

At a special meeting of the Town Board of the Town of Keene, Essex County, New York, held at the Town Pavilion, in Keene, New York in said Town, on August 23, 2022, at 5:00 o'clock P.M., Prevailing Time.

PRESENT:

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Councilperson

\_\_\_\_\_  
Councilperson

\_\_\_\_\_  
Councilperson

\_\_\_\_\_  
Councilperson

<p>In the Matter of The Increase and Improvement of Facilities of Town of Keene Water District No. 2 in the Town of Keene, Essex County, New York</p>	<p><b>PUBLIC INTEREST ORDER</b></p>
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WHEREAS, the Town Board of the Town of Keene, 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 increase and improvement of the facilities of Water District No. 2, in the Town of Keene, Essex County, New York (the "Water District"), consisting of construction of a new well field control building at the site of the existing well field control building, including original equipment, machinery, apparatus, appurtenances and incidental

improvements and expenses in connection therewith, together with development of a new water source, construction of a new well, abandonment of existing well, acquisition of installation of water meters in connection therewith, at a maximum estimated cost of \$5,029,607.20; and

WHEREAS, at a meeting of said Town Board duly called and held on July 28, 2022, 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 Town of Keene Water District No. 2 No. 2 in said Town at a maximum estimated cost of \$5,029,607.20, and to hear all persons interested in the subject thereof concerning the same at the Town Pavilion, in Keene, New York, in said Town, on August 23, 2022, at 5:00 o'clock P.M., Prevailing Time; 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; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Keene, 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 in the public interest to make the increase and improvement of the facilities of Water District No. 2, in the Town of Keene, Essex County, New York, being the construction of a new well field control building at the site of the existing well field control building, including original equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith, together with development of a new water source, construction of a new well, abandonment of existing well, and acquisition and

installation of water meters, in connection therewith, at a maximum estimated cost of \$5,029,607.20.

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.

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**BOND RESOLUTION**

At a special meeting of the Town Board of the Town of Keene, Essex County, New York, held at the Town Pavilion, in Keene, New York, in said Town, on the 23rd day of August, 2022, at 5:00 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 Councilperson \_\_\_\_\_ who moved its adoption, seconded by Councilperson \_\_\_\_\_ to wit:

BOND RESOLUTION DATED AUGUST 23, 2022.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$5,029,607.20 BONDS OF THE TOWN OF KEENE, ESSEX COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF WATER DISTRICT NO. 2 IN THE TOWN OF KEENE, ESSEX COUNTY, NEW YORK.

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202b 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 District No. 2, in the Town of Keene, Essex County, New York, at a maximum estimated cost of \$5,029,607.20; and

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 have been determined will not have any significant adverse effects on the environment; and

WHEREAS, it is now desired to authorize the financing of such capital projects, NOW, THEREFORE,

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

Section 1. For the class of objects or purposes of paying the cost of the increase and improvement of Water District No. 2, in the Town of Keene, Essex County, New York, being the construction of a new well field control building at the site of the existing well field control building, including original equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith, together with development of a new water

source, construction of a new well, abandonment of existing well, and acquisition and installation of water meters in connection therewith, at a maximum estimated cost of \$5,029,607.20, \$5,029,607.20 bonds of said Town are hereby authorized to be issued pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the plan for the financing of said maximum estimated cost is by the issuance of the \$5,029,607.20 bonds of said Town authorized to be issued pursuant to this bond resolution. PROVIDED, HOWEVER, that to the extent that any grants-in-aid are received for such class of objects or purposes, the amount of bonds to be issued pursuant to this resolution shall be reduced dollar for dollar.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty years pursuant to subdivision 1 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 Keene, Essex 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. 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 Water District No. 2 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 Health 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 class of objects or purposes 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 longterm 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.

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