

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 March 28, 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 Proposed Joint 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</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 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 joint increase and improvement of the facilities of Sewer Districts Nos. 2 through 9, 11 and 12 (together, the “Districts; each a “Sewer District” or “District”), in the Town of Ticonderoga, Essex County, New York, consisting of the construction of improvements to and reconstruction of the wastewater treatment plant and collection

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

WHEREAS, at a meeting of said Town Board duly called and held on March 14, 2024, an Order was duly adopted by it and entered in the minutes specifying said Town Board would hold a public hearing on March 28, 2024 at 6:00 P.M. to consider the proposed joint improvement of the facilities of Sewer District Nos. 2-9, 11 and 12 in said Town, with the cost allocable to each District based upon an equation as hereinafter described, and to hear all persons interested in the subject thereof concerning the same at the Town Hall, in Ticonderoga, New York, in said Town; and

WHEREAS, it is anticipated at this time that the apportionment of such cost between the following Districts shall be based on an equation, the numerator of which shall be the equivalent dwelling units (“EDUs”) for the particular district and the denominator of which shall be the total EDUs for all of the following Districts with the current EDUs, subject to change in the future, as follows: Sewer District No. 2 (Park Avenue) (79.50 EDUs), Sewer District No. 3 (Alexandria Avenue) (54.00 EDUs), Sewer District No. 4 (Homelands) (28.20 EDUs), Sewer District No. 5 (Village) (1462.76 EDUs), Sewer District No. 6 (Commerce Park) (110.20 EDUs), Sewer District No. 7 (Delano Point) (27.10 EDUs), Sewer District No. 8 (Baldwin Road) (41.50 EDUs), Sewer District No. 9 (Black Point Road/Outside) (245.45 EDUs), Sewer District No. 11 (Routes 9N and 74) (36.25 EDUs), and Sewer District No. 10 (Hague Road) (14.40 EDUs) and

WHEREAS, notice of said public hearing was duly published and posted as required by law; and

WHEREAS, a public hearing will be duly held at the time and place set forth in said notice, at which all persons desiring to be heard will be duly heard; and

WHEREAS, said capital project has been determined to be an Unlisted 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, the implementation of such capital project, as proposed, will not result in any significant environmental impacts; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Ticonderoga, Essex County, New York, as follows:

Section 1. It is hereby found and determined that it is in the public interest to make the joint 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, consisting of the construction of improvements to and reconstruction of the wastewater treatment plant and collection system, including original furnishings, equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$30,973,172.89, allocated amongst said Sewer Districts as described at said public hearing and as hereinabove provided.

Section 2. This Order shall take effect immediately, and upon adoption this Order shall supersede the Public Interest Orders as to this matter duly adopted on November 3, 2021 and June 8, 2023.

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.

* * * * *

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 the 28th day of March, 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 March, 2024.

Town Clerk

(CORPORATE SEAL)

BOND RESOLUTION

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 March 28, 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 MARCH 28, 2024.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$30,973,172.89 SERIAL BONDS OF THE TOWN OF TICONDEROGA, ESSEX COUNTY, NEW YORK, TO PAY THE COST OF THE JOINT 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 capital project hereinafter described, as proposed, has been determined to be an Unlisted 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, the implementation of such capital project, as proposed, will not result in any significant environmental impacts; and

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 jointly improve the facilities of Sewer Districts Nos. 2 through 9, 11 and 12, in the Town of Ticonderoga, Essex County, New York, at a maximum estimated cost of \$30,973,172.89;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Ticonderoga, Essex County, New York, as follows:

Section 1. The joint increase and improvement of Sewer Districts Nos. 2 through 9, 11 and 12, in the Town of Ticonderoga, Essex County, New York, consisting of the construction of improvements to and reconstruction of the wastewater treatment plant and collection system, including original furnishings, equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$30,973,172.89, said cost to be allocated amongst said Sewer Districts as described in the Public Interest Order of even date herewith.

Section 2. It is hereby determined that the plan for the financing of such specific object or purpose is by the issuance of \$30,973,172.89 serial bonds hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

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 the first bond anticipation note issued therefor. 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 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 from said joint 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 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 Town 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. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Ticonderoga, Essex County, New York, by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Town Clerk.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining 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 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 Supervisor.

Section 9. The Supervisor is hereby further authorized, at the Supervisor's sole discretion, to execute a project financing and 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 serial bond issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 10. 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 11. 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 12. 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 13. This resolution, which takes effect immediately, shall be published in full or summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81 of the Local Finance Law, and shall supersede prior bond resolutions for said specific object or purpose dated November 3, 2021 and June 8, 2023.

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.

* * * * *

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 the 28th day of March, 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 March, 2024.

Town Clerk

(CORPORATE SEAL)

LEGAL NOTICE OF ESTOPPEL

The bond resolution, a summary of which is published herewith, has been adopted on March 28, 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,
March 28, 2024.

/s/ Tonya M. Thompson
Town Clerk

BOND RESOLUTION DATED MARCH 28, 2024. RESOLUTION AUTHORIZING THE ISSUANCE OF \$30,973,172.89 SERIAL BONDS OF THE TOWN OF TICONDEROGA, ESSEX COUNTY, NEW YORK, TO PAY THE COST OF THE JOINT 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 Nos. 2 through 9, 11 and 12. (improvements to and reconstruction of wastewater treatment plant and collection system).
Period of probable usefulness:	Forty years
Maximum estimated cost:	\$30,973,172.89
Amount of obligations to be issued:	\$30,973,172.89 serial 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 office hours by appointment.

Note: This bond resolution shall supersede the prior bond resolutions of November 3, 2021 and June 8, 2023