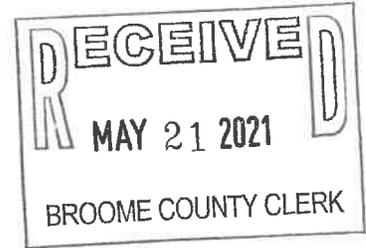


At a meeting of the Town Board of the Town of Chenango, in the County of Broome, New York, held at the Town Hall, 1529 New York Route 12, Binghamton, New York, on the 12th day of May, 2021.

PRESENT:

Jo Anne Klenovic	Supervisor
Jim DiMascio	Councilperson - Absent
Frank Carl	Councilperson
Eugene H. Hulbert, Jr.	Councilperson
Terry Kellogg	Councilperson



In the Matter

of the

Joint Increase and Improvement of Facilities of Sewer Districts Nos. 2, 3, 4, 5, 7, 7A, 8 & 9, in the Town of Chenango, in the County of Broome, New York, pursuant to Section 202-b of the Town Law

Offered by: Terry Kellogg

Seconded by: Frank Carl

RESOLUTION AND
ORDER AFTER PUBLIC
HEARING

WHEREAS, the Town Board of the Town of Chenango (herein sometimes called "Town Board" and "Town", respectively), in the County of Broome, New York, on behalf of Sewer Districts Nos. 2, 3, 4, 5, 7, 7A, 8 & 9 (herein sometimes collectively called the "Districts"), each wholly located within the Town, had caused Barton & Loguidice, D.P.C, Binghamton, New York, engineers duly licensed by the State of New York (the "Engineer") to prepare the map, plan, report and estimate of cost dated April 18, 2018 (the "Report") for the joint increase and improvement of facilities

of the Districts, consisting of the (i) construction of improvements to the Northgate Wastewater Treatment Plant, including a new headworks building and the conversion to a membrane biological reactor system, (ii) enhancements to the collection system, including lift stations, and (iii) decommissioning and consolidation of the Pennview Wastewater Treatment Plant, including the construction of a new pump station and force main to convey sewage to the Northgate Wastewater Treatment Plant, and any ancillary or related work required in connection therewith (collectively, herein called the "Sewer Improvements"), all pursuant to said map, plan and report;

WHEREAS, the maximum amount proposed to be expended for the construction of the Sewer Improvements was estimated to be \$21,200,000, which was planned to be financed by the issuance of obligations of the Town and such cost to be assessed, levied and collected from the several lots and parcels of land within each of the Districts which the Town Board shall deem especially benefited by said facilities, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same;

WHEREAS, the Town Board complied in every respect with all applicable federal, State and local laws and regulations regarding environmental matters, including the Town Board, acting as Lead Agency for the Sewer Improvement, had heretofore made appropriate and necessary findings pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R., Regulations Part 617.5, and determined that no substantial adverse environmental impact will be caused by the Sewer Improvement, and a Negative Declaration was adopted;

WHEREAS, following a public hearing, the Town Board adopted a Resolution and Order After Public Hearing authorizing the increase and improvement of facilities of the District and the expenditure of \$21,200,000 therefor and a Bond Resolution, authorizing the issuance of serial

bonds of the Town in an amount not to exceed \$21,200,000 to finance said estimated total cost of the Sewer Improvements;

WHEREAS, due to an increase in costs of construction and building materials, the Town Board determined that the total cost of said Sewer Improvements is \$24,100,000 and caused the Engineer to prepare an addendum to the Report to reflect an increase in the cost of said Sewer Improvements;

WHEREAS, the Town Board further determined that it is in the best interest of the Town and the District to increase the estimated total cost of the Sewer Improvements by \$2,900,000 and to increase the amount of bonds authorized to finance the Sewer Improvements by a like amount;

WHEREAS, the Town Board adopted an Order describing in general terms the proposed increase and improvement of such facilities, specifying the new estimated cost thereof, and stating the Town Board would hold a public hearing to hear all persons interested in said increase and improvement of facilities on the 12th day of May, 2021 at 5:00 o'clock P.M. (Prevailing Time);

WHEREAS, a Notice of such public hearing was duly published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on the date hereof at 5:00 o'clock P.M. (Prevailing Time), with considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of such facilities.

Now, therefore, be it

DETERMINED, that it is in the public interest to increase and improve the facilities of the Districts as hereinabove described, at the estimated maximum cost of \$24,100,000; and it is hereby

ORDERED, that the facilities of the Districts shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense of said increase and improvement of such facilities and, with the assistance of the Town Attorney, shall prepare a proposed contract for such increase and improvement of facilities of the Districts, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said joint increase and improvement of facilities shall be financed by the issuance of not to exceed \$24,100,000 obligations of the Town; the debt service on such obligations shall be annually apportioned among the Districts by the Town Board and the amounts so apportioned, shall be assessed, levied and collected from the several lots and parcels of land within each of the Districts which the Town Board shall deem especially benefited by said facilities, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same to pay the principal of and interest on said obligations as the same shall become due and payable, and

FURTHER ORDERED, that the Town Clerk record, or cause to be recorded, a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Broome County within ten (10) days after adoption thereof.

DATED: May 12, 2021

TOWN BOARD OF THE TOWN OF CHENANGO



The adoption of the foregoing Resolution and Order was duly put to a vote, which resulted as follows:

AYES: 4
NOES: 0
ABSENT: 1 Jim DiMascio

The Resolution and Order was declared adopted.

* * * * *

RESOLUTION OF THE TOWN OF CHENANGO, NEW YORK,
ADOPTED MAY 12, 2021, AMENDING THE BOND RESOLUTION
ADOPTED JUNE 20, 2018, RELATING TO THE JOINT INCREASE
AND IMPROVEMENT OF FACILITIES OF SEWER DISTRICTS
NOS. 2, 3, 4, 5, 7, 7A, 8 & 9

Recital

WHEREAS, the Town Board of the Town of Chenango (herein sometimes called “Town Board” and “Town”, respectively), in the County of Broome, New York, on behalf of Sewer Districts Nos. 2, 3, 4, 5, 7, 7A, 8 & 9 (herein sometimes collectively called the “Districts”), each wholly located within the Town, had caused Barton & Loguidice, D.P.C, Binghamton, New York, engineers duly licensed by the State of New York (the “Engineer”) to prepare the map, plan, report and estimate of cost dated April 18, 2018 (the “Report”) for the joint increase and improvement of facilities of the Districts, consisting of the (i) construction of improvements to the Northgate Wastewater Treatment Plant, including a new headworks building and the conversion to a membrane biological reactor system, (ii) enhancements to the collection system, including lift stations, and (iii) decommissioning and consolidation of the Pennview Wastewater Treatment Plant, including the construction of a new pump station and force main to convey sewage to the Northgate Wastewater Treatment Plant, and any ancillary or related work required in connection therewith (collectively, herein called the “Sewer Improvements”), all pursuant to said map, plan and report;

WHEREAS, the maximum amount proposed to be expended for the construction of the Sewer Improvements was estimated to be \$21,200,000, which was planned to be financed by the issuance of obligations of the Town and such cost to be assessed, levied and collected from the several lots and parcels of land within each of the Districts which the Town Board shall deem especially benefited by said facilities, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same;

WHEREAS, the Town Board complied in every respect with all applicable federal, State and local laws and regulations regarding environmental matters, including the Town Board, acting as Lead Agency for the Sewer Improvement, had heretofore made appropriate and necessary findings pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R., Regulations Part 617.5, and determined that no substantial adverse environmental impact will be caused by the Sewer Improvement, and a Negative Declaration was adopted;

WHEREAS, following a public hearing, the Town Board adopted a Resolution and Order After Public Hearing authorizing the increase and improvement of facilities of the District and the expenditure of \$21,200,000 therefor and a Bond Resolution, authorizing the issuance of serial bonds of the Town in an amount not to exceed \$21,200,000 to finance said estimated total cost of the Sewer Improvements;

WHEREAS, due to an increase in costs of construction and building materials, the Town Board determined that the total cost of said Sewer Improvements is \$24,100,000 and caused the Engineer to prepare an addendum to the Report to reflect an increase in the cost of said Sewer Improvements;

WHEREAS, the Town Board further determined that it is in the best interest of the Town and the District to increase the estimated total cost of the Sewer Improvements by \$2,900,000 and to increase the amount of bonds authorized to finance the Sewer Improvements by a like amount;

WHEREAS, after a public hearing duly called and held on the date hereof, the Town Board of the Town determined that it is in the public interest to increase and improve the facilities of the District at the estimated maximum cost of \$24,100,000, and ordered that such facilities be so increased and improved;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CHENANGO, IN THE COUNTY OF BROOME, NEW YORK (by the favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section (A) The Bond Resolution of said Town duly adopted by the Town Board June 20, 2018, entitled:

“BOND RESOLUTION OF THE TOWN OF CHENANGO, NEW YORK, ADOPTED _JUNE 20, 2018, APPROPRIATING \$21,200,000 FOR THE JOINT INCREASE AND IMPROVEMENT OF FACILITIES OF SEWER DISTRICTS NOS. 2, 3, 4, 5, 7, 7A, 8 & 9 AND AUTHORIZING THE ISSUANCE OF BONDS OF SAID TOWN IN THE PRINCIPAL AMOUNT OF \$21,200,000 TO FINANCE SAID APPROPRIATION,”

is hereby amended to read as follows:

BOND RESOLUTION OF THE TOWN OF CHENANGO, NEW YORK, ADOPTED JUNE 20, 2018 AND AMENDED ON MAY 12, 2021, APPROPRIATING \$24,100,000 FOR THE JOINT INCREASE AND IMPROVEMENT OF FACILITIES OF SEWER DISTRICTS NOS. 2, 3, 4, 5, 7, 7A, 8 & 9 AND AUTHORIZING THE ISSUANCE OF BONDS OF SAID TOWN IN THE PRINCIPAL AMOUNT OF \$24,100,000 TO FINANCE SAID APPROPRIATION

Offered by: Terry Kellogg

Seconded By: Frank Carl

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CHENANGO, IN THE COUNTY OF BROOME, NEW YORK (by the favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Town hereby appropriates the amount of \$24,100,000 for the increase and improvement of facilities of the Districts, consisting of the (i) construction of improvements to the Northgate Wastewater Treatment Plant, including a new headworks building and the conversion to a membrane biological reactor system, (ii) enhancements to the collection system, including lift stations, and (iii) decommissioning and consolidation of the Pennview Wastewater Treatment Plant, including the construction of a new pump station and force main to convey sewage to the Northgate Wastewater Treatment Plant, all as further described in the map, plan, report and estimate of cost, dated April 18, 2018, together with the updated cost estimate, prepared by Barton & Loguidice, D.P.C, Binghamton, New York, engineers duly licensed by the State of New York (the "Engineer"), and any ancillary or related work required in connection therewith (collectively, herein called the "Sewer Improvements"). The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$24,100,000. The plan of financing includes the issuance of \$24,100,000 bonds

of the Town to finance said appropriation; the debt service on such obligations shall be annually apportioned among the Districts by the Town Board and the amounts so apportioned, shall be assessed, levied and collected from the several lots and parcels of land within each of the Districts which the Town Board shall deem especially benefited by said facilities, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same to pay the principal of and interest on said obligations as the same shall become due and payable.

Section 2. Bonds of the Town are hereby authorized to be issued in the principal amount of \$24,100,000 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 4 of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the serial bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable

real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes issued in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and

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

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, in the "*Press & Sun Bulletin*," a newspaper having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, together with the Town Clerk's statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

Section (B) The amendment of the bond resolution set forth in Section A of this resolution, shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

The adoption of the foregoing Amending Bond Resolution was duly put to a vote, which resulted as follows:

AYES: 4

NOES: 0

ABSENT: 1 Jim DiMascio

The Resolution was declared adopted.