

**TOWN BOARD
SPECIAL MEETING**

THURSDAY

July 20, 2023

Supervisor Zupan opened the meeting at 8:30 a.m. with four Councilors present. Councilor Race was excused.

Supervisor Zupan stated proper notification of the meeting took place and further a quorum was present for the purposes of this meeting.

Motion by Councilor Reger, seconded by Councilor Johnson to open the public hearing relative to the map, plan, and report including an estimate of cost in relation to the proposed increase and improvement of facilities pursuant to Town Law § 202-b of the Town of Cazenovia Water Pollution Control Facility and the Town of Cazenovia Consolidated Sanitary Sewer District.

Public comment:

Susan Munger inquired about the bonding for 26.5 million dollars and wondered if that was the amount the grant was for?

Supervisor Zupan said that number is the engineer's estimate for everything that needs to be done at the treatment plant and a huge contingency. He explained you have to request the maximum amount because you can't add to the number at a later time. He said the estimated project cost ranges from 8 million to 26.5 million dollars.

Susan Munger asked if this would increase capacity?

Supervisor Zupan stated this project is to fix outdated equipment. He stated they do not want to increase capacity because if they keep the processing at a million gallons, the permit would stay regional. If it goes over that threshold, it will go to Albany.

Motion by Councilor Golub, seconded by Councilor Johnson to close the public hearing. The motion was unanimously approved.

Resolution No. 97 presented by Councilor Reger, seconded by Councilor Golub

**PUBLIC INTEREST ORDER OF THE TOWN BOARD IN
THE MATTER OF THE INCREASE AND IMPROVEMENT OF FACILITIES
PURSUANT TO TOWN LAW § 202-b OF THE TOWN OF CAZENOVIA WATER
POLLUTION CONTROL FACILITY AND THE TOWN OF CAZENOVIA
CONSOLIDATED SANITARY SEWER DISTRICT IN
THE TOWN OF CAZENOVIA, MADISON COUNTY, NEW YORK**

WHEREAS, the Town Board of the Town of Cazenovia, Madison 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 the Water Pollution Control Facility and the Cazenovia Consolidated Sanitary Sewer District, in the Town of Cazenovia, Madison County, New York, consisting of the construction of improvements to and reconstruction of the Water Pollution Control Facility and related facilities, including original furnishings, machinery, equipment, apparatus, appurtenances, and incidental improvements and expenses in connection therewith as applicable, at a maximum estimated cost of Twenty-Six Million Five Hundred Thousand and 00/100 Dollars (\$26,500,000.00); and

WHEREAS, such cost shall be annually apportioned and assessed upon the several lots and parcels of land within said District in the manner provided by law, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, in an amount sufficient to pay the principal and interest on said bonds as the same become due; and

WHEREAS, said capital project is part of a larger joint sewer improvement project in conjunction with the Village of Cazenovia and the Town of Nelson designed to improve and correct deficiencies of the Town of Cazenovia Water Pollution Control Facility for all users of the Facility; and

WHEREAS, at a meeting of said Town Board duly called and held on July 5, 2023, 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 the Cazenovia Consolidated Sanitary Sewer District in said Town at a maximum estimated cost of Twenty-Six Million Five Hundred Thousand and 00/100 Dollars (\$26,500,000.00), and to hear all persons interested in the subject thereof concerning the same at the Town Hall, in Cazenovia, New York, in said Town, on July 20, 2023, at 8:30 A.M.; 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; and

WHEREAS, the Town Board of the Town of Cazenovia, as lead agency, determined the joint project to be an “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 (“SEQRA”) and issued a Negative Declaration and the documentation relating to SEQRA is available in the office of the Town Clerk for inspection during normal office hours.

NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Cazenovia, Madison 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 the Water Pollution Control Facility and the Cazenovia Consolidated Sanitary Sewer District, in the Town of Cazenovia, Madison County, New York, consisting of the construction of improvements to and reconstruction of the Water Pollution Control Facility and related facilities, including original furnishings, machinery, equipment, apparatus, appurtenances, and incidental improvements and expenses in connection therewith as applicable, at a maximum estimated cost of Twenty-Six Million Five Hundred Thousand and 00/100 Dollars (\$26,500,000.00).

Section 2. This Order shall take effect immediately.

Roll call:

Councilor Race	Excused
Councilor Golub	Yes
Councilor Reger	Yes
Councilor Johnson	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 97 adopted.

Resolution No. 98 presented by Councilor Johnson, seconded by Councilor Reger

BOND RESOLUTION DATED JULY 20, 2023

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$26,500,000 BONDS OF THE TOWN OF CAZENOVIA, MADISON COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE CAZENOVIA CONSOLIDATED SANITARY SEWER DISTRICT WATER POLLUTION CONTROL PLANT, IN THE TOWN OF CAZENOVIA, MADISON 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 Water Pollution Control Plant, in the Town of Cazenovia, Madison County, New York, at a maximum estimated cost of \$26,500,000; 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.

NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Cazenovia, Madison County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of the Cazenovia Consolidated Sanitary Sewer District, in the Town of Cazenovia, Madison County, New York, consisting of the construction of improvements to and reconstruction of the Water Pollution Control Plant and related facilities, including original furnishings, machinery, equipment, apparatus, appurtenances, and incidental improvements and expenses in connection therewith as applicable, there are hereby authorized to be issued \$26,500,000 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 \$26,500,000, 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 \$26,500,000 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 40 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 Cazenovia, Madison 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 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 the Supervisor 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.

Roll call:	
Councilor Race	Excused
Councilor Golub	Yes
Councilor Reger	Yes
Councilor Johnson	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 98 adopted.

At 8:38 a.m., motion by Councilor Reger, seconded by Councilor Golub to adjourn this meeting. The motion was unanimously approved.

Supervisor Zupan declared this meeting adjourned.

Signed: *Connie J. Sunderman*
Connie J. Sunderman, Town Clerk