**TOWN OF LYSANDER**
**ONONDAGA COUNTY, NEW YORK**

**August 31, 2026**

A regular meeting of the Town Board of the Town of Lysander, in the County of Onondaga, New York was held at the Town Hall at 8220 Loop Road, Baldwinsville, New York 13027 on August 31, 2026, 2026, at 4:00 o'clock P.M. (Prevailing Time).

**There were present**: (Board Members)

**There were Absent**: (Board Members)

**Also Present:**

David Herkala, Esq., Town Attorney
Dina Falcome, Town Clerk

The following resolution was offered by ______________, who moved its adoption, and second by ________________ to wit:

**BOND RESOLUTION OF THE TOWN OF LYSANDER, ONONDAGA COUNTY, NEW YORK, ADOPTED ON AUGUST 31, 2026, AUTHORIZING THE ACQUSITION, CONSTRUCTION AND EQUIPPING OF A CAPITAL IMPROVEMENT PROJECT FOR THE BENEFIT OF COLD SPRINGS SEWER DISTRICT #1 AT AN ESTIMATED MAXIMUM COST OF $6,982,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF UP TO $3,170,000 BOND ANTICIPATION NOTES AND SERIAL BONDS OF THE TOWN TO PAY IN PART THE COST OF THE PROJECT**

WHEREAS, Article 12-A of the Town Law of the State of New York empowers the Town Board of the Town of Lysander, Onondaga County, New York (the "Town") to acquire or construct on behalf of a sewer district facilities therefore and appurtenances thereto; and

WHEREAS, the Town Board of the Town has determined that it is necessary for the Town to construct a new sewer system (the "Project") as more particularly described in the Map, Plan and Report for the Town of Lysander Cold Springs Sewer District #1 that was filed with the Town Clerk on January 14, 2026 (the "Map, Plan and Report") relating to the proposed establishment and improvement of a new sewer district in the Town to be known as Town of Lysander Cold Springs Sewer District #1 (the "District"); and

WHEREAS, by resolution adopted on July 16, 2026, the Town Board recited a description of the boundaries of the District, the proposed sewer system improvements, the maximum amount proposed to be expended for the improvements, the fact that the Maps and Plans had been presented to the Town Board and were on file in the Town Clerk's Office, and specified July 31, 2026, at 4 p.m. at the Auditorium at the Town of Lysander, 8220 Loop Road, Baldwinsville, New York as the time when and the place where the Town Board would meet in a public hearing to hear all persons interested in the creation of the District; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Section 8-0101, et seq., and implementing regulations, 6 NYCRR Part 617 (the "Regulations"), the Town is required to make a determination with respect to the environmental impact of any "action" (as defined by SEQRA) to be taken by the Town and the approval of this resolution constitutes such an action, and by resolution adopted on July 31, 2026, the Town Board (i) classified the Project as an Unlisted Action, (ii) declared itself lead agency to undertake an uncoordinated review of the Project, (iii) concluded that the Project will not result in any significant adverse impacts to the environment, and (iv) issued a Negative Declaration under the Regulations with respect to the Project; and

WHEREAS, by resolution adopted on July 31, 2026 (the "District Formation Resolution") the Town Board determined that (i) the notice of hearing was published and posted as required by law and was otherwise sufficient, (ii) all the property and property owners within the proposed District are benefited thereby, (iii), all the property and property owners benefited are included within the limits of the proposed District, and (iv) the establishment of the District is in the public interest and will not constitute an undue burden on the property which will bear the cost thereof, and (v) approved the establishment of the District and undertaking the Project, with such resolution being subject to permissive referendum as provided in Town Law Section 209-e, in the manner provided in Article 7 of the Town Law; and

WHEREAS, the District Formation Resolution was subject to permissive referendum and the period of time elapsed for the submission and filing of a petition for a permissive referendum with no valid petition being submitted and filed; and

WHEREAS, the Town Board now desires to authorize the acquisition, construction and equipping of the Project and the financing of the cost thereof.

**NOW, THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF LYSANDER, ONONDAGA COUNTY, NEW YORK (by favorable vote of not less than two thirds of said Board), AS FOLLOWS:**

Section 1. The acquisition, construction and equipping of Cold Springs Sewer District #1, as described in the Map, Plan and Report, and consist generally of a new pump station, approximately 20,000 linear feet of gravity sewer and force main piping, branch gravity sewer connections, precast concrete manholes, sewer laterals, cleanout structures, and air release valve and structures all as shown in the Map, Plan and Report, together with appurtenant facilities, including site improvements, original furnishings, equipment, machinery apparatus and other improvements incidental thereto, all as required for the purpose for which such facilities are to be used, at a maximum estimated cost of $6,982,000, including all professional costs, equipment, machinery and other necessary appurtenances and all other necessary costs incidental to such work, which is estimated to be the total cost thereof, is hereby approved. There are hereby authorized to be issued up to $3,170,000, or such lesser amount as may be necessary, of serial bonds or any bond anticipation notes, including renewals of such notes, in anticipation of the issuance and sale of the bonds of said Town, pursuant to the provisions of the Local Finance Law and the levy of a tax to pay principal and interest on said obligations, and the application, if and when available, of state and/or federal assistance available or to any revenues available for such purpose from any other source. The bonds and notes authorized hereby may be issued to the United States Department of Agriculture, Office of Rural Development, or any of its related offices or agencies, the New York State Environmental Facilities Corporation under any of its revolving fund programs or any purchaser in accordance with the provisions of the Local Finance Law.

Section 2. The plan for the financing of the aforesaid specific object or purpose is (i) payment of Project costs by a third party developer in the amount of $3,812,000, (ii) the expenditure of state grants, federal grants and other available funds, if any, and (iii) the issuance of up to $3,170,000, or such lesser amount as may be necessary, of serial bonds or any bond anticipation notes in anticipation of the issuance and sale of the bonds of said Town, hereby authorized to be issued pursuant to the Local Finance Law and the levy of a tax to pay principal and interest on said obligations, and by the application of state and/or federal assistance available or to any revenues available for such purpose from any other source.

Section 3. The full faith and credit of the Town is hereby irrevocably pledged for the payment of the principal of and interest on the Bonds as the same respectively become due and payable. There shall be annually apportioned and assessed upon the several lots and parcels of land within Cold Springs Sewer District #1 which the Town Board shall determine and specify to be especially benefited by the improvements, an amount sufficient to pay the principal and interest on such obligations as the same become due, but if not paid from such source, all of the taxable real property in the Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amounts sufficient to pay the principal of and interest on the Bonds as the same shall become due. The obligations herein authorized are issued in anticipation of bonds for an assessable improvement. Debt service payments may be made in substantially level or declining amounts as may be authorized by law.

Section 4. Pursuant to Sections 30.00, 50.00 and 56.00 to 60.00, inclusive, of the Local Finance Law, the power to authorize the issuance of and to sell the serial bonds and any bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Town Supervisor, the chief fiscal officer. Such bonds or notes shall be of such form and contents, and shall be sold in such manner, as may be prescribed by said Town Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The Town Supervisor is hereby further authorized, at his sole discretion, to execute all agreements and instruments 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 bond, and/or note issue of said Town. The Town Supervisor is hereby further authorized to execute a project finance 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 and/or the United States Department of Agriculture – Rural Development, 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 herein, or a portion thereof, by a bond, and/or note issue of the Town in the event of the sale of same to the New York State Environmental Facilities Corporation or to such other entity as may be designated by the United States Department of Agriculture – Rural Development as part of the FmHA Community Loan Programs.

Section 6. The intent of this resolution is to give the Town Supervisor sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and/or notes without resorting to further action of this Town Board.

Section 7. The following additional matters are hereby determined and declared:

a) Pursuant to paragraph 4 of Section 11.00 of the Local Finance Law, the period of probable usefulness of the Project is forty (40) years; and

b) Current funds will be provided prior to the issuance of the bonds and any notes issued in anticipation thereof authorized by this resolution, to the extent, if any, required pursuant to Section 107.00 of the Local Finance Law; and

c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the Town's General Fund. It is intended that the Town shall then reimburse expenditures from the General Fund with the proceeds of the bonds and bond anticipation notes authorized by this resolution and that the interest payable on the bonds and any bond anticipation notes issued in anticipation of such bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the Town's "official intent" within the meaning of Treasury Regulation Section 1.150-2 to reimburse the expenditures authorized by this resolution with the proceeds of the bonds and bond anticipation notes authorized herein. Other than as specified in this resolution, no monies are reasonably expected to be, received, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 9. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Lysander, New York, by the manual or facsimile signature of the Town Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and maybe attested to by the manual or facsimile signature of the Town Clerk.

Section 10. The Town hereby covenants and agrees with the holders from time to time of the Bonds and any bond anticipation notes issued in anticipation of the sale of the Bonds, that the Town will faithfully observe and comply with all provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and any proposed or final regulations issued pursuant thereto unless, in the opinion of bond counsel, such compliance is not required by the Code and regulations to maintain the exclusion from gross income of interest on said obligations for federal income tax purposes.

Section 11. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds with a schedule of substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Town Supervisor, providing for the manual countersignature of a fiscal agent or of a designated Official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Town Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Town Treasurer shall determine.

Section 12. The validity of such bonds and bond anticipation notes may be contested only if:

a) Such obligations are authorized for an object or purpose for which said 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 twenty days after the date of publication, or

c) Such obligations are authorized in violation of the provisions of the Constitution.

Section 13. The law firm of WJ Marquardt PLLC is hereby appointed bond counsel to the Town in relation to the Project.

Section 14. In accordance with subsection (2) of paragraph b. of Section 35.00 of the Local Finance Law, this Bond Resolution shall NOT be subject to permissive referendum. This Bond Resolution shall become effective immediately. The Town Clerk shall cause the publishing and posting of a notice in substantially the form attached hereto as “Exhibit A” in accordance with Section 81.00 of the Local Finance Law.

Dated: August 31, 2026.

The foregoing resolution was duly put to a vote which resulted as follows:

| **Board Member** | **Vote** |
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The resolution was thereupon declared duly adopted.

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CERTIFICATE

I, the undersigned Town Clerk of the Town of Lysander, Onondaga County, State of New York, HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of a meeting of the Town Board of said Town including the resolution contained therein, held on August 31, 2026, with the original thereof on file in my office, and that the same is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Town Board had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law) proper notice was given relative to said meeting and said meeting was open to the general public.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Town of Lysander, Onondaga County, New York, this __ day of August, 2026.

______________________________
Dina M. Falcone, Town Clerk

[SEAL]