

The Seneca Falls Town Board held a Public Hearing and Meeting on Thursday, December 13, 2018 in the Town Hall Meeting Room, 130 Ovid Street.

Present were Supervisor Gregory Lazzaro; Councilmen Vittorio Porretta, Douglas Avery, David DeLelys and Louis Ferrara. Also present was David Foster, Town Attorney; Peter Baker, Town Engineer; Ted Trespasz, Bond Counsel and a Member of the local media.

A roll call of Board Members was taken and all were present; the Pledge of Allegiance followed.

Public Hearing – Sanitary Sewer Improvement Project: At 5:00 P.M., a motion was made by Greg Lazzaro and seconded by Doug Avery to open the Public Hearing relative to the Sanitary Sewer Improvement Project. Motion carried.

Robert Magill: Robert Magill stated there needs to be a way of getting out certain information as to projected cost. The Town has issues with infrastructure and historic structures. The water infrastructure is basically shot throughout the former Village. Mr. Magill said the Town has a serious infrastructure problem which needs to be addressed as well as how you are going to pay for it.

Since there were no further comments, a motion was made to close the Public Hearing at 5:05 P.M. by Greg Lazzaro and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

Mr. Avery referred to the 24-page document from 2016 that Mr. Baker sent and said it had project implementation and timeline for implementation for November 2015 through July 2017; is there an updated version of the schedule. Mr. Baker replied the project was written and developed with the Environmental Facilities Program in 2014-2015. That was done in preparation for the submission of the original grant which the Town did not get. In 2016, that grant was available again, and in 2017 we re-applied and the Town got the grant. He said the design is done and has been submitted to the DEC who provided initial comments. Mr. Baker stated the financing has to close by April 2019 and construction will start in Spring 2019, and he anticipates it will largely be done by the end of 2019 – 90% of the work will be done in 2019. He noted some of the work includes new storm sewers on Johnston Street and some work on Maple Street and Daniels Street. Further discussion followed.

Mr. Foster stated as you go through the documents there are references back and forth that explains this. He emphasized that he could not have done this without Mr. Baker's help of providing continuity of all the documentation, and Ted Trespasz who helped in getting this into an acceptable form for the people who pass judgment on it (EFC). Mr. Foster said we are not doing a negative declaration as the previous Board has completed this; we are bringing it up to speed.

A motion was made by Gregory Lazzaro and seconded by Louis Ferrara to adopt the following Resolution:  
WHEREAS, Section 64(3) of the Town Law of the State of New York empowers the Town Board of the Town of Seneca Falls, Seneca County, New York (the "Town") to manage maintain and control the Town properties as the purposes of the Town may require; and  
WHEREAS, the Town has, pursuant to the Town Law, created the Town of Seneca Falls Sanitary Sewer System (consisting of the Bridgeport Sewer District, Seneca Falls Sewer District, West Seneca Falls Sewer District and West Seneca Falls Sewer District Extension 1 and 2) (collectively, the "District"); and  
WHEREAS, the Town Board of the Town has determined that it is necessary and desirable for the Town to undertake a project consisting of the increase and improvement, acquisition and construction of sewer improvements for the District, and the acquisition of land or rights in land necessary therefore, if any, and the acquisition of original furnishings, equipment, machinery or apparatus, including related site work, paving, restoration, and repairs (the "Project"); and  
WHEREAS, the Town, as a local agency pursuant to the New York State Environmental Quality Review Act ("SEQRA"), ECL Section 8-0101, et seq., and implementing regulations, 6NYCRR Part 617 (the "Regulations"), having reviewed the impact of the acquisition, construction and reconstruction of the sewer system improvements comprising the Project upon the environment determined by resolution adopted February 2, 2016 that the Project is a "Type 1 Action" which will not result in any significant adverse impacts to the environment; and  
WHEREAS, Barton & Loguidice, D.P.C., competent engineers licensed in New York, has prepared a map and plan for the Project dated March 2016; and  
WHEREAS, upon completion of the map and report for the Project, the Town Board, in accordance with Town Law Section 202-b, and by order dated November 26, 2018 called for a Public Hearing to consider the increase and improvement of facilities of the District at a maximum estimated cost of \$3,005,000 to be held on December 13, 2018 at 5:30 P.M. in the Town of Seneca Falls at the Town of Seneca Falls Offices located at 130 Ovid Street, Seneca Falls, New York, for the purpose of hearing public comments thereon; and  
WHEREAS, said order was published and posted as prescribed and required by the Town Law, which order contained a description of the Project and specified that estimated maximum cost thereof to be \$3,005,000; and  
WHEREAS, the Town Board conducted said Public Hearing on December 13, 2018 to hear comments from all

persons interested in the subject matter thereof and discuss if the Project is in the best interest of the Town; and WHEREAS, the Town Board has become aware of grant and funding opportunities through the New York State Environmental Facilities Corporation, including the Clean Water State Revolving Fund Program (the “CWSRF” Program), New York State Water Infrastructure Improvement Act Program (the “WIIA Program”) and other State and Federal financing programs (including clean water); and

WHEREAS, the Town desires to apply for and participate in funding opportunities to the maximum extent possible; and

WHEREAS, the Town Board has determined that the increase and improvement of the facilities of the District is in the public interest and now desires to authorize the acquisition, construction and equipping of the Project and the financing of the cost thereof.

NOW, THEREFORE, BE IT RESOLVED ON DECEMBER 13, 2018 BY THE TOWN BOARD OF THE TOWN OF SENECA FALLS, SENECA COUNTY, NEW YORK, AS FOLLOWS:

Section 1. The Town Board hereby determines that, after such Public Hearing and upon the evidence given thereat, it is in the public interest to increase and improve the facilities of the district and to undertake the Project.

Section 2. The acquisition, construction and equipping of the Project, at a maximum estimated cost of Three Million, Five Thousand Dollars (\$3,005,000.00), inclusive of all professional costs, and all other necessary costs incidental to such work is hereby approved.

Section 3. The Town Supervisor is hereby authorized to submit an application on behalf of the Town for grant funding under the New York State Environmental Facilities Corporation’s applicable grant programs relative to the Project, including but not limited to the CWSRF Program and WIIA Program, and to execute any agreements, instruments or other documents in connection with the Town’s acceptance of any such grants and/or the funding thereof.

Section 4. The Town Supervisor may authorize any required local match required with respect to financing or grants awarded to the Town for the Project through the use of inkind services, without further approval of this Town Board; and

Section 5. The Town Supervisor is hereby designated as the Authorized Representative of the Town for all aspects of the Project including all application and District financing purposes.

Section 6. This resolution shall take effect immediately.

WHEREFORE, the forgoing Resolution was put to a vote of the Members of the Town Board of the Town this December 13, 2018, the result of which vote was as follows;

Gregory Lazzaro – Aye

Louis Ferrara – Aye

David DeLelys – Aye

Vittorio Porretta – Aye

Douglas Avery – Aye

A motion was made by Gregory Lazzaro and seconded by David DeLelys to adopt the following Resolution:

WHEREAS, Section 64(3) of the Town Law of the State of New York empowers the Town Board of the Town of Seneca Falls, Seneca County, New York (the “Town”) to manage maintain and control Town properties as the purposes of the Town may require; and

WHEREAS, the Town has, pursuant to the Town Law, created the Town of Seneca Falls Sanitary Sewer System (consisting of the Bridgeport Sewer District, Seneca Falls Sewer District, West Seneca Falls Sewer District and West Seneca Falls Sewer District Extension 1 & 2) (collectively, the “District”); and

WHEREAS, the Town Board of the Town has determined that it is necessary and desirable for the Town to undertake a project consisting of the increase and improvement, acquisition and construction of sewer improvements for the District, and the acquisition of land or rights in land necessary therefore, if any, and the acquisition of original furnishings, equipment, machinery or apparatus, including related site work, paving, restoration, and repairs (the “Project”); and

WHEREAS, Barton & Loguidice, D.P.C., competent engineers licensed in New York, has prepared a map and plan for the Project dated March 2016; and

WHEREAS, to comply with Town Law Section 202-b, the Town, after giving notice, conducted a Public Hearing on December 13, 2018 in regard to the increase and improvements comprising the Project and, after conducting such Hearing, adopted a resolution determining that it is in the public interest to increase and improve the facilities of the District at a maximum estimated cost of \$3,005,000; and

WHEREAS, the Town, as a local agency pursuant to the New York State Environmental Quality Review Act (“SEQRA”), ECL Section 8-0101, et seq., and implementing regulations, 6 NYCRR Part 617 (the “Regulations”), having reviewed the impact of the acquisition, construction and reconstruction of the sewer system improvements comprising the Project upon the environment determined by resolution adopted February 2, 2016 that the Project is a “Type 1 Action” which will not result in any significant adverse impacts to the environment; and

WHEREAS, the Town Board now desires to authorize the Project and the financing of the cost thereof.

NOW, THEREFORE, BE IT RESOLVED ON DECEMBER 13, 2018 BY THE TOWN BOARD OF THE TOWN OF SENECA FALLS, SENECA COUNTY, NEW YORK (by favorable vote of not less than two thirds of said Board), AS FOLLOWS;

Section 1. The undertaking of the Project at a maximum estimated cost of \$3,005,000, including all

professional costs, equipment, machinery and other necessary appurtenances and all other necessary costs incidental to such work, which is estimated to be the total cost thereof, is hereby approved.

Section 2. The plan for financing of the aforesaid specific object or purpose includes the issuance of up to \$3,005,000 of serial bonds, or any bond anticipation notes in anticipation of the issuance and sale of the bonds, which are hereby authorized to be issued pursuant to the Local Finance Law, the levy of a tax to pay the bonds and the interest thereon and the application, if and when available, of State and/or Federal assistance available or to any revenues available for such purpose from any other source. Undertaking the Project is hereby approved. The bonds and notes authorized hereby may be issued to the United States Department of Agriculture, Office of Rural Development, or any of its related offices or agencies, the New York State Environmental Facilities Corporation under any of its revolving fund programs or any purchaser in accordance with the provisions of the Local finance Law.

Section 3. The full faith and credit of the Town is hereby irrevocably pledged for the payment of the principal of and interest on the Bonds as the same respectively become due and payable. There shall be annually apportioned and assessed upon the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited by the improvements, an amount sufficient to pay the principal and interest on such obligations as the same become due, but if not paid from such source, all of the taxable real property in the Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amounts sufficient to pay the principal of and interest on the Bonds as the same shall become due. Such debt service payments may be made in substantially level or declining amounts as may be authorized by law.

Section 4. Pursuant to Sections 30.00, 50.00 and 56.00 to 60.00, inclusive, of the Local Finance Law, the power to authorize the issuance of and to sell the serial bonds and any bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Town Supervisor, the Chief Fiscal Officer. Such bonds or notes shall be of such form and contents, and shall be sold in such manner, as may be prescribed by said Town Supervisor, consistent with the provisions of the Local Finance Law. The notes authorized herein are issued in anticipation of bonds for an assessable improvement.

Section 5. The Town Supervisor is hereby further authorized, at his sole discretion, to execute all agreements, certificates and instruments in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town and such authorization is intended to include authority to enter into and execute on behalf of the Town all agreements, certificates and instruments required in connection with financing the Project costs.

Section 6. The intent of this resolution is to give the Town Supervisor sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and/or notes without resorting to further action of this Town Board.

Section 7. The following additional matters are hereby determined and declared:

- (a) Pursuant to paragraph 4 of Section 11.00 of the Local Finance Law (i) the period of probable usefulness of the Project is forty (40) years; and
- (b) Current funds are not required by the Local Finance Law to be provided prior to the issuance of the bonds and any notes issued in anticipation thereof authorized by this resolution; and
- (c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the Town's General Fund. It is intended that the Town shall then reimburse expenditures from the General Fund with the proceeds of the bonds and bond anticipation notes authorized by this resolution and that the interest payable on the bonds and any bond anticipation notes issued in anticipation of such bonds shall be excludable from gross income for Federal income tax purposes. This resolution is intended to constitute the declaration of the District's "official intent" within the meaning of Treasury Regulation Section 1.150-2 to reimburse the expenditures authorized by this resolution with the proceeds of the bonds and bond anticipation notes authorized herein. Other than as specified in this resolution, no monies are reasonably expected to be, received, allocated on a long term-basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 9. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Seneca Falls, Seneca County, New York, by the manual or facsimile signature of the Town Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested to by the manual or facsimile signature of the Town Clerk.

Section 10. The Town hereby covenants and agrees with the holders from time to time of the Bonds and

any bond anticipation notes issued in anticipation of the sale of the Bonds, that the Town will faithfully observe and comply with all provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and any proposed or final regulations issued pursuant thereto unless, in the opinion of bond counsel, such compliance is not required by the Code and regulations to maintain the exclusion from gross income of interest on said obligations for Federal income tax purposes.

Section 11. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds with a schedule of substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by facsimile signature of its Town Supervisor, providing for the manual counter signature of a fiscal agent or of a designated Official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Town Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph C of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Town Treasurer shall determine.

Section 12. The law firm of Trespasz & Marquardt, LLP is hereby appointed bond counsel to the Town in relation to the issuance of the obligations authorized herein.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. The Bond Resolution adopted by the Town Board on August 15, 2018 authorizing the acquisition, construction and reconstruction of Town sewer facilities at an estimated maximum cost of \$3,005,000 is hereby repealed.

Section 15. The Town Clerk shall cause the publishing and posting of a notice in substantially the form provided in Section 81.00 of the Local Finance Law together with a summary of this Bond Resolution (attached hereto as FORM OF NOTICE).

After brief discussion, a motion was made by Gregory Lazzaro and seconded by Louis Ferrara to amend the motion to delete Section 14 of the above Resolution which states: "The Bond Resolution adopted by the Town Board on August 15, 2018 authorizing the acquisition, construction and reconstruction of Town sewer facilities at an estimated maximum cost of \$3,005,000 is hereby repealed".

The foregoing amendment to the Resolution was put to a vote of the Members of the Town Board, the result of which vote was as follows:

Gregory Lazzaro – Aye  
Louis Ferrara – Aye  
David DeLelys – Aye  
Vittorio Porretta – Aye  
Douglas Avery – Aye

The foregoing Resolution as amended was put to a vote of the Members of the Town Board, the result of which vote was as follows:

Gregory Lazzaro – Aye  
Louis Ferrara – Aye  
David DeLelys – Aye  
Vittorio Porretta – Aye  
Douglas Avery – Aye

Being there was no further business, a motion was made to adjourn the Meeting at 5:35 P.M. by Greg Lazzaro and seconded by Doug Avery. No questions. Motion carried 5 ayes, 0 nays.

Respectfully submitted,

NICALETTA J. GREER\  
Town Clerk

