

At a regular meeting of the Town Board of the Town of Ticonderoga, Essex County, New York, held at the Town Hall, 132 Montcalm Street, in Ticonderoga, New York in said Town, on ~~September~~ November 12 2024, at 6:00 o'clock P.M., Prevailing Time.

PRESENT:

Supervisor

Councilman

Councilman

Councilman

Councilman

<p style="text-align: center;">In the Matter of The Increase and Improvement of the Facilities of Sewer Districts Nos. 2-9, 11 and 12 in the Town of Ticonderoga, Essex County, New York (Additional Costs)</p>	<p style="text-align: center;">PUBLIC INTEREST ORDER</p>
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WHEREAS, the Town Board of the Town of Ticonderoga, Essex County, New York, has had under consideration the joint increase and improvement of the facilities of all of the sewer districts in said Town, being Sewer Districts Nos. 2-9, 11 and 12 in said Town (together, the “Districts”), consisting of reconstruction of phosphorus removal and other elements of the wastewater treatment plant, and reconstruction of sewer mains along various streets, including

additional collection system improvements, and original furnishings, equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith

WHEREAS, by Order dated July 25, 2024, said Town Board called a joint public hearing on the question of the increase in the aggregate maximum estimated cost of said project of \$4,248,364.51, allocated to said Districts as hereinafter provided, at a new aggregate maximum estimated cost of \$35,221,537.40; and

WHEREAS, notice of said public hearing was duly published and posted in the manner and within the time provided by law and such public hearing was duly held at the time and place specified in said notice at which all persons interested in the subject matter thereof were duly heard; and

WHEREAS, said Town Board has duly considered the evidence given at said public hearing; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Ticonderoga, Essex 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 necessary and in the public interest to joint increase and improvement of the facilities of all of the sewer districts in said Town, being Sewer Districts Nos. 2-9, 11 and 12, in the manner described in the preambles hereof, at a new maximum estimated cost of \$35,221,537.40 to Sewer Districts Nos. 2-9, 11 and 12, being an increase of \$4,248,364.51, and said increase and improvement is hereby authorized and approved, allocated to each of said sewer districts as provided in the Order Calling a Public Hearing dated and duly adopted on July 25, 2024.

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:

_____ VOTING _____
_____ VOTING _____
_____ VOTING _____
_____ VOTING _____
_____ VOTING _____

The Order was thereupon declared duly adopted.

* * * * *

CERTIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF ESSEX)

I, the undersigned Clerk of the Town of Ticonderoga, Essex County, New York (the “Issuer”), DO HEREBY CERTIFY:

- 1. That a meeting of the Issuer was duly called, held and conducted on ~~September~~ November 14~~1~~2, 2024.
- 2. That such meeting was a **special regular** (circle one) meeting.
- 3. That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
- 4. That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
- 5. That all members of the Board of the Issuer had due notice of said meeting.
- 6. That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the “Open Meetings Law”.
- 7. That notice of said meeting (the meeting at which the proceeding was adopted) was given PRIOR THERETO in the following manner:

PUBLICATION (here insert newspaper(s) and date(s) of publication)

POSTING (here insert place(s) and date(s) of posting)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this _____ day of ~~September~~ November 2024.

Town Clerk

(CORPORATE SEAL)

BOND RESOLUTION

(Additional Money)

At a regular meeting of the Town Board of the Town of Ticonderoga, Essex County, New York, held at the Town Hall, in Ticonderoga, New York, in said Town, on ~~September~~ November 14~~12~~, 2024, at 6:00 o'clock P.M., Prevailing Time.

The meeting was called to order by _____, and upon roll being called, the following were

PRESENT:

ABSENT:

The following resolution was offered by Councilman _____ who moved its adoption, seconded by Councilman _____ to-wit:

BOND RESOLUTION DATED ~~SEPTEMBER~~ NOVEMBER 12 14, 2024.

A RESOLUTION AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$4,248,364.51 BONDS OF THE TOWN OF TICONDEROGA, ESSEX COUNTY, NEW YORK, TO PAY PART OF THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF SEWER DISTRICTS NOS. 2 THROUGH 9, 11 AND 12, IN THE TOWN OF TICONDEROGA, ESSEX COUNTY, NEW YORK.

WHEREAS, the Town Board of the Town of Ticonderoga, Essex County, New York, on November 3, 2021 and June 8, 2023, duly adopted bond resolutions authorizing the issuance of an aggregate \$30,973,172.89 serial bonds of said Town to pay the cost of the joint increase and improvement of the facilities of all of the sewer districts in said Town (together, the “Districts”), consisting of reconstruction of phosphorus removal elements of the wastewater treatment plant, and reconstruction of sewer mains along various streets including original furnishings, equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith, and

WHEREAS, said capital project has been determined to be an Unlisted Action, with a Negative Declaration pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act (“SEQRA”), the implementation of which as proposed, it has been determined will not result in any significant environmental adverse impact; and

WHEREAS, it has now been determined that the maximum estimated cost of said specific object or purpose, due to increased costs and is \$35,221,537.40, an increase of \$4,248,364.51 over that previously authorized; and

WHEREAS, it is now desired to authorize the issuance of an additional \$4,248,364.51 bonds of said Town for such specific object or purpose to pay a portion of the cost thereof;
NOW, THEREFORE,

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Ticonderoga, Essex County, New York, as follows:

Section 1. For the specific object or purpose of paying additional costs of the joint increase and improvement of Sewer Districts Nos. 2 through 9, 11 and 12, in the Town of Ticonderoga, Essex County, New York, being reconstruction of phosphorus removal and other elements of the wastewater treatment plant, and reconstruction of sewer mains along various streets, including additional collection system improvements, and original furnishings, equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith, there are hereby authorized to be issued an additional \$4,248,364.51 bonds of the Town of Ticonderoga, Essex County, New York, pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of such specific object or purpose is now determined to be \$35,221,537.40, which specific object or purpose is hereby authorized at said maximum estimated cost, and that the plan for the financing thereof is as follows:

- a) by the issuance of the \$10,120,000 bonds of said Town authorized to be issued pursuant to bond resolution dated and duly adopted November 3, 2021;
- b) by the issuance of the additional \$20,853,172.89 bonds of said Town authorized to be issued pursuant to bond resolution dated and duly adopted June 8, 2023; and
- c) by the issuance of the additional \$4,248,364.51 authorized to be issued pursuant to this bond resolution.

The amount of said bonds ultimately to be issued shall not be reduced dollar for dollar by any grants in aid received therefore and bond resolutions dated and duly adopted November 3, 2021 and June 8, 2023 are hereby amended accordingly.

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, calculated from the date of issuance of the first obligations for said specific object or purpose. It is hereby determined that the maximum maturity of the bonds authorized by the above referenced bond resolutions shall exceed five years.

Section 4. The faith and credit of said Town of Ticonderoga, Essex County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations 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. To the extent not paid from monies raised in said Sewer Districts by assessments upon the properties therein benefitted thereby and as otherwise provided by law, there shall annually be levied on all the taxable real property in said Town a tax sufficient to pay the principal of and interest on such obligations 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. 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 said officer 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, said officer 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, in such officer's 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 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:

_____ VOTING _____

_____ VOTING _____

_____ VOTING _____

_____ VOTING _____

_____ VOTING _____

The resolution was thereupon declared duly adopted.

* * * *

CERTIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF ESSEX)

I, the undersigned Clerk of the Town Board of the Town of Ticonderoga, Essex County, New York (the “Issuer”), DO HEREBY CERTIFY:

1. That a meeting of the Issuer was duly called, held and conducted on ~~September~~ November 6, 2024.
2. That such meeting was a **special regular** (circle one) meeting.
3. That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
4. That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
5. That all members of the Board of the Issuer had due notice of said meeting.
6. That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the “Open Meetings Law”.
7. That notice of said meeting (*the meeting at which the proceeding was adopted*) was caused to be given **PRIOR THERETO** in the following manner:

PUBLICATION (here insert newspaper(s) and date(s) of publication - should be a date or dates falling prior to the date set forth above in item 1)

POSTING (here insert place(s) and date(s) of posting- should be a date or dates falling prior to the date set forth above in item 1)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer
this _____ day of ~~September~~ November 2024.

Town Clerk

(CORPORATE SEAL)

LEGAL NOTICE OF ESTOPPEL

The bond resolution, a summary of which is published herewith, has been adopted on September 12, 2024, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Ticonderoga, Essex County, New York, is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

A complete copy of the resolution summarized herewith is available for public inspection during regular business hours at the Office of the Town Clerk for a period of twenty days from the date of publication of this Notice.

Dated: Ticonderoga, New York,
~~September-November 12~~14, 2024.

/s/ Tonya M. Thompson
Town Clerk

BOND RESOLUTION DATED ~~SEPTEMBER-NOVEMBER 12~~14, 2024.

A RESOLUTION AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$4,248,364.51 BONDS OF THE TOWN OF TICONDEROGA, ESSEX COUNTY, NEW YORK, TO PAY PART OF THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF SEWER DISTRICTS NOS. 2 THROUGH 9, 11 AND 12, IN THE TOWN OF TICONDEROGA, ESSEX COUNTY, NEW YORK.

Specific object or purpose:	Joint increase and improvement of Sewer Districts 2 through 9, 11 and 12. (reconstruction of phosphorus removal and other elements of the wastewater treatment plant and reconstruction of sewer mains and other sewer collection system improvements).
Period of probable usefulness:	40 years
New maximum estimated cost:	\$35,221,537.40
Obligations previously authorized:	\$30,973,172.89 bonds, to be reduced by any grants-in-aid received. Prior grants provisos eliminated.
Amount of additional obligations to be issued:	Additional \$4,248,364.51 bonds
SEQRA status:	Unlisted Action. Negative Declaration. Determination documentation on file in the office of the Town Clerk where it may be inspected during regular hours, by appointment.