

NOTICE PURSUANT TO LOCAL FINANCE LAW SECTION 81.00

The bond resolution published herewith was adopted on October 27, 2009, and the validity of the obligations authorized by such bond resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Sweden is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

Karen M. Sweeting, Town Clerk
Town of Sweden, New York

RESOLUTION NO. 126

Bond Resolution Authorizing General Obligation Bonds of the Town of Sweden To Finance Water System Capital Improvements Within the Town, Authorizing the Issuance of Bond Anticipation Notes in Contemplation Thereof, the Expenditure Of Sums For Such Purpose, and Determining Other Matters in Connection Therewith.

WHEREAS, the Town of Sweden Swamp Road/Salmon Creek Road Extension to Sweden Consolidated Water District is a Water District Extension of the Town of Sweden, New York, duly established by the Town Board pursuant to the Town Law;

WHEREAS, the cost of the improvements authorized will not exceed the cost thresholds that require approval of the Office of the State Comptroller;

WHEREAS, the Town, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder ("SEQRA"), has completed its environmental review and, on September 29, 2009, has duly issued a negative declaration and has determined that the implementation of the unlisted action as proposed will not result in any significant adverse environmental impacts; now therefore, be it

NOW THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF SWEDEN, NEW YORK, (hereinafter referred to as the "Town"), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Town of Sweden shall undertake the acquisition and construction of water improvements for the Town of Sweden Swamp Road/Salmon Creek Road Extension to Sweden Consolidated Water District, and the acquisition of land or rights in land necessary therefor, if any, and the acquisition of original furnishings, equipment, machinery or apparatus and other incidental improvements that may be required in connection therewith for such construction and district use (hereinafter referred to as "purpose"), and general obligation serial bonds in an aggregate principal amount not to exceed \$124,020 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.

- Section 2. The estimated aggregate maximum cost to the Town of Sweden of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$412,020, and said amount is hereby appropriated therefor. The plan for financing of said purpose is to provide (i) up to \$124,020 of such maximum cost by issuance of obligations as herein authorized, and \$288,000 of such cost will be provided by the Sweden Consolidated Water District pursuant to the Town Law.
- Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes 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 forty (40) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.
- Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount.
- Section 5. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.
- Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the power to contract and issue indebtedness pursuant to §169.00 of the Local Finance Law, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, is hereby delegated to the Town Supervisor, the Town's chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Town of Sweden.
- Section 7. The faith and credit of the Town of Sweden, New York, are hereby irrevocably

pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. Such bonds and notes shall be payable from a levy on real property in such district benefited or user charges therefore, in the manner provided by law, but if not paid from such source, all the taxable real property within said Town shall be subject to the levy of an *ad valorem* tax, without limitation as to rate or amount, sufficient to pay the principal of and interest on said bonds and notes. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. This resolution, or a summary hereof, shall be published in full by the Town Clerk of the Town of Sweden together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by law. The validity of said bonds or of any bond anticipation notes issued in anticipation of the sale of said bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or 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 (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall take effect immediately upon its adoption.

MOTION for adoption of this resolution by Councilperson Carges
Seconded by Councilperson Connors

Discussion:

VOTE BY ROLL CALL AND RECORD:

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| Councilperson Carges | <u>Aye</u> |
| Councilperson Connors | <u>Aye</u> |
| Councilperson Myers | <u>Aye</u> |
| Councilperson Windus-Cook | <u>Aye</u> |
| Supervisor Milner | <u>Aye</u> |

Submitted – October 27, 2009

Adopted