKILL, NEW YORK

By: _____
AZEM ALBRA
Town Supervisor