

A. Resolution

- WHEREAS**, on April 12, 2006, the Town Board of the Town of the Town of Lloyd (herein called "Town Board" and "Town", respectively), in the County of Ulster, New York, acting on behalf of the Highland Sewer District (herein called "District"), in the Town, held a public hearing and thereafter adopted (i) the Resolution and Order After Public Hearing and (ii) the Bond Resolution, which authorized the issuance of serial bonds of the Town in an amount not to exceed \$7,000,000 to pay the estimated total cost of the increase and improvement of facilities of the District, consisting of improvements to the waste water treatment and collection system, including, but not limited to, expanding the capacity of the existing waste water treatment plant by approximately 0.5 million gallons per day in order to provide adequate capacity for at least twenty (20) years as well as allowance for potential growth and expansion of the District, upgrading the waste water collection system, prevention of flooding caused by roof drains and sump pumps, elimination of inflow and/or infiltration flows and providing any and all necessary furnishings, equipment, machinery, apparatus, installations, appurtenances, accessories and related engineering and other costs (the "Project"); and
- WHEREAS**, at the time that Project was authorized by the Town Board, the Town had expected that the Project would qualify for funding as part of the Clean Water State Revolving Loan Fund Program ("CWSRLFP") of the New York State Environmental Facilities Corporation ("NYS EFC"); and
- WHEREAS**, the Town subsequently learned that the NYS EFC was unable to fund the Project as part of its CWSRLFP unless additional funding became available and as a result the Town Board determined that it was not in the best interest of the Town and the District to proceed with the Project; and
- WHEREAS**, subsequently the Town Board was informed by NYS EFC that additional funding through its CWSRLFP was available to fund the Project and the Town Board determined that it was in the best interest of the Town and the District to reauthorize the Project and the issuance of serial bonds in connection therewith; and
- WHEREAS**, the firm of Morris Associates, P.S. L.L.C., Engineering Consultants duly licensed by the State of New York (herein called "Engineer"), prepared an addendum to the original preliminary map, plan and report for the Project, dated May 2005 and filed with the Town Board the addendum, dated July 2009, together with the original preliminary map, plan and report for the Project (collectively, the "Report"), stating, inter alia, that due to an increase in construction costs, including associated labor and materials, the estimated total cost of the Project was estimated to be \$7,475,000; and
- WHEREAS**, the Town Board determined that the bond anticipation note issued pursuant to the bond resolution adopted on April 12, 2006 and then outstanding in the amount of \$1,000,000, was to be used to pay a part of the cost of the Project and, as a result, the Town Board authorized not to exceed \$6,475,000 serial bonds to pay the balance of said \$7,475,000 cost; and
- WHEREAS**, due to an increase in the cost of labor and materials, the maximum amount proposed to be expended for the Project has now been determined by the Town Board to be \$8,285,000 and the Town Board has determined that it is in the best interests of the Town to further increase the estimated total cost of the Project and to increase the amount of serial bonds authorized to pay for such increased costs, and

WHEREAS, the Engineer has prepared and filed with the Town Board a second addendum to the Report, dated February 2011, setting forth the increased cost of the Project; and

WHEREAS, the Town Board and the Town have complied or will comply in every respect with all applicable federal, state and local laws and regulations, including environmental matters; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act, constituting Article 8 of the Environmental Conservation Law (“SEQRA”); the Town Board, acting as Lead Agency, has given due consideration to the impact that the Project may have upon the environment and, on the basis of such consideration, the Town Board has heretofore determined that the Project is a Type II Action imposing no material adverse environmental impact and no further environmental review is required;

NOW, THEREFORE, BE IT ORDERED, that a meeting of the Town Board be held at the Town Hall, 12 Church Street, in the Town, on the 9th day of March 2011, at 7:00 o’clock P.M. (Prevailing Time), to consider the Project 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 be it,

FURTHER ORDERED, that the Town Clerk (i) publish at least once in the “*New Paltz Times*” and the “*Poughkeepsie Journal*”, each of which is designated as the official newspaper of the Town for such publication, (ii) post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, and (iii) mail or caused to be mailed, via first class mail, addressed to the last known address of each owner of taxable real property in the District, a notice of such public hearing in substantially the form attached hereto designated **Exhibit “A”** and hereby made a part hereof, certified by said Town Clerk, the first publication thereof, said posting and said mailing to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.