

**TOWN OF FORESTPORT
SPECIAL TOWN BOARD MEETING MINUTES
FORESTPORT TOWN HALL
10275 State Route 28, Forestport, NY 13338
May 23, 2024 @ Following the Public Hearing**

PRESENT: Supervisor Entwistle
Councilman Addison
Councilwoman Verschneider
Councilman Scouten

ABSENT: Councilwoman Abrial

RECORDING SECRETARY: Tracy Terry, Town Clerk

PLEDGE OF ALLEGIENCE:

CALL TO ORDER:

LEGAL NOTICE:

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Forestport will be holding a Special Meeting on May 23, 2024, following the Public Hearing being conducted at 6:00 PM at the Forestport Town Hall, 10275 State Route 28, Forestport, NY. The Special Meeting is being held to vote on the Public Interest Order and a bond resolution for the increase and improvement of the facilities of Forestport Sewer District. Voting will take place.

Tracy M. Terry – Forestport Town Clerk

DATED: May 9, 2024

PUBLISH DATE: May 15, 2024

BOARD COMMENTS:

Supervisor Entwistle read the following public interest order Aloud:

At a regular meeting of the Town Board of the Town of Forestport, Oneida County, New York, held at the Town Hall, in Forestport, New York in said Town, on May 23, 2024, at 6:00 o'clock P.M., Prevailing Time.

PRESENT:

Harold Entwistle, III
Supervisor

Steve Addison
Councilman

Ronald Storten
Councilman

Glenyce Verschneider
Councilman

Councilman

In the Matter
of
The Increase and Improvement of Facilities
of Forestport Sewer District in the Town of
Forestport, Oneida County, New York

PUBLIC INTEREST ORDER

WHEREAS, the Town Board of the Town of Forestport, Oneida County, New York, has duly caused to be prepared a map, plan and report including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the proposed increase and improvement of the facilities of Forestport Sewer District, in the Town of Forestport, Oneida County, New York, consisting of the construction of improvements to and reconstruction of the wastewater treatment plant, in Forestport, New York, including original furnishings, equipment, machinery, apparatus,

appurtenances, and incidental improvements and expenses in connection therewith as applicable, at a maximum estimated cost of \$1,750,000; and

WHEREAS, at a meeting of said Town Board duly called and held on May 7, 2024, an Order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of facilities of Forestport Sewer District in said Town at a maximum estimated cost of \$1,750,000, and to hear all persons interested in the subject thereof concerning the same at the Town Hall, in Forestport, New York, in said Town, on May 23, 2024, at 6:00 o'clock P.M., Prevailing Time; and

WHEREAS, said Order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Forestport, Oneida County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the increase and improvement of the facilities of Forestport Sewer District, in the Town of Forestport, Oneida County, New York, consisting of the construction of improvements to and reconstruction of the wastewater treatment plant, in Forestport, New York, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith as applicable, at a maximum estimated cost of \$1,750,000.

Section 2. This Order shall take effect immediately.

The question of the adoption of the foregoing order was duly put to a vote on roll, which resulted as follows:

<u>GLENYCE VERSCHNEIDER</u>	VOTING <u>YES</u>
<u>STEVEN ADDISON</u>	VOTING <u>YES</u>
<u>HAROLD ENTWISTLE</u>	VOTING <u>YES</u>
<u>RONALD SCOUTEN</u>	VOTING <u>YES</u>
_____	VOTING _____

The Order was thereupon declared duly adopted.

* * * * *

The public interest order was passed by Roll Call Vote.
4 ayes/ 0 nays/ 1 absent MOTION CARRIED

Supervisor Entwistle read the following Bond resolution Aloud:

BOND RESOLUTION DATED MAY 23, 2024.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$1,750,000 BONDS OF THE TOWN OF FORESTPORT, ONEIDA COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF FORESTPORT SEWER DISTRICT, IN THE TOWN OF FORESTPORT, ONEIDA COUNTY, NEW YORK.

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an Order dated the date hereof, said Town Board has determined it to be in the public interest to improve the facilities of Forestport Sewer District, in the Town of Forestport, Oneida County, New York, at a maximum estimated cost of \$1,750,000; and

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type I Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which it has been determined will not have any significant adverse impact on the environment; and

RESOLVED, by the Town Board of the Town of Forestport, Oneida County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of Forestport Sewer District, in the Town of Forestport, Oneida County, New York, consisting of the construction of improvements to and reconstruction of the wastewater treatment plant, in Forestport, New York, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, there are hereby authorized to be issued \$1,750,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$1,750,000, which specific object or purpose is hereby authorized at said maximum estimated cost, and that the plan for the financing thereof is by the issuance of the \$1,750,000 bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Forestport, Oneida County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds 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 bonds becoming due and payable in such year. To the extent not paid from monies raised from said Forestport Sewer District as applicable in the manner provided by law, there shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said Town, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. 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 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Supervisor is hereby further authorized, at the Supervisor's sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, 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 in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 10. 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 such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 12. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

<u>GLENYCE VERSCHNEIDER</u>	VOTING	<u>YES</u>
<u>STEVEN ADDISON</u>	VOTING	<u>YES</u>
<u>RONALD SCOUTEN</u>	VOTING	<u>YES</u>
<u>HAROLD ENTWISTLE</u>	VOTING	<u>YES</u>
_____	VOTING	_____

The resolution was thereupon declared duly adopted.

* * * * *

The Bond resolution was passed by Roll Call vote.

4 ayes/ 0 nays/ 1 absent MOTION CARRIED

PUBLIC COMMENT:

ADJOURNMENT:

A motion was made by Councilman Addison and seconded by Councilman Scouten to adjourn the meeting.

4 ayes/ 0 nays/ 1 absent MOTION CARRIED

There being no further business, the meeting was adjourned at 6:40 pm by Supervisor Entwistle.

Respectfully submitted,

Tracy M. Terry

Forestport Town Clerk