

RESOLUTION DATED OCTOBER 30, 2008.

A RESOLUTION SPECIFYING THE NECESSITY FOR CONSTRUCTION OF A NEW ELEMENTARY SCHOOL BUILDING IN AND FOR THE CITY SCHOOL DISTRICT OF THE CITY OF MIDDLETOWN, ORANGE COUNTY, NEW YORK.

WHEREAS, it is the judgment of the Board of Education of the City School District of the City of Middletown, Orange County, New York, that the needs of said School District require the construction of a new elementary school at a site adjacent to the existing elementary school at 50 Roosevelt Avenue in said School District, at an aggregate maximum estimated cost of \$63,490,000, including site improvements, original furnishings, equipment, machinery, apparatus, appurtenances, and other incidental improvements and expenses incidental thereto, including demolition of said existing school and

WHEREAS, subdivision 3 of Section 2512 of the Education Law requires that whenever in the judgment of such Board of Education a building should be constructed or reconstructed, such Board shall prepare a resolution specifying in detail the necessity therefor and estimating the amount of funds necessary for such purpose; NOW, THEREFORE

BE IT RESOLVED, by the Board of Education of the City School District of the City of Middletown, Orange County, New York, as follows:

Section 1. It is hereby determined that the capital project referred to in the preambles hereof is necessary for the following detailed reasons attached hereto as Exhibit A and hereby made a part hereof.

Section 2. It is hereby estimated that the total amount of funds necessary for the aforesaid purposes is \$63,490,000.

Section 3. This resolution shall take effect immediately.

**EXHIBIT A**  
**NECESSITY DETAILS**

## EXHIBIT A

### NECESSITY DETAILS

#### FACILITY NEEDS ASSESSMENT SUMMARY Middletown City School District

New Elementary School  
October 18, 2008

#### Overview

The Middletown City School District (currently identified as a district in need of improvement) is projected to see an increase of over 1400 students over the next five years (2014-15). Since most of the increase is coming from new/recent births in our district, elementary grade enrollment is projected to increase from its current of 500 to 650 students. Since there is no available space for additional classrooms in our current buildings, class size averages are projected to increase from 18/19 in the primary grades (K-2) in 2007-08 to 25 by the year 2014-15 and from 25 to 32 in the intermediate grades (3-5).

Grade	2008/09	2014/15
Kdg	551	655
1 <sup>st</sup>	525	702
2 <sup>nd</sup>	536	733
3 <sup>rd</sup>	490	673
4 <sup>th</sup>	478	661
5 <sup>th</sup>	486	659
Elem Total	2515	4083 (+1,568)

Additionally, one of our current elementary buildings (Chorley) is in a serious state of physical decline due to the original design and material selection of this building. Essentially the building tears itself apart, requiring excess continuing and costly repairs and the original design has prohibited it from ever being HDAC acceptable.

Target class sizes as approved by the NYSED in our approved Contract for excellence is 18 in grades K-2 and 25 for grades 3-12. **Additional classrooms needed for compliance by the school year 2014-15 and taking into consideration the replacement of Chorley would be 63.** Thus, we have a serious growth problem at the elementary level with one of our elementary buildings in serious need of replacement.

**We are proposing to build a new 58 classroom, elementary school, on the Chorley expanded grounds and once built, to demolish the deteriorating Chorley building.**

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

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

The resolution was thereupon declared duly adopted.

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BOND RESOLUTION DATED OCTOBER 30, 2008.

A RESOLUTION AUTHORIZING THE CONSTRUCTION OF A NEW ELEMENTARY SCHOOL BUILDING, AT A MAXIMUM ESTIMATED COST OF \$63,490,000, IN AND FOR THE CITY SCHOOL DISTRICT OF THE CITY OF MIDDLETOWN, ORANGE COUNTY, NEW YORK, AND AUTHORIZING THE EXPENDITURE OF \$2,000,000 MONIES AND THE ISSUANCE OF NOT EXCEEDING \$61,490,000 BONDS OF SAID SCHOOL DISTRICT TO PAY SUCH COST THEREOF.

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type I Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, as to which it has been determined that it will not have a significant effect on the environment; NOW, THEREFORE,

BE IT RESOLVED, by the Board of Education of the City School District of the City of Middletown, Orange County, New York (the "School District"), as follows:

Section 1. The construction of a new elementary school on the adjacent parcels of land, in and for said School District, including original furnishings, equipment, machinery, apparatus, appurtenances, site improvements and other incidental improvements and expenses in connection therewith, a specific object or purpose, and the demolition of the elementary school and related site improvements located at 50 Roosevelt Avenue and at a maximum estimated cost of \$63,490,000, is hereby authorized for the City School District of the City of Middletown, Orange County, New York. The adjacent parcel of land, being located at 57 and 58 Clemson Park and 30 Commonwealth Avenue, Middletown, New York, identified on the Tax Map of the City of Middletown as Section 15 Block 1 Lot 7 10.00 ± acres, Section 15 Block 1 Lot 8.21 8.00 ± acres and Section 15 Block 2 Lot 14. 115± acres. (The portion of Section 15, Block 1, Lot 7 containing a driveway approximately 240 feet by 50 feet connecting Lot 7 to Prospect Street, to

be specifically excluded from the purchase) are hereby designated the site of a new schoolhouse pursuant to the provisions of Section 401 of the Elections Law.

Section 2. The plan for the financing thereof is by as follows: (a) by the expenditure of \$2,000,000 monies of said School District hereby authorized to be expended therefor, and (b) by the issuance of not exceeding \$61,490,000 bonds of said School District, and such bonds are hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law. Such bonds are to be payable from amounts which shall be levied in annual installments on all the taxable real property in said School District, and the faith and credit of said City School District of the City of Middletown, Orange County, New York, are hereby pledged for the payment of said bonds and the interest thereon.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty (30) years, pursuant to subdivision 97 of paragraph a of Section 11.00 of the Local Finance Law as educational facility "eligible for the apportionment of aid pursuant subdivision six of section thirty-six hundred two of the Education Law".

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

Section 5. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said School District is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

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

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same and also including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the President of the Board of Education, the chief fiscal officer of such School District. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the President of the Board of Education shall determine consistent with the provisions of the Local Finance Law.

Section 7. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 8. Upon this resolution taking effect, the same shall be published in full in the official newspapers of said School District for such purpose, together with a notice of the

School District Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 9. This resolution is adopted subject to approval at a Special District Meeting of said School District to be held on December 18, 2008, and a proposition for such approval shall be submitted at such vote as shall be determined by a further resolution or resolutions to be adopted by this Board.

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

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

The resolution was thereupon declared duly adopted.

\* \* \* \* \*

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

RESOLUTION DATED OCTOBER 30, 2008.

A RESOLUTION PROVIDING FOR THE SUBMISSION OF A CERTAIN PROPOSITION AT A SPECIAL DISTRICT MEETING TO BE HELD ON DECEMBER 18, 2008 IN AND FOR THE CITY SCHOOL DISTRICT OF THE CITY OF MIDDLETOWN, ORANGE COUNTY, NEW YORK.

WHEREAS, the Board of Education of the City School District of the City of Middletown, Orange County, New York, has heretofore at this meeting duly adopted a bond resolution which will take effect only after its approval at a Special District Meeting of said City School District to be held on December 18, 2008; and

WHEREAS, it is now desired to provide for the submission of a proposition for the approval of said resolution, and for other matters in connection with said vote; NOW, THEREFORE, BE IT

RESOLVED, by the Board of Education of the City School District of the City of Middletown, Orange County, New York, as follows:

Section 1. The Clerk of said School District is hereby authorized and directed to cause to be included in the Notice of a Special District Meeting of said School District the following additional notice with respect to the proposition to be presented to the qualified voters of said School District for their approval or disapproval of the resolution referred to in the preambles hereof, in substantially the following form:

\* \* \* \* \*

PLEASE TAKE FURTHER NOTICE that at such Special District Meeting of said City School District to be held on December 18, 2008, the following proposition will be presented to the qualified voters of said School District:

BOND PROPOSITION

Assuming the proposition on the acquisition of parcels of land is approved, shall the bond resolution adopted by the Board of Education of the City School District of the City of Middletown, Orange County, New York, on October 30, 2008, authorizing the construction of a new elementary school on said adjacent parcels of land in said School District (hereby designated the site thereof), including original furnishings, equipment, machinery, apparatus, appurtenances, site improvement and other incidental improvements and expenses in connection therewith, and the demolition of the elementary school located at 50 Roosevelt Avenue, at a maximum estimated cost of \$63,490,000; authorizing the expenditure of \$2,000,000 monies of the School District and the issuance of not exceeding \$61,490,000 bonds of said School District to pay the costs thereof, to mature over a period not exceeding thirty years; providing that such bonds shall be payable from amounts to be levied in annual installments on taxable real property of said School District; pledging the faith and credit of said School District for the payment of the principal of and interest on said bonds; delegating powers to the chief fiscal officer with respect to the issuance and sale of bond anticipation notes and such bonds; containing an estoppel clause and providing for the publication of an estoppel notice, be approved?

NOTICE IS HEREBY FURTHER GIVEN that the aforesaid Proposition may appear on the ballot labels of the voting machines used at such Special District Meeting in the following abbreviated form due to space constraints on said machines (and if so, the full text shall be permanently displayed at the meeting locations):

BOND PROPOSITION

Assuming the proposition on the acquisition of parcels of land is approved, shall the October 30, 2008 District bond resolution authorizing the construction of a new elementary school on said adjacent parcels of land hereby so designated as the site thereof, and the demolition of the elementary school at 50 Roosevelt Avenue, at a maximum cost of \$63,490,000, authorizing the expenditure of \$2,000,000 monies and the issuance of not exceeding \$61,490,000 bonds (30 year maximum maturity); providing for a tax levy therefor in annual installments; pledging the District's faith and credit for debt service; delegating

powers with respect to bonds and notes; and providing for an estoppel procedure, be approved?

\* \* \* \* \*

NOTICE IS HEREBY FURTHER GIVEN that the construction of the new elementary school has been determined by the City School District of the City of Middletown, New York to be a "Type I Action" pursuant to the regulations promulgated pursuant to the State Environmental Quality Review Act ("SEQRA") and it has been determined that such project will not result in any significant effects on the environment. A copy of the SEQRA determinations are on file in the office of the School District Clerk, at 223 Wisner Avenue, Middletown, New York, where they are available for inspection during regular business hours.

\* \* \* \* \*

Section 2 This resolution shall take effect immediately.

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

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

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

The resolution was thereupon declared duly adopted.

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