

**PRELIMINARY OFFICIAL STATEMENT DATED JULY 26, 2022**

**NEW ISSUE  
BOOK-ENTRY-ONLY BONDS**

**RATING: SEE “RATINGS” HEREIN  
SERIAL BONDS**

*In the opinion of Hawkins Delafield & Wood LLP, Bond Counsel to the Town, under existing statutes and court decisions and assuming continuing compliance with certain tax certifications described herein, (i) interest on the Bonds is excluded from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”), and (ii) interest on the Bonds is not treated as a preference item in calculating the alternative minimum tax under the Code. In addition, in the opinion of Bond Counsel, under existing statutes, interest on the Bonds is exempt from personal income taxes of New York state and its political subdivisions, including The City of New York. See “Tax Matters” herein.*

*The Town will NOT designate the Bonds as “qualified tax-exempt obligations” pursuant to the provisions of Section 265(b)(3) of the Code.*

**TOWN OF ISLIP  
SUFFOLK COUNTY, NEW YORK**

**\$33,630,000\*  
PUBLIC IMPROVEMENT SERIAL BONDS – 2022A  
(the “Bonds”)**

**Date of Issue: Date of Delivery**

**Maturity Dates: July 15, 2023 – 2036**

The Bonds are general obligations of the Town of Islip, in the County of Suffolk, New York (the “Town”), and will contain a pledge of the faith and credit of the Town for the payment of the principal thereof and interest thereon and, unless paid from other sources, the Bonds are payable from ad valorem taxes which may be levied upon all the taxable real property within the Town, subject to certain statutory limitations imposed by Chapter 97 of the New York Laws of 2011, as amended (the “Tax Levy Limit Law”). (See “*The Tax Levy Limit Law*” herein).

The Bonds will be dated the date of delivery, will bear interest from that date until maturity at the annual rate or rates as specified by the purchaser of the Bonds, payable on July 15, 2023 and semiannually thereafter on January 15 and July 15 in each year until maturity. The Bonds shall mature on July 15 in the years and amounts as set forth on the inside cover page hereof. The Bonds will be subject to redemption prior to maturity. (See “*Optional Redemption*” herein).

The Bonds will be issued as fully registered bonds and, when issued, will be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York (“DTC”). DTC will act as securities depository for the Bonds. Individual purchases of book-entry bonds and notes will be made in book-entry form only, in principal amounts of \$5,000 or integral multiples thereof. Purchasers will not receive certificates representing their ownership interests in the Bonds. Principal of and interest on the Bonds will be paid by the Town to DTC, which will in turn remit such principal and interest to its Participants, for subsequent distribution to Beneficial Owners of the Bonds, as described herein. (See “*DESCRIPTION OF BOOK-ENTRY SYSTEM*” herein.)

Capital Markets Advisors, LLC has served as the Municipal Advisor to the Town in connection with the issuance of the Bonds. The Bonds are offered when, as and if issued and received by the purchaser and subject to the receipt of the final approving opinion of Hawkins Delafield & Wood LLP, New York, New York, Bond Counsel. It is anticipated that the Bonds will be available for delivery through the offices of DTC on or about August 16, 2022.

*THIS PRELIMINARY OFFICIAL STATEMENT IS IN A FORM DEEMED FINAL BY THE TOWN FOR PURPOSES OF SECURITIES AND EXCHANGE COMMISSION RULE 15c2-12 (THE “RULE”). FOR A DESCRIPTION OF THE TOWN’S AGREEMENT TO PROVIDE CONTINUING DISCLOSURE FOR THE BONDS AS DESCRIBED IN THE RULE, SEE “DISCLOSURE UNDERTAKINGS” HEREIN.*

August \_\_, 2022

\* Preliminary, subject to change.

This Preliminary Official Statement and the information contained herein are subject to completion or amendment without notice. Under no circumstances shall this Preliminary Official Statement constitute an offer to sell or the solicitation of an offer to buy, nor shall there be any sale of these securities, in any jurisdiction in which such offer, solicitation, or sale would be unlawful prior to the registration or qualification under the securities laws of such jurisdiction.

The Bonds will mature on July 15, subject to optional redemption, in the following years and principal amounts:

<u>Year</u>	<u>Amount*</u>	<u>Interest Rate</u>	<u>Yield</u>	<u>CUSIP***</u>	<u>Year</u>	<u>Amount*</u>	<u>Interest Rate</u>	<u>Yield</u>	<u>CUSIP***</u>
2023	\$1,865,000				2030	\$2,460,000			
2024	1,835,000				2031**	2,585,000			
2025	1,930,000				2032**	2,665,000			
2026	2,025,000				2033**	2,750,000			
2027	2,125,000				2034**	2,840,000			
2028	2,235,000				2035**	2,935,000			
2029	2,345,000				2036**	3,035,000			

\* The principal maturities of the Bonds are subject to adjustment following their sale, pursuant to the terms of the accompanying Notice of Sale.

\*\* Subject to optional redemption prior to maturity. (See “*Optional Redemption*” herein).

\*\*\* CUSIP numbers have been assigned by an independent company not affiliated with the Town and are included solely for the convenience of the holders of the Bonds. The Town is not responsible for the selection or uses of these CUSIP numbers and no representation is made as to their correctness on the Bonds or as indicated above.

# **TOWN OF ISLIP**

**ANGIE M. CARPENTER**  
Supervisor

Town Board

**JOHN C. COCHRANE, JR.**  
**MARY KATE MULLEN**  
**JAMES P. O'CONNOR**  
**JORGE GUADRÓN**

**OLGA H. MURRAY**  
Town Clerk

**ANDY WITTMAN**  
Receiver of Taxes

**JOHN R. DiCIOCIO, ESQ.**  
Town Attorney

**JOSEPH LUDWIG, CPA**  
Comptroller and Director of Finance

Bond Counsel  
**HAWKINS DELAFIELD & WOOD LLP**  
NEW YORK, NEW YORK

MUNICIPAL ADVISOR



**CAPITAL MARKETS ADVISORS, LLC**  
Hudson Valley \* Long Island \* Southern Tier \* Western New York  
(516) 487-9818

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 foregoing. 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 Bonds 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 hereon.

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## **OFFICIAL STATEMENT**

### **TOWN OF ISLIP SUFFOLK COUNTY, NEW YORK**

#### **Relating To**

**\$33,630,000\***

#### **PUBLIC IMPROVEMENT SERIAL BONDS – 2022A**

This Official Statement including the cover page and appendices thereto has been prepared by the Town of Islip, Suffolk County, New York (the “Town”, “County”, and “State” respectively) and presents certain information relating to the Town's \$33,630,000\* Public Improvement Serial Bonds – 2022A (the “Bonds”).

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 Bonds and the proceedings of the Town relating thereto are qualified in their entirety by reference to the definitive form of the Bonds and such proceedings.

### **THE BONDS**

#### ***Description of the Bonds***

The Bonds will be dated the date of delivery and will bear interest from that date until maturity, payable on July 15, 2023 and semiannually thereafter on January 15 and July 15 in each year until maturity. The Bonds will mature on July 15 in the years and amounts as set forth on the inside cover page hereof. The Bonds will be subject to redemption prior to maturity. (See “*Optional Redemption*” herein.)

The Bonds will be issued in fully registered form and, when issued, will be registered in the name of Cede & Co., as nominee of The Depository Trust Company (“DTC”), New York, New York. DTC will act as securities depository for the Bonds. Individual purchases may be made in book-entry form only, in the principal amount of \$5,000 and integral multiples thereof. Purchasers will not receive certificates representing their ownership interest in the Bonds.

Principal of and interest on the Bonds will be made by the Town to DTC, which will in turn remit such principal of and interest on to its Participants (defined herein), for subsequent disbursement to the Beneficial Owners (defined herein) of the Bonds as described herein. The Bonds may be transferred in the manner described on the Bonds and as referenced in certain proceedings of the Town referred to therein. (See “DESCRIPTION OF BOOK-ENTRY SYSTEM” herein.)

The record date for payment of principal of and interest on the Bonds will be the last day (whether or not a business day) of the calendar month immediately preceding each interest payment date.

#### ***Authority for and Purpose of the Bonds***

The Bonds are issued pursuant to the Constitution and Laws of the State, including, among others, the Town Law, the Local Finance Law and various bond resolutions duly adopted by the Town Board on their respective dates. Proceeds from the sale of the Bonds will be used to provide original financing as described in the table on the following page.

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\* Preliminary, subject to change.

<u>Purpose</u>	<u>Authorization Date</u>	<u>New Money</u>	<u>Amount to Bonds</u>
Construction of Road Improvements	6/14/2022	\$13,500,000	\$13,500,000
Various Projects in and for the Town	4/5/2022	5,495,000	5,495,000
Acquisition of Heavy Duty Vehicles and Equipment	6/14/2022	3,625,000	3,625,000
Construction of Drainage Improvements	6/14/2022	2,000,000	2,000,000
Construction of Improvements to Town Facilities	6/14/2022	1,650,000	1,650,000
Construction of Improvements to Casamento Park Soccer Field	6/14/2022	1,250,000	1,250,000
Construction of Parking Lot Improvements	6/14/2022	1,250,000	1,250,000
Various Projects in and for the Town	4/5/2022	870,000	870,000
Construction of Sidewalk Improvements	6/14/2022	800,000	800,000
Construction of Park Improvements	6/14/2022	750,000	750,000
Construction of Athletic Facility Improvements	6/14/2022	700,000	700,000
Installation of Security and Fire Alarm Systems	6/14/2022	600,000	600,000
Preparation of Design Plans and Specifications for Construction of a New Building	4/5/2022	500,000	500,000
Construction of Intersection Improvements	6/14/2022	350,000	350,000
Construction of Asphalt Improvements	6/14/2022	250,000	250,000
Acquisition of Boats	6/14/2022	<u>40,000</u>	<u>40,000</u>
	Totals:	<u>\$33,630,000</u>	<u>\$33,630,000</u>

### ***Optional Redemption***

The Bonds maturing on or before July 15, 2030 are not subject to redemption prior to maturity. The Bonds maturing on or after July 15, 2031 will be subject to redemption prior to maturity, at the option of the Town, on any date on or after July 15, 2030, in whole or in part, and if in part in any order of their maturity and in any amount within a maturity (selected by lot within a maturity), at the redemption equal to the principal amount of the Bonds to be redeemed, plus accrued interest to the date of redemption.

The Town may select the maturities of the Bonds to be redeemed and the amount to be redeemed of each maturity selected, as the Town shall determine to be in the best interest of the Town at the time of such redemption. If less than all the Bonds of any maturity are to be redeemed prior to maturity, the particular Bonds of such maturity to be redeemed shall be selected by the Town by lot in any customary manner of selection as determined by the Town Comptroller. Notice of such call for redemption shall be given by mailing such notice to the registered owner not less than thirty (30) days prior to such date. Notice of redemption having been given as aforesaid, the Bonds so called for redemption shall, on the date of redemption set forth in such call for redemption, become due and payable, together with accrued interest to such redemption date, and interest shall cease to be paid thereon after such redemption date.

### ***Nature of Obligation***

The Bonds when duly issued and paid for will constitute a contract between the Town and the holder thereof.

The Bonds 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 of and interest on the Bonds, the Town has the power and statutory authorization to levy ad valorem taxes on all taxable real property in the Town, subject to certain statutory limitations imposed by the Tax Levy Limit Law. (See “*Tax Levy Limit Law*” herein.)

Under the Constitution of the State, the Town is required to pledge its faith and credit for the payment of the principal of and interest on the Bonds, and the State is specifically precluded 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 Limit Law imposes a statutory limitation on the Town’s power to increase its annual tax levy. As a result, the power of the Town to levy real estate taxes on all the taxable real property within the Town is subject to statutory

limitations set forth in Tax Levy Limit Law, unless the Town complies with certain procedural requirements to permit the Town to levy certain year-to-year increases in real property taxes. (See “*Tax Levy Limit Law*” herein.)

## **DESCRIPTION OF BOOK-ENTRY SYSTEM**

The Depository Trust Company (“DTC”) will act as securities depository for the Bonds. The Bonds will be issued as fully-registered bonds 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 bond certificate will be issued for each maturity of the Bonds, and will be deposited with DTC.

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

Purchases of the Bonds under the DTC system must be made by or through Direct Participants, which will receive a credit for the Bonds on DTC’s records. The ownership interest of each actual purchaser of each bond or note (“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 Bonds 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 Bonds, except in the event that use of the book-entry system for the Bonds is discontinued.

To facilitate subsequent transfers, all Bonds 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 Bonds with DTC and their registration in the name of Cede & Co. or such other DTC nominee do not effect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Bonds; DTC’s records reflect only the identity of the Direct Participants to whose accounts such Bonds 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 Securities within an issue 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 Bonds unless authorized by a Direct Participant in accordance with DTC’s MMI Procedures. Under its usual procedures, DTC

mails an Omnibus Proxy to the County 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 Bonds are credited on the record date (identified in a listing attached to the Omnibus Proxy).

Principal and interest payments on the Bonds 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 County, 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 redemption proceeds, distributions, and dividend 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 Bonds at any time by giving reasonable notice to the Town. Under such circumstances, in the event that a successor depository is not obtained, bond 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, bond certificates will be printed and delivered to DTC.

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

THE TOWN WILL NOT HAVE ANY RESPONSIBILITY OR OBLIGATION TO PARTICIPANTS, TO INDIRECT PARTICIPANTS OR TO ANY BENEFICIAL OWNER WITH RESPECT TO (I) THE ACCURACY OF ANY RECORDS MAINTAINED BY DTC, ANY PARTICIPANT, OR ANY INDIRECT PARTICIPANT; (II) THE PAYMENTS BY DTC OR ANY PARTICIPANT OR INDIRECT PARTICIPANT OF ANY AMOUNT WITH RESPECT TO THE PRINCIPAL OF, OR PREMIUM, IF ANY, OR INTEREST ON THE BONDS; (III) ANY NOTICE WHICH IS PERMITTED OR REQUIRED TO BE GIVEN TO BONDHOLDERS; (IV) THE SELECTION BY DTC OR ANY PARTICIPANT OR INDIRECT PARTICIPANT OF ANY PERSON TO RECEIVE PAYMENT IN THE EVENT OF A PARTIAL REDEMPTION OF THE BONDS; OR (V) ANY CONSENT GIVEN OR OTHER ACTION TAKEN BY DTC AS BONDOWNER.

## **REMEDIES UPON DEFAULT**

Neither the Bonds nor the proceedings with respect thereto, specifically provide any remedies which would be available to owners of the Bonds should the Town default in the payment of principal of or interest on the Bonds, nor do they contain any provisions for the appointment of a trustee to enforce the interests of the owners of the Bonds upon the occurrence of any such default. The Bonds are general obligation contracts between the Town and the owners for which the faith and credit of the Town are pledged and while remedies for enforcement of payment are not expressly included in the Town's contract with such owners, any permanent repeal by statute or constitutional amendment of a bondholder's and/or noteholder's remedial right to judicial enforcement of the contract should, in the opinion of Bond Counsel, be held unconstitutional.

Upon default in the payment of principal of or interest on the Bonds at the suit of the owner, a Court has the power, in proper and appropriate proceedings, to render judgment against the Town. The present statute limits interest on the amount adjudged due to contract creditors to nine per centum per annum from the date due to the date of payment. 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. A Court also has the power, in proper and appropriate proceedings, to order payment of a judgment on such Bonds from funds lawfully available therefor or, in the absence thereof, to order the Town to take all lawful action to obtain the same, including the raising of the required amount in the next annual tax levy. In exercising its discretion as to whether to issue such an order, the Court may



take into account all relevant factors, including the current operating needs of the Town and the availability and adequacy of other remedies. Upon any default in the payment of the principal of or interest on the Bonds, the owners of such Bonds could, among other remedies, seek to obtain a writ of mandamus from a Court ordering the governing body of the Town to assess, levy and collect an ad valorem tax, upon all taxable property of the Town subject to taxation by the Town sufficient to pay the principal of and interest on the Bonds as the same shall come due and payable (and interest from the due date to date of payment) and otherwise to observe the covenants contained in the Bonds and the proceedings with respect thereto all of which are included in the contract with the owners of the Bonds. The mandamus remedy, however, may be impracticable and difficult to enforce. Further, the right to enforce payment of the principal of or interest on the Bonds may be limited by bankruptcy, insolvency, reorganization, moratorium and similar laws and equitable principles, which may limit the specific enforcement of certain remedies.

In 1976, the New York Court of Appeals, the State's highest court, held in *Flushing National Bank v. Municipal Assistance Corporation for the City of New York*, 40 N.Y.2d 731 (1976), that the New York State legislation purporting to postpone the payment of debt service on New York City obligations was an unconstitutional moratorium in violation of the New York State constitutional faith and credit mandate included in all municipal debt obligations. While that case can be viewed as a precedent for protecting the remedies of Bondholders, there can be no assurance as to what a Court may determine with respect to future events, including financial crises as they may occur in the State and in municipalities of the State, that require the exercise by the State of its emergency and police powers to assure the continuation of essential public services. (See also, *Flushing National Bank v. Municipal Assistance Corporation for the City of New York*, 40 N.Y.2d 1088 (1977), where the Court of Appeals described the pledge as a direct Constitutional mandate.)

As a result of the Court of Appeals decision, 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 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.

Pursuant to Article VIII, Section 2 of the State Constitution, the Town is required to provide an annual appropriation of monies for the payment of due and payable principal of and interest on indebtedness. Specifically this constitutional provision states: "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. In *Quirk v. Municipal Assistance Corp.*, 41 N.Y.2d 644 (1977), 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 the 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 or may not be interpreted by a court of competent jurisdiction to include a constitutional or statutory lien upon any particular revenues. The Constitutional provision providing for first revenue set asides does not apply to tax anticipation notes, revenue anticipation notes or bond anticipation notes.

While the courts in the 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.

In prior years, certain events and legislation affecting a holder's remedies upon default have resulted in litigation. While courts of final jurisdiction have generally upheld and sustained the rights of bondholders and/or noteholders, such courts might hold that future events, including a financial crisis as such may occur in the State or in political subdivisions of the State, may 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.

## **NO PAST DUE DEBT**

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

## **MUNICIPAL BANKRUPTCY**

The undertakings of the Town should be considered with reference, specifically, to Chapter IX of the Bankruptcy Act, 11 U.S.C. §401, et seq., as amended (“Chapter IX”) and, in general, to other bankruptcy laws affecting creditors’ rights and municipalities. Chapter IX permits any political subdivision, public agency or instrumentality that is insolvent or unable to meet its debts (i) to file a petition in a Court of Bankruptcy for the purpose of effecting a plan to adjust its debts provided such entity is authorized to do so by applicable state law; (ii) directs such a petitioner to file with the court a list of a petitioner’s creditors; (iii) provides that a petition filed under such chapter shall operate as a stay of the commencement or continuation of any judicial or other proceeding against the petitioner; (iv) grants priority to debt owed for services or material actually provided within three (3) months of the filing of the petition; (v) directs a petitioner to file a plan for the adjustment of its debts; and (vi) provides that the plan must be accepted in writing by or on behalf of creditors holding at least two-thirds (2/3) in amount or more than one-half (1/2) in number of the listed creditors.

Bankruptcy proceedings by the Town could have adverse effects on holders of bonds or notes including (a) delay in the enforcement of their remedies, (b) subordination of their claims to those supplying goods and services to the Town after the initiation of bankruptcy proceedings and to the administrative expenses of bankruptcy proceedings and (c) imposition without their consent of a reorganization plan reducing or delaying payment of the Bonds. The Bankruptcy Code contains provisions intended to ensure that, in any reorganization plan not accepted by at least a majority of a class of creditors such as the holders of general obligation bonds, such creditors will have the benefit of their original claim or the “indubitable equivalent”. The effect of these and other provisions of the Bankruptcy Code cannot be predicted and may be significantly affected by judicial interpretation.

Accordingly, enforceability of the rights and remedies of the owners of the Bonds, and the obligations incurred by the Town, may become subject to Chapter IX and applicable bankruptcy, insolvency, reorganization, moratorium, or similar laws relating to or affecting the enforcement of creditor’s rights generally, now or hereafter in effect, equity principles which may limit the specific enforcement under State law of certain remedies, the exercise by the United States of America of the powers delegated to it by the Constitution, the reasonable and necessary exercise, in certain exceptional situations, of the police powers inherent in the sovereignty of the State and its governmental bodies in the interest of serving a significant and legitimate public purpose and the limitations on remedies against public agencies in the State. Bankruptcy proceedings, or the exercise of powers by the federal or State government, if initiated, could subject the owners of the Bonds to judicial discretion, interpretation and of their rights in bankruptcy or otherwise, and consequently may entail risks of delay, limitation, or modification of their rights.

The State has consented (see Title 6-A of the Local Finance Law) that any municipality in the State may file a petition with any 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. However, it is noted that there is no record of any recent filings by a New York municipality. Since the New York City fiscal crisis in 1975, the State has enacted legislation establishing financial control boards and fiscal stability authorities to monitor finance matters and restructure outstanding indebtedness for the cities of Yonkers, Troy and Buffalo and for the counties of Nassau and Erie.

No current state law purports to create any priority for holders of the Bonds 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 above references to the Bankruptcy Act are not to be construed as an indication that the Town is currently considering or expects to resort to the provisions of the Bankruptcy Act.

## **FINANCIAL CONTROL BOARDS**

Pursuant to Article IX Section 2(b)(2) of the State Constitution, any municipality 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 Counties of Erie and 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 in certain cases approve or disapprove collective bargaining agreements. Implementation is generally 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, upon the issuance of a certificate of necessity of the Governor reciting facts which in the judgment of the 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 a 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 in the finances and operations of entities 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 has not applied to the FRB and does not reasonably anticipate submission of a request to the FRB for a comprehensive review of its finances and operations. School districts and fire districts are not eligible for FRB assistance.

## **RISK FACTORS**

There are certain potential risks associated with an investment in the Bonds, and investors should be thoroughly familiar with this Official Statement, including its appendices, in order to make an informed investment decision. Investors should consider, in particular, the following factors:

### **Financial Condition of the Town**

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

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

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

### **Reliance on and Uncertainty of State Aid**

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

### **Tax Matters and Changes in Law**

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

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

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

### **COVID-19**

An outbreak of disease or similar public health threat, such as the COVID-19 outbreak, or fear of such an event, could have an adverse impact on the Town’s financial condition and operating results by potentially delaying the receipt of real property taxes or resulting in a delay or reduction by the State in the payment of State aid. Currently, COVID-19, a respiratory disease caused by a new strain of coronavirus, has spread globally, including to the United States, and has been declared a pandemic by the World Health Organization. The outbreak of the disease has affected travel, commerce and financial markets globally and is widely expected to affect economic growth worldwide. The current outbreak has caused the Federal government to declare a national state of emergency. The State also initially declared a state of emergency and the Governor took steps designed to mitigate the spread and impacts of COVID-19. The outbreak of COVID-19 and the dramatic steps taken by the State to address it negatively impacted the State’s economy and financial condition. The continued spread of the outbreak could have a material adverse effect on the State and municipalities and school districts located in the State, including the Town. The Town is monitoring the situation and

will take such proactive measures as may be required to maintain its operations and meet its obligations. (See “*Impacts of COVID-19*” and “*State Aid*” herein).

## **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 has invested in a cybersecurity policy as of 2018; 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.

## **LITIGATION**

In 2017, a Plaintiff’s verdict was awarded against the Town in the amount of approximately \$14 million in an action to recover for personal injuries allegedly suffered on June 29, 2007. The alleged injuries occurred as a result of the Plaintiff being struck by a street sign pole. There were no witnesses to the accident, and Plaintiff was unable to testify due to her physical and mental capacity. After being struck in the head, it is alleged that Plaintiff developed brain aneurisms which were removed during a surgical procedure. This surgical procedure left Plaintiff incapacitated.

After the verdict was rendered, the Town timely filed a motion for a judgment notwithstanding the jury verdict. The Town’s motion was granted and a verdict was rendered in favor of the Town. Plaintiff has appealed the matter to the Appellate Division Second Department. On March 9, 2022 the Appellate Division found in the Town’s favor and dismissed the appeal. Subsequently, the Plaintiff/Appellant has made a motion with the Appellate Division seeking re-argument of the Court’s Decision & Order, dated March 9, 2022, or in the alternative, granting leave to appeal the Court’s Decision & Order to the New York State Court of Appeals. The Town has opposed the motion.

In addition, the Town and Town Board were named in a federal lawsuit challenging the Town’s at large voting system under the Voting Rights Act. While no monetary damages were sought against the Town, attorney’s fees in an unknown amount could have been awarded to Plaintiff had Plaintiffs prevailed on the merits. During the pendency of the trial, the parties agreed to settle the matter whereby the Town will transition to councilmanic districts beginning with the November 2021 elections and Plaintiffs were reimbursed \$900,000 for their fees and expenses related to the litigation. The Town financed the settlement with bond anticipation notes.

Other than the foregoing, the Town is subject to a number of lawsuits in the ordinary conduct of its affairs. The Town does not believe, however, that such suits, individually or in the aggregate, are likely to have a material adverse effect on the financial condition of the Town.

## **TAX MATTERS**

### ***Opinion of Bond Counsel***

In the opinion of Hawkins Delafield & Wood LLP, Bond Counsel to the Town, under existing statutes and court decisions and assuming continuing compliance with certain tax certifications described herein, (i) interest on the Bonds is excluded from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”), and (ii) interest on the Bonds is not treated as a preference item in calculating the alternative minimum tax under the Code. In rendering its opinion, Bond Counsel has relied on certain representations, certifications of fact, and statements of reasonable expectations made by the Town in connection with the Bonds, and Bond Counsel has assumed compliance by the Town with certain provisions and procedures set forth in the Tax Certificate relating to compliance with applicable requirements of the Code to assure the exclusion of interest on the Bonds from gross income under Section 103 of the Code.

In addition, in the opinion of Bond Counsel, under existing statutes, interest on the Bonds is exempt from personal income taxes of New York state and its political subdivisions, including The City of New York.

Bond Counsel expresses no opinion as to any other federal, state or local tax consequences arising with respect to the Bonds, or the ownership or disposition thereof, except as stated above. Bond Counsel renders its opinion under existing statutes and court decisions as of the issue date, and assumes no obligation to update, revise or supplement its opinion to reflect any action thereafter taken or not taken, any fact or circumstance that may thereafter come to its attention, any change in law or interpretation thereof that may thereafter occur, or for any other reason. Bond Counsel expresses no opinion as to the consequence of any of the events described in the preceding sentence or the likelihood of their occurrence. In addition, Bond Counsel expresses no opinion on the effect of any action taken or not taken in reliance upon an opinion of other counsel regarding federal, state or local tax matters, including, without limitation, exclusion from gross income for federal income tax purposes of interest on the Bonds.

### ***Certain Ongoing Federal Tax Requirements and Certifications***

The Code establishes certain ongoing requirements that must be met subsequent to the issuance and delivery of the Bonds in order that interest on the Bonds be and remain excluded from gross income under Section 103 of the Code. These requirements include, but are not limited to, requirements relating to use and expenditure of gross proceeds of the Bonds, yield and other restrictions on investments of gross proceeds, and the arbitrage rebate requirement that certain excess earnings on gross proceeds be rebated to the federal government. Noncompliance with such requirements may cause interest on the Bonds to become included in gross income for federal income tax purposes retroactive to their issue date, irrespective of the date on which such noncompliance occurs or is discovered. The Town, in executing the Tax Certificate, will certify to the effect that the Town will comply with the provisions and procedures set forth therein and that it will do and perform all acts and things necessary or desirable to assure the exclusion of interest on the Bonds from gross income under Section 103 of the Code.

### ***Certain Collateral Federal Tax Consequences***

The following is a brief discussion of certain collateral federal income tax matters with respect to Bonds. It does not purport to address all aspects of federal taxation that may be relevant to a particular owner of a Bond. Prospective investors, particularly those who may be subject to special rules, are advised to consult their own tax advisors regarding the federal tax consequences of owning and disposing of the Bonds.

Prospective owners of the Bonds should be aware that the ownership of such obligations may result in collateral federal income tax consequences to various categories of persons, such as corporations (including S corporations and foreign corporations), financial institutions, property and casualty and life insurance companies, individual recipients of Social Security and railroad retirement benefits, individuals otherwise eligible for the earned income tax credit, and taxpayers deemed to have incurred or continued indebtedness to purchase or carry obligations the interest on which is excluded from gross income for federal income tax purposes. Interest on the Bonds may be taken into account in determining the tax liability of foreign corporations subject to the branch profits tax imposed by Section 884 of the Code.

### ***Original Issue Discount***

“Original issue discount” (in this section, “OID”) is the excess of the sum of all amounts payable at the stated maturity of a Bond (excluding certain “qualified stated interest” that is unconditionally payable at least annually at prescribed rates) over the issue price of that maturity. In general, the “issue price” of a maturity (a bond with the same maturity date, interest rate, and credit terms) means the first price at which at least 10 percent of such maturity was sold to the public, i.e., a purchaser who is not, directly or indirectly, a signatory to a written contract to participate in the initial sale of the Bonds. In general, the issue price for each maturity of the Bonds is expected to be the initial public offering price set forth on the inside cover page of this Official Statement. Bond Counsel further is of the opinion that, for any Bonds having OID (in this section, a “Discount Bond”), OID that has accrued and is properly allocable to the owners of the Discount Bonds under Section 1288 of the Code is excludable from gross income for federal income tax purposes to the same extent as other interest on the Bonds.

In general, under Section 1288 of the Code, OID on a Discount Bond accrues under a constant yield method, based on periodic compounding of interest over prescribed accrual periods using a compounding rate determined by reference to the yield on that Discount Bond. An owner's adjusted basis in a Discount Bond is increased by accrued OID for purposes of determining gain or loss on sale, exchange, or other disposition of such Bond. Accrued OID may be taken into account as an increase in the amount of tax-exempt income received or deemed to have been received for purposes of determining various other tax consequences of owning a Discount Bond even though there will not be a corresponding cash payment.

Owners of any Discount Bonds should consult their own tax advisors with respect to the treatment of OID for federal income tax purposes, including various special rules relating thereto, and the state and local tax consequences of acquiring, holding, and disposing of Discount Bonds.

### ***Bond Premium***

In general, if an owner acquires a bond for a purchase price (excluding accrued interest) or otherwise at a tax basis that reflects a premium over the sum of all amounts payable on the bond after the acquisition date (excluding certain "qualified stated interest" that is unconditionally payable at least annually at prescribed rates), that premium constitutes "bond premium" on that bond (in this section, a "Premium Bond"). In general, under Section 171 of the Code, an owner of a Premium Bond must amortize the bond premium over the remaining term of the Premium Bond, based on the owner's yield over the remaining term of the Premium Bond determined based on constant yield principles (in certain cases involving a Premium Bond callable prior to its stated maturity date, the amortization period and yield may be required to be determined on the basis of an earlier call date that results in the lowest yield on such bond). An owner of a Premium Bond must amortize the bond premium by offsetting the qualified stated interest allocable to each interest accrual period under the owner's regular method of accounting against the bond premium allocable to that period. In the case of a tax-exempt Premium Bond, if the bond premium allocable to an accrual period exceeds the qualified stated interest allocable to that accrual period, the excess is a nondeductible loss. Under certain circumstances, the owner of a Premium Bond may realize a taxable gain upon disposition of the Premium Bond even though it is sold or redeemed for an amount less than or equal to the owner's original acquisition cost.

Owners of any Premium Bonds should consult their own tax advisors with respect to the treatment of bond premium for federal income tax purposes, including various special rules relating thereto, and the state and local tax consequences of the acquisition, ownership, amortization of bond premium on, sale, exchange, or other disposition of Premium Bonds.

### ***Information Reporting and Backup Withholding***

Information reporting requirements apply to interest paid on tax-exempt obligations, including the Bonds. In general, such requirements are satisfied if the interest recipient completes, and provides the payor with, a Form W-9, "Request for Taxpayer Identification Number and Certification," or if the recipient is one of a limited class of exempt recipients. A recipient not otherwise exempt from information reporting who fails to satisfy the information reporting requirements will be subject to "backup withholding," which means that the payor is required to deduct and withhold a tax from the interest payment, calculated in the manner set forth in the Code. For the foregoing purpose, a "payor" generally refers to the person or entity from whom a recipient receives its payments of interest or who collects such payments on behalf of the recipient.

If an owner purchasing a Bond through a brokerage account has executed a Form W-9 in connection with the establishment of such account, as generally can be expected, no backup withholding should occur. In any event, backup withholding does not affect the excludability of the interest on the Bonds from gross income for federal income tax purposes. Any amounts withheld pursuant to backup withholding would be allowed as a refund or a credit against the owner's federal income tax once the required information is furnished to the Internal Revenue Service.

### ***Miscellaneous***

Tax legislation, administrative actions taken by tax authorities, or court decisions, whether at the federal or state level, may adversely affect the tax-exempt status of interest on the Bonds under federal or state law or otherwise prevent beneficial owners of the Bonds from realizing the full current benefit of the tax status of such interest. In addition,

such legislation or actions (whether currently proposed, proposed in the future, or enacted) and such decisions could affect the market price or marketability of the Bonds.

Prospective purchasers of the Bonds should consult their own tax advisors regarding the foregoing matters.

## **LEGAL MATTERS**

Legal matters incident to the authorization, issuance and sale of the Bonds are subject to the approving legal opinion of Hawkins Delafield & Wood LLP, New York, New York, Bond Counsel. The form of opinion of Bond Counsel is set forth in Appendix D.

## **DISCLOSURE UNDERTAKING**

### ***Disclosure Undertaking for the Bonds***

In order to assist the purchaser of the Bonds in complying with Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended (“Rule 15c2-12”) with respect to the Bonds, the Town will execute an Undertaking to Provide Continuing Disclosure, the form of which is attached hereto as Appendix E.

### ***Compliance History***

On October 17, 2019, the Town issued \$2,920,000 Bond Anticipation Notes – 2019 Series B (Federally Taxable). These notes were purchased by Greene County Commercial Bank. An event notice disclosing the incurrence of the financial obligation was filed on April 21, 2020, more than ten business days after the closing of said note.

## **RATINGS**

The Town has applied to Moody’s Investors Service, Inc. (“Moody’s”) for a rating on the Bonds. Such application is pending at this time. The Town has not applied to S&P Global Ratings (“S&P”) for a rating on the Bonds.

Moody’s has assigned a rating of “Aaa” with a stable outlook and S&P has assigned a rating of “AA+” with a stable outlook to the Town’s outstanding uninsured general obligation bonds.

These ratings reflect only the views of such rating agencies and an explanation to the significance of such ratings should be obtained from said rating agencies. There can be no assurance that such ratings will not be revised or withdrawn, if in the judgment of such rating agencies circumstances so warrant. Any change or withdrawal of such ratings may have an adverse effect on the market price of the Bonds or the availability of a secondary market for the Bonds.

## **MUNICIPAL ADVISOR**

Capital Markets Advisors, LLC, Great Neck and New York, New York, (the “Municipal Advisor”) is an independent municipal advisor registered with the United States Securities and Exchange Commission and the Municipal Securities Rulemaking Board. The Municipal Advisor has served as the independent financial advisor to the Town in connection with this transaction.

In preparing the Official Statement, the Municipal Advisor has relied upon governmental officials, and other sources, who have access to relevant data to provide accurate information for the Official Statement. The Municipal Advisor has not been engaged, nor has it undertaken, to independently verify the accuracy of such information. The Municipal Advisor is not a public accounting firm and has not been engaged by the Town to compile, review, examine or audit any information in the Official Statement in accordance with accounting standards. The Municipal Advisor is not a



law firm and does not provide legal advice with respect to this or any debt offerings of the Town. The Municipal Advisor is an independent advisory firm and is not engaged in the business of underwriting, trading or distributing municipal securities or other public securities and therefore will not participate in the underwriting of the Bonds.

### **ADDITIONAL INFORMATION**

Periodic public reports relating to the financial condition of the Town, its operations and the balances, receipts and disbursements of the various Funds of the Town are available for public inspection at the business office of the Town.

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

Capital Markets Advisors, LLC may place a copy of this Official Statement on its website at [www.capmark.org](http://www.capmark.org). 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. Capital Markets Advisors, LLC 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 sourced documents to digital format, and neither the Town nor Capital Markets Advisors, LLC assumes any liability or responsibility for errors or omissions on such website. Further, Capital Markets Advisors, LLC and the Town disclaims any duty or obligation either to update or to maintain the information or any responsibility or liability for any damages caused by viruses in the electronic files on the website. Capital Markets Advisors, LLC and the Town also assumes no liability or responsibility for any errors or omissions or for any updates to dated website information.

The Town hereby disclaims any obligation to update developments of the various risk factors or to announce publicly any revision to any of the forward-looking statements contained herein or to make corrections to reflect future events or developments except to the extent required by Rule 15c2-12 promulgated by the Securities and Exchange Commission.

The statements contained in this Official Statement and the appendices hereto that are not purely historical are forward-looking statements. Such forward-looking statements can be identified, in some cases, by terminology such as “may,” “will,” “should,” “expects,” “intends,” “plans,” “anticipates,” “believes,” “estimates,” “predicts,” “potential,” “illustrate,” “example,” and “continue,” or the singular, plural, negative or other derivations of these or other comparable terms. Readers should not place undue reliance on forward-looking statements. All forward-looking statements included in this Official Statement are based on information available to such parties on the date of this Official Statement, and the Town assumes no obligation to update any such forward-looking statements. The forward-looking statements included herein are necessarily based on various assumptions and estimates and are inherently subject to various risks and uncertainties, including, but not limited to, risks and uncertainties relating to the possible invalidity of the underlying assumptions and estimates and possible changes or developments in various important factors. Accordingly, actual results may vary from the projections, forecasts and estimates contained in this Official Statement and such variations may be material.

Additional information may be obtained upon request from Capital Markets Advisors, LLC, (516) 487-9818 or from the Town’s Comptroller, (631) 595-3840.

This Official Statement is submitted only in connection with the sale of the Bonds by the Town and may not be reproduced or used in whole or in part for any other purpose.

TOWN OF ISLIP  
SUFFOLK COUNTY, NEW YORK

By: \_\_\_\_\_  
Angie M. Carpenter  
Supervisor

DATED: August \_\_, 2022

**APPENDIX A**

**THE TOWN**

## **THE TOWN**

### ***General Information***

The Town of Islip is located in Suffolk County on the south shore of Long Island, about 45 miles from New York City. The Town has a land area of approximately 105.6 square miles and a population of 339,938 according to the 2020 US Census Data.

The Town is typically suburban in character with residential neighborhoods, garden apartments, shopping malls and light industry located along the major road arteries and surrounding Long Island MacArthur Airport. The Town's location on the shore of the Great South Bay provides many recreational opportunities to residents, as well as affording employment to many independent clammers and baymen.

The Town is served by both the Main Line and the Montauk Division of the Long Island Rail Road, operated by the Metropolitan Transportation Authority. Major road arteries include the Long Island Expressway, Veterans Highway, Sunrise Highway, Montauk Highway, Southern State Parkway, Robert Moses Causeway, Heckscher State Parkway and Sagtikos State Parkway.

Public water is supplied by the Suffolk County Water Authority, Town water districts, and private wells. A sanitary sewer system in the southwest portion of the Town is provided by the County. Fire protection is supplied by a number of volunteer fire departments and fire protection districts. Police protection is furnished by the Suffolk County Police Department. Gas and electricity are furnished by the Long Island Power Authority and National Grid.

Pilgrim State Hospital, Good Samaritan and Southside Hospital are located in the Town. A State office building is located in Hauppauge adjacent to the twelve-story County Office Building (County Center West), both of which are in the Town.

C.W. Post College, Suffolk County Community College and Touro College operate extension campuses in the Town. St. John's University operates an extension campus at the former LaSalle Center site in the Town.

New York Institute of Technology operates a 500-acre campus in Central Islip in the Town and offers undergraduate programs in computer science, general studies, hotel and restaurant administration and electronic and mechanical technology.

There are approximately 100 parks and recreation areas in the Town, which include over 10 public beaches located on either the Great South Bay, Fire Island and Lake Ronkonkoma plus four swimming pool complexes. For boating residents, the Town has fourteen marinas with a total of 1,500 boat slips and 9 boat ramps. In addition, the Town operates three golf courses, the Brentwood and Holbrook Country clubs, plus the Gull Haven golf course.

Some unique public recreation facilities within the Town include more than 6.5 miles of The Fire Island National Seashore. This barrier island provides recreational access to some of the best ocean beaches on the east coast. With more than 36 square miles of water, the Great South Bay provides numerous recreational activities including boating, swimming, fishing and shellfishing.

Other government recreation facilities include the Robert Moses State Park, two thousand acre Connetquot River State Park, Hecksher State Park, two County golf courses, both located on the Great South Bay and the Bayard Cutting Arboretum. There are also a number of private facilities and clubs within the Town that offer a wide variety of year round recreational activities.

### ***Form of Town Government***

The Town was established in 1683 and is presently classified as a Suburban Town. Located within the Town are four separate villages. Such villages have independent forms of government, but their properties are subject to taxation by the Town for certain purposes. In addition, there are twelve independently governed school districts which rely upon their own taxing powers granted by the State to raise revenues. Eight of these school districts are located entirely

within the Town while parts of the other four school districts have properties in neighboring towns as well as in the Town. Each of these school districts, for their properties located in the Town, use the Town's assessment roll as the basis for taxation.

The chief executive officer of the Town is the Supervisor who is elected for a term of four years and may serve up to three consecutive four-year terms. She also is a member of the Town Board. In addition to the Supervisor, there are four members of the Town Board who are elected for four year terms. Each term is staggered so that every two years two council members seats are up for election. Council members of the Town Board are limited to three terms. The Supervisor is elected at large. Since the 2021 election, Town Board members have been transitioning to being elected from council districts. After the 2023 election, all Town Board seats must continue to be filled from separate election districts. (See also "*Litigation*" herein).

The Town Board appoints its Assessor who serves a six-year term. The Town Board also appoints the Comptroller, Engineer and the Town Attorney whose terms are fixed by Town Law. The Town Clerk is elected for a four-year term and may serve up to three consecutive four-year terms. The Receiver of Taxes is elected for a four-year term and there is no term limit. The Town Board appoints seven Commissioners: Environmental Control; Comptroller; Public Works; Park, Recreation and Cultural Affairs; Aviation and Transportation; Public Safety Enforcement; and Planning, Housing and Development. The Commissioners serve at the pleasure of the Town Board.

### ***Financial Organization***

Pursuant to Local Law No. 12, 1974 of the Town, certain of the financial functions of the Town are the responsibility of the Comptroller. The Supervisor, however, is the chief fiscal officer of the Town. The Comptroller, who is responsible to the Town Board, also acts as the accounting officer of the Town. The duties of the Comptroller include administration, direction and control of the following divisions: Audit, Control, and Budgeting.

### ***Employees***

The Town provides services through approximately 730 full-time and 745 part time and seasonal employees. The United Public Service Employee Union represents approximately 360 blue-collar employees and approximately 260 white collar employees. The collective bargaining agreements for these units expired on December 31, 2020 and the Town reached agreement with the union negotiating new four (4) year contracts for the White Collar and Blue Collar employees which will expire in December of 2024. The UPSEU also represents approximately 138 part-time lifeguards whose contract expires on April 24, 2024. The International Association of Fire Fighters represents approximately 21 airport fire safety officers. The CBA for this unit expires December 31, 2024. There has never been a strike against the Town.

### ***Employee Pension Benefits***

Substantially all employees of the Town are members of the New York State and Local Employees' Retirement System (the "Retirement System" or "ERS"). The Retirement System is a cost-sharing multiple public employer retirement system. The obligation of employers and employees to contribute and the benefits to employees are governed by the New York State Retirement System and Social Security Law (the "Retirement System Law"). The Retirement System offers a wide range of plans and benefits which are related to years of service and final average salary, vesting of retirement benefits, death and disability benefits and optional methods of benefit payments. All benefits generally vest after five years of credited service, except for members hired after January 1, 2010 whose benefits vest after ten years of credited service. The Retirement System Law generally provides that all participating employers in the retirement system are jointly and severally liable for any unfunded amounts. Such amounts are collected through annual billings to all participating employers. Generally, all employees, except certain part-time employees, participate in the Retirement System. The Retirement System is non-contributory with respect to members hired prior to July 27, 1976. All members hired on or after July 27, 1976 through and including December 31, 2009, must contribute 3% of gross annual salary toward the cost of retirement programs until they attain ten years in the Retirement System, at such time contribution become voluntary. Members hired after January 1, 2010 must contribute 3%, or more of their gross annual salary toward the cost of retirement programs for the duration of their employment.

On December 10, 2009, a new Tier 5 was signed into law, which was effective for ERS employees hired after January 1, 2010 and before April 2, 2012. Tier 5 ERS employees will contribute 3% of their salaries and there is no provision for these contributions to cease after a certain period of service.

On March 16, 2012, Governor Cuomo signed into law Chapter 18 of the Laws of 2012, which legislation provides for a new Tier 6 for employees hired after April 1, 2012. The new pension tier has progressive contribution rates between 3% and 6%; it increases the retirement age for new employees from 62 to 63 and includes provisions allowing early retirement with penalties. Under Tier 6, the pension multiplier will be 1.75% for the first 20 years of service and 2% thereafter; vesting will occur after 10 years; the time period for calculation of final average salary is increased from three years to five years; and the amount of overtime to be used to determine an employee's pension is capped at \$15,000, indexed for inflation, for civilian and non-uniform employees and at 15% of base pay for uniformed employees outside of New York City. It also includes a voluntary, portable, defined contribution plan option for new non-union employees with salaries of \$75,000 or more.

Pension reform enacted by New York State 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 the required payment until after its budget was implemented. Under the reforms implemented, the employer contribution for a given fiscal year are 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. The law also requires 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 pension payment date for all local governments was changed from December 15 to February 1.

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. The Town has prepaid its employer contributions each December since the option was made available in 2004.

Beginning July 1, 2013, a voluntary defined contribution plan option will be made available to all unrepresented employees of NYS public employers hired on or after that date, and who earn \$75,000 or more on an annual basis.

Employer contribution rates for the State's Retirement System continue to be higher than the minimum contribution rate established by law. Contribution rates are expected to remain higher than the minimum contribution rates set by law in the near-term. To mitigate the expected increases in the employer contribution rate, legislation was enacted that permits local governments and school districts to borrow a portion of their required payments from the State pension plan. The legislation also requires those local governments and school districts, who decide to amortize their pension obligations pursuant to this law, to establish reserve accounts to fund payment increases that are a result of fluctuations in pension plan performance. Under this plan, the Town amortized its 2012, 2013 and 2014 pension payments. As of December 31, 2021, \$1.5 million remain outstanding. The Town did not amortize the 2015 through 2021, inclusive, pension payments and does not expect to amortize its 2022 payment.

In Spring 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 authorizes municipalities to pay the SCO amount in lieu of the ARC amount. The Town will not be participating in the modified ERS SCO plan at this time.

On September 3, 2020, the State Comptroller announced for Fiscal Year 2021-22, the average contribution rate for ERS increasing from 14.6% to 16.2%. Projections for required contributions will vary by employer depending on factors such as retirement plans, salaries and the distribution of their employees among six retirement tiers. The employer contribution rates announced will apply to each employer's salary base during the period of April 1, 2021 through March 31, 2022. Payments based on those rates are due by February 1, 2022, but may be prepaid by December 15, 2021. The Town prepaid its ARC in December of 2021 and plans to prepay its contributions in December of 2022.

### ***Other Post Employment Benefits***

The Town implemented GASB Statement No. 75 (“GASB 75”) of the Governmental Accounting Standards Board (“GASB”), which replaces GASB Statement No. 45 as of fiscal year ended December 31, 2018. GASB 75 requires state and local governments to account for and report their costs associated with post-retirement healthcare benefits and other non-pension benefits, known as other post-employment benefits (“OPEB”). GASB 75 generally requires that employers account for and report the annual cost of OPEB and the outstanding obligations and commitments related to OPEB similarly to GASB Statement No. 68 reporting requirements for pensions.

GASB 75 requires state and local governments to measure a defined benefit OPEB plan as the portion of the present value of projected benefit payments to be provided to current active and inactive employees, attributable to past periods of service in order to calculate the total OPEB liability. Total OPEB liability generally is required to be determined through an actuarial valuation using a measurement date that is no earlier than the end of the employer’s prior fiscal year and no later than the end of the employer’s current fiscal year.

GASB 75 requires that most changes in the OPEB liability be included in OPEB expense in the period of the changes. Based on the results of an actuarial valuation, certain changes in the OPEB liability are required to be included in OPEB expense over current and future years.

The Town’s total OPEB liability as of December 31, 2020 was \$393,762,260 using a discount rate of 2.12% and actuarial assumptions and other inputs as described in the Town’s GASB 75 Actuarial Valuation report dated May 1, 2020.

Should the Town be required to fund the total 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. At the present time, however, there is no current or planned requirement for the Town to partially fund its OPEB liability.

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 will continue funding this expenditure on a pay-as-you-go basis.

Legislation has been introduced from time to time to create an optional investment pool to help the State and local governments fund retiree health insurance and OPEB. Such legislation would generally authorize the creation of irrevocable OPEB trusts so that the State and its local governments can help fund their OPEB liabilities, 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, designate the president of the Civil Service Commission as the trustee of the State’s OPEB trust and the governing boards as trustee for local governments and allow school districts to transfer certain excess reserve balances to an OPEB trust once it is established. In addition, there would be no limits on how much a local government can deposit into the trust. The Town cannot predict whether such legislation will be enacted into law in the foreseeable future.

### ***Recent Events Concerning the Town***

In May 2014, it was confirmed that contaminated fill was illegally dumped at a Town Park, Roberto Clemente Park, located in Brentwood, New York. The contaminated material, consisting mainly of construction and debris, was discarded on the soccer field and in a recharge basin, without permission from the Town. As a result, the Suffolk County District Attorney (“DA”) began a criminal investigation into these environmental crimes which were allegedly conducted by several contractors.

The Town Board approved a measure to allow the Town to seek restitution and seek civil claims against those deemed responsible for the criminal acts against the Town. Litigation has been prepared by Town attorneys in partnership with outside counsel, as the Town awaits the outcomes of civil proceedings.

Through its established Recovery Team, the Town hired an independent environmental consultant to prepare and submit a Material Removal Work Plan (“MRWP”) to the New York State Department of Environmental Conservation. This MRWP served as a guiding document for the cleanup of the park and was approved by the State in January 2015.

The 175-page document dictated the means and method for excavation, transportation, and disposal of thousands of all contaminated fill and specified the health and safety procedures that were required during the material removal phase. The plan was prepared in accordance with all environmental and State regulations pertaining to the handling of material of this nature.

Simultaneously, the Town prepared a procurement document to hire a qualified contractor to remove all contaminated material from the park which was approximately 35,000 tons. Once the Town received approval for the MRWP from the State, a cleanup bid was advertised in January 2015, was publicly opened on March 26, 2015 and awarded at the April 7, 2015 meeting of the Town Board. Cleanup work commenced in early June 2015 and was completed in September 2015. In August 2016, the Town received approval for its Site Restoration Plan from the NYSDEC.

On January 24, 2017, the Town Board awarded a contract to replace the contaminated material that was removed from the park. The work for this last phase of the cleanup was commenced in the spring of 2017, and the park was officially re-opened in July of 2017. The cleanup was financed with proceeds from the Town's Various Purposes Serial Bonds – 2017.

In August 2018, Downtown Central Islip was awarded a \$10 million Downtown Revitalization Initiative award. This award consists of seven transformational projects that will produce much needed infrastructure upgrades, streetscape improvements, and add housing and retail for residents. These projects will provide economic growth and enhance the quality of life for all residents of Central Islip. The design of the gravity sanitary sewer is at the 90% level. As a result of the pending sanitary sewer construction, the Town has selected a firm to develop the former Central Islip train station with a three-story mixed-use building. Also, the Town has received an application to construct a three-story mixed use building at the northeast corner of Carleton Avenue and Cliff Street.

During the summer of 2019, a brand new Olympic-sized swimming pool opened to the public at Roberto Clemente Park. In addition, the Town was able to secure \$2 million in New York State funding for a state-of-the-art Water Spray Park, which opened in the late summer of 2021.

### ***Town of Islip Community Development Agency***

The Town of Islip Community Development Agency (the "Agency") was organized in 1976 as a body corporate and politic constituting a public benefit corporation under the Urban Renewal Law. The Agency is the successor to the Town of Islip Urban Renewal Agency, which was established in 1974. The Urban Renewal Law grants to the Agency broad community development and urban renewal powers, including the ability to issue negotiable bonds and notes to achieve its corporate purposes. The Agency does not have the power to levy taxes or impose assessments or charges against real property.

The Agency is also a NYS Public Authority and complies with all applicable sections of the Public Authorities Accountability Act of 2005 and the Public Authorities Reform Act of 2009.

The Board of Directors of the Agency is composed of a chairman and four directors who are appointed by the Town Board and serve five year terms. The Executive and Assistant Directors are appointed by and serve the Agency Board. The Assistant Director has been appointed by the board as the chief financial officer.

The Agency, on behalf of the Town, applies for and administers approximately \$4,000,000 per year in HUD Entitlement Grants (CDBG, HOME, HOPWA and ESG).

Habitat for Humanity of Suffolk is also actively engaged in the production of affordable housing in the Town and completes at least three new homes in Islip each year. Whenever possible, the Agency arranges for the conveyance of vacant land to Habitat for Humanity, the Long Island Housing Partnership and other non-profit sponsors without cost, and often provides site improvement and other subsidies to further assist in keeping the housing affordable. The Town further assists these groups in producing affordable units by waiving development fees.

The Agency acquires three to five severely blighted and/or foreclosed houses in the Town each year, which are fully renovated and offered for sale and/or rent to income eligible individuals/families selected by lottery.

The Agency has ongoing projects to assist approximately ten low and moderate income- homeowners annually in rehabilitating their homes, providing handicap access and removing lead hazards. Several non-profit housing providers are also supported in their efforts to increase the supply of affordable permanent rental housing. A portion of the funds from all four HUD Entitlement Grants is earmarked for this purpose. In recent years, federal allocations of the Community Development Block Grant and HOME Investment Partnership Program have been substantially reduced.

The Agency is not obligated to pay the debt service on bonds issued by the Town and the Town is not obligated to pay the debt service of bonds issued by the Agency.

### ***Long Island MacArthur Airport***

Long Island MacArthur Airport (the “Airport”), owned and operated by the Town, occupies approximately 1,310 acres in Ronkonkoma. It has four paved bi-directional runways, the largest of which is over 7,000 feet in length. The initial airport was constructed in 1942-43 by the Federal government on property transferred to the Town by the County at no cost. The first major scheduled airline service was commenced by Allegheny Airlines, in 1960, which later became US Airways. A merger between US Airways and American Airlines in 2015 and subsequent re-branding brought American Eagle to MacArthur Airport.

In 1998, Southwest Airlines joined the Airport and in 2004, expanded their operation at the airport with a \$65 million terminal investment. Frontier Airlines announced eleven (11) new nonstop destinations from the Airport beginning in 2017 and through summer of 2018. These commercial carriers operated approximately 16 flights per day until August 2017. The fourteen (14) nonstop destinations served by these airlines are: Atlanta, Baltimore-Washington, Charlotte, Chicago, Detroit, Fort Lauderdale, Fort Myers, New Orleans, Miami, Minneapolis, Orlando, Philadelphia, Tampa, and West Palm Beach with connections to hundreds of destinations in the United States and abroad.

In 2016, the Airport initiated an innovative air service program designed to increase awareness about the Airport, its carriers and products it offers. By increasing customer awareness, the air carriers have overwhelmingly responded by increasing capacity and adding new routes for the 2.4 million residents and businesses in Nassau and Suffolk County. In 2016, 1.2 million passengers traveled through the Airport. According to the Federal Aviation Administration (“FAA”), the Airport ranked 105<sup>th</sup> nationwide based on its number of enplanements. By 2018, passenger enplanements have more than doubled.

The Airport’s location near the center of Long Island has been instrumental in its development as a regional transportation center, generating \$655 million in economic impact and more than 6,000 jobs directly and indirectly (2012 NYS Economic Study). The Airport is accessible from three major east/west thoroughfares. The main access road connects with Veteran’s Memorial Highway; the Airport is four miles south of the Long Island Expressway and approximately one mile north of Sunrise Highway. The Long Island Railroad’s Ronkonkoma Station is less than two miles from the main terminal and a shuttle bus runs regularly to the railroad from the Airport. The parking capacity at the Airport exceeds 3,500 vehicles.

In 2021, the Airport has slated more than \$32 million in federally funded planning and capital projects. These projects include: \$7 million for Main Terminal Improvements, specifically the upgrade and replacement of the vestibule doors, installation of new baggage belts and replacement of the Main Terminal roof, \$4 million for the construction of a singular Ground Vehicle Transportation Center (“GVTC”), \$6.3 million for the replacement of high-priority mechanical, electrical and plumbing (“MEP”) deficiencies, \$530,000 Terminal Narrative Report, \$155,000 Service Animal Relief Area Design, \$7.2 million Rehabilitation of Taxiway E and F Design and Construction, \$4.2 million for Rehabilitation of Taxiway S Design and Construction, and \$8.7 million to Rehabilitate Runway 15R/33L Design and Construction. The Airport annually applies for and receives grant funding through the Federal Aviation Administration (“FAA”) and New York State Department of Transportation (“NYSDOT”) for airfield and terminal projects and equipment purchases that meet the agencies’ requirements.

In 2022, the Airport has slated more than \$20 million in federally funded planning and capital projects. These projects include: \$8.4 million for Main Terminal Improvements, specifically the upgrade and replacement of the vestibule doors and installation of new baggage belts, \$6.3 million for the replacement of high-priority mechanical, electrical and plumbing (“MEP”) deficiencies in the Main Terminal, \$5.7 million for the Rehabilitation of Taxiways B/W (Design and Construction), and \$300,000 for the construction of a Service Animal Relief Area (SARA) in the secure



area of the airport.. The Airport annually applies for and receives grant funding through the Federal Aviation Administration (“FAA”) and New York State Department of Transportation (“NYSDOT”) for airfield, terminal projects and equipment purchases that meet the agencies’ requirements.

Capital projects are funded through a combination of grants from various agencies including: the FAA, NYSDOT, Empire State Regional Economic Development Council (“ESREDC”), the County, the Town Industrial Development Agency and various other sources, including bonds issued by the Town. The MEP project (\$5.9 million in total bonds) will utilize bond funds. The Town also continues to make various improvements in and around the Airport property, including on the runways, airfield lighting, and roadways and parking areas. Debt service on Town obligations, including the Main Terminal Improvements, will be partially funded through Passenger Facility Charges (PFCs)— additionally backed by a general obligation pledge of the Town—collected by the airlines and remitted to the Town, thus eliminating Town taxpayer funding for major Airport improvements. In August 2017, PFC Application No. 8 was approved by the FAA and provides the Airport with \$10.8 million in capital improvement funding. Application No. 9, approved in the second quarter of 2020, includes an additional \$15.2 million in PFC funds. The Town has not subsidized Airport operations in recent years. At the close of 2021, the Airport had \$7.9 million in surplus cash to support the airport during poor economic times which has not been needed to address shortfall resulting from the COVID-19 crisis.

The Airport received \$7,124,414 through the Coronavirus Aid, Relief, and Economic Security (“CARES”) Act. This funding was distributed on April 21, 2020. To date, the funding has been used to pay debt service and payroll, and is eligible to also be used for labor and maintenance, equating to approximately six months of operating expenses. On April 12, 2021, the Airport was approved for the Airport Coronavirus Response Grant Program through the Federal Aviation Administration in the amount of \$3,999,753, which was used on personnel costs. Town and Airport officials are assessing the impact that the outbreak of COVID-19 has and will continue to have on the operations and finances of the Airport. On August 2, 2021, the Airport was approved for an Airport Rescue Grant Agreement grant through the Federal Aviation Administration in the amount of \$7,553,317, which is also expected to be used on personnel costs. Town and Airport officials are assessing the impact that the outbreak of COVID-19 has and will continue to have on the operations and finances of the Airport. The full impact of COVID-19 is not expected to be known for some time.

### ***Islip Resource Recovery Agency***

The Islip Resource Recovery Agency (the “Agency”) was organized in 1982 as a body corporate and politic constituting a public benefit corporation under Title 13-C of the Public Authorities Law. The Public Authorities Law grants to the Agency broad power in the management of solid waste, including the ability to issue bonds and notes to achieve its corporate purposes. The Agency does not have the power to levy taxes or impose assessments or charges against real property. It does have the power to own and operate solid waste disposal facilities and to collect fees and charges for the use of said facilities.

The Board of Directors of the Agency consists of five members comprised, ex-officio, of the members of the Islip Town Board.

The Agency issued \$17,430,000 in Resource Recovery System Revenue Bonds (1985-Series E (2004)) dated March 3, 2004 maturing in the years 2006 through 2023, for the construction of emissions control equipment and certain other modifications to the facility to comply with EPA Clean Air Act Regulations. The estimated cost of this project was approximately \$16,000,000 with the installation of a Fly Ash Condition System that was completed in 2007. The Agency has also issued refunding bonds in the aggregate amount of \$8,515,000 dated April 5, 2004 to refund a portion of the 1994 Series B Bonds. In May of 2014, the Agency issued \$9,425,000 of Bonds to refinance its 1985 Facility Series E Bonds. These refunding bonds matured on July 1, 2022.

All such bonds are special obligations of the Agency with revenues of the solid waste disposal system pledged to the repayment thereof. These bonds do not constitute an obligation of the Town.

The Town, on behalf of itself and 69 contract bid areas within the special garbage and refuse district has by a Solid Waste Disposal Agreement, dated December 1, 1985, pledged to deliver all municipal solid waste generated within the Town to the Agency for processing and/or disposal in the Agency’s system, and to further pay certain charges

attendant upon the operation of the system. The system consists of active clean filling, recycling, and composting facilities in addition to the waste-to-energy facility, all of which are operated in a manner consistent with the New York State Solid Waste Management Plan. The Agency has contracted with the Town to acquire all rights to revenues generated at each facility, and for continued Town operation of the clean fill, recycling center and composting facility. The Agency provides for operation of the MacArthur waste-to-energy facility under separate contract with Covanta MacArthur Renewable Energy, Inc.

## **FINANCIAL FACTORS**

### ***Financial Statements***

The Town retains independent Certified Public Accountants to conduct audits of its financial operations. The last such audit covers the fiscal year ended December 31, 2020. The audited financial statements for the fiscal year ended December 31, 2021 are expected to be completed in September 2022.

The Town also prepares and files annually with New York State an Annual Financial Report Update Document (“AUD”). The AUD is not audited and is not prepared in accordance with GAAP. The AUD for the fiscal year ended December 31, 2021 was filed in April 2022 and is available upon request.

Summary statements of the results of operations for various funds and budgets for various funds, shown in the Appendices of the Official Statement, have been derived from the annual and audited financial reports and budgets of the Town and are provided in memorandum form for information only. It is not implied, by inclusion of these statements that the individual funds included performed individually in accordance therewith.

### ***Budgetary Procedures***

The Supervisor, with the assistance of the Comptroller (acting in her capacity as Budget Officer) prepares a tentative budget each year and holds a public hearing thereon. Subsequent to the public hearing, revisions (if any) are made and the budget is then adopted by the Town Board as its final budget for the coming fiscal year. The budget is not subject to referendum. The Tax Levy Limit Law imposes a limitation on increases in the real property tax levy of the Town, subject to certain exceptions outlined in the new law. All budgets of the Town adopted in accordance with the procedure discussed herein must comply with the requirements of the new law. (See “*The Tax Levy Limit Law*” herein).

### ***Investment Policy***

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 guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America; (3) obligations of the State of New York; (4) 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 those notes issued by the Town; (5) certificates of participation issued in connection with installment purchase contracts entered into by political subdivisions of the State pursuant to Section 109-b(10) of the GML; (6) obligations of a New York public benefit corporation which are made lawful investments for municipalities pursuant to the enabling statute of such public benefit corporation; or (7) in the case of moneys held in certain reserve funds established by the Town pursuant to law, in obligations of the Town.

All of the foregoing instruments and 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 instruments or investments 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 the custody of a bank or trust company in the State pursuant to a written custodial agreement as provided in Section 10 of the GML.

The Town's investments are governed by a formal written investment policy, which is consistent with the Investment Policies and Procedures guidelines promulgated by the Office of the State Comptroller. The Town's monies must be deposited in FDIC-insured commercial banks or trust companies authorized to do business in the State of New York and located within the Town. The Town limits its investments to time deposit accounts and certificates of deposit and repurchase agreements.

It is the Town's policy to require collateral for all deposits not covered by federal deposit insurance. Obligations that may be pledged as collateral are obligations of the United States and its agencies and obligations of the State and its municipalities and Towns.

The Town's investment policy further provides that all investment obligations must be payable or redeemable at the option of the Town within such time or times as the proceeds will be needed to meet expenditures for the purposes for which monies were provided.

The Town's investment policy does not permit the Town to invest in so-called derivatives or reverse repurchase agreements and the Town has never invested in derivatives or reverse repurchase agreements.

### ***Impacts of COVID-19***

The Town incurred certain expenses associated with the COVID-19 pandemic, including but not limited to, costs related to cleaning equipment, cleaning supplies and personal protective equipment. The Town paid such costs from budgetary appropriations and/or available funds. The Town's State Aid for the 2020 and 2021 fiscal years was not reduced and the Town does not expect a reduction in State aid during the 2022 fiscal year. In the Town's 2021 Adopted Budget, State aid revenues were estimated to be approximately 20% less than the prior year. The Town also experienced revenue losses from interest earnings, permit fees, fines and various recreation revenues due to the COVID-19 pandemic. The increased costs and revenue losses described above did not have a material adverse impact on the finances of the Town.

On March 11, 2021, President Biden signed into law the American Rescue Plan Act of 2021. Included in this bill was \$350 billion in direct aid to state and local governments. Payments to local governments will be made in two tranches, the first half 60 days after enactment and the second half one year later. The funding is available through, and must be spent by, the end of calendar year 2024. The Town's allocation of the relief package amounts to \$47.6 million, which must be shared with the four (4) Incorporated Villages located within the Town.

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

The Town has approved funding for small business and non-profit grants, sewer projects, premium pay and parks and recreation projects.

### ***Real Property Taxes***

The Town derives a major portion of its revenues from a tax on real property. (See "*Statement of Revenues, Expenditures and Changes in Fund Balance*" in Appendix B, herein). Property taxes accounted for 41.11% of total general fund revenues for the fiscal year ended December 31, 2021, *based on preliminary, unaudited results, subject*

to change. On June 24, 2011, the Tax Levy Limit Law was enacted, which imposes a tax levy limitation upon the municipalities, school districts and fire districts in the State, including the Town. (See “Tax Levy Limit Law” herein).

The following table sets forth total General Fund revenues and real property taxes received for each of the last five audited fiscal years, the most recent unaudited fiscal year and the amount budgeted for the most current fiscal year.

**General Fund Revenues & Real Property Taxes**

Fiscal Year <u>Ended December 31:</u>	Total Revenues <sup>(1)</sup>	Real Property Taxes	Ratio of Real Property Taxes to Total Revenues
2016	\$87,098,604	\$37,673,038	43.25%
2017	85,024,140	32,579,153	38.32
2018	88,445,433	34,998,756	39.57
2019	93,308,562	37,525,346	40.22
2020	95,606,072	38,997,701	40.80
2021 (Unaudited)	108,527,511	44,610,982	41.11
2022 (Adopted Budget)	104,756,205	44,491,001	42.47

<sup>(1)</sup> General Fund, Townwide.

Source: Audited Financial Statements, Unaudited Financial Statements and Adopted Budget of the Town. The unaudited results are subject to change, pending the completion of the audit. Summary is not audited.

***State Aid***

The Town receives financial assistance from the State. State aid accounted for approximately 3.41% (exclusive of Local aid component which is comprised of primarily sales tax) of the total General Fund revenues of the Town for the fiscal year ended December 31, 2021, *based on preliminary, unaudited results, subject to change*. \$1,272,200 is budgeted for State aid in the 2022 Adopted Budget, representing 1.23% of budgeted General Fund Revenues.

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

The State is not constitutionally obligated to maintain or continue State aid to the Town. No assurance can be given that present State aid levels will be maintained in the future. Due to the outbreak of COVID-19, the Governor initially declared a state of emergency and took steps designed to mitigate the spread and impacts of COVID-19. The outbreak of COVID-19 and the dramatic steps taken by the State to address it have negatively impacted the State’s economy and financial condition. The use of federal stimulus funds has allowed the State to avoid gap closing measures; however, the State may be required to implement gap closing measures in the future. Such actions may include but are not limited to reductions in State agency operations and/or delays or reductions in payments to local governments in the State. If this were to occur, reductions in the payment of State aid could adversely affect the financial condition of local governments in the State, including the Village. (See also “RISK FACTORS” herein.)

The Town relies in part on State aid to fund its operations. There can be no assurance that the State appropriation for State aid to municipalities will be continued in future years, either pursuant to existing formulas or in any form whatsoever. State aid appropriated and apportioned to the Town can be paid only if the State has such monies available therefor. The availability of such monies and the timeliness of such payment may also be affected by a delay in the adoption of the State budget, the impact to the State’s economy and financial condition due to the COVID-19 outbreak and other circumstances, including State fiscal stress. Should the Town fail to receive State aid expected from the State in the amounts or at the times expected, occasioned by a delay in the payment of such monies or by a reduction in State aid, the Town is authorized by the Local Finance Law to provide operating funds by borrowing on account of the uncollected State aid.

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

The following table sets forth total General Fund revenues, State aid and Mortgage tax received for each of the last five audited fiscal years, the most recent unaudited fiscal year and the amount budgeted for the most current fiscal year.

**General Fund Revenues & State Aid**

Fiscal Year <u>Ended December 31:</u>	Total <u>Revenues<sup>(1)</sup></u>	<u>State Aid</u>	<u>Mortgage Tax</u>	Total State Aid and <u>Mortgage Tax</u>	Ratio of State Aid and Mortgage Tax to <u>Total Revenues</u>
2016	\$87,098,604	\$947,789	\$9,501,515	\$10,449,304	12.00%
2017	85,024,140	607,500	10,645,977	11,253,477	13.24
2018	88,445,433	514,025	9,357,412	9,871,437	11.16
2019	93,308,562	1,486,600	10,373,907	11,860,507	12.71
2020	95,606,072	648,168	13,906,432	14,554,600	15.22
2021 (Unaudited)	108,527,511	3,696,526	17,297,990	20,994,516	19.34
2022 (Adopted Budget)	104,756,205	1,291,510	11,350,000	12,641,510	12.07

(1) General Fund, Townwide.

(2) Excludes Local aid components (primarily sales tax revenues) which are reflected as Non-Property Tax Items in the Town’s Audited Financial Statements.

Source: Audited Financial Statements, Unaudited Financial Statements and Adopted Budget of the Town. The unaudited results are subject to change, pending the completion of the audit. Summary is not audited.

The State receives a substantial amount of federal aid for health care, education, transportation and other governmental purposes, as well as federal funding to respond to, and recover from, severe weather events and other disasters. Many of the policies that drive this federal aid may be subject to change under the federal administration and the current Congress. Current federal aid projections, and the assumptions on which they rely, are subject to revision in the future as a result of changes in federal policy, the general condition of the global and national economies and other circumstances, including the diversion of federal resources to address the current COVID-19 outbreak.

Reductions in federal funding levels could have a materially adverse impact on the State budget. In addition to the potential fiscal impact of policies that may be proposed and adopted by the federal administration and Congress, the State budget may be adversely affected by other actions taken by the federal government, including audits, disallowances, and changes to federal participation rates or other Medicaid rules.

***The State Comptroller’s Fiscal Stress Monitoring System and Compliance Reviews***

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 (“OSC”) 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” with a fiscal score of 9.6 and an Environmental Score of 16.7 for the fiscal year ended December 31, 2020.

The financial affairs of the Town are subject to periodic compliance reviews by OSC to ascertain whether the Town has complied with the requirements of various State and federal statutes. The last audit conducted by OSC was released on September 20, 2019. The purpose of the audit was to determine whether the Town Assessor properly administered select real property tax exemptions for the period December 1, 2017 through November 30, 2018. The complete report can be obtained from OSC’s website.

See the State Comptroller’s official website for more information regarding the foregoing. References to websites and/or website addresses presented herein are for informational purposes only and implies no warranty of accuracy of information therein. Unless specified otherwise, such websites and the information or links contained therein are not incorporated into, and are not part of, this Official Statement.

## **TAX INFORMATION**

### ***Valuations and Tax Data***

The following table shows the trend during the last five years for taxable assessed valuations, State equalization ratios, full valuations, real property taxes and real property tax rates per \$1,000 assessed valuation.

**Valuations and Tax Data**  
(For the Fiscal Years Ending December 31:)

	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
Assessed Value	\$4,357,318,014	\$4,379,742,666	\$4,388,649,079	\$4,415,805,472	\$4,420,985,163
Equal. Ratio	12.12%	11.35%	10.77%	9.70%	9.28%
Full Value	35,951,468,762	38,588,041,110	40,748,830,817	47,030,170,423	49,190,388,168
Tax Levy:					
Town: General Fund	35,022,977	37,534,096	39,023,481	44,628,166	44,498,015
TOV Fund	1,644,888	1,772,487	1,440,568	1,533,232	1,381,959
Highway Fund	27,179,102	27,461,315	27,800,594	26,007,193	25,422,761
General Fund Tax Rate <sup>(1)</sup>	\$8.04	\$8.57	\$8.89	\$10.11	\$10.07

(1) Per \$1,000 assessed valuation of the Town – General Fund.

Source: Town of Islip, Office of the Comptroller.

### ***Tax Collection Procedure***

Property taxes for the Town, together with County, fire and school district taxes are collected by the Town Tax Receiver on a single tax bill. Such taxes are due and payable in equal installments on December 1 and May 10, but may be paid without penalty by January 10 and May 31, respectively. Penalties on unpaid taxes are 1% per month from the date such taxes are due and payable and 10% after May 31. As a result of the COVID-19 pandemic, the County delayed its payment deadline for the 2020 fiscal year, without penalty, to July 15<sup>th</sup>.

The Town Tax Receiver distributes the collected tax money to the Town, fire and school districts prior to distributing the balance collected to the County. After May 31st, when the rolls are turned over to the County, all taxes are payable to the County Treasurer with an additional penalty to date of payment. Tax sales are held annually by the County. Uncollected amounts are not segregated by the Receiver and any deficiency in tax collection is the County's liability. The Town thereby is assured of full tax collection.

The following table reflects real property tax levies and collections of the Town for the past five fiscal years:

**Real Property Tax Levies and Collections**

Fiscal Year Ended December 31:	Gross Tax Levy <sup>(1)</sup>	Amount Uncollected by Town Receiver	Percentage of Taxes Uncollected <sup>(2)</sup>
2018	\$1,113,493,581	\$38,998,168	3.50%
2019	1,137,529,673	38,743,003	3.41
2020	1,167,327,299	61,562,755	5.27
2021	1,223,803,205	44,851,733	3.66
2022	1,250,487,956	34,050,740	2.72

(1) Includes School, Fire, County, Town and Special District.

(2) The Town annually receives 100% of its tax levy from the County.

***Largest Taxpayers***

The following table presents the taxable assessments of the Town’s ten largest taxpayers for the 2022 fiscal year:

**Taxable Assessments**

<u>Taxpayer</u>	<u>Nature of Business</u>	<u>Assessed Valuation</u>	<u>% of Total Assessed Valuation<sup>(1)</sup></u>
Long Island Power Authority	Public Utility	\$ 41,834,564	0.95%
Westland South Shore Mall LLP	Retail Mall	29,261,400	0.66
LILCO c/o Keyspan	Public Utility	26,658,665	0.60
Keyspan Gas East Corporation	Public Utility	25,211,385	0.57
Heatherwood House	Apartments	13,343,900	0.30
New York State	Government	10,980,631	0.25
Island Headquarters Oper LLC	Commercial	9,816,600	0.22
Pilgrim State Hospital	Hospital	8,871,067	0.20
Verizon New York Inc.	Commercial	8,821,099	0.20
Renaissance Hills Props LLC	Apartments	<u>8,150,500</u>	<u>0.18</u>
	Total:	<u>\$182,949,811</u>	<u>4.14%</u>

(1) The total 2022 assessed value of the Town’s General Fund is \$4,420,985,163.

***The Tax Levy Limit Law***

Prior to the enactment of Chapter 97 of the New York Laws of 2011, as amended (the “*Tax Levy Limit Law*”), all the taxable real property within the Town has been subject to the levy of ad valorem taxes to pay the bonds and notes of the Town and interest thereon without limitation as to rate or amount. However, the Tax Levy Limit Law imposes a tax levy limitation upon the Town for any fiscal year commencing after January 1, 2012, without providing an exclusion for debt service on obligations issued by the Town. As a result, the power of the Town to levy real estate taxes on all the taxable real property within the Town, without limitation as to rate or amount is subject to statutory limitations, according to the formulas set forth in Tax Levy Limit Law.

The following is a brief summary of certain relevant provisions of Tax Levy Limit Law. The summary is not complete and the full text of the Tax Levy Limit Law should be read in order to understand the details and implications thereof. The Tax Levy Limit Law imposes a limitation on increases in the real property tax levy of the Town, subject to certain exceptions. The Tax Levy Limit Law permits the Town to increase its overall real property tax levy over the tax levy of the prior year by no more than the “Allowable Levy Growth Factor”, which is the lesser of one and two-one hundredths or the sum of one plus the Inflation Factor; provided, however that in no case shall the levy growth factor

be less than one. The "Inflation Factor" is the quotient of: (i) the average of the 20 National Consumer Price Indexes determined by the United States Department of Labor for the twelve-month period ending six months prior to the start of the coming fiscal year minus the average of the National Consumer Price Indexes determined by the United States Department of Labor for the twelve-month period ending six months prior to the start of the prior fiscal year, divided by: (ii) the average of the National Consumer Price Indexes determined by the United States Department of Labor for the twelve-month period ending six months prior to the start of the prior fiscal year, with the result expressed as a decimal to four places. The Town is required to calculate its tax levy limit for the upcoming year in accordance with the provision above and provide all relevant information to the New York State Comptroller prior to adopting its budget. The Tax Levy Limit Law sets forth certain exclusions to the real property tax levy limitation of the Town, including exclusions for certain portions of the expenditures for retirement system contributions and tort judgments payable by the Town. The governing board of the Town may adopt a budget that exceeds the tax levy limit for the coming fiscal year, only if the governing board of the Town first enacts, by a vote of at least sixty percent of the total voting power of the governing board of the Town, a local law to override such limit for such coming fiscal year. With the exception of fiscal years 2017 and 2021, the Town's tax levy has not exceeded the cap imposed by the Law since fiscal year 2015.

The Tax Levy Limit Law does not contain an exception from the levy limitation for the payment of debt service on either outstanding general obligation bonds or notes of the Town or such indebtedness incurred after the effective date of the Tax Levy Limit Law. As such, there can be no assurances that the Tax Levy Limit Law will not come under legal challenge for violating (i) Article VIII, Section 12 of the State Constitution for not providing an exception for debt service on obligations issued prior to the enactment of the Tax Levy Limit Law, (ii) Article VIII, Section 10 of the State Constitution by effectively eliminating the exception for debt service to general real estate tax limitations, and (iii) Article VIII, Section 2 of the State Constitution by limiting the pledge of its faith and credit by a municipality or school district for the payment of debt service on obligations issued by such municipality or school district.

## **TOWN INDEBTEDNESS**

### ***Constitutional Requirements***

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

*Purpose and Pledge.* Subject to certain enumerated exceptions, 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 or to be paid in one of the two fiscal years immediately succeeding the fiscal year in which such indebtedness was contracted, 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, in the alternative, weighted average period of probable usefulness of the several objects or purposes for which such indebtedness is to be contracted; unless substantially level or declining annual debt service is authorized and utilized, no installment may be more than fifty percent in excess of the smallest prior installment. 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 such required annual installments on its bond anticipation notes.

*General.* The Town is further subject to constitutional limitation by the general constitutionally imposed duty of the State Legislature to restrict the power of taxation and contracting indebtedness to prevent abuses in the exercise of such powers. 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 Chapter 97 of the New York Laws of 2011, as amended, imposes a statutory limitation on the Town's power to increase its annual tax levy. (See "*Tax Levy Limit Law*" herein).

*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 most recent five-year 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 appropriations for current debt service. The constitutional method for determining full valuation is by taking the assessed valuation of taxable real estate for the last completed assessment roll and applying thereto the final equalization rate as determined by the State Board of Real Property Services. The State Legislature is required to prescribe the manner by which such rate shall be determined. The average full valuation is determined by taking the sum of full valuations of such last completed assessment roll and the four preceding assessment rolls, and dividing such sum by five.

### ***Statutory Procedure***

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

Pursuant to the Local Finance Law, the Town authorizes the incurrence of indebtedness, including bonds and bond anticipation notes issued in anticipation of such bonds, by the adoption of a resolution, approved by at least two-thirds of the members of the Town Board, the finance board of the Town. Certain such resolutions are be subject to permissive referendum, or may be submitted to the Town voters at the discretion of the Town Board. If a bond resolution is submitted to the voters by the Town Board, then only a three-fifths vote of the Town Board is needed for adoption.

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 restrictions (Constitution, Local Finance law and case law) relating to the period of probable usefulness with respect thereto.

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. It is a procedure that is recommended by Bond Counsel, but it is not an absolute legal requirement.

Each bond resolution also authorizes the issuance of bond anticipation notes prior to the issuance of serial bonds. Statutory law in New York permits bond anticipation notes to be issued. Bond anticipation notes may be renewed each year, provided annual principal installment payments are made in reduction of the total amount of such notes, commencing no later than two years after the date of the first of such notes and provided that, other than for assessable projects, such renewals do not extend five years beyond the original date of borrowing. However, notes issued in anticipation of the sale of serial bonds for assessable improvements are not subject to such five year limit and may be renewed subject to annual reductions of principal for the entire period of probable usefulness of the purpose for which such notes were originally issued. (See "*Payment and Maturity*" under "*Constitutional Requirements*" herein.)

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

In general, the Local Finance Law contains provisions providing the Town with power to issue certain other short-term general obligation indebtedness, including revenue and tax anticipation notes and budget, deficiency and capital notes.

### ***Constitutional Debt-Contracting Limitation***

The following table sets forth the current debt-contracting limitation of the Town.

#### **Debt Contracting Limitation**

Fiscal Year Ended <u>December 31:</u>	Assessed <u>Valuation</u>	State Equalization <u>Ratio</u> <sup>(1)</sup>	Full <u>Valuation</u>
2018	\$4,357,318,014	0.1212%	\$ 35,951,468,760
2019	4,379,742,666	0.1135	38,588,041,110
2020	4,388,649,079	0.1077	40,748,830,817
2021	4,415,805,472	0.0970	47,030,170,423
2022	4,420,985,163	0.0928	<u>49,190,388,168</u>
Total Five-Year Full Valuation			\$211,508,899,278
Average Five-Year Full Valuation			\$ 42,301,779,856
Debt Contracting Limitation - 7% of Average Full Valuation			<u>\$ 2,961,124,590</u>

<sup>(1)</sup> Equalization rates are established by the New York State Board of Real Property Services.

Source: Town of Islip, Town Receiver of Taxes Office and the New York State Board of Real Property Services.

### ***Debt Statement Summary***

The following table sets forth the computation of the debt limit of the Town and its debt contracting margin as of July 26, 2022.

Five Year Average Full Valuation of Taxable Real Property .....	\$42,301,779,856
Debt limit (7% thereof) .....	2,961,124,590
Outstanding Indebtedness <sup>1,2</sup> (Principal Only):	
Bonds Outstanding .....	\$ 170,015,000
Bond Anticipation Notes.....	<u>3,545,000</u>
Total Indebtedness .....	\$173,560,000
Excluded Indebtedness <sup>(1)</sup> (Principal Only):	
Appropriations .....	\$ 12,680,800
Water Debt .....	611,219
Sewer Debt.....	<u>2,825,000</u>
Total Exclusions.....	\$ 16,117,019
Total Net Indebtedness.....	<u>157,442,981</u>
Net Debt Contracting Margin.....	<u>\$2,803,681,609</u>
Percentage of Debt Contracting Power Exhausted.....	5.62%

(1) Tax anticipation notes and revenue anticipation notes are not included in the computation of the statutory debt limit of the Town.

(2) Does not include pension payments amortized with New York State. (See “*Status and Financing of Employee Pension Benefits*” herein).

***Bond Anticipation Notes***

On February 15, 2022, the Town issued \$700,000 Bond Anticipation Notes – 2022 Series A (Federally Taxable), which mature on February 15, 2023.

On May 10, 2022, the Town issued \$2,825,000 Bond Anticipation Notes – 2022 Series B (Federally Taxable), which mature on May 10, 2023.

***Tax and Revenue Anticipation Notes***

The Town has not found it necessary to issue tax or revenue anticipation notes in recent years.

***Trend of Outstanding Indebtedness***

	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021<sup>(1)</sup></u>
Bonds	\$146,660,000	\$173,170,000	\$171,960,000	\$167,520,000	\$148,265,000
Bond Anticipation Notes	<u>17,969,500</u>	<u>2,950,000</u>	<u>5,520,000</u>	<u>15,375,000</u>	<u>3,760,000</u>
Total Debt Outstanding	<u>\$164,629,500</u>	<u>\$176,120,000</u>	<u>\$177,480,000</u>	<u>\$182,895,000</u>	<u>\$152,025,000</u>

(1) Unaudited.

Source: Town Financial Records.

***Overlapping and Underlying Debt***

The real property taxpayers of the Town are responsible for a proportionate share of outstanding debt obligations of the County, as well as various villages, school districts, and fire districts. Such taxpayers’ share of this overlapping debt is based upon the amount of the Town’s equalized property values taken as a percentage of each separate units’ total values. The table below sets forth both the total outstanding principal amount of debt issued by the Town and the approximate magnitude of the burden on taxable property in the Town of the debt issued and outstanding by such overlapping entities.

**Statement of Direct and Estimated Overlapping Indebtedness**

Gross Direct Indebtedness				\$ 73,560,000
Exclusions and Deductions				<u>16,117,019</u>
Net Direct Indebtedness				<u>\$157,442,981</u>
<b><u>Overlapping Debt</u></b>				
<u>Issuer</u>	<u>Net Debt Outstanding</u>	<u>Town Share</u>	<u>As of</u>	<u>Amount Applicable To Town</u>
Suffolk County	\$1,179,775,748	12.87%	03/21/22	\$ 151,837,139
Incorporated Villages	16,269,170	100.00	05/31/21	16,269,170
School Districts	449,963,502	Varied <sup>(1)</sup>	06/30/21	373,574,912
Fire Districts	26,134,007	100.00	12/31/20	<u>26,134,007</u>
Total Net Overlapping Debt				567,815,228
Total Net Direct Debt				<u>157,442,981</u>
Total Net Direct and Overlapping Debt				<u>\$ 725,258,209</u>

(1) Four of the twelve School Districts located within the Town are jointly shared with other towns and have been individually adjusted to account for that overlap.

## ***Debt Ratios***

The following table presents certain debt ratios relating to the Town's direct and overlapping indebtedness.

	<u>Amount</u>	Debt Per <u>Capita</u> <sup>(1)</sup>	Debt to <u>Full Value</u> <sup>(2)</sup>
Net Direct Debt	\$ 157,442,981	\$ 478	0.32%
Net Direct and Overlapping Debt	725,258,209	2,200	1.47

- (1) The population of the Town is 329,610 according to the U.S. Census Bureau.  
 (2) The full value of real property located in the Town for the 2020 fiscal year is \$49,190,388,168.

## ***Debt Service Schedule***

The following table sets forth the annual debt service requirements on all outstanding long-term Town general obligation bonds, exclusive of the Bonds and economically defeased obligations.

### **Bond Principal and Interest Maturity Table**

Fiscal Year Ended <u>December 31:</u>	Principal <u>Outstanding</u>	Interest <u>Outstanding</u>	Total Debt <u>Service</u>
2022 <sup>(1)</sup>	\$18,835,000	\$6,887,387	\$25,722,387
2023	20,095,000	5,599,388	25,694,388
2024	19,565,000	4,778,769	24,343,769
2025	19,030,000	3,977,001	23,007,001
2026	17,025,000	3,236,736	20,261,736
2027	16,000,000	2,584,920	18,584,920
2028	14,805,000	1,963,921	16,768,921
2029	13,035,000	1,417,978	14,452,978
2030	11,980,000	955,019	12,935,019
2031	7,270,000	558,625	7,828,625
2032	4,860,000	387,600	5,247,600
2033	4,990,000	259,950	5,249,950
2034	2,075,000	153,250	2,228,250
2035	2,120,000	111,300	2,231,300
2036	2,255,000	67,550	2,322,550
2037	<u>2,250,000</u>	<u>22,500</u>	<u>2,272,500</u>
Totals	<u>\$176,190,000</u>	<u>\$32,961,893</u>	<u>\$209,151,893</u>

- (1) For the entire fiscal year.

Source: Town of Islip, Office of the Comptroller.

## ***Capital Planning and Budgeting***

Pursuant to Section 99-g of the General Municipal Law, the Town has undertaken the planning and execution of a capital program in accordance with the provisions of such section. The adoption of such program is not, in the case of the Town, subject to referendum. At any time after the adoption thereof, the Town Board by the affirmative vote of

two-thirds of its total membership, may amend such program by adding, modifying or abandoning the projects, or by modifying the methods of financing.

The Capital program serves as an excellent tool for monitoring municipal spending in accordance with a justified and coordinated program within the overall context of future planning. Annual revisions can be expected in order to update and refine major capital needs for the present and future. The program, designed to meet current and future needs of the Town, is financed through long-term borrowing so that the cost is shared not only with current taxpayers, but also with the future taxpayers who will derive the long range benefits of the program.

The Capital Budget has been compiled from requests by Town Departments for major and long lasting improvements and facilities throughout the Town.

Below is a summary of the proposed Capital Budget for 2021-2024.

	2022 Capital Request	2023 Capital Request	2024 Capital Request	2025 Capital Request
Planning	\$ 150,000	\$ 40,000	\$ 80,000	\$ 40,000
Data Processing	1,340,000	380,000	380,000	420,000
Public Safety Enforcement	1,225,000	380,000	510,000	380,000
Town Clerk	0	0	0	0
Public Works	18,775,000	14,225,000	14,750,000	14,175,000
Parks and Recreation	28,800,000	15,250,000	18,825,000	15,625,000
Environmental Control	3,460,000	3,285,000	2,170,000	3,690,000
Total Town Capital	\$ 53,750,000	\$ 33,560,000	\$ 36,715,000	\$ 34,330,000
Long Island MacArthur Airport	1,600,000	3,330,000	2,850,000	1,030,000
Totals	\$ 55,350,000	\$ 36,890,000	\$ 39,565,000	\$ 35,360,000

### ***Authorized but Unissued Debt***

Following the issuance of the Bonds, the Town will have authorized but unissued debt for the following purposes:

On February 12, 2013, the Town Board authorized the issuance of \$19,900,000 of serial bonds for a beach re-nourishment project. The Town is currently working with the Army Corps of Engineers and does not have a timeframe for the issuance of these bonds, or whether bonds will be issued for this project.

On March 19, 2013, the Town Board authorized the issuance of \$250,000 for the purchase of computer software. It is not known when, or if, the Town will be issuing debt for this purpose.

On February 12, 2019, the Town Board authorized the issuance of \$6,000,000 for the preparation of design plans and specifications for proposed improvements to Long Island MacArthur Airport. It is not known when the Town will be issuing debt for this purpose.

On February 11, 2020, the Town Board authorized the issuance of \$4,876,000 for various purposes which remain unissued. It is not known when the Town will be issuing debt for these purposes.

On June 14, 2022, the Town Board authorized the issuance of \$11,850,000 for various purposes. The Town expects to issue debt for these purposes in the coming years.

### ***Installment Purchase Debt***

The Town does not have any installment debt obligations.

## ECONOMIC AND DEMOGRAPHIC DATA

### *Economy*

While the Town is primarily residential, more than 5,600 acres of the Town are zoned for industrial use. The Town has more than 3,400 listed businesses and more than 89,000 occupied dwelling units. Some of the major employers in the Town and the approximate number of persons employed by each include the following:

<u>Name</u>	<u>Primary Business Activity</u>	<u>Approximate Number of Employees</u>
Good Samaritan Hospital	Hospital	3,500
Southside Hospital	Hospital	2,500
Nature's Bounty	Vitamins, Minerals, & Nutrients	2,100
Broadridge Financial Services	Payroll/ Date Services	1,700
Positive Promotions	Manufacturer of Promotional Products	600
Sysco	Food Product Distributor	600
Creative Bath	Manufacturer of Generic Pharmaceuticals	550
Wenner Bread Products	Food Products	550
Data Device	Electronic Components	500
Ascent Pharmaceuticals	Manufacturer of Generic Pharmaceuticals	460
Allstate	Regional Headquarters	385
David Peysner Sportswear	Manufacturer/Distributor of Sportswear	350
Whitson's	Manufacturer of Prepared Foods	350
Blackman Plumbing Supplies	Distributor	340
Noris Food Services	Manufacturer of Prepared Foods	320
Century Direct	Direct Mail	310
Land Tek	Construction	305
Verizon	Communications/Call Center	300
G.E. Aviation	Electronic Test-Equipment & Aircraft Systems	250

Source: Town of Islip-Economic Development Division.

The growth of economic development in the Town is largely the result of expansion of planned industrial parks and an aggressive marketing campaign undertaken by the Town government. There are 30 such industrial parks located within the Town, encompassing over 2,100 acres with 30,000,000 square feet of building space completed.

The Town's Office of Economic Development's aggressive approach towards business retention and expansion has resulted in a tremendous surge in economic activity following the lean years of the Great Recession. Since 2012, the Islip Industrial Development Agency has induced 135 projects representing almost \$1.1 billion in capital investment, while creating and retaining more than 14,100 jobs. Those projects range in size from Broadridge Financial Solutions, a servicing company for the financial industry founded in 2007 as a spin-off from ADP to MultiDyne Electronics, a manufacturer of video and fiber optic systems for the transfer of video and audio for broadcast applications. Broadridge was a threat to leave Long Island and take their 1,500 Brentwood based employees with them to New Jersey but the Town IDA partnered with the County and State to successfully keep them in the Town. MultiDyne moved from their previous cramped headquarters in Nassau County into 20,000 square feet in Hauppauge and is expected to double its sales growth and employees in the next few years. Nature's Bounty, the world's largest manufacturer of natural vitamins and supplements and headquartered in Ronkonkoma, considered moving all its manufacturing and distribution off Long Island. Partnering with the State, the Agency induced them to stay, protecting the more than 2,000 Islip-based jobs.

Redevelopment of the former Central Islip State Psychiatric hospital grounds has been a major policy objective of the Town for over 30 years. That redevelopment has been done in accordance with a mixed-use development plan adopted by the Town Board in 1987 and further amended on several occasions. The site contains various uses including industrial, retail, office, education, recreation, municipal, hotel and housing, both owner occupied and rental. In 2015, the Town sold 18 acres of property adjacent to the existing 96-acre Tech Park, to Ascent Pharmaceuticals. Phase 1 of

their development, a 260,000 square foot pharmaceutical manufacturing facility to complement their existing 248,000 square foot generic pharmaceutical manufacturing facility across the street, was completed in 2018 and now employs 235 people. Phase 2 of the 18-acre development, an 80,000 square foot bottle manufacturing plant was completed in late 2018 and employs 28 people. The combined capital investment at this site will be more than \$44 million. When completed, Ascent is expected to employ more than 500 people at their three Central Islip buildings total. Recently, Alpha Med Realty, a related company, broke ground on a 90,000 square foot warehouse facility on 6 acres where they expect to employ an additional 18 people. Also, in the first quarter of 2012, CVD Equipment purchased the former Jasco building for use as their corporate headquarters and manufacturing facility. CVD is a high-tech manufacturer of products for the global semi-conductor, solar, nano and advanced electronics industry. CVD opened their refurbished facilities in the first quarter of 2013. The most recent additions to this area are the relocated Town of Islip Animal Shelter and the 21-acre SUSA youth soccer facility. With these developments came the completion of the Technology drive loop back out to Carleton Avenue. The soccer facility will offer recreational and training opportunities, as well as host tournaments which will bring additional money to the area.

In 2005, the Town completed an amendment to the Central Islip Community Revitalization Plan, which included more mixed-use development including housing, office and industrial. As a result of the amendment, several new projects are either completed or underway in Central Islip. Foxgate at Islip is a 287-unit condominium and rental-housing complex with twenty percent of the units set aside for affordable housing. Construction on the condominium complex is now complete and sales have been better than projected. The rental complex is expected to start construction in 2023, following permit and plan approval. A recreational facility opened in spring of 2016 on Town-owned land adjacent to Foxgate and is managed by the Police Athletic League. In 2011, Sysco, the world's largest marketer and distributor of food service products constructed a \$75 million state-of-the-art food distribution center in Central Islip. The facility opened for distribution in May 2012 and Sysco currently employs approximately 250 people.

Gull Haven Commons, a luxury rental-housing complex on 29 acres of the former psychiatric facility, was approved for development by the Town Board in 2017 and is well under construction. The project will preserve the architecturally significant "Sunburst Buildings" and represents an investment of over \$52 million. Phase II of the project was approved for construction in 2020 and will add 24 units to the original plan, bringing the total number of units for the project to 292. Another large luxury rental housing complex development started in 2021. The 83 acre parcel that comprised the bulk of the NYIT campus will be repurposed as the Belmont at Eastview. All of the existing 14 buildings will be converted into 364 rental units in a park like setting.

A 130-room Marriott Courtyard hotel opened in December 2017, immediately adjacent to a Marriott Residence Inn, which opened its doors in Fall 2013. Also in Central Islip, O'Shea properties developed a 31-unit multi-tenanted industrial building that was completed then completely leased up during the height of the pandemic.

In addition to Central Islip, the Veteran's Highway Corridor in Bohemia/Ronkonkoma continues to attract industrial development for a variety of reasons. The recent supply chain issues has highlighted the need for more industrial space, whether it be for re-shoring of manufacturing, warehousing of raw materials, or warehouse and distribution of consumer products and the so-called 'last mile' deliveries. Also influential is the proximity of Long Island MacArthur Airport and aerospace industry cluster. It has been identified as the "fastest growing business hub in Suffolk County" (LI Business News) and the LI Forum for Technology (LIFT) identified the Ronkonkoma/Bohemia/Holbrook area as having the largest concentration of aerospace companies on Long Island. North Atlantic Industries, Data Device Corporation, GE Aviation, Passur Aerospace and Magellan Aerospace are just a few of the companies that make up this significant aerospace cluster. Another significant Veteran's Highway Corridor project is the \$25 million Perfume Center of America building in Ronkonkoma, a 220,000 square foot warehouse/distribution/fulfillment facility, employing almost 100 people. In late 2020, North Atlantic Industries relocated down the street on Wilbur Place in Bohemia and expanded their footprint from 31,000 sf to 94,000 sf.

In downtown Bay Shore, many significant projects have occurred over the years. The Town's strategy of encouraging adaptive re-use, high density housing and mixed-use within the defined downtown corridor has resulted in much greater economic activity. The 260-seat Boulton Center for Performing Arts occupies a former vacant theater. The reconstruction of the 34,000 square foot Dominy Building is completely occupied with 17,000 square feet of retail space on the first floor and residential apartments above. The long vacant Vitagraph Studio was restored for luxury loft apartments and is completely occupied and the Burlington Coat Factory was restored for back-office operations for the Good Samaritan Hospital. Village Place, on the corner of Main Street and Park Avenue, Bay Shore is a mixed-

use project containing 5,865 square feet of first floor commercial space and 32 rental units opened in spring of 2016 and is fully occupied. The project replaces 11,590 square feet of dilapidated commercial space. Bay Shore Main and Fourth has recently completed construction, converting an old retail building to a mixed-use facility, adding 29 apartments over first floor retail and office, with an investment of over \$10 million. Three additional mixed-use projects started construction in 2019, and have since opened. Eleven Maple Ave Associates adds 90 residential rental units and 1,800 square feet of retail, while investing more than \$23 million; Park Ave Bay Shore LLC also adds 90 residential rental units and 1,000 square feet of retail; and Bay Shore Senior Housing adds 75 residential units with an 8,000 square foot community center, with an investment of more than \$30 million. Finally, the Touro School of medical science has been relocated to Central Islip. The structure on this 10 acre site was demolished in 2021 and construction is underway on a 418 unit transit oriented development adjacent to the LIRR, the heart of downtown Bay Shore, and en route to the Fire Island Ferry terminal. The former Southside Hospital in Bay Shore which is part of Northwell Health System, was re-branded as South Shore University Hospital. It continues to be a massive driver of economic activity. In 2020, they completed and cut the ribbon on a 1,000-parking structure. This will allow for the continued expansion of the hospital facility in the near future.

The Town currently has roughly 4,200 acres of land zoned for industrial uses. This acreage includes the 52-acre Foreign Trade Zone, a site exclusively for duty-free importing firms. Below are some of the major industrial parks located in the Town:

- |   |  |
|---|--|
| 1. Heartland, 380 acres                           | 2. Airport Industrial Plaza, 200 acres     |
| 3. Equi-Park Industrial Mall, 143 acres           | 4. Racanelli Industrial Park, 140 acres    |
| 5. Industrial Air Park, 128 acres                 | 6. Serota Corporate Park, 124 acres        |
| 7. Tech Park (Empire Zone), 100 acres             | 8. MacArthur Center, 90 acres              |
| 9. Gateway Industrial Park, 60 acres              | 10. Motor Parkway, 60 acres                |
| 11. Islip Foreign Trade Zone, 52 acres            | 12. Sherwood Corporate Park, 50 acres      |
| 13. Parkland Commercial Industrial Park, 40 acres | 14. Airport Industrial Plaza II, 38 acres  |
| 15. Parr Islandia Park, 32 acres                  | 16. Acres Aero-Teach Park, 29 acres        |
| 17. Drexel Drive Industrial Park, 28 acres        | 18. Furrows Industrial Center, 26 acres    |
| 19. Speedway Industrial Park, 25 acres            | 20. Expressway Drive South, 25 acres       |
| 21. Ocean Avenue and Veterans Highway, 24 acres   | 22. DaVinci Drive, 22 acres                |
| 23. Brentwood Industrial Park, 22 acres           | 24. Lakeland Industrial Park, 22 acres     |
| 25. Central Islip Industrial Park, 20 acres       | 26. MacArthur Industrial Complex, 19 acres |
| 27. Cardinal Industrial Park, 19 acres            | 28. Central Avenue, 15 acres               |
| 29. Airport Business Center, 14 acres             | 30. Fifth Avenue Industrial Park, 10 acres |
| 31. Church Avenue, 5 acres                        |  |

***Population Trends***

	<u>Town</u>	<u>County</u>	<u>State</u>
1990	299,754	1,321,864	17,990,455
2000	322,612	1,419,369	18,976,457
2010	335,543	1,493,350	19,378,102
2014	336,758	1,500,373	19,594,330
2015	336,747	1,501,373	19,673,174
2016	335,710	1,498,130	19,697,457
2018	330,914	1,477,000	19,530,000
2020	339,938	1,525,920	20,201,249

Source: U.S. Census Bureau.

*(The remainder of this page has been intentionally left blank.)*



## ***Unemployment Rate Statistics***

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

### **Yearly Average Unemployment Rates**

<u>Year</u>	<u>Town</u>	<u>County</u>	<u>State</u>
2017	4.4%	4.5%	4.6%
2018	3.7	3.8	4.1
2019	3.5	3.5	3.8
2020	8.8	8.5	9.9
2021	4.6	4.6	6.9

### **Monthly Unemployment Rates**

<u>Month</u>	<u>Town</u>	<u>County</u>	<u>State</u>
June 2021	4.9%	4.9%	7.5%
July	5.0	4.8	7.1
August	4.7	4.5	6.7
September	3.8	3.7	5.7
October	3.4	3.4	5.3
November	3.0	3.1	4.9
December	2.6	2.7	4.5
January 2022	3.6	3.6	5.3
February	3.8	3.8	5.1
March	3.5	3.5	4.7
April	2.9	2.8	4.2
May	3.0	2.8	4.1

Source: State of New York, Department of Labor. (Note: Figures not seasonally adjusted).

**End of Appendix A**

**APPENDIX B**

**FINANCIAL STATEMENT SUMMARIES**

**Town of Islip**  
 Adopted Budgets - General Fund  
 Fiscal Year Ended December 31:

	<u>2021</u>	<u>2022</u>
Revenues:		
Real Property Taxes	\$ 44,610,982	\$ 44,491,001
Other Tax Items	1,400,000	1,500,000
Non-Property Tax	6,600,000	6,675,000
Departmental Income	10,874,150	11,122,500
Intergovernmental Charges	11,503,828	11,507,560
Use Of Money And Property	1,327,550	1,076,500
Licenses and Permits	567,400	573,100
Fines and Forfeitures	439,000	566,000
Sale of Property and Compensation for Loss	335,075	365,075
Miscellaneous	2,177,000	2,726,000
State Aid	12,272,200	12,641,510
Federal Aid	900,000	970,000
Interfund Revenues	5,501,446	5,841,959
Appropriated Fund Balance	<u>4,500,000</u>	<u>4,700,000</u>
 Total Revenue	 <u>\$ 103,008,631</u>	 <u>\$ 104,756,205</u>
Expenditures:		
General Government Support	\$ 23,969,805	\$ 24,992,135
Public Safety	10,263,700	10,751,400
Economic Assistance And Opportunity	2,717,945	3,011,050
Culture And Recreation	14,831,429	15,330,631
Home And Community Services	6,218,175	6,480,435
Employee Benefits	30,409,000	29,287,400
Interfund Transfers	2,200,577	2,297,154
Debt Service	<u>12,398,000</u>	<u>12,606,000</u>
 Total Expenditures	 <u>\$ 103,008,631</u>	 <u>\$ 104,756,205</u>

Source: Adopted Budgets of the Town.

**Town of Islip**  
**Balance Sheet**  
**General Fund**  
**Fiscal Year Ended December 31:**

	<u>2019</u>	<u>2020</u>	<u>2021<sup>(1)</sup></u>
<b>Assets:</b>			
Cash and Cash Equivalents	\$ 41,128,818	\$ 79,336,024	\$ 88,635,826
Accounts Receivable, Net	2,084,875	1,822,737	2,085,684
Due from Federal, State & Other Governments	729,841	1,096,797	1,702,719
Due from Enterprise Funds	1,484,855	1,560,435	-
Due from Fiduciary Funds	8,202,125	-	-
Due from Other Funds	1,313,847	557,680	7,062,640
Prepaid Expenses	<u>1,094,826</u>	<u>1,168,527</u>	<u>1,312,908</u>
<b>Total Assets</b>	<b><u>\$ 56,039,187</u></b>	<b><u>\$ 85,542,200</u></b>	<b><u>\$ 100,799,777</u></b>
<b>Liabilities</b>			
Accounts Payables	\$ 1,821,327	\$ 1,962,989	\$ 1,600,490
Accrued Liabilities	1,136,726	826,025	1,198,424
Due To Other Governments	49,271	49,271	49,271
Due to Enterprise Funds	3,843	11,144	-
Due to Other Funds	2,598	324,357	4,294,888
Guaranty, Bid and Escrow Deposits	-	4,897,129	4,545,960
Other Liabilities	-	-	2,623,564
Unearned/ Deferred Revenues	<u>16,868,123</u>	<u>45,277,929</u>	<u>43,336,761</u>
<b>Total Liabilities</b>	<b><u>\$ 19,881,888</u></b>	<b><u>\$ 53,348,844</u></b>	<b><u>\$ 57,649,358</u></b>
<b>Fund Balance:</b>			
<b>Non-spendable:</b>			
Prepays	\$ 1,094,826	\$ 1,168,527	\$ 1,312,908
<b>Restricted:</b>			
Culture and Recreation	286,260	287,379	287,400
Debt Service	3,713,891	3,946,773	3,961,878
<b>Assigned:</b>			
Purchase on Order or Contractual Obligations	323,737	457,605	-
Workers' Compensation	7,684,135	8,659,038	11,773,144
Judgements and Claims	5,149,642	5,230,250	5,031,216
Insurance	1,035,091	331,967	(1,142,403)
Subsequent Year's Budget	10,324,300	4,350,000	4,350,000
<b>Unassigned:</b>			
General Fund	<u>6,545,417</u>	<u>7,761,787</u>	<u>17,576,276</u>
<b>Total Fund Balance</b>	<b><u>\$ 36,157,299</u></b>	<b><u>\$ 32,193,326</u></b>	<b><u>\$ 43,150,419</u></b>
<b>Total Liabilities and Fund Balance</b>	<b><u>\$ 56,039,187</u></b>	<b><u>\$ 85,542,170</u></b>	<b><u>\$ 100,799,777</u></b>

(1) Preliminary, unaudited results, subject to change.

Source: Audited and Unaudited Financial Statements of the Town.  
Summary itself is not audited.

**Town of Islip**  
**Combined Statement of Revenues, Expenditures**  
**and Changes in Fund Balance**  
**General Fund**  
**Fiscal Year Ending December 31:**

	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021<sup>(1)</sup></u>
<b>Revenues:</b>						
Real Property Taxes	\$ 37,673,038	\$ 32,579,153	\$ 34,998,756	\$ 37,525,346	\$ 38,997,701	\$ 44,610,982
Real Property Tax Items	1,235,851	1,553,361	1,389,697	1,371,261	1,429,045	1,544,738
Non-Property Tax Items	6,810,391	6,987,282	6,885,947	6,835,389	6,573,295	6,058,852
Departmental Income	9,253,161	9,274,877	9,276,605	9,731,069	8,467,351	11,591,310
Intergovernmental Charges	10,302,321	10,243,630	10,300,289	10,563,598	10,536,171	10,373,030
Use Of Money And Property	1,282,053	1,809,078	2,027,827	2,373,406	1,686,348	1,050,837
Licenses And Permits	613,625	619,261	531,872	576,178	487,468	523,365
Fines And Forfeitures	1,334,284	1,447,055	1,362,701	1,193,692	365,962	596,958
Sale Of Property And Compensation For Loss	215,281	829,250	3,658,941	1,817,629	1,011,938	670,257
Miscellaneous	3,073,831	3,707,106	3,465,251	4,625,726	5,481,539	1,485,395
Interfund Revenues	4,301,414	4,281,961	4,156,436	4,472,590	4,797,454	7,805,663
State Aid	10,449,304	11,253,477	9,871,437	11,860,507	14,554,600	20,994,516
Federal Aid	554,050	438,649	519,674	362,171	1,217,200	1,221,608
<b>Total Revenues</b>	<b><u>\$ 87,098,604</u></b>	<b><u>\$ 85,024,140</u></b>	<b><u>\$ 88,445,433</u></b>	<b><u>\$ 93,308,562</u></b>	<b><u>\$ 95,606,072</u></b>	<b><u>\$ 108,527,511</u></b>
<b>Expenditures:</b>						
General Government Support	\$ 19,897,663	\$ 20,955,143	\$ 21,787,743	\$ 24,870,995	\$ 26,131,055	\$ 26,837,081
Public Safety	8,298,387	8,343,248	8,850,585	9,553,647	10,002,059	10,262,901
Health	-	-	-	-	-	-
Transportation	-	-	-	-	-	680,887
Economic Assistance	1,990,253	2,032,796	2,084,126	2,120,543	2,812,944	2,134,054
Culture And Recreation	12,822,048	13,213,169	13,821,665	15,558,354	14,590,775	15,246,804
Home And Community Services	4,350,356	4,492,148	4,809,012	4,999,616	5,134,771	5,694,832
Employee Benefits	26,009,991	26,311,934	28,148,589	28,480,375	28,756,167	24,573,326
Debt Service	12,680,618	12,159,894	11,852,188	13,163,510	12,260,194	12,140,535
<b>Total Expenditures</b>	<b><u>\$ 86,049,316</u></b>	<b><u>\$ 87,508,332</u></b>	<b><u>\$ 91,353,908</u></b>	<b><u>\$ 98,747,040</u></b>	<b><u>\$ 99,687,965</u></b>	<b><u>\$ 97,570,420</u></b>
<b>Excess (Deciciency) of Revenues Over (Under Expenditures</b>	<b>1,049,288</b>	<b>(2,484,192)</b>	<b>(2,908,475)</b>	<b>(5,438,478)</b>	<b>(4,081,893)</b>	<b>10,957,091</b>
<b>Other Financing Sources (Uses):</b>						
Operating Transfer In	\$ 234,616	\$ 645,258	\$ 58,832	\$ 150,768	\$ 66,229	\$ -
Operating Transfer Out	(48,800)	(495,138)	(209,972)	-	-	-
Premiums on Obligations	1,992,035	-	1,652,230	330,552	387,499	-
Refunding Bonds Issued	8,584,569	-	-	-	2,805,395	-
Payments to Refunded Bond Account	(9,878,584)	-	-	-	(3,141,203)	-
<b>Total Other Financing Sources (Uses)</b>	<b>\$ 883,836</b>	<b>\$ 150,120</b>	<b>\$ 1,501,090</b>	<b>\$ 481,320</b>	<b>\$ 117,920</b>	<b>\$ -</b>
<b>Excess (Deficiency) of Revenues and Other Sources Over (Under) Expenditures and Other Uses</b>	<b>1,933,124</b>	<b>(2,334,072)</b>	<b>(1,407,385)</b>	<b>(4,957,158)</b>	<b>(3,963,973)</b>	<b>10,957,091</b>
<b>Fund Balance Beginning of Year</b>	<b>\$ 42,922,790</b>	<b>\$ 44,855,914</b>	<b>\$ 42,521,842</b>	<b>\$ 41,114,457</b>	<b>\$ 36,157,299</b>	<b>\$ 32,193,326</b>
<b>Prior Period Adjustments</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Fund Balance End of Year</b>	<b><u>\$ 44,855,914</u></b>	<b><u>\$ 42,521,842</u></b>	<b><u>\$ 41,114,457</u></b>	<b><u>\$ 36,157,299</u></b>	<b><u>\$ 32,193,326</u></b>	<b><u>\$ 43,150,417</u></b>

(1) Preliminary, unaudited results, subject to change.

Source: Audited and Unaudited Financial Statements of the Town.  
Summary itself is not audited.

**APPENDIX C**  
**AUDITED FINANCIAL STATEMENTS**  
**FOR THE FISCAL YEAR ENDED DECEMBER 31, 2020\***

**CAN BE ACCESSED ON THE ELECTRONIC MUNICIPAL MARKET ACCESS  
("EMMA") WEBSITE  
OF THE MUNICIPAL SECURITIES RULEMAKING BOARD ("MSRB")  
AT THE FOLLOWING LINK:**

<https://emma.msrb.org/P21577196.pdf>

**The audited financial statements referenced above are hereby incorporated into this  
Official Statement.**

**\* Albrecht, Viggiano, Zureck & Company, P.C., Certified Public Accountants has not commented on or approved this Official Statement, has not been requested to perform any procedures on the information in its included report since its date and has not been asked to consent to the inclusion of its report in this Official Statement.**

**APPENDIX D**

**FORMS OF APPROVING LEGAL OPINIONS OF BOND COUNSEL**

FORM OF OPINION OF BOND COUNSEL

Hawkins Delafield & Wood LLP  
7 World Trade Center  
250 Greenwich Street  
New York, New York 10007

August 16, 2022

The Town Board of the  
Town of Islip, in the  
County of Suffolk, New York

Ladies and Gentlemen:

We have acted as Bond Counsel to the Town of Islip (the “Town”), in the County of Suffolk, New York, a municipal corporation of the State of New York, and have examined a record of proceedings relating to the authorization, sale and issuance of the \$33,630,000 Public Improvement Serial Bonds – 2022 (the “Bonds”) of the Town, dated and delivered on the date hereof.

In such examination, we have assumed the genuineness of all signatures, the authenticity of all documents submitted to us as originals and the conformity with originals of all documents submitted to us as copies thereof.

Based on and subject to the foregoing, and in reliance thereon, as of the date hereof, we are of the following opinions:

1. The Bonds are valid and legally binding general obligations of the Town for which the Town has validly pledged its faith and credit and, unless paid from other sources, all the taxable real property within the Town is subject to the levy of ad valorem real estate taxes to pay the Bonds and interest thereon, subject to certain statutory limitations imposed by Chapter 97 of the New York Laws of 2011, as amended. The enforceability of rights or remedies with respect to such Bonds may be limited by bankruptcy, insolvency or other laws affecting creditors’ rights or remedies heretofore or hereafter enacted.

2. Under existing statutes and court decisions and assuming continuing compliance with certain tax certifications described herein, (i) interest on the Bonds is excluded from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”), and (ii) interest on the Bonds is not treated as a preference item in calculating the alternative minimum tax under the Code.

The Code establishes certain requirements which must be met subsequent to the issuance of the Bonds in order that the interest on the Bonds be and remain excluded from gross income for federal income tax purposes under Section 103 of the Code. These requirements include, but are not limited to, requirements relating to the use and expenditure of proceeds of the Bonds, restrictions on the investment of proceeds of the Bonds prior to expenditure and the requirement that certain earnings be rebated to the federal government. Noncompliance with such



requirements may cause the interest on the Bonds to become subject to federal income taxation retroactive to the date of issuance thereof, irrespective of the date on which such noncompliance occurs or is ascertained.

On the date of issuance of the Bonds, the Town will execute a Tax Certificate relating to the Bonds containing provisions and procedures pursuant to which such requirements can be satisfied. In executing the Tax Certificate, the Town represents that it will comply with the provisions and procedures set forth therein and that it will do and perform all acts and things necessary or desirable to assure that the interest on the Bonds will, for federal income tax purposes, be excluded from gross income.

In rendering the opinion in this paragraph 2, we have relied upon and assumed (i) the material accuracy of the Town's representations, statements of intention and reasonable expectations, and certifications of fact contained in the Tax Certificate with respect to matters affecting the status of the interest on the Bonds, and (ii) compliance by the Town with the procedures and representations set forth in the Tax Certificate as to such tax matters.

3. Under existing statutes, interest on the Bonds is exempt from personal income taxes of New York State and its political subdivisions, including The City of New York.

We express no opinion as to any other federal, state or local tax consequences arising with respect to the Bonds, or the ownership or disposition thereof, except as stated in paragraphs 2 and 3 above. We render our opinion under existing statutes and court decisions as of the date hereof, and assume no obligation to update, revise or supplement our opinion to reflect any action hereafter taken or not taken, any fact or circumstance that may hereafter come to our attention, any change in law or interpretation thereof that may hereafter occur, or for any other reason. We express no opinion as to the consequence of any of the events described in the preceding sentence or the likelihood of their occurrence. In addition, we express no opinion on the effect of any action taken or not taken in reliance upon an opinion of other counsel regarding federal, state or local tax matters, including, without limitation, exclusion from gross income for federal income tax purposes of interest on the Bonds

We give no assurances as to the adequacy, sufficiency or completeness of the Preliminary Official Statement and/or Official Statement relating to the Bonds or any proceedings, reports, correspondence, financial statements or other documents, containing financial or other information relative to the Town, which have been or may hereafter be furnished or disclosed to purchasers of ownership interests in the Bonds.

Very truly yours,

/s/ Hawkins Delafield & Wood LLP

**APPENDIX E**

**FORM OF DISCLOSURE UNDERTAKING  
FOR THE BONDS**

## UNDERTAKING TO PROVIDE CONTINUING DISCLOSURE

### Section 1. Definitions

“Annual Information” shall mean the information specified in Section 3 hereof.

“EMMA” shall mean the Electronic Municipal Market Access System implemented by the MSRB.

“Financial Obligation” shall mean “financial obligation” as such term is defined in the Rule.

“GAAP” shall mean generally accepted accounting principles as in effect from time to time in the United States.

“Holder” shall mean any registered owner of the Securities and any beneficial owner of Securities within the meaning of Rule 13d-3 under the Securities Exchange Act of 1934.

“Issuer” shall mean the **Town of Islip**, in the County of Suffolk, a municipal corporation of the State of New York.

“MSRB” shall mean the Municipal Securities Rulemaking Board established in accordance with the provisions of Section 15B(b)(1) of the Securities Exchange Act of 1934, or any successor thereto or to the functions of the MSRB contemplated by this Agreement.

“Purchaser” shall mean the financial institution referred to in the Certificate of Award, executed by the Supervisor as of August 26, 2022.

“Rule” shall mean Rule 15c2-12 promulgated by the SEC under the Securities Exchange Act of 1934 (17 CFR Part 240, §240.15c2-12), as amended, as in effect on the date of this Undertaking, including any official interpretations thereof issued either before or after the effective date of this Undertaking which are applicable to this Undertaking.

“Securities” shall mean the Issuer’s **\$33,630,000 Public Improvement Serial Bonds-2022A**, dated August 18, 2022, maturing in various principal amounts on July 15 in each of the years 2023 to 2036, inclusive, and delivered on the date hereof.

Section 2. Obligation to Provide Continuing Disclosure. (a) The Issuer hereby undertakes, for the benefit of Holders of the Securities, to provide or cause to be provided either directly or through Capital Markets Advisors, LLC, 11 Grace Avenue, Suite 308, Great Neck, New York, to the EMMA System:

- (i) no later than six (6) months after the end of each fiscal year, commencing with the fiscal year ending December 31, 2022, the Annual Information relating to such fiscal year, and together with audited financial statements of the Issuer for such fiscal year if audited financial statements are then available; provided, however, that if audited financial statements are not then available, unaudited financial statements shall be provided with the

Annual Information no later than six (6) months after the end of each fiscal year, commencing with the fiscal year ending December 31, 2022, the audited financial statements of the Issuer for each fiscal year, if audited financial statements are prepared by the Issuer and then available; provided, however, that if audited financial statements are not prepared or are not then available, unaudited financial statements shall be provided and audited financial statements, if any, shall be delivered to the EMMA System within sixty (60) days after they become available and in no event later than one (1) year after the end of each fiscal year; provided further, however, that the unaudited financial statement shall be provided for any fiscal year only if the Issuer has made a determination that providing such unaudited financial statement would be compliant with federal securities laws, including Rule 10b-5 of the Securities Exchange Act of 1934 and Rule 17(a)(2) of the Securities Act of 1933; and

- (ii) in a timely manner, not in excess of ten (10) business days after the occurrence of such event, notice of any of the following events with respect to the Securities:
  - (1) principal and interest payment delinquencies;
  - (2) non-payment related defaults, if material;
  - (3) unscheduled draws on debt service reserves reflecting financial difficulties;
  - (4) unscheduled draws on credit enhancements reflecting financial difficulties;
  - (5) substitution of credit or liquidity providers, or their failure to perform;
  - (6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices of determinations with respect to the tax status of the Securities, or other events affecting the tax status of the Securities;
  - (7) modifications to rights of Securities holders, if material;
  - (8) Bond calls, if material, and tender offers;
  - (9) defeasances;
  - (10) release, substitution, or sale of property securing repayment of the Securities, if material;
  - (11) rating changes;

- (12) bankruptcy, insolvency, receivership or similar event of the Issuer;

Note to clause (12): For the purposes of the event identified in clause (12) above, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the Issuer in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or government authority has assumed jurisdiction over substantially all of the assets or business of the Issuer, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Issuer;

- (13) the consummation of a merger, consolidation, or acquisition involving the Issuer or the sale of all or substantially all of the assets of the Issuer, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) appointment of a successor or additional trustee or the change of name of a trustee, if material;
- (15) 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 of the Issuer, any of which affect security holders, if material; and
- (16) default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the Issuer, any of which reflect financial difficulties.

- (iii) in a timely manner, not in excess of ten (10) business days after the occurrence of such event, notice of a failure to provide by the date set forth in Section 2(a)(i) hereof any Annual Information required by Section 3 hereof.

(b) Nothing herein shall be deemed to prevent the Issuer from disseminating any other information in addition to that required hereby in the manner set forth herein or in any other manner. If the Issuer disseminates any such additional information, the Issuer shall have no obligation to update such information or include it in any future materials disseminated hereunder.

(c) Nothing herein shall be deemed to prevent the Issuer from providing notice of the occurrence of certain other events, in addition to those listed above, if the Issuer determines that any such other event is material with respect to the Securities; but the Issuer does not undertake

to commit to provide any such notice of the occurrence of any event except those events listed above.

Section 3. Annual Information. (a) The required Annual Information shall consist of the financial information and operating data for the preceding fiscal year, in a form generally consistent with the information contained or cross-referenced in the Issuer's final official statement relating to the Securities under the heading "LITIGATION" and in Appendix A under the headings: "THE TOWN," "FINANCIAL FACTORS," "TAX INFORMATION," "TOWN INDEBTEDNESS" and "ECONOMIC AND DEMOGRAPHIC DATA" and in Appendix B.

(b) All or any portion of the Annual Information may be incorporated in the Annual Information by cross reference to any other documents which are (i) available to the public on the EMMA System or (ii) filed with the SEC. If such a document is a final official statement, it also must be available from the EMMA System.

(c) Annual Information for any fiscal year containing any modified operating data or financial information (as contemplated by Section 7(e) hereof) for such fiscal year shall explain, in narrative form, the reasons for such modification and the effect of such modification on the Annual Information being provided for such fiscal year. If a change in accounting principles is included in any such modification, such Annual Information shall present a comparison between the financial statements or information prepared on the basis of the modified accounting principles and those prepared on the basis of the former accounting principles.

Section 4. Financial Statements. The Issuer's annual financial statements for each fiscal year, if prepared, shall be prepared in accordance with GAAP or New York State regulatory requirements as in effect from time to time. Such financial statements, if prepared, shall be audited by an independent accounting firm. The Issuer's Annual Financial Report Update Document prepared by the Issuer and filed annually with New York State in accordance with applicable law, shall not be subject to the foregoing requirements.

Section 5. Remedies. If the Issuer shall fail to comply with any provision of this Undertaking, then any Holder of Securities may enforce, for the equal benefit and protection of all Holders similarly situated, by mandamus or other suit or proceeding at law or in equity, this Undertaking against the Issuer and any of the officers, agents and employees of the Issuer, and may compel the Issuer or any such officers, agents or employees to perform and carry out their duties under this Undertaking; provided that the sole and exclusive remedy for breach of this Undertaking shall be an action to compel specific performance of the obligations of the Issuer hereunder and no person or entity shall be entitled to recover monetary damages hereunder under any circumstances. Failure to comply with any provision of this Undertaking shall not constitute an event of default on the Securities.

Section 6. Parties in Interest. This Undertaking is executed to assist the Purchaser to comply with paragraph (b)(5) of the Rule and is delivered for the benefit of the Holders. No other person shall have any right to enforce the provisions hereof or any other rights hereunder.

Section 7. Amendments. Without the consent of any holders of Securities, the Issuer at any time and from time to time may enter into any amendments or changes to this Undertaking for any of the following purposes:

- (a) to comply with or conform to any changes in Rule 15c2-12 (whether required or optional);
- (b) to add a dissemination agent for the information required to be provided hereby and to make any necessary or desirable provisions with respect thereto;
- (c) to evidence the succession of another person to the Issuer and the assumption of any such successor of the duties of the Issuer hereunder;
- (d) to add to the duties of the Issuer for the benefit of the Holders, or to surrender any right or power herein conferred upon the Issuer;
- (e) to modify the contents, presentation and format of the Annual Information from time to time to conform to changes in accounting or disclosure principles or practices and legal requirements followed by or applicable to the Issuer or to reflect changes in the identity, nature or status of the Issuer or in the business, structure or operations of the Issuer or any mergers, consolidations, acquisitions or dispositions made by or affecting any such person; provided that any such modifications shall comply with the requirements of Rule 15c2-12 or Rule 15c2-12 as in effect at the time of such modification; or
- (f) to cure any ambiguity, to correct or supplement any provision hereof which may be inconsistent with any other provision hereof, or to make any other provisions with respect to matters or questions arising under this Undertaking which, in each case, comply with Rule 15c2-12 or Rule 15c2-12 as in effect at the time of such amendment or change;

provided that no such action pursuant to this Section 7 shall adversely affect the interests of the Holders in any material respect. In making such determination, the Issuer shall rely upon an opinion of nationally recognized bond counsel.

Section 8. Termination. This Undertaking shall remain in full force and effect until such time as all principal, redemption premiums, if any, and interest on the Securities shall have been paid in full or the Securities shall have otherwise been paid or legally defeased pursuant to their terms. Upon any such legal defeasance, the Issuer shall provide notice of such defeasance to the EMMA System. Such notice shall state whether the Securities have been defeased to maturity or to redemption and the timing of such maturity or redemption.

In addition, this Agreement, or any provision hereof, shall be null and void in the event that those portions of the Rule which require this Agreement, or such provision, as the case may be, do not or no longer apply to the Securities, whether because such portions of the Rule are invalid, have been repealed, or otherwise.

Section 9. Undertaking to Constitute Written Agreement or Contract. This Undertaking shall constitute the written agreement or contract for the benefit of Holders of Securities, as contemplated under Rule 15c2-12.

Section 10. Governing Law. This Undertaking shall be governed by the laws of the State of New York determined without regard to principles of conflict of law.

IN WITNESS WHEREOF, the undersigned has duly authorized, executed and delivered this Undertaking as of July 15, 2022.

TOWN OF ISLIP

By \_\_\_\_\_  
Supervisor and Chief Fiscal Officer