

RESOLUTION 28-18

Ruth E. Scheppard presented the following resolution and moved that it be adopted:

BOND RESOLUTION DATED MARCH 14, 2018 OF THE TOWN BOARD OF THE TOWN OF SANDY CREEK AUTHORIZING THE CONSTRUCTION OF A WATER DISTRIBUTION SYSTEM FOR WATER SERVICE AREA NO. 3 AND WATER SERVICE AREA NO. 5 WITHIN THE TOWN OF RICHLAND, AUTHORIZING THE ISSUANCE OF BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$13,966,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

WHEREAS, the Town Board of the Town of Sandy Creek (the “Town”) had been asked to consider the formation of a water service area in the Town to be known as the Town of Sandy Creek Water Service Area No. 3 (“Water Service Area No. 3”) and the construction of a water distribution system within Water Service Area No. 3, pursuant to Article 12-C of the Town Law of the State of New York; and

WHEREAS, the Town has heretofore determined by resolution adopted on March 8, 2017 that the proposed construction of a water distribution system within Water Service Area No. 3 and Water Service Area No. 5 within the Town of Richland constitutes a Type I action which will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act (“SEQRA”) is required; and

WHEREAS, a Map, Plan and Report prepared by Barton and Loguidice, DPC, Consulting Engineers pursuant to Article 12 of the Town Law of the State of New York and entitled “Town of Sandy Creek Water Service Area No. 3” was filed with the Town Clerk for the Town on May 10, 2017; and

WHEREAS, the Town Board of the Town called for a public hearing to be held on June 14, 2017; and

WHEREAS, the notice of the public hearing was published in the official newspaper of the Town, Watertown Daily Times, and posted on the Town bulletin board pursuant to Section 209-q of the Town Law of the State of New York; and

WHEREAS, said public hearing was held on June 14, 2017 at 7:00 p.m., after notice, with all interested parties having been heard on the formation of proposed Water Service Area No. 3; and

WHEREAS, the Town Board at a meeting duly held on June 14, 2017, following the public hearing, had a full discussion pertaining to the proposed formation of Water

Service Area No. 3 and the construction of a water distribution system therein, including the public comment received with respect thereto, with consulting engineers, Barton and Loguidice, DPC and the attorney for the Town, Allison J. Nelson; and

WHEREAS, the Town Board by resolution duly adopted on June 14, 2017 (the “June 14, 2017 Resolution”) approved the formation of Water Service Area No. 3, subject to permissive referendum; and

WHEREAS, notice of the adoption of the June 14, 2017 Resolution (the “Permissive Referendum Notice”) was published in the official newspaper of the Town, Watertown Daily Times, and posted on the Town bulletin board pursuant to the Town Law of the State of New York; and

WHEREAS, no petition requesting a vote on the June 14, 2017 Resolution was received by the Town within thirty days of the date of the publication of the Permissive Referendum Notice; and

WHEREAS, the Town has entered into an inter-municipal agreement with the Town of Richland to undertake the construction of a water distribution system within Water Service Area No. 3 as part of a joint project to construct Water Service Area No. 5 within the Town of Richland, at a total maximum cost of \$13,966,000, of which a maximum of \$10,000,000 is attributable to Water Service Area No. 3; and

WHEREAS, the Town received a notice from the New York State Department of Audit and Control, Albany, New York (the “Comptroller”), dated January 16, 2018, approving the application of the Town Board of the Town for permission to provide Water Service Area No. 3, as part of the above-reference joint project with the Town of Richland, and permit the said improvement in accordance with the description referred to in the June 14, 2017 Resolution, in the maximum amount of \$10,000,000, with a total cost of the joint project not to exceed \$13,966,000;

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Sandy Creek, Oswego County, New York (the “Town”) (by the favorable vote of not less than two-thirds of all of the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to construct a new inter-municipal water distribution system for Water Service Area No. 3 within the Town of Sandy Creek and Water Service Area No. 5 within the Town of Richland (the “Purpose”), at a total estimated maximum cost of \$13,966,000.

SECTION 2. The Town is hereby authorized to issue its general obligation bonds (the “Bonds”) in the aggregate principal amount of not to exceed \$13,966,000 pursuant to the Local Finance Law of New York, in order to finance the class of objects or purposes described herein.

SECTION 3. It is hereby determined and declared that (a) the aggregate maximum cost of the Purpose, as estimated by the Town Board, is \$13,966,000,(b) the

Town Board has not previously authorized the expenditure of the funds necessary to finance the cost of the Purpose, and (c) the Town plans to finance the cost of the Purpose entirely from funds raised by the issuance of the Bonds, the bond anticipation notes hereinafter referred to and grants from the New York State Environmental Facilities Corporation (“EFC”).

SECTION 4. It is hereby determined that said Purpose is an object or purpose described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

SECTION 5. It is hereby determined that the proposed maturity of the obligations authorized by this Resolution will be in excess of five years.

SECTION 6. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 63.00, inclusive, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the Bonds and the renewals of said notes and the power to prescribe the terms, form and content of the Bonds (including the use of substantially level or declining debt service), and said bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of such Bonds, is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign any Bonds issued pursuant to this Resolution and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the Town Clerk is hereby authorized to affix the corporate seal of said Town to any of the Bonds or any bond anticipation notes and to attest such seal.

SECTION 7. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such Bonds and bond anticipation notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable to the extent that funds are not available from other sources.

SECTION 8. The Town Board hereby affirms the execution and delivery on behalf of the Town, of a certain document entitled “Agreement of Municipal Cooperation for Construction, Financing, Operation, and Maintenance of an Inter-Municipal Water System for the Sandy Creek-Richland Joint Water Project” (the “Agreement”) substantially in the form presented at this meeting. The power to approve amendments to the Agreement is hereby delegated to the Supervisor, after consultation with the Town attorney and Bond Counsel.

SECTION 9. This Resolution shall be published in full by the Clerk of the Town together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, and such publication shall be in each official newspaper of the Town. The validity of the Bonds or of any bond anticipation notes issued in anticipation of the sale of

the Bonds may be contested only if such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or the provisions of law which should be complied with at the date of publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

SECTION 10. In connection with the financing of the Purpose, the Town is hereby authorized to participate in the Drinking Water State Revolving Fund program (the “DWSRF Program”) administered by EFC. The Supervisor of the Town is hereby authorized to execute and deliver such documents as may be necessary to effect the participation of the Town in such DWSRF Program.

SECTION 11. The firm of Barclay Damon LLP is hereby appointed Bond Counsel of the Town in connection with the Bonds and notes herein authorized.

SECTION 12. This Resolution is not subject to a permissive referendum pursuant to Section 35.00 of the Local Finance Law and shall take effect immediately.

MOTION PASSED AS FOLLOWS:

	<u>VOTING</u>
Nancy Ridgeway, Supervisor	Aye
Ruth E. Scheppard, Councilman	Aye
Nola Gove, Councilwoman	Aye
Dave Warner, Councilman	Aye
John W. Wood, Jr., Councilman	Aye

PUBLIC COMMENT: Sharon Turo, Village of Sandy Creek Trustee was present to share some information she learned at a recent Mayors Conference in Mexico, NY. Steve Giarrusso, a Research Biologist, Certified 3A Operator and Chief Operator of the Wastewater Treatment Facility of the Village of Minoa, NY did an extremely interesting presentation at that meeting. Ms. Turo explained that this was a new way of looking at wastewater and gray water. She believes it would be an important educational opportunity if Mr. Giarrusso could speak to the Town Board and the Boards of Trustees for both the Villages of Sandy Creek and Lacona about his facility. Dustin Clark explained that biological treatment is the up and coming technology. This often includes the creation of engineered wetlands. There is grant money available for these innovative approaches. Ms. Turo agreed to set up a field trip and presentation date for all three boards.

OLD BUSINESS

Two proposals were received for a Power Purchase Agreement(PPA) for Solar Photovoltaic Facilities. No discussion was held and no decision was made regarding the proposals. Councilman Wood picked up a NY Solar Guidebook at the Association of

Towns school. He also listed the eleven classes he attended there. Copies of the information he obtained will be made for other board members upon request.

RESOLUTION 29-18

On motion by Nancy Ridgeway, seconded by Dave Warner, the following resolution was **ADOPTED** - 5 Ayes Ridgeway, Gove, Scheppard, Wood, Warner
0 No

RESOLVED that the Town Board of the Town of Sandy Creek does not authorize the removal of the water penalty charge or late fee from C. Jason Walter’s November 2017 delinquent water bill (account # 0831) or from any other water bills now or in the future.

RESOLUTION 30-18

On motion by Ruth E. Scheppard, seconded by Nola J. Gove, the following resolution was **ADOPTED** - 5 Ayes Ridgeway, Scheppard, Wood, Gove, Warner
0 No

Resolved that the Town Board of the Town of Sandy Creek accepts the annual audits of Town Justice Crast and Town Justice Stoker for 2017 as completed on March 8, 2018 by Nola J. Gove.

RESOLUTION 31-18

On motion by Ruth E. Scheppard, seconded by Nola J. Gove, the following resolution was **ADOPTED** - 5 Ayes Ridgeway, Scheppard, Wood, Gove, Warner
0 No

Resolved that the Town Board of the Town of Sandy Creek accepts the annual audit of the Town Supervisor for 2017 as completed on March 6, 2018 by Nola J. Gove.

RESOLUTION 32-18 - STANLEY DRIVE DEDICATION

WHEREAS, the New York State Department of Environment Conservation has requested that the Town Board of the Town of Sandy Creek accept the dedication of a highway located in the Town of Sandy Creek, known as Stanley Drive; and

WHEREAS, the Town Board of the Town of Sandy Creek has considered accepting the dedication of Stanley Drive; and

WHEREAS, the Town Board deems that the dedication of Stanley Drive is in the best interests of the Town of Sandy Creek, and

WHEREAS, the Town of Sandy Creek Superintendent of Highways, Michael Kastler, has inspected Stanley Drive and has advised the Town Board that the highway is not less than three rods in width, and meets the Town of Sandy Creek’s Highway Specifications, and

NOW THEREFORE, on motion made by NANCY RIDGEWAY and seconded by RUTH SCHEPPARD, be it resolved as follows:

