

A special meeting was held by the Town Board of the Town of Ballston on Tuesday evening, February 16, 2016 at the Town Hall on Charlton Road, Ballston Spa.

PRESENT: Timothy Szczepaniak ----- Supervisor
William Goslin ----- Councilman
John Antoski ----- Councilman
Charles Curtiss ----- Councilman
Kelly Stewart ----- Councilwoman
Carol Gumienny ----- Clerk

ABSENT: James Walsh, Town Counsel

Supervisor Szczepaniak called the meeting to order at 6:30 p.m.

The purpose of the meeting was to pass two additional resolutions for the application to the New York State Environmental Facilities Corporation Clean Water State Revolving Fund for the Ballston Lake Sewer District.

The Clerk read the following:

RESOLUTION 16-037

FINAL RESOLUTION AND ORDER BY THE TOWN BOARD ADOPTING THE BALLSTON LAKE SEWER DISTRICT FOLLOWING THE RECEIPT OF AN ORDER FROM THE OFFICE OF THE STATE COMPTROLLER GRANTING PERMISSION FOR THE ESTABLISHMENT OF THE DISTRICT

WHEREAS, the Town Board of the Town of Ballston (“Town Board”) on September 11, 2014 adopted a resolution directing Delaware Engineering, an engineer licensed in the State of New York, to prepare a Map, Plan and Report for providing the facilities, improvements and/or services in a portion of the Town wherein a sewer district, hereinafter described, was proposed to be established; and

WHEREAS, at a special meeting of the Town Board held on July 9, 2015, the Town of Ballston (“Town”) accepted said Map, Plan and Report prepared by Delaware Engineering describing the boundaries of the proposed Ballston Lake Sewer District (hereinafter “District”), a general plan of improvement and description of facilities including construction of a sewer collection and conveyance system that will connect to the SCSD #1 Interceptor Sewer in the vicinity of Shenentaha Park that directs wastewater to the SCSD #1 wastewater treatment plant, the maximum amount to be expended, regulatory review requirements, the cost of hook-up fees if any, the cost to the typical property, and method of financing the project, and a statement of benefit assessment; and

WHEREAS, the Map, Plan and Report was duly filed in the Office of the Town Clerk on July 9, 2015 and the Town has made the Map, Plan and Report available for public inspection at the Office of the Town Clerk in Ballston Town Hall during regular Town Hall business hours and posted the Map, Plan and Report on <http://www.ballstonsewers.org>; and

WHEREAS, the Town Board held a Public Hearing on July 23, 2015 at Ballston Town Hall, 323 Charlton Road, Ballston Spa, New York in order to hear all persons interested in the creation of the proposed sewer system; and

WHEREAS, notice of the Public Hearing was provided to residents in accordance with New York State Law; and

WHEREAS, the Town Board evaluated, considered and discussed the comments made by residents at the Public Hearing; and

WHEREAS, the Town Board adopted a resolution at its meeting of August 11, 2015 identifying its findings with respect to the proposed Ballston Lake Sewer District (“Proposed District”) as follows: (i) that the Notice of Public Hearing was published and posted as required by law, and was otherwise sufficient; (ii) that all of the properties and property owners within the Proposed District are benefitted thereby; (iii) that all of the properties and property owners

benefitted by the proposed sewer collection system are included within the limits of the Proposed District; and (iv) the establishment of the Proposed District is in the public interest; and

WHEREAS, based on its findings, the Town Board approved the establishment of the Proposed District as the boundaries shall be finally determined and approved the construction of the sewer collection system within the District as set forth in the Map, Plan and Report approved by the Town Board on July 9, 2015, subject to the approval of the same by the Office of the New York State Comptroller and also subject to referendum of eligible voters; and

WHEREAS, the Town Board, upon its own motion in accordance with Town Law § 94 and Town Law § 209-e(3), submitted to eligible voters within the District, a proposition to be voted on at a special election as follows: Shall Town Board Resolution 15-144, unanimously approved by the Town of Ballston Town Board on August 11, 2015, authorizing the creation of the Ballston Lake Sewer District which encompasses a sewer collection system in the Towns of Ballston and Clifton Park in accordance with a Map, Plan and Report approved by the Town Board on July 9, 2015, with properties benefitted by the system generally located around Ballston Lake as well as the Buell Heights neighborhood and the Main Street area of Ballston Lake, at an estimated and maximum cost of \$10,203,729.00, and which project is to be financed through the issuance of a bond by the Town of Ballston to secure a 30-year leveraged loan from the New York State Clean Water State Revolving Fund, with properties to be assessed costs on a benefit basis and with the estimated cost of the district to the typical property, a single family home, being \$907.00 per year, and which sewer district is further subject to the review and approval of the Office of the New York State Comptroller, be approved; and

WHEREAS, by way of a Resolution at its meeting of September 8, 2015, the Town Board established that the special election for purposes of voting on the proposition would be held on October 14, 2015 at Town Hall (323 Charlton Rd, Ballston Spa, New York) from noon until 8:00 p.m.; and

WHEREAS, following the publishing of notice of the special election in accordance with Town Law § 82 by the Town Clerk, the special election was held on October 14, 2015 in accordance with the Town Board's resolution of September 8, 2015; and

WHEREAS, based upon the certificate of the result of the special election executed by the election inspectors and ballot clerks and in accordance with Town Law § 209-e(4)(b), the Town Clerk duly prepared a certificate certifying the vote on the proposition submitted; and

WHEREAS, the eligible voters voting at the special election approved the creation of the District as evidenced by the certification of the Town Clerk; and

WHEREAS, with authority granted by the Town Board pursuant to a resolution dated October 27, 2015, the Town Supervisor executed an Inter-Municipal Cooperation Agreement pursuant to Article 5-G of the General Municipal Law which sets forth the roles and responsibilities of the Town of Ballston and the Town of Clifton Park relating to the District; and

WHEREAS, with authority granted by the Town Board pursuant to a resolution dated November 5, 2015, the Town Supervisor executed an application dated November 6, 2015 and duly made in duplicate to the State Department of Audit and Control at Albany, New York, for permission to create the District as more fully provided for by Town Law § 209-f; and

WHEREAS, the State Comptroller has duly made an order in duplicate dated February 10, 2016, granting permission for the creation of the District in all respects as petitioned for and approved by the Town Board as aforesaid; and

WHEREAS, one copy of such order made by the State Comptroller has been duly filed in the office of the State Department of Audit and Control at Albany, New York, and the other in the office of the Town Clerk of this Town; and

WHEREAS, the Town Clerk has duly presented such order to this Board at this meeting, being its first meeting held after the said order was filed with her; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED THAT:

1. The District is hereby established in the Town as described in the order of the State Comptroller, to be designated as the Ballston Lake Sewer District and to be of the following general description and boundaries, to wit:

Parcels around Ballston Lake on the east side from East Side Drive and Schauber Road to Lake Road extending to Eastline Road. On the west side of the lake, including Westside Drive from Mill Road and Main Street, Glenridge Road, Whites Beach Road, Powers Lane and Outlet Road to a connection point on Lake Road. Also included in the sewer district are several private streets along Ballston Lake as well as the Buell Heights neighborhood and the Main Street area of Ballston Lake including Mill Road.

2. The following improvements in said District shall be constructed upon the required funds being made available or provided for:

Construction of a pump station at the south end of Ballston Lake and installation of 5,500 linear feet of force main, 50,000 linear feet of low pressure sewers and 14,000 linear feet of gravity sewers, including necessary site work and the acquisition and installation of equipment, machinery and apparatus.

3. The proposed improvements, including cost of rights of way, construction costs, legal fees and other expenses shall be financed as follows:

Obligations of the Town

4. The Town Clerk is hereby authorized and directed to cause a certified copy of this Resolution and Order to be duly recorded in the office of the Clerk of Saratoga County in which the Town is located, within ten (10) days after the adoption of this Resolution and Order.

5. The Town Clerk is hereby authorized and directed to file a certified copy of this order in the Office of the State Department of Audit and Control, Albany, New York, within ten (10) days after the adoption of this order.

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

Timothy J. Szczepaniak	VOTING <u>Yes</u>
John Antoski	VOTING <u>Yes</u>
Charles Curtiss	VOTING <u>Yes</u>
William Goslin	VOTING <u>Yes</u>
Kelly Stewart	VOTING <u>Yes</u>

The foregoing resolution was thereupon declared duly adopted this 16th day of February, 2016.

RESOLUTION 16-038

The following resolution was offered by Councilwoman Stewart, seconded by Councilman Goslin, to wit;

BOND RESOLUTION DATED FEBRUARY 16, 2016

A RESOLUTION AUTHORIZING THE CONSTRUCTION OF A NEW SANITARY SEWER COLLECTION SYSTEM FOR THE BALLSTON LAKE SEWER DISTRICT, AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$10,203,729 OF THE TOWN OF BALLSTON, SARATOGA COUNTY, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID CONSTRUCTION AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR

BE IT RESOLVED, by the Town Board of the Town of Ballston, Saratoga County, New York (the "Town") (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the construction of a new Sanitary Sewer Collection System for the Ballston Lake Sewer District (the "Sewer District") to serve the area immediately surrounding Ballston Lake and certain adjoining residential neighborhoods, consisting of construction of a pump station at the south end of Ballston Lake and installation of 5,500 linear feet of force main, 50,000 linear feet of low pressure sewers and 14,000 linear feet of gravity sewers, including necessary site work and the acquisition and installation of equipment, machinery and apparatus for the foregoing purpose. The estimated maximum cost of said purpose, including preliminary costs and costs incidental thereto and the financing thereof, will not exceed \$10,203,729 and said amount is hereby appropriated therefor.

SECTION 2. The Town Board plans to finance the Town's maximum estimated cost of said purpose by the issuance of \$10,203,729 serial bonds of the Town, hereby authorized to be issued therefor pursuant to the Local Finance Law and the cost of such improvement is to be paid by assessments upon benefited real property in an area less than the area of said Town.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law and the period of probable usefulness of said purpose is forty (40) years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five (5) years.

SECTION 6. The faith and credit of said Town 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. Should the assessments upon benefited real property be insufficient to pay the principal of and interest on such bonds, 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 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

SECTION 8. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 9. The Town Board has issued a negative declaration determining that the construction of a new sanitary sewer distribution system for the Sewer District will not have a significant effect on the environment.

SECTION 10. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(b) 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

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 11. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in *The Daily Gazette*, a newspaper having a general circulation in the Town of Ballston in the County of Saratoga, and hereby designated as the official newspaper of said Town for such publication.

SECTION 12. The expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the Sewer District Fund. The Town then reasonably expects to reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by Section 2 of this resolution. This resolution shall constitute a declaration of "official intent" to reimburse such expenditures, as required by the United States Treasury Regulations, Section 1.150-2.

SECTION 13. This resolution shall take effect immediately upon its adoption.

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

Timothy J. Szczepaniak	VOTING	Yes
John Antoski	VOTING	Yes
Charles Curtiss	VOTING	Yes
William Goslin	VOTING	Yes
Kelly Stewart	VOTING	Yes

The foregoing resolution was thereupon declared duly adopted.

The meeting was adjourned at 6:45 p.m.

Respectfully submitted,

Carol Gumienny
Town Clerk