

May 5, 2022
Town of Lyme
Amended Bond Resolution Meeting

Call to Order:

Supervisor Countryman called the regular monthly meeting to order at 3:00 p.m.

Those present included Supervisor Countryman, Deputy Supervisor Bourquin, Councilmember Gosier, Councilmember Farrell, Councilmember Villa, Highway Superintendent Weston, Town Clerk Ariana Henderson, Gregor Smith and McKenzie Lehman.

Amended Bond Resolution:

The following resolution was read by Supervisor Countryman:

At a regular meeting of the Town Board of the Town of Lyme, Jefferson County, New York, duly held on the 28th day of April, 2022:

Present:

Terry Countryman, Supervisor
Donald R. Bourquin, Councilmember
Julia E. Gosier, Councilmember
Tim Farrell, Councilmember
Daniel J. Villa, Councilmember

Absent: N/A

WHEREAS, the Town Board of the Town of Lyme, Jefferson County, New York (the "Town") has undertaken a project to create a Public Park, including docks, walkways, site lighting, parking, shoreline protection structures, information kiosk, kayak launch, one way driving loop, parking, pavilion/heritage center, bathroom, picnic area, playground, additional walking paths, additional retaining walls and landscaping; and

WHEREAS, a Bond Resolution was adopted on September 9, 2020 authorizing the issuance of Serial Bonds in the maximum amount of \$1,300,200 to pay the cost thereof; and

WHEREAS, the Town's Project Engineer for such project, has recommended an increase in the maximum amount to be expended to \$1,850,000 based upon the results of the bids for the project.

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Lyme (by the favorable vote of not less than two-thirds of all of the members of the Board) the following resolution was offered by Councilmember Villa, who moved its adoption, seconded by Councilmember Gosier, to wit:

AMENDED BOND RESOLUTION DATED APRIL 28, 2022 AUTHORIZING THE ISSUANCE OF SERIAL BONDS OR A STATUTORY INSTALLMENT BOND OF THE TOWN OF LYME, JEFFERSON COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,850,000 TO CREATE A PUBLIC PARK INCLUDING DOCKS, WALKWAYS, SITE LIGHTING, PARKING, SHORELINE PROTECTION STRUCTURES, INFORMATION KIOSK, KAYAK LAUNCH, ONE WAY DRIVING LOOP, PARKING, PAVILION/HERITAGE CENTER, BATHROOM, PICNIC AREA, PLAYGROUND, ADDITIONAL WALKING PATHS, ADDITIONAL RETAINING WALLS, AND LANDSCAPING, THE EXPENDITURE OF SUCH SUM FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

Section 1. The Town is hereby authorized to issue its serial general obligation bonds or a statutory installment bond (the “Bonds”) in the aggregate principal amount of not to exceed \$1,850,000 pursuant to the Local Finance Law of New York, in order to finance the class of objects or purposes described herein.

Section 2. The class of objects or purposes (herein referred to as “Purpose”) to be financed pursuant to this resolution is to create a public park including docks, walkways, site lighting, parking, shoreline protection structures, information kiosk, kayak launch, one way driving loop, parking, pavilion/heritage center, bathroom, picnic area, playground, additional walking paths, additional retaining walls, and landscaping, the expenditure of such sum for such purpose, and determining other matters in connection therewith.

Section 3. It is hereby determined and declared that (a) the maximum cost of the Purpose, as estimated by the Town Board, is \$1,850,000, and (b) the Town plans to finance the cost of the Purpose from a grant of up to \$1,182,000 through the Dormitory Authority of the State of New York and from funds raised by the issuance of the Bonds and bond anticipation notes hereinafter referred to.

Section 4. It is hereby determined that the Purpose is one of the class of objects or purposes described in Paragraph (a)(19)(c) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is fifteen (15) years. The cost of the Purpose is chargeable primarily to benefited real property. The proposed maturity of the Bonds authorized herein will be in five (5) years or less.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of bond anticipation notes issued in anticipation of the sale of the Bonds (including renewals thereof) is hereby delegated to the Supervisor of the Town, the chief fiscal officer.

Section 6. The power to prescribe the terms, form and contents of the Bonds and bond anticipation notes, including the use of substantially level debt service and consolidation with other issues, subject to the provisions of this Resolution and the Local Finance Law, and to sell and deliver the Bonds and bond anticipation notes, is hereby delegated to the Supervisor of the Town. The Supervisor of the Town is hereby authorized to sign and the Town Clerk is hereby authorized to attest any Bonds and bond anticipation notes issued pursuant to this Resolution, and to affix to such Bonds and bond anticipation notes the corporate seal of the Town.

Section 7. The faith and credit of the Town of Lyme, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such Bonds and bond anticipation notes 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 obligations becoming due and payable in such year, to the extent the necessary funds are not provided from other sources. There shall at least annually be levied on properties sufficient to pay the principal of and interest on such Bonds and bond anticipation notes as the same become due and payable.

Section 8. The Supervisor of the Town 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 bond anticipation notes issued in anticipation thereof, as excluded 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 bond anticipation notes issued in anticipation thereof, as "qualified tax-exempt obligations" in accordance with Section 265(b)(3) of the Code.

Section 9. Pending the sale of Bonds herein authorized, the temporary use of funds from the Town's general fund, pursuant to the provisions of Section 165.10 of the New York Local Finance Law, is hereby authorized. The Town reasonably expects to reimburse itself from the proceeds of Bonds or bond anticipation notes herein authorized for expenditures made for the purpose to be financed by this Resolution prior to the issuance of such Bonds or bond anticipation notes, and this Resolution shall constitute the declaration of the Town's "official intent" to reimburse expenditures authorized by Section 1 with proceeds of the Bonds and notes, as required by United States Treasury Regulation Section 1.150-2.

Section 10. A summary of this Resolution shall be published by the Town Clerk together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, in the Watertown Daily Times, a newspaper having a general circulation in said Town and hereby designated as the official newspaper of said Town for publication. The validity of the Bonds or of any bond anticipation notes issued in anticipation of the sale of the Bonds may be contested only

if such obligations are authorized for an object or purpose for which the 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 11. In connection with the financing of the Purpose, the Town is hereby authorized to participate in the Lake Ontario Resiliency and Economic Development Initiative program (the “REDI Program”). The Supervisor of the Town is hereby authorized to execute and deliver such documents as may be necessary to affect the participation of the Town in such REDI Program.

Section 13. The firm Joseph W. Russell, P.C., is hereby appointed to serve as Bond Counsel to the Town in connection with the bonds and notes herein authorized.

Section 14. This Resolution is effectively immediately.

The Motion having been duly seconded by Councilmember Gosier, it was adopted and the following votes were cast:

Terry Countryman, Supervisor	yes <input checked="" type="checkbox"/> no <input type="checkbox"/>
Dan Bourquin	yes <input checked="" type="checkbox"/> no <input type="checkbox"/>
Julia Gosier	yes <input checked="" type="checkbox"/> no <input type="checkbox"/>
Tim Farrell	yes <input checked="" type="checkbox"/> no <input type="checkbox"/>
Daniel Villa	yes <input checked="" type="checkbox"/> no <input type="checkbox"/>

The foregoing resolution was thereupon declared duly adopted.

Resolution 2022-73: Councilmember Gosier made the motion to approve the AMENDED BOND RESOLUTION DATED APRIL 28, 2022 AUTHORIZING THE ISSUANCE OF SERIAL BONDS OR A STATUTORY INSTALLMENT BOND OF THE TOWN OF LYME, JEFFERSON COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,850,000 TO CREATE A PUBLIC PARK INCLUDING DOCKS, WALKWAYS, SITE LIGHTING, PARKING, SHORELINE PROTECTION STRUCTURES, INFORMATION KIOSK, KAYAK LAUNCH, ONE WAY DRIVING LOOP, PARKING, PAVILION/HERITAGE CENTER, BATHROOM, PICNIC AREA, PLAYGROUND, ADDITIONAL WALKING PATHS, ADDITIONAL RETAINING WALLS, AND LANDSCAPING, THE EXPENDITURE OF SUCH SUM FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH; seconded by Councilmember Farrell; all in favor; Motion carried.

Sally Port View:

Gregor Smith stated that the resolution is to extend the Water District for the Sally Port View. There will be an 8 inch main installed and then it will be turned over to the Town of Lyme when it meets the Water Board standards. The Operation and Maintenance will be the Town's responsibility but Sally Port is bearing all of the installation costs. Councilmember Villa asked what the specifications are on sub diving 5 lots regarding water and sewer. Gregor Smith replied that any lots under 5 acres would have to follow guidelines. Lance Development may have this issue and the NYS Health Department will regulate them.

The following resolution was read by Supervisor Countryman:

At a regular meeting of the Town Board of the Town of Lyme, Jefferson County, New York, duly held on the 28th day of April, 2022:

Present:

Terry Countryman, Supervisor
Donald R. Bourquin, Councilmember
Julia E. Gosier, Councilmember
Tim Farrell, Councilmember
Daniel J. Villa, Councilmember

Absent:N/A

WHEREAS, a certain map and plan for the proposed extension of Water District No. 2 within the Town of Lyme, County of Jefferson and State of New York, to service Parcel No. 60.08-1-24.1 in its entirety and has been prepared by BCA Architects & Engineers and filed with the Town Clerk for the Town of Lyme.

NOW, on motion duly made and seconded, it is

FOUND, ORDERED AND DETERMINED that the map, plan and report prepared by BCA Architects & Engineers, for the proposed extension of Water District No. 2 have been duly filed with the office of the Town Clerk as required by law, and are available thereat for public inspection, and it is

FOUND, ORDERED AND DETERMINED that the boundaries of the proposed extension of Water District No. 2 shall be as appear on the map filed with the Town Clerk and as described on the attached Schedule "A", and it is

FOUND, ORDERED AND DETERMINED that the improvement to be constructed which include transmission lines, appurtenances and internal connections are being installed by private property owners, and it is

FOUND, ORDERED AND DETERMINED that the total amount to be expended for improvements shall not be a charge to the Town, and it is

FOUND, ORDERED AND DETERMINED that the annual cost to the users within the District Extension shall be \$625.

ORDERED that a public hearing be held on the 18th day of May, 2022, at 3:00 p.m. at the Town offices, 12175 NYS Route 12E, Chaumont, New York to hear all persons interested in the proposed expansion of Water District No. 2; and it is further

ORDERED that the Town Clerk shall cause a copy of this Order to be published at least once in the official newspaper for the Town of Lyme not less than ten (10) nor more than twenty (20) days before the date set for the hearing, and shall cause a copy hereof to be posted on the sign board of the Town of Lyme maintained pursuant to the provisions of the Town Law, not less than ten (10) nor more than twenty (20) days before the date designated for the hearing.

The Motion having been duly seconded by Councilmember Villa and seconded by Councilmember Gosier, it was adopted and the following votes were cast:

Terry Countryman, Supervisor	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Dan Bourquin	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Julia Gosier	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Tim Farrell	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Daniel Villa	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>

The foregoing resolution was thereupon declared duly adopted.

Resolution 2022-74: Councilmember Villa made the motion to approve the proposed extension of Water District No. 2 within the Town of Lyme, County of Jefferson and State of New York, to service Parcel No. 60.08-1-24.1; seconded by Councilmember Gosier; all in favor; Motion carried.

CHIPS:

Pat submitted his CHIPS expenditure sheet to the board. He needs approval to spend \$145,709.07 of chips money for the 2022 road work. The road work will include to surface treat Beach Road and reconstruct .80 of a mile on State Park Road.

Resolution 2022-75: Councilmember Villa the motion to approve the CHIPS Expenditure for \$145,709.07; seconded by Councilmember Farrell; all in favor; Motion carried.

Adjournment

Resolution 2022-76: Councilmember Villa made the motion to adjourn at 3:20 p.m.; seconded by Councilmember Gosier; all in favor; Motion carried.

Respectfully Submitted

Ariana Henderson

Ariana Henderson
Town Clerk