

**PRELIMINARY OFFICIAL STATEMENT DATED MARCH 1, 2018**

**RENEWAL ISSUE**

**BOND ANTICIPATION NOTES**

*In the opinion of Hawkins Delafield & Wood LLP, Bond Counsel to the Village, under existing statutes and court decisions and assuming continuing compliance with certain tax certifications described herein, (i) interest on the Notes 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 Notes is not treated as a preference item in calculating the alternative minimum tax imposed on individuals under the Code. In addition, in the opinion of Bond Counsel to the Village, under existing statutes, interest on the Notes 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 Village WILL designate the Notes as "qualified tax-exempt obligations" pursuant to the provisions of Section 265(b)(3) of the Code.*

**VILLAGE OF MOUNT KISCO  
WESTCHESTER COUNTY, NEW YORK**

**\$1,200,000  
BOND ANTICIPATION NOTES – 2018 SERIES A  
(the "Notes")**

**Date of Issue: March 15, 2018**

**Maturity Date: March 15, 2019**

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

The Notes are dated their Date of Issue and bear interest from that date until the Maturity Date, at the annual rate(s) as specified by the purchaser(s) of the Notes. The Notes will not be subject to redemption prior to maturity.

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

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

If the Notes are issued in book-entry form, such notes will be delivered to DTC, which will act as securities depository for the Notes. Beneficial owners will not receive certificates representing their interest in the Notes. Individual purchases may be made in denominations of \$5,000 or integral multiples thereof. A single note certificate will be issued for those Notes bearing the same rate of interest and CUSIP number in the aggregate principal amount awarded to such purchaser(s) at such interest rate. Principal of and interest on said Notes will be paid in Federal Funds by the Village to Cede & Co., as nominee for DTC, which will in turn remit such principal and interest to its participants for subsequent distribution to the beneficial owners of the Notes as described herein. Transfer of principal and interest payments to beneficial owners by participants of DTC will be the responsibility of such participants and other nominees of beneficial owners. The Village will not be responsible or liable for payments by DTC to its participants or by DTC participants to beneficial owners or for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants. (See "Book-Entry-Only System" herein).

Capital Markets Advisors, LLC has served as the Municipal Advisor to the Village in connection with the issuance of the Notes.

The Notes are offered when, as and if issued and received by the purchaser(s) 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 Notes will be available for delivery through the offices of DTC on the Date of Issue stated above.

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

March \_\_, 2018

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.

**VILLAGE OF MOUNT KISCO  
WESTCHESTER COUNTY, NEW YORK**

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**Gina D. Picinich  
Mayor**

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Jean M. Farber.....Deputy Mayor

Isidoro Albanese..... Trustee

Peter F. Grunthal ..... Trustee

Karen B. Schleimer ..... Trustee

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Edward W. Brancati ..... Village Manager

Robert Wheeling ..... Village Treasurer

Paula Maiorano .....Deputy Village Clerk

Whitney Singleton, Esq..... Village Attorney

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**BOND COUNSEL**

**HAWKINS DELAFIELD & WOOD LLP**  
*New York, New York*

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**MUNICIPAL ADVISOR**

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

No dealer, broker, salesman or other person has been authorized by the Village 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 Notes by any person in any jurisdiction in which it is unlawful for such person to make such offer, solicitation or sale. The information set forth herein has been obtained by the Village 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 Village since the date hereon.

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## **OFFICIAL STATEMENT**

### **VILLAGE OF MOUNT KISCO SUFFOLK COUNTY, NEW YORK**

#### **Relating To**

#### **\$1,200,000 BOND ANTICIPATION NOTES – 2018 SERIES A (the “Notes”)**

This Official Statement including the cover page and appendices thereto has been prepared by the Village of Mount Kisco, Westchester County, New York (the “Village”, “County”, and “State” respectively) and presents certain information relating to the Village’s \$1,200,000 Bond Anticipation Notes – 2018 Series A (the “Notes”).

All quotations from and summaries and explanations of provisions of the Constitution and laws of the State and acts and proceedings of the Village contained herein do not purport to be complete and are qualified in their entirety by reference to the official compilations thereof and all references to the Notes and the proceedings of the Village relating thereto are qualified in their entirety by reference to the definitive form of the Notes and such proceedings.

### **THE NOTES**

#### ***Description***

The Notes are general obligations of the Village and will contain a pledge of the faith and credit of the Village for the payment of the principal thereof and interest thereon and, unless paid from other sources, the Notes are payable from ad valorem taxes which may be levied upon all the taxable real property within the Village, subject to certain statutory limitations imposed by the Tax Levy Limit Law. (See “*Tax Levy Limit Law*” herein). The Notes will be dated and will mature, without option of prior redemption, as stated on the cover page hereof.

The Village will act as Paying Agent for any Notes issued in book-entry form and the purchaser(s) will serve as paying agent for the Notes registered in the name of the purchaser(s). Paying agent fees, if any, will be paid by the purchaser(s). The Village’s contact information is as follows: Robert Wheeling, Village Treasurer, 104 N. Main Street, Mount Kisco, NY, 10549, Phone: (914) 864-0004.

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

The Notes shall be issued pursuant to the Constitution and laws of the State of New York and the bond resolution adopted by the Board of Trustees of the Village on July 16, 2012 authorizing the issuance of serial bonds to finance the construction of sewer system improvements for the Village. Proceeds from the sale of the Notes, together with \$60,000 of available Village funds, will be used to redeem a prior issue of bond anticipation notes currently outstanding in the principal amount of \$1,260,000, maturing on March 16, 2018.

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

Each Note when duly issued and paid for will constitute a contract between the Village and the holder thereof.

The Notes will be general obligations of the Village and will contain a pledge of the faith and credit of the Village for the payment of the principal thereof and the interest thereon. For the payment of such principal of and interest on the Notes, the Village has the power and statutory authorization to levy ad valorem taxes on all taxable real property in the Village, 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 Village is required to pledge its faith and credit for the payment of the principal of and interest on the Notes, and the State is specifically precluded from restricting the power of the Village 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 Village's power to increase its annual tax levy unless the Village complies with certain procedural requirements to permit the Village to levy certain year-to-year increase in real property taxes. (See "*The Tax Levy Limit Law*" herein).

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

The Depository Trust Company ("DTC"), New York, New York, will act as securities depository for those Notes issued as book entry only notes (hereinafter in this section referred to as the "Securities"). The Securities will be issued as fully-registered securities registered in the name of Cede & Co. (DTC's partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully-registered note certificate will be issued for those Notes which bear the same rate of interest and CUSIP number and will be deposited with DTC.

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

To facilitate subsequent transfers, all Securities 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 Securities 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 Securities; DTC's records reflect only the identity of the Direct Participants to whose accounts such Securities 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. (or any other DTC nominee) will consent or vote with respect to the Securities unless authorized by a Direct Participant in accordance with DTC's Procedures. Under its usual procedures, DTC mails an Omnibus Proxy to the Village 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 securities are credited on the record date (identified in a listing attached to the Omnibus Proxy).

Principal and interest payments on the Securities 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 Village, on the 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 Village, 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 Village or Agent, 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 securities depository with respect to the Securities at any time by giving reasonable notice to the Village. Under such circumstances, in the event that a successor depository is not obtained, Security certificates are required to be printed and delivered.

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

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

Source: The Depository Trust and Clearing Company.

THE VILLAGE 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 NOTES; (III) ANY NOTICE WHICH IS PERMITTED OR REQUIRED TO BE GIVEN TO NOTEHOLDERS; (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 NOTES; OR (V) ANY CONSENT GIVEN OR OTHER ACTION TAKEN BY DTC AS NOTEOWNER.

### **REMEDIES UPON DEFAULT**

Neither the Notes, nor the proceedings with respect thereto, specifically provide any remedies which would be available to owners of the Notes should the Village default in the payment of principal of or interest on the Notes, nor do they contain any provisions for the appointment of a trustee to enforce the interests of the owners of the Notes upon the occurrence of any such default. The Notes are general obligation contracts between the Village and the owners for which the faith and credit of the Village are pledged and while remedies for enforcement of payment are not expressly included in the Village'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 Notes at the suit of the owner, a Court has the power, in proper and appropriate proceedings, to render judgment against the Village. 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 or notes from funds lawfully available therefor or, in the absence thereof, to order the Village 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 Village and the availability and adequacy of other remedies. Upon any default in the payment of the principal of or interest on the Notes, the owners of such Notes could, among other remedies, seek to obtain a writ of mandamus from a Court ordering the governing body of the Village to assess, levy and collect an ad valorem tax, upon all taxable property of the Village subject to taxation by the Village sufficient to pay the principal of and interest on the Notes 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 Notes and the proceedings with respect thereto all of which are included in the contract with the owners of the Notes. 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 Notes 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 Noteholders, 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 Village.

Pursuant to Article VIII, Section 2 of the State Constitution, the Village 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, including the 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 Village indebtedness is past due. The Village has never defaulted in the payment of the principal of and/or interest on any indebtedness.

### ***Municipal Bankruptcy***

The undertakings of the Village 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 Village 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 Village 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 Notes. 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 Notes, and the obligations incurred by the Village, 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 Notes 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 Notes should the Village 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 Village 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 County of Nassau. The specific authority, powers and composition of the financial control boards established by these acts varies based upon circumstances and needs. Generally, the State legislature has granted such boards the power to approve or disapprove budget and financial plans and to issue debt on behalf of the municipality, as well as to impose wage and/or hiring freezes and 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 Village 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.

### **MARKET FACTORS AFFECTING FINANCINGS OF THE STATE AND MUNICIPALITIES OF THE STATE**

There are certain potential risks associated with an investment in the Notes, 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:

The Village's credit rating could be affected by circumstances beyond the Village'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 Village 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 Village's credit rating could adversely affect the market value of the Notes.

If and when an owner of any of the Notes should elect to sell all or a part of the Notes 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 Notes. The market value of the Notes is dependent upon the ability of holder to potentially incur a capital loss if such Notes 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 Notes. In particular, if a significant default or other financial crisis should occur in the affairs of the State or any of its municipalities, public authorities or other political subdivisions thereby possibly further impairing the acceptability of obligations issued by those entities, both the ability of the Village to arrange for additional borrowing(s) as well as the market for and market value of outstanding debt obligations, including the Notes, could be adversely affected.

The Village 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 Village'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 Village 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 Village 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 Village will have market access for any such borrowing on a cost effective basis. The elimination of or any substantial reduction in State Aid would likely have a materially adverse effect upon the Village requiring either a counterbalancing increase in revenues from other sources to the extent available or a curtailment of expenditures. (See also "*State Aid*" herein.)

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

The enactment of the Tax Levy Limit Law, which imposes a tax levy limitation upon municipalities, school districts and fire districts in the State, including the Village, without providing exclusion for debt service on obligations issued by municipalities and fire districts, may affect the market price and/or marketability for the Notes. (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 Village could impair the financial condition of such entities, including the Village and the ability of such entities, including the Village to pay debt service on their respective obligations.

## **LITIGATION**

The Village is subject to a number of lawsuits in the ordinary conduct of its affairs. The Village 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 Village.

## **TAX MATTERS**

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

In the opinion of Hawkins Delafield & Wood LLP, Bond Counsel to the Village, under existing statutes and court decisions and assuming continuing compliance with certain tax certifications described herein, (i) interest on the Notes 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 Notes is not treated as a preference item in calculating the alternative minimum tax imposed on individuals under the Code. The Tax Certificate of the Village (the “Tax Certificate”), which will be delivered concurrently with the delivery of the Notes will contain provisions and procedures relating to compliance with applicable requirements of the Code. In rendering its opinion, Bond Counsel has relied on certain representations, certifications of fact, and statements of reasonable expectations made by the Village in connection with the Notes, and Bond Counsel has assumed compliance by the Village with certain ongoing 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 Notes from gross income under Section 103 of the Code.

In addition, in the opinion of Bond Counsel to the Village, under existing statutes, interest on the Notes 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 regarding any other Federal or state tax consequences with respect to the Notes. 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 after the issue date to reflect any action hereafter taken or not taken, or any facts or circumstances that may hereafter come to its attention, or changes in law or in interpretations thereof that may hereafter occur, or for any other reason. Bond Counsel expresses no opinion on the effect of any action hereafter taken or not taken in reliance upon an opinion of other counsel on the exclusion from gross income for Federal income tax purposes of interest on the Notes, or under state and local tax law.

### ***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 Notes in order that interest on the Notes 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 Notes, 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 Notes 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 Village, in executing the Tax Certificate, will certify to the effect that the Village 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 Notes 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 the Notes. It does not purport to address all aspects of Federal taxation that may be relevant to a particular owner of a Note. 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 Notes.

Prospective owners of the Notes 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 Notes 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” (“OID”) is the excess of the sum of all amounts payable at the stated maturity of a Note (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 Notes. In general, the issue price for each maturity of the Notes is expected to be the initial public offering price set forth in this Official Statement. Bond Counsel further is of the opinion that, for any Note having OID (a “Discount Note”), OID that has accrued and is properly allocable to the owners of the Discount Note 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 Notes.

In general, under Section 1288 of the Code, OID on a Discount Note 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 Note. An owner’s adjusted basis in a Discount Note is increased by accrued OID for purposes of determining gain or loss on sale, exchange, or other disposition of such Discount Note. 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 Note even though there will not be a corresponding cash payment.

Owners of Discount Notes should consult their own tax advisors with respect to the treatment of original issue discount 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 Notes.

## ***Note Premium***

In general, if an owner acquires a Note 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 Note after the acquisition date (excluding certain “qualified stated interest” that is unconditionally payable at least annually at prescribed rates), that premium constitutes “note premium” on that Note (a “Premium Note”). In general, under Section 171 of the Code, an owner of a Premium Note must amortize the note premium over the remaining term of the Premium Note, based on the owner’s yield over the remaining term of the Premium Note, determined based on constant yield principles (in certain cases involving a Premium Note 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 Premium Note). An owner of a Premium Note must amortize the note premium by offsetting the qualified stated interest allocable to each interest accrual period under the owner’s regular method of accounting against the note premium allocable to that period. In the case of a tax-exempt Premium Note, if the note 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 Note may realize a taxable gain upon disposition of the Premium Note 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 Notes should consult their own tax advisors regarding the treatment of note premium for Federal income tax purposes, including various special rules relating thereto, and state and local tax consequences, in connection with the acquisition, ownership, amortization of note premium on, sale, exchange, or other disposition of Premium Notes.

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

Information reporting requirements apply to interest on tax-exempt obligations, including the Notes. 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 Note 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 Notes 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 Notes under Federal or state law or otherwise prevent beneficial owners of the Notes 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 Notes.

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

## **LEGAL MATTERS**

Legal matters incident to the authorization, issuance and sale of the Notes are subject to the approving legal opinion of Hawkins Delafield & Wood LLP, New York, New York, Bond Counsel. The opinion of Bond Counsel will be in substantially the form attached hereto as Appendix C.

## **DISCLOSURE UNDERTAKING**

In order to assist the purchasers 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 Notes, the Village will execute an Undertaking to Provide Notices of Events, the form of which is attached hereto as Appendix D.

### ***Compliance History***

The Village was late in filing its audited financial statements for the fiscal years ending May 31, 2013 through 2016, inclusive. For the fiscal years ending May 31, 2013, 2015 and 2016, the Village filed unaudited numbers within 180 days of the close of the fiscal year, but did not file audited financial statements within 30 days of the release of those statements. For the fiscal year ending May 31, 2014, the Village did not file audited financial statements or updated unaudited numbers within 180 days of the close of the fiscal year.

## **RATING**

The Village did not apply to Moody's Investor Service, Inc ("Moody's") for a rating on the Notes.

Moody's currently assigns the uninsured outstanding bonded indebtedness of the Village a rating of "Aa2".

Such rating reflect only the view of such organization, and an explanation of the significance of such rating may be obtained only from such rating agency, at the following address: Moody's Investors Service, Inc., 7 World Trade Center at 250 Greenwich Street, New York, NY 10007. There can be no assurance that such rating will continue for any specified period of time or that such rating will not be revised or withdrawn, if in the judgment of Moody's circumstances so warrant. Any such change or withdrawal of such rating may have an adverse effect on the market price of such bonds or the availability of a secondary market for those 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 Financial Advisor has served as the independent financial advisor to the Village 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 Village 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 Village. 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 Notes.

## **ADDITIONAL INFORMATION**

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

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 Village and the purchasers or holders of any of the Notes.

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 Village nor Capital Markets Advisors, LLC assumes any liability or responsibility for errors or omissions on such website. Further, Capital Markets Advisors, LLC and the Village 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 Village also assumes no liability or responsibility for any errors or omissions or for any updates to dated website information.

Additional information may be obtained upon request from Capital Markets Advisors, LLC, (516) 487-9818 or from the Village’s Treasurer, (914) 864-0004.

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

VILLAGE OF MOUNT KISCO  
WESTCHESTER COUNTY, NEW YORK

By: \_\_\_\_\_  
Robert Wheeling  
Village Treasurer

DATED: March \_\_, 2018

**APPENDIX A**  
**THE VILLAGE**

## **THE VILLAGE**

### ***General Information***

The Village was incorporated in 1875 and is located in northern Westchester County approximately 25 miles north of New York City. The Village encompasses an area of approximately 3.0 square miles and has a population of 11,060 according to the 2015 U.S. Census. The Village serves as the commercial and service center for the surrounding towns of Bedford and New Castle. Outside of the commercial center, the Village is composed of residential suburban neighborhoods as well as apartment complexes and condominiums. In addition to employment opportunities within the Village, residents travel to jobs throughout Westchester County and New York City.

### ***Change in Municipal Status***

In 1977, the Legislature of the State of New York, pursuant to voter approval, passed an act to create the Village/Town of Mount Kisco (the "Village"). The act provided that the Town of Bedford and the Town of New Castle be divided along the existing boundary line between the Village of Mount Kisco and the remainder of the two Towns, with the boundaries of the new town to be exactly the same as and coterminous with the boundaries of the Village of Mount Kisco. This change formally took effect on January 1, 1978. The Village operates under a Board of Trustees form of government in accordance with New York State Village and Town Law. Members of the Board of Trustees (the "Board of Trustees") serve as the Town Board as well. The receipt and disbursement of funds, the assessing of real property in connection with the levy and collection of Village property taxes, and the issuance of obligations are operated under the Village government. The Village Treasurer, acting in his capacity as Town Receiver, is responsible for the collection of Village, County and school district tax levies.

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

The Village operates under the Council-Manager form of government. This form provides for an appointed Chief Administrative Officer (Village Manager), who directs day-to-day Village operations and serves at the pleasure of the Mayor and the Board of Trustees (the "Board").

The Mayor is the chief executive officer of the Village. She is elected for a term of two years and is eligible to succeed herself. She is also a member of the Board of Trustees. In addition to the Mayor, there are four trustees who are elected for two-year terms.

### ***Elected and Appointed Officials***

The Board of Trustees is the legislative, appropriating, governing and policy determining body of the Village and consists of four board members, elected at large to serve two-year terms, plus the Mayor. Board members may serve an unlimited number of terms. It is the responsibility of the Board of Trustees to enact, by resolution, all legislation including ordinances and local laws. Annual operating budgets for the Village must be approved by the Board; modifications and transfers between budgetary appropriations also must be authorized by the Board of Trustees on the recommendation of the Village Manager. The issuance of all Village indebtedness is subject to approval by the Board of Trustees.

The Village Manager also serves as the Village Clerk. The Village Clerk is appointed by the Mayor, subject to confirmation by the Board, and serves at the pleasure of the Board. The Clerk acts as the custodian of the Village's record as well as the clerk to the Board. Duties of this office include: custody of the corporate seal, books, records and papers of the Village and all reports, communications and minutes of meetings of the Village boards and commissions, issuing certain licenses and permits, and coordinating Village elections.

The Village Treasurer is appointed by and serves at the pleasure of the Village Manager. The Village Treasurer is the chief fiscal officer of the Village responsible for maintaining Village accounting records, collection of taxes, personnel records, and investment of Village funds, and debt management.



## ***Employees***

The Village provides services through approximately 61 full-time employees, some of whom are represented by the following units of organized labor. Pursuant to an inter-municipal agreement between the Village and Westchester County, effective June 1, 2015, police services are provided by the County pursuant to an agreement between the Village and the County. The Village employs a retired Chief as a part-time Chief to oversee the parking enforcement officers (non-PBA).

<u>Number of Employees</u>	<u>Contract Organization</u>	<u>Contract Expiration Date</u>
16	Village Administration Group	05/31/18
4	United Federation of Police Officers	05/31/18
30	Westchester Teamsters Local 456	05/31/17 <sup>(1)</sup>
7	Mt. Kisco Public Library	N/A
4	Management	N/A

(1) Currently in negotiation.

Source: Village Officials

## ***Employee Pension Benefits***

Substantially all employees of the Village are members of the New York State and Local Employees' Retirement System ("ERS") (herein referred to as the "Retirement System"). The Retirement System is a cost-sharing multiple public employer retirement system. The obligation of employers and employees to contribute and the benefits to employees are governed by the New York State Retirement System and Social Security Law (the "Retirement System Law"). The Retirement System offers a wide range of plans and benefits which are related to years of service and final average salary, vesting of retirement benefits, death and disability benefits and optional methods of benefit payments. All benefits generally vest after five years of credited service, 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 ERS 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. ERS 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.

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 Village. Under the previous method, the Village 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 is based on the value of the pension fund on the prior April 1, instead of the following April 1. As a result, the Village 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.

On December 10, 2009, a new Tier V was signed into law, which was effective for ERS employees hired after January 1, 2010 and before April 2, 2012. Tier V 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 VI 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 VI, 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.

The New York State Retirement System has advised the Village 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 Village has prepaid its employer contributions each December since the option was made available in 2004.

Due to significant capital market declines in the past, the State's Retirement System portfolio has experienced negative investment performance and severe downward trends in market earnings. As a result of the foregoing, the employer contribution rate for the State's Retirement System continues to be higher than the minimum contribution rate established in the past. The State calculates contribution amounts based upon a five-year rolling average. As a result, contribution rates are expected to remain higher than the minimum contribution rates set by past legislation. To mitigate the expected increases in the employer contribution rate, various forms of legislation have been enacted that permit local governments to borrow a portion of their required payments from the State pension plan. To date, the Village has not found it necessary to amortize any payments to the Retirement System.

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

GASB Statement No. 45 ("GASB 45") of the Governmental Accounting Standards Board ("GASB"), requires state and local governments to account for and report their costs associated with post-retirement healthcare benefits and other non-pension benefits ("OPEB"). GASB 45 generally requires that employers account for and report the annual cost of the OPEB and the outstanding obligations and commitments related to OPEB in essentially the same manner as they currently do for pensions. Under previous rules, these benefits have generally been administered on a pay-as-you-go basis and have not been reported as a liability on governmental financial statements. Only current payments to existing retirees were recorded as an expense.

GASB 45 requires that state and local governments adopt the actuarial methodologies to determine annual OPEB costs. Annual OPEB cost for most employers will be based on actuarially determined amounts that, if paid on an ongoing basis, generally would provide sufficient resources to pay benefits as they come due.

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

GASB 45 does not require that the unfunded liabilities actually be funded, only that the Village account for its unfunded accrued liability and compliance in meeting its ARC. Actuarial valuation is required every 2 years for the Village.

The Village is in compliance with the requirements of GASB 45. The Village has determined that its actuarial accrued liability ("AAL") for OPEB as of June 1, 2015 was approximately \$28,871,513. For financial reporting purposes, the Village has elected to amortize the AAL over 30 years. For the year ended May 31, 2017, the Village's ARC was approximately \$2,430,405. 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 Village has decided to continue funding the expenditure on a pay-as-you-go basis. Should the Village be required to fund its unfunded actuarial accrued OPEB liability, it could have a material adverse impact upon the Village's finances and could force the Village to reduce

services, raise taxes or both. At the present time, however, there is no current or planned requirement for the Village to partially fund its actuarial accrued OPEB liability.

In April 2015, the State Comptroller proposed legislation to create an optional investment pool to help the State and local governments fund retiree health insurance and other post employment benefits. The State Comptroller's proposal would 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. Under the State Comptroller's proposal, there are no limits on how much a local government can deposit into the trust. The Village cannot predict whether such proposed legislation will be enacted into law.

### ***Investment Policy and Permitted Investments***

Pursuant to State law, including Sections 10 and 11 of the General Municipal Law (the "GML"), the Village is generally permitted to deposit moneys in banks and 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 Village 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 Village; (5) certificates of participation issued 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 Village pursuant to law, in obligations of the Village.

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 and 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 Village, such instruments and investments must be purchased through, delivered to and held in custody of a bank or trust company in the State pursuant to a written custodial agreement as provided in Section 10 of the GML.

## **FINANCIAL FACTORS**

### ***Budgetary Procedure***

Annually, the Village Manager prepares a tentative budget for the ensuing fiscal year. On or about January 15, budget requests are sent to department heads, whose estimates are returned to the Village Manager by February 15.

During February, the Village Manager and the department heads review their requests. On or about March 15, the Village Manager files the tentative budget with the Village Clerk, who submits it to the Board of Trustees. A public budgetary hearing is held on or before April 15. Prior to May 1, the Board of Trustees adopts the budget which is subsequently made available to the public.

Chapter 97 of the New York Laws of 2011, as amended, (the "Tax Levy Limit Law") imposes a limitation on increases in the real property tax levy of the Village, subject to certain exceptions outlined in the law. All budgets of

the Village adopted in accordance with the procedure discussed herein must comply with the requirements of the Tax Levy Limit Law.

### ***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 Village as "not filed."

See the State Comptroller's official website for more information on FSMS. Reference to this website implies no warranty of accuracy of information therein.

The financial affairs of the Village are subject to periodic compliance reviews by OSC to ascertain whether the Village has complied with the requirements of various State and federal statutes.

### ***Independent Audits***

The financial statements of the Village were audited by the firm of PKF O'Connor Davies, LLP, independent certified public accountants for the fiscal years ended May 31, 2012 through 2016, inclusive. The financial statements of the Village were audited by the firm of Drescher & Malecki, LLP, independent certified public accountants for the fiscal years ended May 31, 2017.

### ***Fund Structures and Accounts***

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

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

The Village maintains the following governmental funds: General Fund, Library Fund, Section 8 Housing Program Fund, Debt Service Fund and Capital Projects Fund. The Village maintains the following proprietary enterprise funds: Water Fund and Sewer Fund.

## ***Basis of Accounting***

The financial statements of the Village are prepared on the modified accrual basis of accounting. Under the modified accrual basis, revenues are recorded in the accounting period in which they are "measurable" and "available" to finance current operations. Revenues susceptible to accrual include real property taxes, services to other governments, intergovernmental revenues and operating transfers. Expenditures are generally recognized under the modified accrual basis, that is when the related fund liability is incurred. Exceptions to this general rule are (1) payments to employee retirement systems which are recorded in the general long-term obligations account group and recognized as an expenditure when due, (2) unmatured interest on general long-term debt which is recognized as an expenditure when due and (3) compensated absences which are charged to expenditures when paid.

Effective June 1, 2003, as part of the Village's compliance with reporting its operations in accordance with the provisions of the Governmental Accounting Standards Board, Statement 34 (GASB 34), the Village changed the reporting of its Water and Sewer Fund operations to an enterprise fund, full accrual basis of accounting.

## ***Recent Operating Results***

***2011/2012 Audited Results*** For the fiscal year ended May 31, 2012, based on audited results, General Fund revenues and other sources were approximately \$20,451,866 and General Fund Expenditures and other uses were \$20,115,826, which resulted in resulted in an operating surplus of \$336,040 and a cumulative General Fund surplus of \$8,377,330.

***2012/2013 Audited Results*** For the fiscal year ended May 31, 2013, based on audited results, General Fund revenues and other sources were approximately \$20,475,665 and General Fund Expenditures and other uses were \$20,247,485, which resulted in resulted in an operating surplus of \$228,180 and a cumulative General Fund surplus of \$8,605,510.

***2013/2014 Audited Results*** For the fiscal year ended May 31, 2014, based on audited results, General Fund revenues and other sources were approximately \$21,021,031 and General Fund Expenditures and other uses were \$20,744,594, which resulted in resulted in an operating surplus of \$276,437 and a cumulative General Fund surplus of \$8,881,947.

***2014/2015 Audited Results*** For the fiscal year ended May 31, 2015, based on audited results, General Fund revenues and other sources were approximately \$21,211,027 and General Fund Expenditures and other uses were \$20,747,162, which resulted in resulted in an operating surplus of \$463,865 and a cumulative General Fund surplus of \$9,345,812.

***2015/2016 Audited Results*** For the fiscal year ended May 31, 2016, based on audited results, General Fund revenues and other sources were approximately \$21,544,660 and General Fund Expenditures and other uses were \$20,525,369, which resulted in resulted in an operating surplus of \$1,019,291 and a cumulative General Fund surplus of \$10,365,103.

***2016/2017 Unaudited Results*** For the fiscal year ended May 31, 2017, *based on preliminary, unaudited results, subject to change*, General Fund revenues and other sources were approximately \$23,720,087 and General Fund Expenditures and other uses were \$21,104,023, which resulted in resulted in an operating surplus of \$2,616,064 and a cumulative General Fund surplus of \$12,981,167.

***2017/2018 Adopted Budget*** For the fiscal year ending May 31, 2018, based on the Village's adopted budget, General Fund revenues are budgeted at \$21.6 million and General Fund Expenditures and other uses are budgeted at \$21.6 million.

## ***Indebtedness Issued for a Settled Claim and Pending Sale of Land***

In August 2000, the Village issued a bond anticipation note (BAN) in the amount of \$3,650,000 to settle an action which challenged the rezoning of approximately fifty acres of property from residential use to preservation

development. The Village received certain parcels of land (aggregating 52 acres) as part of the settlement. The Village financed this settlement from available reserve funds of \$2,655,000, plus issued a serial bond in the amount of \$995,000 to fund the balance. The balance of the \$995,000 in the amount of \$611,411 has been refunded and defeased.

In December 2005, the Village agreed to sell a portion of this land (18.5 acres) to the owners of an adjacent parcel of land for \$3,500,000 for construction of an assisted living facility. As part of the sale, the Village settled a civil rights lawsuit brought against the Village by the owner of the adjacent parcel of land, and the Village also obtained ownership of the adjacent parcel of land (4.2 acres). As of June 26, 2015, the sale and transfer of the lands had not been completed; however, the Village has received a \$1,500,000 non-refundable deposit related to the sale and will receive an additional \$2,515,000 when the transaction is completed. During May 2015, the Village received a \$150,000 payment to extend the contract deadline for closing until late 2015. The contract for the sale has since expired.

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

The Village derives a major portion of its revenues from a tax on real property. Property taxes accounted for 70.0% of total General Fund revenues for the fiscal year ended May 31, 2017, *based on preliminary, unaudited results, subject to change*, while State aid accounted for 2.4%.

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

#### **General Fund Revenues & Real Property Taxes**

<u>Fiscal Year Ended May 31:</u>	<u>Total Revenues<sup>(1)</sup></u>	<u>Real Property Taxes</u>	<u>Real Property Taxes to Revenues</u>
2012	\$20,451,866	\$13,592,485	66.5%
2013	20,383,052	13,685,167	67.1
2014	20,861,424	13,905,161	66.7
2015	21,195,490	14,112,208	66.6
2016	21,554,660	14,520,581	67.4
2017 (Unaudited)	23,720,087	16,597,433	70.0
2018 (Adopted Budget)	21,640,715	14,623,025	67.6

(1) General Fund.

Source: Audited Financial Statements, Draft Financial Statements, subject to change, and Adopted Budget of the Village.

### ***State Aid***

The Village receives financial assistance from the State. In its adopted budget for the 2017-2018 fiscal year, approximately 1.5% of the total general fund revenues of the Village is estimated to be received in the form of State aid. 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 Village, in any year, the Village 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 Village, may be affected by a delay in the payment of State aid.

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

The State is not constitutionally obligated to maintain or continue State aid to the Village. No assurance can be given that present State aid levels will be maintained in the current or future fiscal years. State budgetary restrictions which eliminate or substantially reduce State aid could have a material adverse effect upon the Village, requiring either a counterbalancing increase in revenues from other sources to the extent available, or a curtailment of expenditures. The Village has not received any reductions in State aid during the current fiscal year nor does it anticipate a significant reduction in State aid during the remainder of the current fiscal year.

The State receives a substantial amount of Federal aid. Many of the policies that drive this Federal aid are subject to change under the current presidential administration and Congress.

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 current 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 medicare rules.

The State's Enacted 2017-2018 Budget allows the Governor to reduce aid to municipalities and school districts mid-year if receipts from the Federal government are less than what was expected. If federal support is reduced by \$850 million or more, the New York State Director of the Budget will develop a plan to make uniform spending reductions by the State. Such plan would take effect automatically unless the State Legislature passes its own plan within 90 days.

There can be no assurance that the State's financial position will not change materially and adversely from current projections. If this were to occur, the State would be required to take additional gap-closing actions. Such actions may include, but are not limited to: reductions in State agency operations; delays or reductions in payments to local governments. Reductions in the payment of State aid could adversely affect the financial condition of local governments in the State, including the Village.

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

**General Fund Revenues & State Aid Revenues**

<u>Fiscal Year Ended May 31:</u>	<u>Total Revenues<sup>(1)</sup></u>	<u>General Fund State Aid</u>	<u>State Aid To Revenues</u>
2012	\$20,451,866	\$403,332	2.0%
2013	20,383,052	361,808	1.8
2014	20,861,424	436,620	2.1
2015	21,195,490	303,138	1.4
2016	21,544,660	512,906	2.4
2017 (Unaudited)	23,720,087	558,492	2.4
2018 (Adopted Budget)	21,640,715	335,098	1.5

(1) General Fund.

Source: Audited Financial Statements, Draft Financial Statements, subject to change, and Adopted Budget of the Village.

***Sales Tax***

The County presently imposes a 1-1/2% County-wide sales and use tax on all retail sales. This, in addition to the present 4% State sales tax and 3/8 of 1% sales tax levied in the Metropolitan Transportation Authority District, provides a minimum combined sales tax in the County of 5-7/8%. In addition, the cities in the County have the power under State law to impose by local law and State legislative enactment their own sales and use taxes. At present, such taxes are imposed at a rate of 2% in the City of White Plains, at 2.5% in Mount Vernon and New Rochelle and at 3% in Yonkers.

In July 1991, the State Legislature authorized an additional 1% sales tax for the County to impose in localities other than cities which have their own sales tax. This additional 1% sales tax became effective on October 15, 1991. The additional 1% sales tax is to be apportioned between the County (33.33%), school districts in the County (16.66%) and towns, villages, and cities in the County which have not imposed sales taxes (50%).

Effective March 2004, the State Legislature authorized an additional ½ of 1% sales tax for the County to impose in localities other than cities which have their own sales tax. The additional ½ of 1% sales tax is to be apportioned between the County (70%), school districts in the County (10%), and towns, villages, and cities in the County which have not imposed sales taxes (20%).

The following table sets forth total fund revenues and sale taxes received for each of the past five audited fiscal years, the most recent unaudited fiscal year and the amount budgeted for the current fiscal year.

**General Fund Revenues & Sales Tax**

<u>Fiscal Year Ended May 31:</u>	<u>Total Revenues<sup>(1)</sup></u>	<u>Sales Tax</u>	<u>Sales Tax to Revenues</u>
2012	\$20,451,866	\$1,434,119	7.0%
2013	20,383,052	1,480,838	7.3
2014	20,861,424	1,560,493	7.5
2015	21,195,490	1,556,207	7.3
2016	21,847,812	1,584,010	7.3
2017 (Unaudited)	23,720,087	2,084,878	8.8
2018 (Adopted Budget)	21,640,715	1,550,000	7.2

(1) General Fund.

Source: Audited Financial Statements, Draft Financial Statements, subject to change, and Adopted Budget of the Village.

**TAX INFORMATION**

***Real Estate Tax Levying Limitation***

The Village is responsible for levying taxes for Village purposes. The Village's real property tax levying powers, other than for debt service and certain other enumerated purposes, are limited by the State Constitution to two percent of the five-year average full valuation of taxable real property of the Village.

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The following table sets forth the computation of the Village's real estate tax levying limitation and the determination of its tax margin for the fiscal year ending May 31, 2018.

**Real Property Tax Assessment and Rates**

Assessment <u>Year</u>	Fiscal Year <u>Ending May 31:</u>	Assessed <u>Valuation</u>	State Equalization <u>Ratio</u>	<u>Full Valuation</u>
2013	2014	\$150,900,069	9.25%	\$1,631,352,097
2014	2015	150,499,293	9.90	1,520,194,878
2015	2016	149,679,629	8.58	1,744,517,821
2016	2017	149,163,419	8.46	1,763,160,981
2017	2018	147,729,313	8.22	1,797,193,589
TOTAL:				<u>\$8,456,419,366</u>
Five-Year Average Valuation				1,691,283,873
Tax Levying Limitation: 2% of Average Five-Year Full Valuation:				33,825,677
Exclusions Added Thereto:				<u>2,509,041</u>
Maximum Taxing Power				36,334,718
Real Estate Tax Levy for 2017/2018				<u>14,623,025</u>
Constitutional Net Tax Margin				\$ 21,711,693
Percent of Tax Limitation Exhausted				<u>40.25%</u>

Source: Village of Mt. Kisco, Village Treasurer, and the New York State Office of Real Property Services.

***Valuations and Tax Data***

The Village derives its power to levy an ad valorem real property tax from Article 8, Section 10 of the Constitution of the State of New York. The Village is responsible for levying taxes for operating purposes and debt service.

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

	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
Assessed Value	\$150,900,069	\$150,499,293	\$149,679,629	\$149,163,419	\$147,729,313
Equalization Ratio	9.25%	9.90%	8.58%	8.46%	8.22%
Full Value	1,631,352,097	1,520,194,878	1,744,517,821	1,763,160,981	1,797,193,589
Tax Levy	13,995,630	14,274,121	14,586,780	14,669,625	14,623,025
Tax Rates <sup>(1)</sup> :	\$92.75	\$94.85	\$97.45	\$98.35	\$98.99

(1) Per \$1,000 assessed valuation.

Source: New York State Office of Real Property Services and Village Officials.

## ***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") on June 24, 2011, all the taxable real property within the Village has been subject to the levy of ad valorem taxes to pay the bonds and notes of the Village and interest thereon without limitation as to rate or amount. However, the Tax Levy Limit Law imposes a tax levy limitation upon the Village for any fiscal year commencing after January 1, 2012 continuing through June 15, 2020 or later as provided in the Tax Levy Limit Law, without providing an exclusion for debt service on obligations issued by the Village. As a result, the power of the Village to levy real estate taxes on all the taxable real property within the Village for Village purposes, including the payment of bonds and notes of the Village and interest thereon, is subject to statutory limitations imposed by the 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 Village, subject to certain exceptions. The Tax Levy Limit Law permits the Village 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 Village 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 Village, including exclusions for certain portions of the expenditures for retirement system contributions and tort judgments payable by the Village. The Village Board may adopt a budget that exceeds the tax levy limit for the coming fiscal year, only if the Village Board first enacts, by a vote of at least sixty percent of the total voting power of the governing board of the Village, a local law to override such limit for such coming fiscal year.

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 Village 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.

## ***Tax Collection Procedures***

The assessment and collection of real property taxes is governed by the Westchester County Tax Law as well as by the Real Property Tax Law of the State. The Village, acting in its capacity as a Town, collects all County, school and special district taxes. The Village receives warrants for the collection of taxes from the County and from the Bedford School District. The Village then remits the amount of the County and school district warrants at times set forth in the Westchester County Charter and Code. The Village is required to remit the full amount of each warrant presented by the County and school district, whether or not these sums are actually collected by the Village. The Village has the responsibility for uncollected taxes and for conducting tax lien sales.

Village taxes are due on June 1, with the first half payable without penalty until June 30, after which the penalty is 2% during July and 1% for each month thereafter up to the date of the tax lien sale. Second half Village taxes are payable without penalty until December 31, after which the penalty is 2% during January and 1% each month thereafter up to the date of the tax lien sale.

County, State judicial and special district taxes for the period from January 1 to December 31 are due in a single payment on April 1. Payment may be made without penalty until April 30, after which the penalty is 2% during May, 5% during June and July, 7% during August and September, 10% during October, November and December and 12% thereafter to the date of the tax lien sale.

School taxes for the period from July 1 to June 30 are due on September 1, with the first half payable without penalty until September 30th, after which the penalty is 2% during October, 5% during November, 7% during December and January, 10% during February and March, and 12% thereafter to the date of the tax lien sale. Second half school taxes are payable without penalty until January 31, after which the penalty is 10% during February and March, and 12% thereafter to date of the tax lien sale.

The following table sets forth the Village’s Real Property Tax Levies and Collections at the end of the last five fiscal years.

**Real Property Tax Levies and Collections**

<u>Fiscal Year Ended May 31:</u>	<u>Gross Tax Levy<sup>(1)</sup></u>	<u>Current Taxes Collected</u>	<u>Percentage Current Taxes Collected</u>
2013	\$ 13,929,740	\$ 13,642,186	97.9%
2014	14,282,473	14,027,400	98.2
2015	14,541,206	14,179,729	97.5
2016	14,839,602	14,640,584	98.7
2017	14,828,806	14,633,091	98.7

(1) Amount includes unpaid water/sewer rents added on tax roll.

Source: Village Officials.

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***Ten of the Largest Taxpayers***

The following table presents the taxable assessments of the Village’s ten largest taxpayers for the fiscal year ended May 31, 2018:

<b><u>Taxable Assessments</u></b>			
<u>Taxpayer</u>	<u>Nature of Business</u>	<u>Assessed Valuation <sup>(1)</sup></u>	<u>Percentage of Total Assessed Valuation</u>
Diamond Properties (DP)	Shopping Center	\$ 7,350,110	4.98%
Consolidated Edison Corp.	Public Utility	3,922,923	2.66
Friedland Properties	Real Estate	3,057,600	2.07
VNO	Shopping Center	2,950,000	2.00
Bedford Road Properties	Medical Offices	2,344,000	1.59
200 Diplomat Drive	Real Estate	1,740,786	1.18
Verizon	Public Utility	1,222,980	0.83
Bedford Plaza Tenants Corp	Housing	1,069,629	0.72
Foresight Affordable Housing	Housing	1,000,000	0.68
Tennis Equities	Recreation	<u>915,000</u>	<u>0.62</u>
Totals		<u>\$25,573,028</u>	<u>17.31%</u>

(1) The Village’s total assessed value for the 2017-18 fiscal year is \$147,729,313.

Source: Village Officials.

**VILLAGE INDEBTEDNESS**

***Constitutional and Statutory Requirements***

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

***Purpose and Pledge.*** The Village 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 Village may contract indebtedness only for a Village 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, the weighted average period of probable usefulness of the several purposes for which such indebtedness is to be contracted; no installment may be more than fifty per centum in excess of the smallest prior installment, unless the Village determines to issue debt amortized on the basis of substantially level or declining annual debt service. The Village is required to provide an annual appropriation for the payment of interest due during the year on its indebtedness and for the amounts required in such year for amortization and redemption of its serial bonds and bond anticipation notes.

**General.** The Village 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 Village 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 Village’s power to increase its annual tax levy, unless the Village complies with certain procedural requirements to permit the Village to levy certain year-to-year increases in real property taxes.

**Debt Limit.** The Village has the power to contract indebtedness for any Village 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 Village 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.

There is no constitutional limitation on the amount that may be raised by the Village by tax on real estate in any fiscal year to pay principal of and interest on all indebtedness. However, the Tax Levy Limit Law imposes a statutory limitation on the power of the Village to increase its annual tax levy unless the Village complies with certain procedural requirements to permit the Village to levy certain year-to-year increases in real property taxes.

### ***Statutory Procedure***

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

Pursuant to the Local Finance Law, the Village 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 Village Board, the finance board of the Village. Certain such resolutions may be subject to permissive referendum, or may be submitted to the Village voters at the discretion and (3/5) three-fifths vote of the Board of Trustees.

The Local Finance Law also provides for a twenty-day statute of limitations after publication of a bond resolution (in summary or in full), together with a statutory notice which, in effect, estops thereafter legal challenges to the validity of obligations authorized by such bond resolution except for alleged constitutional violations. The Village has complied with such procedure with respect to the Notes.

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

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

In addition, under each bond resolution, the Village Board may delegate the power to issue and sell bonds and notes to the Village Treasurer, the chief fiscal officer of the Village.

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

***Constitutional Debt-Contracting Limitation***

There is no constitutional limitation on the amount that may be raised by the Village by tax on real estate in any fiscal year to pay interest on or principal of indebtedness theretofore contracted.

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

<b><u>Debt Contracting Limitation</u></b>			
Fiscal Year Ended <u>May 31:</u>	<u>Assessed</u> <u>Valuation</u>	State Equalization <u>Ratio<sup>(1)</sup></u>	Full <u>Valuation</u>
2014	\$150,900,069	9.25%	\$1,631,352,097
2015	150,499,293	9.90	1,520,194,878
2016	149,679,629	8.58	1,744,517,821
2017	149,163,419	8.46	1,763,160,981
2018	147,729,313	8.22	<u>1,797,193,589</u>
Total Five-Year Full Valuation			\$8,456,419,366
Average Five-Year Full Valuation			1,691,283,873
Debt Contracting Limitation - 7% of Average Full Valuation			<u>\$ 118,389,871</u>

(1) Equalization rates are established by the New York State Board of Equalization and Assessment.

Source: New York State Board of Equalization and Assessment.

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The following table, based on information furnished by the Village, presents the debt-incurring power of the Village and shows that the Village is within its constitutional debt limit.

**Statement of Debt-Contracting Power**  
**(As of March 1, 2018)**

Debt-Contracting Limitation:		\$118,389,871
Gross Direct Indebtedness:		
Bonds:		
General Purpose	\$ 5,677,852	
Water <sup>(1)</sup>	<u>7,322,148</u>	
	\$13,000,000	
Bond Anticipation Notes:		
General Purpose	\$ 0	
Sewer	3,955,000	
Water	<u>0</u>	
	\$ 3,955,000	
 Total Gross Direct Indebtedness		 <u>\$ 16,955,000</u>
Less Exclusions and Deductions:		
Water Bonds:	\$ 7,322,148	
Appropriations for Non-Exempt Indebtedness During Current Fiscal Year	<u>\$ 155,000</u>	
Total Exclusions:		<u>\$ 7,477,148</u>
Total Net Direct Indebtedness		<u>\$ 9,477,852</u>
Debt-Contracting Margin		<u>\$108,912,019</u>
Percentage of Debt-Contracting Power Exhausted		<u>8.01%</u>

(1) Inclusive of bonds issued by the New York State Environmental Facilities Corporation on behalf of the Village.

***Tax and Revenue Anticipation Notes***

The Village currently has no revenue or tax anticipation notes outstanding.

***Trend of Capital Indebtedness***

The following table sets forth the amount of direct capital indebtedness outstanding for the last five fiscal years.

**Direct Capital Indebtedness Outstanding**  
**(fiscal year ended May 31:)**

	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017<sup>(1)</sup></u>
Bonds:	\$25,660,000	\$23,180,000	\$20,605,000	\$17,080,000	\$14,805,000
Bond Anticipation Notes:	<u>1,500,000</u>	<u>1,440,000</u>	<u>1,380,000</u>	<u>1,320,000</u>	<u>1,260,000</u>
Total:	<u>\$27,160,000</u>	<u>\$24,620,000</u>	<u>\$21,985,000</u>	<u>\$18,400,000</u>	<u>\$16,065,000</u>

(1) Unaudited.

Source: Audited Financial Statements of the Village. Summary itself is not audited.

### ***Overlapping and Underlying Debt***

The real property taxpayers of the Village are responsible for a proportionate share of outstanding debt obligations of the County and school district. Such taxpayers' share of this overlapping debt is based upon the amount of the Village'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 Village and the approximate magnitude of the burden on taxable property in the Village of the debt issued and outstanding by such overlapping entities.

#### **Statement of Direct and Overlapping Indebtedness**

Gross Direct Indebtedness					\$16,955,000
Exclusions and Deductions					<u>7,477,148</u>
Net Direct Indebtedness					<u>\$ 9,477,852</u>
<b><u>Overlapping Debt</u></b>					
<b><u>Issuer</u></b>	<b><u>Net Debt</u></b>	<b><u>As of:</u></b>	<b><u>Village</u></b>	<b><u>Amount Applicable</u></b>	
	<b><u>Outstanding</u></b>		<b><u>Share</u></b>	<b><u>To Village</u></b>	
Westchester County	\$666,093,024	12/31/17	1.56%	\$ 10,391,051	
Bedford CSD	72,229,297	06/16/17	17.46	<u>12,611,235</u>	
Total Net Overlapping Debt				\$ 23,002,286	
Total Net Direct Debt				<u>9,477,852</u>	
Total Net Direct and Overlapping Debt				<u>\$ 32,480,138</u>	

Source: County and School District Officials.

### ***Debt Ratios***

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

#### **Debt Ratios**

	<u>Amount</u>	<u>Debt Per</u>	<u>Debt to</u>
		<u>Capita <sup>(1)</sup></u>	<u>Full Value <sup>(2)</sup></u>
Net Direct Debt	\$ 9,477,852	\$ 857	0.54%
Net Direct and Overlapping Debt	32,480,138	2,937	1.86

(1) The population of the Village is 11,060 according to the 2015 U.S. Census.

(2) The full valuation of real property located in the Village for the 2017-2018 fiscal year is \$1,744,517,821.

### ***Authorized and Unissued Indebtedness***

Following the issuance of the Notes, the Village will have \$10,250,000 authorized but unissued indebtedness to finance the construction of additions, alterations and improvements to all Village firehouses and sites thereof, as well as \$7,500,000 to finance water system improvements.

### ***Bond Anticipation Notes***

On March 16, 2017, the Village issued \$1,260,000 Bond Anticipation Notes—2017, which mature on March 16, 2018. Proceeds from the sale of the Notes, together with \$60,000 of available Village funds, will be used to redeem the principal upon maturity.



In addition, December 8, 2017, the Village issued \$2,695,000 Bond Anticipation Notes – 2017A, which mature on December 7, 2018.

***Debt Service Schedule***

The following table shows the debt service requirements to maturity on the Village’s outstanding bonded general obligation indebtedness, inclusive of the New York State loan for emergency service, exclusive of economically defeased obligations.

**Bond Principal and Interest Maturity Table**

Fiscal Year			
<u>Ending May 31:</u>	<u>Principal</u>	<u>Interest<sup>(1)</sup></u>	<u>Total<sup>(2)</sup></u>
2018 <sup>(3)</sup>	\$1,960,000	\$549,041	\$2,509,041
2019	1,940,000	472,422	2,412,422
2020	2,030,000	392,374	2,422,374
2021	2,135,000	305,112	2,440,112
2022	2,235,000	210,746	2,445,746
2023	1,065,000	136,063	1,201,063
2024	1,040,000	84,313	1,124,313
2025	1,110,000	45,694	1,155,694
2026	635,000	25,288	660,288
2027	<u>655,000</u>	<u>9,313</u>	<u>664,313</u>
	<u>\$14,805,000</u>	<u>\$2,230,366</u>	<u>\$17,035,366</u>

- (1) Inclusive of bonds issued by the New York State Environmental Facilities Corporation on behalf of the Village. These bonds receive a 50% interest rate subsidy as part of the New York State Drinking Water Revolving Fund Program. The interest rate subsidy is not reflected above.
- (2) Off slightly due to rounding.
- (3) For entire fiscal year.

Source: Audited Financial Statements of the Village and Village Officials.

**ECONOMIC AND DEMOGRAPHIC DATA**

***Population***

The following table presents population trends for the Village, County and State, based upon recent census data.

	<u>2000</u>	<u>2010</u>	<u>2015</u>	<u>Percentage Change 2010/2015</u>
Village	9,983	10,877	11,060	1.7%
County	923,459	949,113	976,396	2.9
State	18,976,457	19,378,102	19,795,791	2.2

Source: New York State Department of Commerce; New York State Department of Economic Development.

## ***Income***

The following table presents median household income for the County and State, and is not necessarily representative of the Village.

	<b><u>Median Household Income</u></b>		
	<u>2000</u>	<u>2010</u>	<u>2015</u>
Village	\$55,420	\$63,929	\$68,556
County	63,582	79,619	83,958
State	43,393	55,603	59,269

Source: New York State Department of Commerce; New York State Department of Economic Development.

## ***Employment and Unemployment***

The following tables provide information concerning employment and unemployment in the County and State. Data provided for the County and State in the following tables is not necessarily representative of the Village.

### **Major Manufacturers Located in the Village**

<u>Employers</u>	<u>Number of Employees</u>	<u>Product or Service</u>
Curtis Instrument, Inc.	150	Instruments, gauges, battery controllers
Multiplier Industries Corp.	80	Dry primary and rechargeable batteries
Zierick Manufacturing Corp.	75	Electronic hardware and connectors
RLC Electronics Corp.	65	Passive microwave components
Zumbach Electronics Corp.	55	Instruments to measure electricity

Source: Dun & Bradstreet Regional Business Directory.

### **Major Service and Retail Employers Located in the Village**

<u>Employers</u>	<u>Number of Employees</u>	<u>Product or Service</u>
Northern Westchester Hospital Center	1000 <sup>(1)</sup>	General medical & surgical hospital
Mount Kisco Medical Group, P.C.	500	Offices & clinics of medical doctors
Visiting Nurse Association of Hudson Valley, Inc.	420	Home health care services
Target Corp. (Target store)	200	Merchandise retailer
Tennis Equities, Inc. (Saw Mill River Club)	150	Exercise & health club
Village/Town of Mount Kisco	150	Local government services
New York State Assoc. for Retarded Children, Inc.	120	Job training & vocational rehab. services
Bedford Central School District	100	Elementary school
Northeast Radiology P.C.	100	Offices & clinics of medical doctors
Great Atlantic & Pacific Tea Co. (A&P Supermarket)	100	Grocery store

(1) Plus an additional 450 affiliated doctors.

Source: Dun & Bradstreet Regional Business Directory.

### **Civilian Labor Force**

	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>
County	477,100	475,500	471,700	479,500	479,400
State	9,617,600	9,636,400	9,595,300	9,679,300	9,584,500

Source: New York State Department of Economic Development; Bureau of Economic and Demographic Information.

### **Yearly Average Unemployment Rates**

<u>Year</u>	<u>County</u>	<u>State</u>
2012	7.3	8.5%
2013	6.3	7.7
2014	5.1	6.3
2015	4.5	5.3
2016	4.2	4.8

Source: New York State Department of Economic Development; Bureau of Economic and Demographic Information.

### **Monthly Unemployment Rates**

<u>Month</u>	<u>County</u>	<u>State</u>
January 2017	4.5%	4.9%
February	4.8	5.0
March	4.1	4.4
April	4.1	4.2
May	4.1	4.3
June	4.5	4.5
July	4.6	4.9
August	4.6	4.9
September	4.5	4.7
October	4.4	4.6
November	4.6	4.5
December	4.4	4.4

Source: New York State Department of Labor, Bureau of Labor Statistics. Information not seasonally adjusted.

### ***Utilities***

The residents of the Village receive electricity and natural gas from the Consolidated Edison. The Village operates its own water system for all areas of the Village. Most Village residents receive sanitary sewer services from the Village, which owns the sewer lines and pumping stations in the Village, and from the County, which owns and operates the trunk lines and wastewater treatment plants. Those residents (approximately 60) not connected to the sanitary sewer system have privately-owned septic tanks.

### ***Transportation***

The Village is served by a transportation network consisting of all major forms of transportation. Several primary State and U.S. highways including Interstate 684 and the Saw Mill River Parkway run near or through the Village. The Metropolitan Transportation Authority provides passenger rail service. Air transportation is provided by the Westchester County Airport, as well as the three major New York Tri-State airports (Kennedy, LaGuardia and Newark), and the Stewart International Airport in Newburgh.

**End of Appendix A**

**APPENDIX B**  
**FINANCIAL STATEMENT SUMMARIES**

**VILLAGE OF MOUNT KISCO**  
**Statement of Budgeted Revenues and Expenditures - General Fund**  
**Fiscal Year Ending May 31:**

	Adopted Budget <u>2017</u>	Adopted Budget <u>2018</u>
<b>Revenues</b>		
Real Property Taxes	\$14,669,625	\$14,623,025
Other Tax Items	356,500	391,500
Non-Property Tax Items	1,965,000	2,015,000
Departmental Income	18,000	18,000
Public Safety	329,500	418,500
Transportation	832,500	832,500
Culture & Recreation	528,700	534,100
Home & Community Services	21,750	22,230
Intergovernmental Charges	686,500	681,500
Use of Money & Property	379,698	379,760
Licenses & Permits	94,000	98,500
Fines and Forfeitures	448,000	460,000
Sale of Property and Compensation for Loss	13,700	11,500
Miscellaneous	52,500	35,000
Interfund Revenues	46,544	0
State Aid	334,068	335,098
Federal Aid	70,000	70,000
Interfund Transfers	0	0
Appropriated Fund Balance and Reserves	<u>167,336</u>	<u>714,502</u>
 Total Revenues	 <u><u>\$21,013,921</u></u>	 <u><u>\$21,640,715</u></u>
 <b>Expenditures</b>		
General Government Support	\$1,930,571	\$1,941,287
Public Safety	8,458,901	9,072,518
Health	376,504	377,317
Transportation	1,017,463	978,465
Economic Assistance and Opportunity	292,886	320,829
Culture & Recreation	1,172,955	1,177,054
Home & Community Service	1,178,941	1,213,972
Town Functions	652,359	688,608
Excess revenues over expenditure	1,774,020	0
Interfund Transfers	399,986	2,248,000
Debt Service (1)	<u>3,759,335</u>	206,977
Employee Benefits		<u>3,415,688</u>
 Total Expenditures	 <u><u>\$21,013,921</u></u>	 <u><u>\$21,640,715</u></u>

Source: Adopted Budgets of the Village.

**VILLAGE OF MOUNT KISCO**  
**Comparative Balance Sheets - General Fund**  
**Fiscal Year Ended May 31:**

	<u>2015</u>	<u>2016</u>	<u>2017<sup>(1)</sup></u>
Assets:			
Cash and Equivalents	\$14,933,319	\$14,503,704	\$13,515,033
Taxes Receivable	1,130,324	990,946	516,382
Restricted Cash and Cash Equivalents	0	0	1,553,263
Other Receivables			
Accounts	460,964	427,605	414,864
State & Federal Aid	177,042	619,426	0
Due From Other Governments	397,096	927,092	1,582,623
Note Receivables	0	0	0
Real Estate Acquired For Resale	0	0	1,573,536
Due From Other Funds	15,442	32,607	771
Prepaid Expenditures	11,314	3,488	24,718
	<u>                    </u>	<u>                    </u>	<u>                    </u>
Total Assets	<u>\$17,125,501</u>	<u>\$17,504,868</u>	<u>\$19,181,190</u>
Liabilities and Fund Balance:			
Liabilities:			
Accounts Payable	\$413,413	\$451,606	\$533,961
Accrued Liabilities	2,798,760	2,531,399	2,195,491
Due to Retirement Systems	492,374	122,886	0
Due to Other Governments	2,534,426	2,477,974	2,522,601
Due To Other Funds	464,858	142,318	3,815
Deferred Revenues	215,807	0	409,937
Deferred Tax Revenues	860,051	882,828	0
Unearned Revenue	0	530,754	534,218
	<u>                    </u>	<u>                    </u>	<u>                    </u>
Total Liabilities	<u>\$7,779,689</u>	<u>\$7,139,765</u>	<u>\$6,200,023</u>
Fund Balance			
Nonspendable	\$11,314	\$3,488	\$1,598,254
Restricted	826,164	898,392	1,019,045
Committed	439,089	1,403,232	3,113,779
Assigned	288,600	184,787	729,606
Unassigned	7,780,645	7,875,204	6,520,483
	<u>                    </u>	<u>                    </u>	<u>                    </u>
Total Fund Balance	<u>\$9,345,812</u>	<u>\$10,365,103</u>	<u>\$12,981,167</u>
	<u>                    </u>	<u>                    </u>	<u>                    </u>
Total Liabilities and Fund Balance	<u>\$17,125,501</u>	<u>\$17,504,868</u>	<u>\$19,181,190</u>

(1) Unaudited results, subject to change.

Source: Audited and Draft Financial Statements of the Village.

**VILLAGE OF MOUNT KISCO**  
**Statement of Revenues, Expenditures and Changes in Fund Balance**  
**Fiscal Year Ended May 31:**

	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017<sup>(1)</sup></u>
<u>Revenues:</u>						
Real Property Taxes	\$13,592,485	\$13,685,167	\$13,905,161	\$14,112,208	\$14,520,581	\$16,597,433
Other Tax Items	335,379	371,682	356,954	382,680	357,098	0
Non-Property Taxes	1,885,913	1,926,376	2,013,414	2,119,075	2,060,236	2,084,878
Departmental Income	1,923,070	1,740,362	2,039,015	2,021,128	2,010,633	2,140,160
Intergovernmental Charges	680,290	695,694	672,567	734,112	670,916	683,749
Use of Money and Property	393,199	414,398	408,915	389,965	437,103	417,926
Licenses and Permits	144,610	89,312	165,806	123,182	99,348	147,639
Fines and Forfeitures	654,643	473,862	489,976	493,380	430,607	639,908
Sale of Property and Compensation for Loss	21,730	67,961	14,717	249,923	54,570	78,409
Miscellaneous	214,761	196,528	151,969	63,821	187,641	199,006
State Aid	403,332	361,808	436,620	303,138	512,906	558,492
Federal Aid	202,454	359,902	206,310	202,878	203,021	172,487
<b>Total Revenues</b>	<b>\$20,451,866</b>	<b>\$20,383,052</b>	<b>\$20,861,424</b>	<b>\$21,195,490</b>	<b>\$21,544,660</b>	<b>\$23,720,087</b>
<u>Expenditures</u>						
General Government Support	\$2,701,174	\$2,741,402	\$2,548,123	\$2,342,955	\$2,383,236	\$1,702,963
Public Safety	5,921,126	5,712,097	5,379,579	5,604,705	7,480,297	8,197,005
Health	293,493	235,179	430,455	407,424	420,534	454,698
Transportation	1,091,023	1,021,747	972,876	1,060,966	914,623	873,898
Economic Assistance	260,604	252,998	236,968	283,151	281,710	301,655
Culture and Recreation	1,095,997	1,050,644	1,113,263	1,031,393	1,102,532	1,084,539
Home and Community Services	1,058,264	1,140,456	1,092,120	1,096,255	1,199,339	1,801,795
Employee Benefits	4,843,458	5,307,406	4,905,197	6,033,312	3,630,468	3,412,089
Debt Service	0	0	0	0	0	0
<b>Total Expenditures</b>	<b>\$17,265,139</b>	<b>\$17,461,929</b>	<b>\$16,678,581</b>	<b>\$17,860,161</b>	<b>\$17,412,739</b>	<b>\$17,828,642</b>
<b>Excess (Deficiency) of Revenues Over Expenditures</b>	<b>3,186,727</b>	<b>2,921,123</b>	<b>4,182,843</b>	<b>3,335,329</b>	<b>4,131,921</b>	<b>5,891,445</b>
<u>Other Financing Sources (Uses):</u>						
Insurance Recoveries	\$0	\$0	\$159,607	\$15,537	\$0	\$0
Operating Transfers In	0	92,613	0	0	0	0
Operating Transfers Out	(2,850,687)	(2,785,556)	(4,066,013)	(2,887,001)	(3,112,630)	(3,275,381)
<b>Total Other Financing Sources (Uses)</b>	<b>(2,850,687)</b>	<b>(2,692,943)</b>	<b>(3,906,406)</b>	<b>(2,871,464)</b>	<b>(3,112,630)</b>	<b>(3,275,381)</b>
<b>Excess (Def) of Revenues Over Expenditures and Other Uses</b>	<b>336,040</b>	<b>228,180</b>	<b>276,437</b>	<b>463,865</b>	<b>1,019,291</b>	<b>2,616,064</b>
Fund Balance-Beginning of Year	8,041,290	8,377,330	8,605,510	8,881,947	9,345,812	10,365,103
Prior Period Adjustment	0	0	0	0	0	0
<b>Fund Balance-End of Year</b>	<b>\$8,377,330</b>	<b>\$8,605,510</b>	<b>\$8,881,947</b>	<b>\$9,345,812</b>	<b>\$10,365,103</b>	<b>\$12,981,167</b>

(1) Unaudited results, subject to change.

Source: Audited and Draft Financial Statements of the Village.

**APPENDIX C**

**FORM OF APPROVING LEGAL OPINION OF BOND COUNSEL**



## FORM OF OPINION OF BOND COUNSEL

Hawkins Delafield & Wood LLP  
7 World Trade Center  
250 Greenwich Street, 41<sup>st</sup> Floor  
New York, New York 10007

March 15, 2018

The Village Board of the  
Village of Mount Kisco, in the  
County of Westchester, New York

Ladies and Gentlemen:

We have acted as Bond Counsel to the Village of Mount Kisco (the “Village”), in the County of Westchester, a municipal corporation of the State of New York, in connection with the authorization, sale and issuance of the \$1,200,000 Bond Anticipation Notes-2018 Series A of the Village (the “Notes”), dated and delivered on the date hereof.

We have examined a record of proceedings relating to the Notes for purposes of this opinion. 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 upon and subject to the foregoing, and in reliance thereon, as of the date hereof, we are of the following opinions:

1. The Notes are valid and legally binding general obligations of the Village for which the Village has validly pledged its faith and credit and, unless paid from other sources, all the taxable real property within the Village is subject to the levy of ad valorem real estate taxes to pay the Notes 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 Notes 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 Notes 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 Notes is not treated as a preference item in calculating the alternative minimum tax imposed on individuals under the Code.

The Code establishes certain requirements that must be met subsequent to the issuance of the Notes in order that the interest on the Notes be and remain excludable 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 Notes, restrictions on the investment of proceeds of the Notes 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 Notes 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 Notes, the Village will execute a Tax Certificate relating to the Notes containing provisions and procedures pursuant to which such requirements can be satisfied. In executing the Tax Certificate, the Village 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 Notes 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 Village'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 Notes, and (ii) compliance by the Village with the procedures and certifications set forth in the Tax Certificate as to such tax matters.

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

Except as stated above, we express no opinion as to any other federal, state or local tax consequences arising with respect to the Notes or the ownership or disposition thereof. We render our opinion under existing statutes and court decisions as of the date hereof, and we assume no obligation to update, revise or supplement this opinion to reflect any action hereafter taken or not taken, for any facts or circumstances or for any other reason. We express no opinion as to the consequence of any change in law or interpretation thereof, or otherwise, that may hereafter be enacted, arise or occur, and we note that such changes may take place or be proposed from time to time. We express no opinion on the effect of any action hereafter taken or not taken in reliance upon an opinion of other counsel as to the exclusion from gross income for federal income tax purposes of interest on the Notes, or under state and local tax laws.

We give no assurances as to the adequacy, sufficiency or completeness of the Preliminary Official Statement or Official Statement of the Village relating to the Notes, or any proceedings, reports, correspondence, financial statements or other documents, containing financial or other information relating to the Village, which have been or may be furnished or disclosed to purchasers of the Notes.

Very truly yours,

**APPENDIX D**

**FORM OF UNDERTAKING TO PROVIDE NOTICES OF EVENTS**

## FORM OF UNDERTAKING TO PROVIDE NOTICES OF EVENTS

### Section 1. Definitions

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

“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 Village of Mount Kisco, in the County of Westchester, 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.

“Purchaser” shall mean the financial institution referred to in the Certificate of Determination, executed by the Treasurer as of March 15, 2018.

“Rule 15c2-12” shall mean Rule 15c2-12 under the Securities Exchange Act of 1934, as amended through the date of this Undertaking, including any official interpretations thereof.

“Securities” shall mean the Issuer’s \$1,200,000 Bond Anticipation Note-2018 Series A, dated March 15, 2018, maturing on March 15, 2019, and delivered on the date hereof.

Section 2. Obligation to Provide Notices of Events. (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, 11021, to the Electronic Municipal Market Access (“EMMA”) System implemented by the Municipal Securities Rulemaking Board established pursuant to Section 15B(b)(1) of the Securities Exchange Act of 1934, or any successor thereto or to the functions of such Board contemplated by the Undertaking, in a timely manner, not in excess of ten (10) business days after the occurrence of any 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 material 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; and
- (14) appointment of a successor or additional trustee or the change of name of a trustee, if material.

(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. 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 4. Parties in Interest. This Undertaking is executed to assist the Purchaser to comply with (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 5. 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 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 5 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 6. 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 in accordance with 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.

Section 7. 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 8. 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 the 15<sup>th</sup> day of March, 2018.

VILLAGE OF MOUNT KISCO

By \_\_\_\_\_  
Treasurer