

**TOWN OF ENFIELD
TOMPKINS COUNTY, NEW YORK**

APRIL 13, 2022

A regular meeting of the Town Board of the Town of Enfield, in the County of Tompkins, New York was held virtually via Zoom Meeting Portal at 6:30 p.m. on April 13, 2022.

There were present: (Board Members)

Stephanie Redmond, Supervisor
James Ricks, Councilperson
Robert Lynch, Councilperson
Cassandra Hinkle, Councilperson
Jude Lemke, Councilperson

There were Absent: (Board Members)

Also Present:

Mary Cornell, Town Clerk
Guy Krogh, Town Attorney

The following resolution was offered by Councilperson _____, who moved its adoption, and second by Councilperson _____ to wit:

BOND RESOLUTION OF THE TOWN OF ENFIELD, TOMPKINS COUNTY, NEW YORK, ADOPTED ON APRIL 13, 2022, AUTHORIZING THE CONSTRUCTION OF A NEW SALT STORAGE FACILITY AT AN TOTAL ESTIMATED MAXIMUM COST OF \$710,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF UP TO \$710,000 OF BOND ANTICIPATION NOTES AND SERIAL BONDS OF THE TOWN TO PAY THE COSTS THEREOF

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

WHEREAS, the Town Board of the Town has determined that it is necessary for the Town to construct a new 9,000 Ton sand/salt storage facility (the "Project") that will be approximately 15,000 square feet in size to mitigate leaching and runoff impacting the water sources nearby; and

WHEREAS, Town of Enfield has reviewed the scope of the Project and has advised the Town Board that the Town Board should initially classify the Project as an Unlisted Action as that term is defined in Part 617.2 of the Regulations and declare its intention to serve as lead agency to undertake an uncoordinated review pursuant to Part 617.6(b)(3) of the Regulations; and

WHEREAS, Town of Enfield having reviewed the standards set forth in Part 617.7 of the Regulations has advised the Town Board that the Project will not result in any significant adverse impacts to the environment, and

WHEREAS, the Town Board has carefully considered the nature and scope of the Project, carefully reviewed the criteria for determining significance contained in Part 617.7(c) of the Regulations together with the recommendations provided by Town of Enfield, and

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

NOW, THEREFORE BE IT RESOLVED ON APRIL 13, 2022 BY THE TOWN BOARD OF THE TOWN OF ENFIELD, TOMPKINS COUNTY, NEW YORK (by favorable vote of not less than two thirds of said Board), AS FOLLOWS:

Section 1. The Town Board by resolution No.: 2022-03 adopted January 12, 2022 determined that the Project is an Unlisted Action as such term is defined in the Regulations which will cause no significant environmental impact.

Section 2. The Project, including all work and costs incidental thereto and as required for the purpose for which such Project is to be used, at a maximum estimated cost of \$710,000, which is estimated to be the total cost thereof, is hereby approved.

Section 3. The plan for the financing of the aforesaid specific object or purpose includes the application of a \$350,000 DEC grant, when available, and the issuance of up to \$710,000 of serial bonds, or any bond anticipation notes in anticipation of the issuance and sale of the bonds of said Town, which are hereby authorized to be issued pursuant to the Local Finance Law, and the levy of a tax to pay interest on said obligations.

Section 4. 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. 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 years and such debt service payments may be made in substantially level or declining amounts as may be authorized by law.

Section 5. 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.

Section 6. The Town Supervisor is hereby further authorized, at his sole discretion, to execute all agreements 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.

Section 7. 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 8. The following additional matters are hereby determined and declared:

- (a) Pursuant to paragraph 11(c) of Section 11.00 of the Local Finance Law, the period of probable usefulness of the salt storage facility is fifteen (15) 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 9. 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 Town'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 10. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Enfield, Tompkins 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 maybe attested to by the manual or facsimile signature of the Town Clerk.

Section 11. 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 12. 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 the facsimile signature of its Town Supervisor, providing for the manual countersignature 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 13. 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 14. 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 15. This resolution shall be subject to permissive referendum and a summary hereof (attached hereto as **FORM OF NOTICE I**) shall be published and posted within ten (10) days of adoption by the Town Clerk as provided by Section 90 of the Town Law. This Resolution shall become effective 30 days after publication of **FORM OF NOTICE I**. Following such effective date, in the event that no petition for a referendum was timely submitted and filed, 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 II**).

WHEREFORE, the foregoing Resolution was put to a vote of the members of the Town Board of the Town this 13th day of April, 2022, the result of which vote was as follows:

BOARD MEMBER

VOTE

Stephanie Redmond, Supervisor
James Ricks, Councilperson
Robert Lynch, Councilperson
Cassandra Hinkle, Councilperson
Jude Lemke, Councilperson

DATED: April 13, 2022

CERTIFICATE

I, the undersigned Town Clerk of the Town of Enfield, Tompkins County, State of New York, **HEREBY CERTIFY:**

That I have compared the annexed extract of the minutes of a meeting of the Town Board of said Town including the resolution contained therein, held on April 13, 2022, with the original thereof on file in my office, and that the same is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Town Board had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law) proper notice was given relative to said meeting and said meeting was open to the general public.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Town of Enfield, Tompkins County, New York, this 13th day of April 2022.

Mary Cornell, Town Clerk

[SEAL]

(FORM OF NOTICE I – See Resolution Section 19)

NOTICE OF BOND RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM

The resolution, a summary of which is published herewith, was adopted on April 13, 2022 and is subject to permissive referendum in accordance with Section 90 of the Town Law.

SUMMARY OF BOND RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM

A Resolution adopted by the Town Board of the Town of Enfield, Tompkins County, New York (the "Town") on April 13, 2022 authorizes the Town to construct a new salt storage facility at a maximum estimated cost of \$710,000, including all costs incidental to such work (the "Project"), and to pay for such Project by using DEC grant funding of \$350,000, if available and to the extent necessary, the levy of a tax in an amount not to exceed \$710,000, which shall be levied and collected in annual installments in such years and in such amounts as may be determined by the Town Board and that in anticipation of the collection of such tax, bonds and notes of the Town are authorized to be issued at one time, or from time to time, in the principal amount not to exceed \$710,000 and a tax is authorized to pay the interest on said obligations when due. Under the Local Finance Law, the Salt storage facility has a period of probable usefulness of fifteen (15) years.

(FORM OF NOTICE II – See Resolution Section 19)

NOTICE OF BOND RESOLUTION

The resolution, a summary of which is published herewith, was adopted on April 13, 2022. 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 Enfield, Tompkins 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.

SUMMARY OF BOND RESOLUTION

A Resolution adopted by the Town Board of the Town of Enfield, Tompkins County, New York (the "Town") on April 13, 2022 authorizes the Town to construct a new salt storage facility at a maximum estimated cost of \$710,000, including all costs incidental to such work (the "Project"), and to pay for such Project by using DEC grant funding of \$350,000, if available, and to the extent necessary, the levy of a tax in an amount not to exceed \$710,000, which shall be levied and collected in annual installments in such years and in such amounts as may be determined by the Town Board and that in anticipation of the collection of such tax, bonds and notes of the Town are authorized to be issued at one time, or from time to time, in the principal amount not to exceed \$710,000 and a tax is authorized to pay the interest on said obligations when due. Under the Local Finance Law, the Salt storage facility has a period of probable usefulness of fifteen (15) years.