

**MINUTES OF SPECIAL TOWN BOARD MEETING OF SEPTEMBER 1, 2022
HELD AT THE TOWN HALL, 8529 MAIN ST., CAMPBELL, NEW YORK**

PRESENT: **Town Board Members:** John R. Tschartre; Jeffrey Horton, Michael Austin, Glenn Vogel, and; **Town Clerk:** Michelle L. Seeley

NOTE FOR THE RECORD: No members of the general public were in attendance

ABSENT: James Drumm

GUESTS: Thomas Austin, Thomas Hargrave, Richard Buck, Wendy Oman

Compliance with Open Meetings Law.

The meeting was called for the purpose of amending the bond resolution that was adopted on September 13, 2019, and authorizing a capital improvements project within the town of Campbell water district extension no. 1 (to water district no. 1) and the construction of improvements therein, and to take any other action as deemed necessary. Notice of this meeting was emailed to The Leader on August 16, 2022, and said notice was also posted on the Town Clerk's sign board in the Town Hall and on the Town's website.

Call To Order/Pledge /Roll Call.

Supervisor Jeffrey Horton called the Special Town Board meeting to order at 10 a.m. at the meeting room of the Campbell Town Hall and led the pledge of allegiance. The Town Clerk then took roll call. James Drumm was absent.

A meeting of the Town Board of the Town of Campbell, Steuben County, New York was convened in public session at the Town Hall, in said Town, on September 1, 2022, at 10 o'clock a.m., local time.

The following resolution was offered by Glenn Vogel and seconded by Michael Austin, to wit;

AN AMENDING AND RESTATING BOND RESOLUTION, DATED SEPTEMBER 1, 2022, OF THE TOWN BOARD OF THE TOWN OF CAMPBELL, STEUBEN COUNTY, NEW YORK (THE "TOWN"), AMENDING THE BOND RESOLUTION THAT WAS ADOPTED ON SEPTEMBER 13, 2019, AND AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT WITHIN THE TOWN OF CAMPBELL WATER DISTRICT EXTENSION NO. 1 (TO WATER DISTRICT NO. 1) AND THE CONSTRUCTION OF IMPROVEMENTS THEREIN, AT AN ESTIMATED MAXIMUM COST OF \$5,990,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$5,990,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

WHEREAS, on September 13, 2019, the Town Board of the Town of Campbell, Steuben County, New York (the "Town") adopted a bond resolution (the "Original Bond Resolution") entitled:

A bond resolution, dated September 13, 2019, of the town board of the town of Campbell, Steuben county, New York (the "town"), authorizing a capital improvements project within the town of Campbell water district extension no. 1 (to water district no. 1) and the construction of improvements therein, at an estimated maximum cost of \$4,552,127.89, and authorizing (a) the application of approximately \$2,731,275.89 in grant funds and (b) the issuance of serial bonds in an aggregate principal amount not to exceed \$1,820,852 such amount of bonds to be offset by any additional federal, state, county and/or local funds received by the town, pursuant to the local finance law to finance said purpose and delegating the power to issue bond anticipation notes in anticipation of the sale of such bonds to the town supervisor.

And

WHEREAS, due to an increase in the cost of construction materials and labor since the date of adoption of the Original Bond Resolution, the Town Board wishes to modify the Original Bond Resolution for the primary purposes of increasing: a) the estimated maximum cost of the Project from \$4,552,127.89 to \$5,990,000 and b) the

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amount of serial bonds authorized to be issued from \$1,820,852 to \$5,990,000, and to make other modifications to the Original Bond Resolution as may be consistent with law and set forth herein; and

WHEREAS, the Town Board has directed Hunt Engineers to prepare a revised map, plan and report such document as revised being hereinafter referred to as the "Map, Plan and Report"; and

WHEREAS, the scope of the improvements has not materially changed from the project identified in such original map, plan and report and approved pursuant to the Original Bond Resolution; and

WHEREAS, the Original Bond Resolution is otherwise being reaffirmed and ratified in all other material respects; and

WHEREAS, the Town Board now wishes to amend and restate (in its entirety) the Original Bond Resolution for the primary purpose of increasing the estimated maximum cost of the project, increasing the amount of serial bonds authorized to be issued and to make other modifications to the Original Bond Resolution as may be consistent with law and set forth herein; and

WHEREAS, the Town Board desires to issue obligations of the Town to finance the costs of the Project;

WHEREAS, the Town has not previously issued bond anticipation notes pursuant to the Original Bond Resolution adopted on September 13, 2019 and has not yet entered into permanent financing arrangements thereunder; and

NOW, THEREFORE, be it

RESOLVED, by the Town Board (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to undertake a certain capital improvements project generally consisting of the installation of approximately 19,000 linear feet of water main along various roads in the Town, the development of a backup groundwater supply well and construction of a pump house and the installation of associated equipment, along with the installation of valves, hydrants and appurtenances, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report prepared in connection with such project (as the same has been revised), including all related right-of-way costs, new service installation, site work and other ancillary work, preliminary costs and other improvements and costs incidental thereto, and in connection with the financing thereof (collectively, the "Project"). The estimated maximum cost of said purpose is \$5,990,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$5,990,000 of said Town, said amount to be offset by any federal, state, county and/or local funds received including, but not limited to, anticipated grant funds in an approximate amount of \$3,981,277 expected to be received from various agencies, and unless paid from other sources or charges the cost of the Project will be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the proposed District Extension No. 1 which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of the benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 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 years.

SECTION 6. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of 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 or notes becoming due and payable in such

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year. Unless paid from other sources or charges, the cost of the Project will be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the proposed District Extension No. 1 which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of the benefit conferred upon the same, to pay the principal of and interest on such bonds or notes as the same shall become due and payable, except as provided by law. 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 or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 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 details 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. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. To the extent not previously authorized, 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 Local Finance Law, for the purpose or purposes described in this resolution.

SECTION 9. This resolution shall constitute the declaration (or reaffirmation) of the Town's "official intent" to reimburse the expenditures authorized in this resolution with the proceeds of the bonds, notes or other obligations authorized herein, as required by United States Treasury regulations Section 1.150-2.

SECTION 10. 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 may 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) of the Code.

SECTION 11. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser 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 12. The Town Supervisor is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Town officials and the Town's municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Town Clerk.

SECTION 13. The Town has previously complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration (and any related documentation), and therefore, no further action under SEQRA is necessary.

SECTION 14. To the extent applicable, the Town Supervisor is hereby authorized to execute and deliver in the name and on behalf of the Town a project financing agreement prepared by the New York State Environmental Facilities Corporation ("EFC") (the "Project Financing Agreement"). To the extent applicable, the Town Supervisor and the Town Clerk and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including, but not limited to, the Project Financing Agreement.

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SECTION 15. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 16. 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 the 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 20 days after the date of such publication; or

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

SECTION 17. 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 a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication.

SECTION 17 a. Nothing in this amendment shall affect the validity of the original September 13, 2019 bond resolution, or any action taken thereunder and any such actions are hereby ratified.

SECTION 18. This resolution is effective immediately.

The question of the adoption of the foregoing resolution (including the amending and restating bond resolution) was duly put to vote on a roll call, which resulted as follows:

AYES: Michael Austin, John Tschartre, Glenn Vogel, Jeffrey Horton

NOES:

ABSENT: James Drumm

The foregoing resolution was thereupon declared duly adopted.

Water District 1 extension Bid Award

A motion to award the bid for the Water Extension project to Vacri, in the amount of \$ 3,639,000 was made by Glenn Vogel and seconded by John Tschartre was adopted by roll call vote- Austin- Aye, Tschartre-Aye, Vogel-Aye, Horton- Aye, Drumm- Absent

Introduction of Local Law 1 of 2022- Renewable Energy Moratorium:

A motion to hold a public hearing on September 12, 2022 at 7:00 p.m. regarding proposed LL# 1 of 2022 entitled a Local Law imposing six-month moratorium on commercial solar energy systems, energy storage systems, and wind generation systems within the town of Campbell; was made by Glenn Vogel and seconded by John Tschartre. Adopted by a 4 Aye- 1 Absent.

Adjournment.

There being no further business before the Board, the meeting was, upon motion by Michael Austin and seconded by Glenn Vogel, adjourned at 10:15 a.m.

Respectfully submitted,

Michelle Seeley
MICHELLE L. SEELEY
Campbell Town Clerk

DATED: September 7, 2022.