

A meeting of the Town Board of the Town of Grand Island, in the County of Erie, New York, was held at the Town Hall, in said Town, on August 21, 2017.

PRESENT:

Hon. Nathan D. McMurray, Supervisor
Raymond A. Billica, Councilmember
Christopher K. Aronica, Councilmember
Beverly A. Kinney, Councilmember
Michael H. Madigan, Councilmember

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In the Matter
of the

Increase and Improvement of Facilities of the Town of Grand Island Consolidated Sewer District, in the Town of Grand Island, County of Erie, New York, pursuant to Section 202-b of the Town Law.

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**RESOLUTION AND ORDER
AFTER PUBLIC HEARING APPROVING
THE INCREASE AND IMPROVEMENT OF
FACILITIES OF THE TOWN OF GRAND ISLAND
CONSOLIDATED SEWER DISTRICT**

WHEREAS, the Town Board of the Town of Grand Island (herein called "Town Board" and "Town", respectively), in the County of Erie, New York, has, pursuant to Town Law, created the Town of Grand Island Consolidated Sewer District (the "District"); and

WHEREAS, in January of 2014, the Town Board directed GHD, competent engineers licensed in New York, to prepare a map, plan and report for a sewer system capital improvements project within the District; and

WHEREAS, in March of 2014, the Town approved the original capital improvements project, through Town Law Section 202-b proceedings and other resolutions and adopted a bond resolution on March 17, 2014; and

WHEREAS, the Town has determined that the scope of such original capital project be increased to include additional investigation and analysis, as well as any other associated work; and

WHEREAS, the Town Board issued an Order at its August 7, 2017 meeting calling for a public hearing to be held at the Town Hall, Grand Island, New York, on August 21, 2017 at 8:00 o'clock P.M. (prevailing time) or shortly thereafter to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law, and further ordered the Town Clerk to publish at least once in a newspaper designated as an official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing; and

WHEREAS, said notices of the public hearing were properly published and posted and the public hearing duly held at the time and place stated in the notices.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED BY THE TOWN BOARD OF THE TOWN OF GRAND ISLAND, based on the information provided at the public hearing, as follows:

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described and referred to at the estimated maximum cost of \$2,900,000; and it is hereby

DETERMINED, that the parcels and lots of the District shall be benefited by said increase and improvement of the facilities of the District; and it is hereby

DETERMINED, that all parcels and lots benefited by said increase and improvement of the facilities are included in the District; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of the facilities, and with the assistance of the Town Attorney, prepare a proposed contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of the facilities shall be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$2,900,000, said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges, the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, 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 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; and it is hereby

AN AMENDING AND RESTATING BOND RESOLUTION, DATED AUGUST 21, 2017, OF THE TOWN BOARD OF THE TOWN OF GRAND ISLAND, ERIE COUNTY, NEW YORK (THE "TOWN"), AMENDING THE BOND RESOLUTION THAT WAS ADOPTED ON MARCH 17, 2014, AND AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT WITHIN THE TOWN OF GRAND ISLAND CONSOLIDATED SEWER DISTRICT AT AN ESTIMATED MAXIMUM COST OF \$2,900,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,900,000 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 March 17, 2014, the Town Board of the Town of Grand Island, Erie County, New York (the "Town") adopted a certain bond resolution (the "Original Bond Resolution") entitled:

A BOND RESOLUTION, DATED MARCH 17, 2014, OF THE TOWN BOARD OF THE TOWN OF GRAND ISLAND, ERIE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT WITHIN THE TOWN OF GRAND ISLAND CONSOLIDATED SEWER DISTRICT AT AN ESTIMATED MAXIMUM COST OF \$2,900,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,900,000 OF THE TOWN, 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.

and

WHEREAS, the Town has previously issued bond anticipation notes pursuant to the Original Bond Resolution, but has not yet entered into permanent financing arrangements thereunder (i.e., the issuance of long-term serial bonds); and

and an action, suit or proceeding contesting such validity is commenced within 20 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 14. 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 said Town and designated as the official newspaper of said Town for such publication.

SECTION 15. Nothing in this amendment shall affect the validity of the original March 17, 2014 bond resolution or any action taken thereunder, and any said actions are hereby ratified.

SECTION 16. This Resolution is effective immediately.