

August 1, 2017  
Public Hearing  
7:30 p.m.

Present: Supervisor Gerald L. Deming, Councilmembers: Lynn Parnell, Amos Smith, and Norman Gates.

Absent: Frank Rose Jr.

Others: Richard Henry (Engineer, Clark Patterson Lee), James Campbell (Town Attorney), James Powell, Thomas Gates Jr., William Korth, Grayce Mingrino, John & Rose Mader, Frank Troglauer, Kirk Richenberg, Scott Cruickshank, Denis Musshafen, Thomas Porter, Frank Burger, Carl Peter, Theodore Andrews, Bonita Morgan, Bill McPhail (WNY), Jeanne Williams, Paul MacLean, Laurie Schneider, Thomas Colahan and Joe McIlroy

Supervisor Deming opened the Public Hearing at 7:30 p.m. and turned the meeting over to Town Attorney, James Campbell.

Mr. Campbell began by reading aloud portions of the Public Hearing notice, which was published in the Livingston County News. Due to the size of such notice Attorney Campbell summarized the higher points. Mr. Campbell commented under New York State Town Law Section § 202-b, in order for a municipality to proceed with construction of water mains or improvements, it is first required to hold a Public Hearing to determine that the proposed project is ultimately in the public interest. After such hearing if the Board deems it appropriate, they may take action thereafter.

The Town Board is proposing to construct approximately 8,500 linear feet of water transmission main along Tuttle Road and Old State Rd., acquisition, construction and installation of a 500,000 gallon water storage tank, improvements to the Flats Rd. pump station, water services to properties within the Linwood Water Service Area and Linwood Road North Extension, a new pump station at Tuttle Road and pressure reducing vaults.

Mr. Campbell stated that a Map, Plan and Report (dated April 2017) was prepared by Clark Patterson Lee, estimating the cost of the proposed improvements. The maximum amount to be expended for the improvements is \$2,240,000, of which \$300,000 is to be spent on water main improvements with the remainder of \$1,940,000 to be expended on the other additional improvements. The purpose this evening to allow public comment on the proposed upcoming projects. Attorney Campbell stated anyone wishing to address the Board must give their name and address prior to their question or comment.

## COMMENTS/QUESTIONS

1) Thomas Gates (Wallace Road): Mr. Gates expressed, he was under the impression that the waterline was going up Old State Road and cutting across a field and questioned what the final plan was.

\*\* Mr. Henry responded that we are still looking at a final design layout.

Mr. Gates suggested staying in the Right of Way otherwise valuable farmland will be wasted.

2) Kirk Richenberg (Federal Rd.): Has the Tuttle Rd/Old State Rd. district been formed yet and if not, why?

\*\*Supervisor Deming answered the district has not been formed yet, once the engineering has been completed we will review it and proceed from there.

Mr. Richenberg asked if this resolution is going through even though there are still unanswered questions regarding the district.

\*\*Supervisor Deming replied, even with questions to be answered, we can still proceed this evening.

3) Frank Troglauer (Federal Rd.): Are you still planning on coming down Federal Rd.?

\*\*Supervisor Deming answered that the engineers are still renewing the recent income surveys to determine the interest.

\*\*Mr. Henry added that additional surveys needed to be done because the homeowners within this district have continued to change their mind on whether or not to be included, so one final survey was conducted.

4) Grayce Mingrino (Federal Road): Several years ago, our area on Federal Rd. received municipal water. We know that the Town is trying to provide safe and reliable potable water to others but we need to make sure of everything that is in the water. Water quality is so important and we need to be aware of potential contaminants within it. Providing services to families is very important and if people see that the best is being done for them by the Board they will be accepting, as long as it is in the best interest for all. When the Cheese Factory came in, we know that the services that will be provided will benefit them, but how can we raise the standard of living for all residents. Water Quality needs to be addressed. We read the water results in the Penny Saver but it comes out well after, more needs to be done to be current with the results.

5) Kirk Richenberg (Federal Rd): Can you tell us how the DFA/WNY project is being financed?

\*\*Mr. Henry answered that DFA/WNY has paid cash for this project.

Mr. Richenberg: Previously they were going to use the Town's ability to Bond, is that no longer the case?

\*\*Mr. Henry replied that their contribution has been paid for in cash, so the bonding matter is no longer an issue. Mr. Henry added that WNY Cheese will be paying the consolidated debt service, but will have 906 units x \$35.02, totaling close to \$32,000.00 each year. They have paid for the line and once it has been approved, will be dedicated to the Town of York. Mr. Henry expressed that WNY will certainly be paying their fair share of the debt each year to the Consolidated water district.

6) Kirk Richenberg (Federal Rd): \$1.6 million is going toward the line, are they contributing further?

\*\*Mr. Henry stated that in the Map, Plan & Report on page 6, it gives a breakdown of the contribution and the future charges.

Kirk Richenberg: Explain why WNY as a new service area pays differently from the others in the Linwood Water Service Area and Linwood Rd. North Extension, which pays a debt of \$564.00 per year?

\*\*Mr. Henry replied the difference was the fact that WNY paid \$1.6 million dollars upfront.

Mr. Richenberg: There are 1150 consolidated debt customers, why were they not offered the same deal to pay upfront:

\*\*Mr. Henry replied that the consolidated district had already been formed/created. Most homeowners are not able to pay the entire debt upfront, and in his 30 years no district has asked for such, residents wish to spread the debt out over time for financial reasons.

7) Grayce Mingrino (Federal Rd): How much water will the cheese plant use?

\*\*Mr. Henry answered that the plant will use 250,000 gallons per day. Currently the water district's average is 400,000 gallons per day.

\*\* Councilman Smith added, due to the increase of water flowing through our system, it will improve the quality of water and assist us with the ongoing TTHM issue we are dealing with.

Grayce Mingrino: Won't the plant increase waste with that amount of water?

\*\* Mr. Henry replied that the plant will be pre-treating their waste prior to it entering our system. We will be getting the benefit of revenue without the need for additional treatment.

8) Tom Gates (Wallace Rd): What size is the line for sewer?

\*\*Mr. Henry stated that another engineer in his office designed the sewer specifications and could not recall whether it was a 6 inch or 8 inch line.

Tom Gates: Will they need a pump?

\*\*Mr. Henry answered that the pump will be at the cheese plant site.

9) Kirk Richenberg (Federal Rd.): In the document it reflects that the Town will pay for the connection and in another portion it states that the homeowner does, which is it?

\*\*Mr. Henry clarified by saying that the Town's responsibility is from the Right of Way to the main line. From the line itself to the home will be the expense of the property owner.

10) Kirk Richenberg (Federal Rd): At the March Public Hearing it was stated that McVean Road Water District will be paying the additional debt service as well, is that correct?

\*\*Mr. Henry replied at that meeting he was under the impression that McVean Road had been included in the Consolidated Water District, which currently they have not, so they will not be paying the additional debt.

Kirk Richenberg: Why aren't they paying that debt?

\*\*Supervisor Deming stated that is a good question and feels they too should be included because they will also benefit from the improvements.

11) Tom Gates (Wallace Rd): How are they doing on the towers, have they ordered them yet?

\*\*Mr. Henry answered that the towers have not been ordered yet, this Public Hearing and upcoming Bond approval had to take place first before ordering could happen.

Tom Gates: The tanks are not part of the \$1.6 million DFA debt?

\*\*Mr. Henry replied that the tanks are part of the Town upgrades. Mr. Henry outlined several areas of the town in need of upgrades (Tuttle Road, Old State Road and Flats Road) that have been on the Town's radar for several years. With the proposed improvements it allows the Town to move forward. The debt service cost to the Consolidated customers without the tanks would have been \$30.00, with inclusion of the tanks the cost is \$35.00 to the district customers. By including the tanks it increased the cost only \$5.00 more and the Board felt this was the way to proceed.

Mr. Henry stated that a comment was made earlier about making sure this was a benefit to the public. DFA (Dairy Farmers of America) could have put in a line on Craig Road solely for their purposes, but knowing what a struggle it has been trying to get water to the area, they decided to build north, then west and then down Stewart Road to their facility in order to encompass 71 homes that otherwise would not have the opportunity to get water. The \$1.6 million they contributed provided the water main to those areas. Originally their plan was to obtain water from Lake LeRoy but then approached the Town to inquire about potential municipal water rather than dealing with the numerous upgrades necessary to use Lake LeRoy. Mr. Henry stated that this project gave us the opportunity to provide water to the cheese plant but many others as well.

12) Grayce Mingrino (Federal Rd): What happened to the Genesee County water possibility?

\*\*Mr. Henry answered that Monroe County does not have the capacity to get us water at this time. The Town would love to connect to the Monroe County system and it is \$1.00 per thousand cheaper. Genesee County invested \$28 million in system upgrades, but nothing is in place right now.

13) Grayce Mingrino (Federal Rd.): How is quality going to be addressed?

\*\* Mr. Henry replied TTHM's (Total Trihalomethanes) have been an ongoing issue. TTHM's are formed when source water contains large amounts of organic matter. The Town has worked very hard to improve the situation with some upgrades, but more certainly needs to be done. Mr. Henry stated that the regulatory limit for TTHM's is 80 ug/L. Water has been coming to us from Genesee at 80, and we have made improvements to help lower our numbers in the township. With the pressure increase in this project it will help other areas especially Federal Road. They

have poor quality of water coming from Conesus Lake, so they and the Town of York need to have more aggressive methods to improve water quality. Currently our method is to flush the system more frequently, which costs the district money but if we don't, continued violations will occur.

Grayce Mingrino: Are there other systems available?

\*\*Mr. Henry answered that other systems are available but are extremely expensive.

Grayce Mingrino: Does Monroe County know we are interested?

\*\*Mr. Henry stated that Monroe County does know we are interested, but conversations can't proceed until the \$28 million infrastructure is in place otherwise they won't have the capacity to supply us.

14) Kirk Richenberg (Federal Rd): With the total project cost of \$3.8, with the \$1.6 million for DFA, is engineering part of that cost?

\*\*Mr. Henry answered that DFA has paid for engineering.

15) Tom Colahan (Mt. Pleasant Rd): If the cheese plant should fail, is the Town stuck with this project?

\*\*Mr. Henry replied that the Town will not have an issue. DFA has agreed to pay 906 units of water (906 x \$35.00) per year which will be put into an escrow account for the future. They have committed themselves to this project and the community.

16) Grayce Mingrino (Federal Rd): How does this project affect existing customers?

\*\*Mr. Henry answered that the existing customers will pay \$35.00 more of debt each year. The Town was moving forward with much needed improvements even if the cheese plant wasn't involved, but with them, this moved things along.

\*\* Supervisor Deming added, several years ago we had a very large water break on Route 63. If issues should happen in the future we have another way to supply water to the tanks on Tuttle Road.

17) Tom Gates (Wallace Rd): What is the time frame for drawing water?

\*\* Mr. Henry stated that there will be a temporary pumping system through the testing process but no full use until Health Department approval.

18) Kirk Richenberg (Federal Rd): The document doesn't reflect where the tower is to be located and it is not stated in the hearing notice either, isn't it in another county?

\*\* Supervisor Deming stated that it is in another county, specifically the Town of Covington.

Kirk Richenberg: I think the Board needs to make the correction with the McVean Road debt service before passing anything. They currently aren't included with the additional \$35.00 charge and should be.

\*\*Supervisor Deming stated the Board will be reviewing the charge for McVean Road, but that matter should not delay a decision this evening.

19) Joe McIlroy (Tuttle Rd): My house is located on the south side of the tank on Tuttle Road, will we have more pressure?

\*\* Mr. Henry answered that he is working with Highway Superintendent, Mr. Worden right now regarding pressures there.

20) Tom Gates (Wallace Rd): If we are not drawing water from that line, what is the purpose and how do you maintain flow?

\*\*Mr. Henry replied that the tanks act as a reservoir, keeping the pressure maintained.

21) Frank Troglauer (Federal Rd): Will there be another meeting for Anderson Road?

\*\*Supervisor Deming answered that there will be another meeting after the surveys have been fully reviewed.

Comment: Supervisor Deming stated that a comment was made earlier in the evening about fighting for water on Federal Road. For years the goal has always been to supply municipal water to areas in need, and we continue to try and do so. Due to the participation of the local farms, who have contributed greatly throughout previous projects, they have helped make it happen.

After no further comment or questions....

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to close the Public Hearing at 8:10 p.m. Voted on and approved, Yes-4, No-0.

Respectfully Submitted,

Christine M. Harris, Clerk

SPECIAL TOWN BOARD MEETING  
AUGUST 1, 2017  
8:00 P.M.

Present: Supervisor Gerald L. Deming, Council Members: Lynn Parnell, Amos Smith and Norman Gates

Absent: Frank Rose Jr.

Others: James Campbell (Town Attorney), Richard Henry (Engineer, Clark Patterson Lee), James Powell, Thomas Gates Jr., William Korth, Grayce Mingrino, John & Rose Mader, Frank Troglauer, Kirk Richenberg, Scott Cruickshank, Denis Musshafen, Thomas Porter, Frank Burger, Carl Peter, Theodore Andrews, Bill McPhail (WNY), Paul MacLean and Joe McIlroy

Supervisor Deming opened the Special Town Board Meeting at 8:10 p.m.

Attorney Campbell read aloud the Special Town Board Meeting Legal Notice published in the Livingston County News, the Town's Official Publication. Mr. Campbell stated that the Town Board has complied with all required documentation including SEQRA, which took place in April of 2016, and now asked the Board if they are ready to authorize the Public Interest Resolution and then Bond authorization.

The Town Board agreed to proceed.

Attorney Campbell read aloud the proposed Resolution determining that the project is in the Public Interest to construct and install additional water mains and other improvements to the Consolidated Water District.

Attorney Campbell asked if the Town Board had any questions or wished to deliberate further.

Councilman Smith asked what it would take to include McVean Road with the yearly additional debt. Supervisor Deming added not only with McVean Road now, but future projects as well. Mr. Campbell replied that the Board would have to include them within the Consolidated Water District. Councilman Smith inquired if the additional debt service would change much once they were included. Mr. Henry replied that the charge would change minimally, perhaps \$35.00 down to \$34.00. Attorney Campbell stated that it certainly makes sense to include McVean now and other projects in the future.

The complete resolution is as follows:

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith:

**TOWN BOARD  
TOWN OF YORK  
COUNTY OF LIVINGSTON**

**RESOLUTION**

At a special meeting of the Town Board of the Town of York, Livingston County, State of New York, held at the York Town Hall on the 1st day of August, 2017.

**Resolution of the Town Board of the Town of York, Livingston County, New York, Pursuant to New York State Town Law §199 and §202-b Determining that it is in the Public Interest to Construct and Install Additional Water Mains and Other Improvements in and to the Town of York Consolidated Water District**

**WHEREAS**, the Town Board of the Town of York has determined that there is a need to make certain improvements for the benefit of the Town of York Consolidated Water District (the "Consolidated Water District") that will allow for safe potable water to be provided to the residents of the Linwood Water Service Area and the Linwood Road North Extension and which will eliminate the public health risks associated with the quality and quantity of ground water in those areas and which will provide improvements to the delivery infrastructure for the entire Consolidated Water District; and;

**WHEREAS**, in order to accomplish such need, the Town Board of the Town of York is proposing to construct approximately 8,500 linear foot water transmission main along Tuttle Road and Old State Road (collectively the "Water Main Improvements"), and the acquisition, construction and installation of a 500,000 gallon water storage tank, improvements to the Flats Road pump station, water services to properties within the Linwood Water Service Area and Linwood Road North Extension, a new pump station at Tuttle Road, and pressure reducing vaults (collectively, the "Other Additional Improvements", and, together with the Water Main Improvements, the "Improvements")); and

**WHEREAS**, the Town Board has caused a Map, Plan and Report, dated April, 2017 of the proposed Improvements, together with an estimate of the cost thereof to be prepared by Clark Paterson Lee, a firm of competent engineers, duly licensed by the State of New York (the "Map, Plan and Report"), which Map, Plan and Report is on file in the Office of the York Town Clerk; and

**WHEREAS**, the Town Board is empowered to authorize the proposed Water Main Improvements subject to the provisions of New York State Town Law §199 and to authorize the proposed Other Additional Improvements subject to the provisions of New York State Town Law § 202-b; and

**WHEREAS**, the Town Board, by a Resolution and Order adopted on July 13, 2017 pursuant to New York State Town Law §§ 199 and 202-b, called for a public hearing on the subject of the approval the aforementioned Improvements to be held on August 1, 2017, at 7:30 p.m., at the Town Hall located at 2668 Main Street, York, New York to afford all interested parties an opportunity to be heard regarding the proposed Improvements; and



WHEREAS, the Town Clerk, in accordance with such Resolution of the Town Board and in compliance with Town Law §193, duly caused such Order regarding the proposed Improvements to be published in the official newspaper of the Town on July 19, 2017 and to be posted on the official sign board of the Town on July 14, 2017; and

WHEREAS, the Town Board pursuant to the such Order, held a public hearing on August 1, 2017, to afford all interested parties an opportunity to be heard regarding the proposed Improvements; and

WHEREAS, a copy of the Map, Plan and Report describing the proposed Improvements to be constructed therein was made available for public inspection at the York Town Clerk's Office prior to the Public Hearing and copies were available to the public at the Public Hearing; and

NOW THEREFORE BE IT RESOLVED, after due deliberation and consideration of all public comments received, the Town Board of the Town of York believes it to be in the public interest for the health, safety and welfare of the residents of the Consolidated Water District to authorize and hereby does authorize the construction of approximately 8,500 linear foot water transmission main along Tuttle Road and Old State Road (collectively the "Water Main Improvements"), and the acquisition, construction and installation of, a 500,000 gallon water storage tank, improvements to the Flats Road pump station, water services to properties within the Linwood Water Service Area and Linwood Road North Extension, a new pump station at Tuttle Road, and pressure reducing vaults (collectively, the "Other Additional Improvements", and, together with the Water Main Improvements, the "Improvements") as more particularly described in the Map, Plan and Report on file in the York Town Clerk's office, which said Improvements would take place within the Consolidated Water District or contiguous thereto; and be it further

RESOLVED, that the maximum amount proposed to be expended for the Improvements is \$2,240,000 of which the maximum amount proposed to be expended on the Water Main Improvements is \$ 300,000, and the maximum amount proposed to be expended on the Other Additional Improvements is \$1,940,000 ;; and be it further

RESOLVED, that the anticipated cost for the Water Main Improvements shall be shared by all of the properties within the Consolidated Water District as a whole as set forth in the Map, Plan and Report and in proportion to the amount of benefit which the Water Main Improvements confers upon such properties; and it is further

RESOLVED, that the anticipated cost of a portion of the Other Additional Improvements, in the estimated amount of \$780,000, shall be shared by and between the Linwood Road North Extension and the Linwood Water Service Area of the Consolidated Water District as set forth in the Map, Plan and Report and in proportion to the amount of benefit which such portion of the Other Additional Improvements will confer upon the same; and be it further

RESOLVED, that the anticipated cost of a portion of the Other Additional Improvements, in the estimated amount of \$1,160,000, shall be shared by all of the properties within the Consolidated Water District as a whole as set forth in the Map, Plan and Report and in proportion to the amount of benefit which the Water Main Improvements confers upon such properties; and

**RESOLVED**, that Town Board hereby directs the Clark Paterson Lee, the engineers retained by the Town for the Improvements to prepare definite plans and specifications, and with the assistance of the Town Attorney, to prepare one or more proposed contracts for the execution of the work.

The question of the adoption of the foregoing Resolution and Order was duly submitted for approval by vote of the York Town Board on Tuesday, August 1, 2017 recorded as follows:

**Vote of the Board:**

<b>Councilperson Gates</b>	<b>Aye</b>
<b>Councilperson Rose</b>	<b>Absent</b>
<b>Councilperson Smith</b>	<b>Aye</b>
<b>Deputy Supervisor Parnell</b>	<b>Aye</b>
<b>Supervisor Deming</b>	<b>Aye</b>

This is to certify that I, the undersigned, Clerk of the Board of the Town of York of the County of Livingston, was duly adopted by the York Town Board of said Town on date above, and that the same is a true and correct transcript of said resolution.

In witness where of I have hereunto set my hand and the official seal of the Town Clerk this 1S<sup>t</sup> day of August, 2017.

*Christine M. Harris*  
Christine Harris, Town Clerk

Voted on and approved, Yes-4, No-0, Absent-1, Frank Rose Jr.

Councilman Norman Gates	Aye
Councilman Amos Smith	Aye
Councilman Frank Rose Jr.	Absent
Councilwoman Lynn Parnell	Aye
Supervisor Gerald L. Deming	Aye

Attorney Campbell stated that Clerk Harris must now prepare the necessary filing with the Livingston County Clerk's office. The next step will now be the Bond Resolution in order for the Town to borrow funds. Mr. Campbell reported that our Bond Counsel, Harris Beach authorized issuance up to \$ 2,240,000 in Serial Bonds to finance such improvements. This resolution is a repeat of information discussed in the Map, Plan and Report and actions of the Board to this point. Attorney Campbell added that this resolution also authorizes the Supervisor to execute documents for financing and loan agreement.

Mr. Campbell briefly reviewed the requirement to publish the ESTOPPEL Notice and its purpose for any potential challenge.

Attorney Campbell stated due to the absence of one Board Member, a super majority vote is required (all four members must vote aye for such action) in order to approve the

Resolution, and asked the Board their pleasure on whether or not to proceed. The board agreed to proceed.

RESOLUTION offered by Mr. Gates and seconded by Mr. Smith:

At a special meeting of the Town Board of the Town of York, Livingston County, New York, duly held at the Town Hall, 2668 Main Street, York, New York 14592 on August 1, 2017 at 8:00 p.m.

PRESENT: Supervisor Gerald L. Deming  
Councilwoman Lynn Parnell  
Councilman Amos Smith  
Councilman Norman Gates

ABSENT: Councilman Frank Rose Jr.

The following resolution was offered by Councilman Gates, who moved its adoption, seconded by Councilman Smith, to-wit:

**BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF YORK, LIVINGSTON COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ISSUANCE OF UP TO \$2,240,000 IN SERIAL BONDS OF THE TOWN TO FINANCE THE COST OF ACQUIRING AND CONSTRUCTING THE WATER SYSTEM IMPROVEMENTS TO BE INCLUDED IN THE TOWN OF YORK CONSOLIDATED WATER DISTRICT**

**WHEREAS**, the Town Board (the "Board") of the Town of York, Livingston County (the "Town") is considering undertaking certain improvements to the Town of York Consolidated Water District, such improvements consisting of the construction of the construction of an approximately 8,500 linear foot water transmission main along Tuttle Road and Old State Road (the "Water Main Improvements"), and the acquisition, construction and installation of a 500,000 gallon water storage tank, improvements to the Flats Road pump station, water services to properties within the Linwood Water Service Area and Linwood Road North Extension, a new pump station at Tuttle Road, and pressure reducing vaults (collectively, the "Other Additional Improvements" and, together with the Water Main Improvements, the "Project"), all at a total estimated cost not to exceed \$2,240,000; and

**WHEREAS**, by resolutions adopted on March 10, 2016 and April 14, 2016, the Town Board of the Town: (i) declared itself lead agency for purposes of conducting an environmental review of undertaking the proposed improvements to the District, in accordance with the New York State Environmental Quality Review Act and the regulations promulgated thereunder (6 NYCRR Part 617) (collectively, "SEQRA"); (ii) determined that the undertaking of such improvements constituted a "Type I" action within the meaning of SEQRA; and (iii) determined that the actions to be taken in connection with the proposed improvements would not cause significant adverse impact on the environment and issued a "Negative Declaration" to such effect in accordance with the provisions of SEQRA; and

**WHEREAS**, by resolution dated August 1, 2017, adopted immediately prior to the consideration of this resolution, in accordance with Sections 199 and 202-b of the Town Law (the "Public Interest Order"), the Town Board determined it to be in the public interest to undertake the Project; and

**WHEREAS**, the Board now intends to appropriate funds for the Project and to authorize the issuance of the Town's serial bonds and bond anticipation notes to be issued to finance said appropriation.

**NOW, THEREFORE, BE IT RESOLVED, BY THE TOWN BOARD OF THE TOWN OF YORK, LIVINGSTON COUNTY, NEW YORK** (by the favorable vote of not less than two-thirds of all the members of such body), **AS FOLLOWS:**

SECTION 1. The Town is hereby authorized to undertake the Project as hereinabove described and issue up to \$2,240,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the estimated cost of said specific object or purpose, or bond anticipation notes in anticipation of the such bonds.

SECTION 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$2,240,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$2,240,000 in serial bonds of the Town, or bond anticipation notes issued in anticipation of such serial bonds, authorized to be issued pursuant to Section 1 of this resolution, and (ii) to the extent necessary, the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds or bond anticipation notes and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is forty (40) years, pursuant to subdivision 1. of paragraph a. of Section 11.00 of the Law.

SECTION 4. The final maturity of the bonds herein authorized to be issued pursuant to Section 1 of this resolution shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued.

SECTION 5. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. The Town shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 6. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity

prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town subject to applicable statutory limits, if any. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 7. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of serial bonds and bond anticipation notes or the renewals of said obligations and of Sections 21.00, 50.00, 54.90, 56.00 through 60.00, 62.10 and 63.00 of the Law, the powers and duties of the Town Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Town Supervisor, as the chief fiscal officer of the Town (the "Town Supervisor"). Such notes shall be of such terms, form and contents as may be prescribed by said Town Supervisor consistent with the provisions of Local Finance Law. Further, in connection with bonds and bond anticipation notes issued under the authority of Section 1 hereof, the power to contract with and issue bonds and bond anticipation notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Law and to approve the terms, form and content of such bonds and bond anticipation notes, consistent with the provisions of the Law, is hereby delegated to the Supervisor. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for one or more of the objects or purposes authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other resolutions of this Town Board, then the power of the Town Board to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Supervisor, as the chief fiscal officer of the Town.

SECTION 8. The Town Supervisor is hereby further authorized, at his 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, and, or a bond anticipation note issue in the event of the sale of same to the New York State Environmental Facilities Corporation.

SECTION 9. The Town Supervisor is hereby 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, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchasers of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The intent of this resolution is to give the Town Supervisor sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to affect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of the Board.

SECTION 12. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the constitution.

SECTION 13. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the Town for such purpose.

The following vote was taken and recorded in the public or open session of said meeting:

Supervisor Gerald L. Deming	Aye
Deputy Supervisor Lynn Parnell	Aye
Councilmember Amos Smith	Aye
Councilmember Frank Rose Jr.	Absent
Councilmember Norman Gates	Aye

Date: August 1, 2017

STATE OF NEW YORK )  
COUNTY OF LIVINGSTON ) SS.:

I, as the undersigned Town Clerk of the Town of York, Livingston County, New York (the "Town"), DO HEREBY CERTIFY as follows:

1. I am the duly qualified and acting Town Clerk of the Town and the custodian of the records of the Town, including the minutes of the proceedings of the Town Board of the Town and am duly authorized to execute this certificate.

2. A special meeting of the Town Board was held on August 1, 2017, and attached hereto is a true and correct copy of a resolution duly adopted at such meeting and entitled:

BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF YORK, LIVINGSTON COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ISSUANCE OF UP TO \$2,240,000 IN SERIAL BONDS OF THE TOWN TO FINANCE THE COST OF ACQUIRING AND CONSTRUCTING THE WATER SYSTEM IMPROVEMENTS TO BE INCLUDED IN THE TOWN OF YORK CONSOLIDATED WATER DISTRICT

3. That said meeting was duly convened and held and that said resolution was duly adopted in all respects in accordance with the law and regulations of the Town. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Town Board was present throughout said meeting, and a legally sufficient number of members (2/3's of the Town Board) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under the law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including the publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

4. Public Notice of the time and place of said Meeting was duly posted and duly given to the public and the news media in accordance with the Open Meetings Law, constituting Chapter 511 of the Laws of 1976 of the State of New York, and that all members of said Town Board had due notice of said Meeting and that the Meeting was in all respects duly held and a quorum was present and acted throughout.

5. The seal appearing below constitutes the official seal of the Town and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of the Town of York this 1st day of August, 2017.

TOWN OF YORK

By: Christine M. Harris  
Christine Harris, Town Clerk

Voted on and approved, Yes-4, No-0.

After no further business of the Board....

ADJOURNMENT

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to adjourn the Special Town Board Meeting at 8:32 p.m. Voted on and approved, Yes-4, No-0.

Respectfully Submitted,

Christine M. Harris, Clerk