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By Legislators Gumina, Howland and Yolevich

PURE WATERS ADMINISTRATIVE BOARD OF THE
IRONDEQUOIT BAY SOUTH CENTRAL
PURE WATERS DISTRICT

Intro. No. _____

RESOLUTION NO. _____ OF 2012

**AUTHORIZING INTERMUNICIPAL AGREEMENT AMONG MONROE COUNTY,
VILLAGE OF SCOTTSVILLE, TOWN OF WHEATLAND AND IRONDEQUOIT BAY SOUTH
CENTRAL PURE WATERS DISTRICT FOR SCOTTSVILLE REGIONAL SANITARY SEWAGE
PUMP STATION AND FORCEMAIN PROJECT**

BE IT RESOLVED BY THE PURE WATERS ADMINISTRATIVE BOARD OF THE
IRONDEQUOIT BAY SOUTH CENTRAL PURE WATERS DISTRICT, as follows:

Section 1. The County Executive, or her designee, is hereby authorized to execute an intermunicipal agreement, and any amendments thereto, among Monroe County, the Village of Scottsville, the Town of Wheatland and the Irondequoit Bay South Central Pure Waters District, for the Scottsville Regional Sanitary Sewage Pump Station and Forcemain Project, including an amount not to exceed \$150,000 for engineering services related to the District improvements.

Section 2. Funding for this project, consistent with authorized uses, is included in capital fund 1375 and any capital fund(s) created for the same intended purpose.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

File No. 12-0129

ADOPTION: Date: _____ Vote: _____

By Legislators Boyce and McCann

Intro. No. _____

LOCAL LAW NO. _____ OF 2012

A LOCAL LAW ENTITLED "AMENDING MONROE COUNTY CODE RELATED TO THE COMPOSITION OF THE SOLID WASTE REUSE AND RECYCLING LAW ADVISORY COMMITTEE"

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Monroe County Code, Part IV General Local Laws, Article VII, Solid Waste Reuse and Recycling, § 347-32(A)(4) is amended to read as follows:

- 4. One member from each of the following organizations, each of whom shall be appointed by the Executive and confirmed by the Legislature: the Rochester Business Alliance, the Environmental Management Council, the Monroe County School Boards Association, the Town Supervisors' Association, the Village Mayors' Association, and the Waste Haulers' Association a refuse waste hauler with offices and collection services within Monroe County;

Section 2. This local law shall take effect in accordance with the provisions of Section 21 of the Municipal Home Rule Law and immediately upon filing in the office of the Secretary of State as provided for in Section 27 of the Municipal Home Rule Law.

Agenda/Charter Committee; March 26, 2012 - CV: 5-0

File No. 12-0113.LL

ADOPTION: Date: _____ Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF RESOLUTION: _____

Added Language is underlined

Deleted Language is ~~stricken~~

2.

By Legislators Boyce and McCann

Intro. No. _____

MOTION NO. _____ OF 2012

PROVIDING THAT LOCAL LAW (INTRO. NO. __ OF 2012), ENTITLED "AMENDING MONROE COUNTY CODE RELATED TO THE COMPOSITION OF THE SOLID WASTE REUSE AND RECYCLING LAW ADVISORY COMMITTEE" BE TABLED

BE IT MOVED, that local law (Intro. No. __ of 2012), entitled "AMENDING MONROE COUNTY CODE RELATED TO THE COMPOSITION OF THE SOLID WASTE REUSE AND RECYCLING LAW ADVISORY COMMITTEE" be tabled.

File No. 12-0113.LL

ADOPTION: Date: _____

Vote: _____

By Legislators Boyce and McCann

Intro. No. _____

MOTION NO. _____ OF 2012

FIXING A PUBLIC HEARING ON LOCAL LAW (INTRO. NO. ____ OF 2012), ENTITLED "AMENDING MONROE COUNTY CODE RELATED TO THE COMPOSITION OF THE SOLID WASTE REUSE AND RECYCLING LAW ADVISORY COMMITTEE"

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. That there will be a public hearing at _____ p.m. on the ____ day of _____, 2012, in the Legislative Chambers in the County Office Building, Rochester, New York on local law (Intro. No. _____ of 2012), entitled "AMENDING MONROE COUNTY CODE RELATED TO THE COMPOSITION OF THE SOLID WASTE REUSE AND RECYCLING LAW ADVISORY COMMITTEE."

Section 2. The Clerk of the Legislature is directed to give notice of the time and place of this public hearing, and a description of the proposed local law, to the news media within the County, and shall conspicuously post a copy of said notice in the office of the Clerk at least five days before said hearing. In addition, the Clerk shall cause said notice to be published once in the official newspapers of general circulation within the County at least five days before said hearing.

Section 3. This resolution shall take effect immediately.

File No. 12-0113.LL

ADOPTION: Date: _____

Vote: _____

4.

By Legislators Howland and Yolevich

Intro. No. _____

MOTION NO. _____ OF 2012

PROVIDING THAT RESOLUTION (INTRO. NO. 78 OF 2012), ENTITLED "APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN ROCHESTER PURE WATERS DISTRICT - FRANK E. VANLARE AERATION SYSTEM IMPROVEMENTS," BE LIFTED FROM THE TABLE

BE IT MOVED, that Resolution (Intro. No. 78 of 2012), entitled "**APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN ROCHESTER PURE WATERS DISTRICT - FRANK E. VANLARE AERATION SYSTEM IMPROVEMENTS,**" be lifted from the table.

File No. 12-0078

ADOPTION: Date: _____

Vote: _____

5.1

By Legislators Howland and Yolevich

Intro. No. _____

MOTION NO. _____ OF 2012

PROVIDING THAT RESOLUTION (INTRO. NO. 78 OF 2012), ENTITLED "APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN ROCHESTER PURE WATERS DISTRICT - FRANK E. VANLARE AERATION SYSTEM IMPROVEMENTS," BE ADOPTED

BE IT MOVED, that Resolution (Intro. No. 78 of 2012), entitled "**APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN ROCHESTER PURE WATERS DISTRICT - FRANK E. VANLARE AERATION SYSTEM IMPROVEMENTS,"** be adopted.

File No. 12-0078

ADOPTION: Date: _____

Vote: _____

5.2

By Legislators Howland and Yolevich

Intro. No. 78

RESOLUTION NO. _____ OF 2012

APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN ROCHESTER PURE WATERS DISTRICT - FRANK E. VANLARE AERATION SYSTEM IMPROVEMENTS

WHEREAS, the Administrative Board of the Rochester Pure Waters District of the County of Monroe, New York has heretofore duly caused to be prepared, pursuant to Section 268 of the County Law, a map and plan by an engineer duly licensed by the State of New York for a proposed increase and improvement of the facilities of said District, consisting of the "Frank E. VanLare Aeration System Improvements," all as more fully set forth in such map and plan; and

WHEREAS, the County Legislature of the County of Monroe has called a public hearing on the aforesaid increase and improvement of facilities in accordance with the provisions of Section 268 of the County Law, and said public hearing held on the 17th day of April, 2012, at 6:15 P.M. in the Legislative Chambers of the County Office Building, Rochester, New York, in said County; and

WHEREAS, notice of said public hearing was duly published in the manner provided by law and proof thereof has been submitted to said County Legislature; and

WHEREAS, said County Legislature has duly considered the evidence given at said public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to increase and improve the facilities in the Rochester Pure Waters District, at a maximum estimated cost of \$9,000,000, all as more fully described in the preambles hereof.

Section 2. The cost of such increase and improvement shall be assessed against the entire geographic area encompassed by the Rochester Pure Waters District.

Section 3. The expenditure proposed for such improvement of facilities in the Rochester Pure Waters District is in the public interest and will not constitute an undue burden on the property which will bear the cost thereof; and all real property to be assessed for such expenditure will be benefited by the proposed improvements and no benefited property has been excluded.

Section 4. The increase and improvement of facilities in the Rochester Pure Waters District is hereby approved at the maximum amount to be expended.

Section 5. The County Executive or the Director of Finance – Chief Financial Officer are hereby authorized and directed to file applications and execute Project Financing Agreements and any other necessary documents as appropriate, for participation in the New York State Water Pollution Control Revolving Loan Fund (SFR) under applicable laws of New York State to finance all or a portion of the project.

Section 6. The County Executive is hereby authorized and directed to send the Application attached hereto to the New York State Department of Audit and Control.

Section 7. The Administrative Board of the Rochester Pure Waters District of said County is hereby directed to proceed with the improvements in the manner set forth in Section 262 of the County Law once approval from the New York State Comptroller has been received consenting to the expenditures for such improvements.

Section 8. The attached Application to the New York State Comptroller for consent to expend funds for such improvements was prepared at the request of the County Legislature and the County Legislature believes the contents of the Application to be accurate

Section 9. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Environment and Public Works Committee; February 29, 2012 - CV: 6-0
Ways and Means Committee; February 29, 2012 - CV: 11-0
File No. 12-0078

ADOPTION: Date: _____ Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF RESOLUTION: _____

By Legislators Howland and Yolevich

6.1

Intro. No. ____

RESOLUTION NO. ____ OF 2012

SUPERSEDING BOND RESOLUTION DATED APRIL 17, 2012

RESOLUTION AUTHORIZING THE ISSUANCE OF \$16,000,000 BONDS OF THE COUNTY OF MONROE, NEW YORK, TO FINANCE THE COST OF THE REPLACEMENT OF THE AERATION SYSTEM OF THE FRANK E. VAN LARE WASTE WATER TREATMENT PLANT IN THE ROCHESTER PURE WATERS DISTRICT, IN AND FOR SAID COUNTY, AT AN ESTIMATED MAXIMUM COST OF \$16,000,000, AND SUPERSEDING THE BOND RESOLUTION ADOPTED ON MAY 10, 2011 (RESOLUTION NO. 128 OF 2011)

WHEREAS, the Administrative Board of the Rochester Pure Waters District of the County of Monroe, New York has heretofore duly caused to be prepared, pursuant to Section 268 of the County Law, a map and plan by an engineer duly licensed by the State of New York for the replacement of the aeration system of said District, consisting of multi-year, phased replacement of the aeration system of the Frank E. VanLare Waste Water Treatment Plant, and

WHEREAS, a public hearing was held on April 17, 2012, pursuant to Section 268 of the County Law, and thereafter this Legislature of the County of Monroe, New York determined that it was in the public interest to undertake the aforesaid improvements; and

WHEREAS, the requirements of the New York State Environmental Quality Review Act and the regulations promulgated thereunder have been satisfied; and

WHEREAS, it is now desired to provide for the additional financing of such project;

BE IT RESOLVED BY THE AFFIRMATIVE VOTE OF NOT LESS THAN TWO-THIRDS OF THE TOTAL VOTING STRENGTH OF THE LEGISLATURE OF THE COUNTY OF MONROE, NEW YORK, as follows:

Section 1. For the class of objects or purposes of financing the cost of the replacement of the aeration system of the Frank E. VanLare Waste Water Treatment Plant in the Rochester Pure Waters District in and for the County of Monroe, New York (the "County"), there are hereby authorized to be issued \$16,000,000 bonds of the County, pursuant to the provisions of the Local Finance Law. The duly adopted Capital Budget of the County, to the extent inconsistent herewith, is hereby amended to provide for the appropriation of an additional \$9,000,000 to pay the cost of the aforesaid class of objects or purposes (\$7,000,000 having been heretofore appropriated from one or more Capital Budgets). The period of probable usefulness of the aforesaid class of objects or purposes is thirty (30) years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law, computed from July 13, 2010, the date of the first obligation issued pursuant to this bond resolution.

Section 2. The maximum estimated cost thereof is now determined to be \$16,000,000, and the plan for the financing thereof is by the issuance of \$16,000,000 bonds of the County herein authorized; provided, however, that to the extent any state and/or federal aid is received for the aforesaid purpose, such aid shall be used to redeem any outstanding indebtedness incurred for such purpose or shall be applied, dollar for dollar, to reduce the amount of bonds to be issued for such purpose.

Section 3. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations 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. There shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell the bonds and 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 Director of Finance-Chief Financial Officer, the chief fiscal officer of the County under the Local Finance Law. The Director of Finance-Chief Financial Officer may sell such bonds or notes at public or private sale, at a discount or premium, at fixed or variable rates of interest or at no interest whatsoever, or as capital appreciation bonds, and with such amortization of principal as the Director of Finance-Chief Financial Officer shall determine is most favorable to the County, and in compliance with any rules of the State Comptroller applicable thereto. Such bonds or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Director of Finance-Chief Financial Officer, consistent with the provisions of the Local Finance Law. The Director of Finance-Chief Financial Officer may, in the event it is determined to issue variable rate bonds or notes, enter into such agreements as said officer finds reasonable to facilitate the issuance, sale, resale and repurchase of such bonds or notes, as authorized under Section 54.90 of the Local Finance Law. The Director of Finance-Chief Financial Officer is also authorized to enter into such agreements and take such other action as may be necessary or appropriate and lawful to assure that, to the extent possible, (i) interest on the bonds and notes authorized hereby will not be includable in the gross income, for federal income tax purposes, of the recipients thereof, and (ii) to enable the purchaser thereof to comply with Securities and Exchange Commission Rule 15c2-12. The Director of Finance-Chief Financial Officer is hereby further delegated all powers of this County Legislature with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for such bonds or notes, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

Section 5. All other matters, except as provided herein, relating to such bonds or notes, including prescribing whether manual or facsimile signatures shall appear on said bonds or notes, prescribing the method for the recording of ownership of said bonds or notes, appointing the fiscal agent or agents for said bonds or notes, providing for the printing and delivery of said bonds or notes (and if said bonds or notes are to be executed in the name of the County by only facsimile signatures, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, form, denominations, maturities, interest rate or rates, terms of and manner of sale and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Director of Finance-Chief Financial Officer. The Director of Finance-Chief Financial officer may elect to become the fiscal agent for the bonds or notes, or may contract on behalf of the County for this service pursuant to the Local Finance Law. Such bonds or notes 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 Director of Finance-Chief Financial Officer shall determine.

Section 6. The validity of such bonds and bond anticipation notes, as authorized by this resolution or as authorized by any resolution which this resolution supersedes, may be contested only if:

- 1) such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or

- 2) 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

- 3) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. This resolution shall supersede Resolution No. 128 of 2011, being a bond resolution dated May 10, 2011, except to the extent that any obligations have been issued or encumbrances made thereunder. The purpose of this superseding bond resolution is to effect the following: to increase the maximum estimated cost of the purpose and the amount of bonds to be issued therefore from \$7,000,000 to \$16,000,000.

Section 8. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter and the Clerk of the Legislature is hereby authorized and directed to cause this resolution or a summary hereof to be published, together with a notice attached in substantially the form and in the manner provided by Section 81.00 of the Local Finance Law.

Environment and Public Work Committee; February 29, 2012 – CV: 6-0
 Ways and Means Committee; February 29, 2012 – CV: 11-0
 File No. 12-0078.br

ADOPTION: Date: _____ Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF RESOLUTION: _____

By Legislators Howland and Yolevich

Intro. No. _____

MOTION NO. _____ OF 2012

PROVIDING THAT RESOLUTION (INTRO. NO. 81 OF 2011), ENTITLED "APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN ROCHESTER PURE WATERS DISTRICT - FRANK E. VANLARE PRIMARY TANK IMPROVEMENTS," BE LIFTED FROM THE TABLE

BE IT MOVED, that Resolution (Intro. No. 81 of 2012), entitled "**APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN ROCHESTER PURE WATERS DISTRICT - FRANK E. VANLARE PRIMARY TANK IMPROVEMENTS,**" be lifted from the table.

File No. 12-0080

ADOPTION: Date: _____

Vote: _____

8.1

By Legislators Howland and Yolevich

Intro. No. _____

MOTION NO. _____ OF 2012

PROVIDING THAT RESOLUTION (INTRO. NO. 81 OF 2012), ENTITLED "APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN ROCHESTER PURE WATERS DISTRICT - FRANK E. VANLARE PRIMARY TANK IMPROVEMENTS," BE ADOPTED

BE IT MOVED, that Resolution (Intro. No. 81 of 2012), entitled "**APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN ROCHESTER PURE WATERS DISTRICT - FRANK E. VANLARE PRIMARY TANK IMPROVEMENTS,**" be adopted.

File No. 12-0080

ADOPTION: Date: _____

Vote: _____

8.2

By Legislators Howland and Yolevich

Intro. No. 81

RESOLUTION NO. ____ OF 2012

APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN ROCHESTER PURE WATERS DISTRICT - FRANK E. VANLARE PRIMARY TANK IMPROVEMENTS

WHEREAS, the Administrative Board of the Rochester Pure Waters District of the County of Monroe, New York has heretofore duly caused to be prepared, pursuant to Section 268 of the County Law, a map and plan by an engineer duly licensed by the State of New York for a proposed increase and improvement of the facilities of said District, consisting of the "Frank E. VanLare Primary Tank Improvements," all as more fully set forth in such map and plan; and

WHEREAS, the County Legislature of the County of Monroe has called a public hearing on the aforesaid increase and improvement of facilities in accordance with the provisions of Section 268 of the County Law, and said public hearing held on the 17th day of April, 2012, at 6:16 P.M. in the Legislative Chambers of the County Office Building, Rochester, New York, in said County; and

WHEREAS, notice of said public hearing was duly published in the manner provided by law and proof thereof has been submitted to said County Legislature; and

WHEREAS, said County Legislature has duly considered the evidence given at said public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to increase and improve the facilities in the Rochester Pure Waters District, at a maximum estimated cost of \$3,700,000, all as more fully described in the preambles hereof.

Section 2. The cost of such increase and improvement shall be assessed against the entire geographic area encompassed by the Rochester Pure Waters District.

Section 3. The expenditure proposed for such improvement of facilities in the Rochester Pure Waters District is in the public interest and will not constitute an undue burden on the property which will bear the cost thereof; and all real property to be assessed for such expenditure will be benefited by the proposed improvements and no benefited property has been excluded.

Section 4. The increase and improvement of facilities in the Rochester Pure Waters District is hereby approved at the maximum amount to be expended.

Section 5. The County Executive or the Director of Finance – Chief Financial Officer are hereby authorized and directed to file applications and execute Project Financing Agreements and any other necessary documents as appropriate, for participation in the New York State Water Pollution Control Revolving Loan Fund (SFR) under applicable laws of New York State to finance all or a portion of the project.

Section 6. The County Executive is hereby authorized and directed to send the Application attached hereto to the New York State Department of Audit and Control.

Section 7. The Administrative Board of the Rochester Pure Waters District of said County is hereby directed to proceed with the improvements in the manner set forth in Section 262 of the County Law once approval from the New York State Comptroller has been received consenting to the expenditures for such improvements.

Section 8. The attached Application to the New York State Comptroller for consent to expend funds for such improvements was prepared at the request of the County Legislature and the County Legislature believes the contents of the Application to be accurate

Section 9. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Environment and Public Works Committee; February 29, 2012 - CV: 6-0
Ways and Means Committee; February 29, 2012 - CV: 11-0
File No. 12-0080

ADOPTION: Date: _____ Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF RESOLUTION: _____

9.1

By Legislators Howland and Yolevich

Intro. No. ____

RESOLUTION NO. ____ OF 2012

SUPERSEDING BOND RESOLUTION DATED APRIL 17, 2012

RESOLUTION AUTHORIZING THE ISSUANCE OF \$5,700,000 BONDS OF THE COUNTY OF MONROE, NEW YORK, TO FINANCE THE COST OF IMPROVEMENTS TO PRIMARY TANKS OF THE ROCHESTER PURE WATER DISTRICT FRANK E. VANLARE WASTE WATER TREATMENT PLANT, IN AND FOR SAID COUNTY, AT AN ESTIMATED MAXIMUM COST OF \$5,700,000 AND SUPERSEDING THE BOND RESOLUTION ADOPTED ON MAY 10, 2011 (RESOLUTION NO. 130 OF 2011)

WHEREAS, the Administrative Board of the Rochester Pure Waters District of the County of Monroe, New York has heretofore duly caused to be prepared, pursuant to Section 268 of the County Law, a map and plan by an engineer duly licensed by the State of New York for the structural improvements to the primary tanks in combination with mechanical and electrical upgrades of the Frank E. VanLare Waste Water Treatment Plant, and

WHEREAS, a public hearing was held on April 17, 2012, pursuant to Section 268 of the County Law, and thereafter this Legislature of the County of Monroe, New York determined that it was in the public interest to undertake the aforesaid improvements; and

WHEREAS, the requirements of the New York State Environmental Quality Review Act and the regulations promulgated thereunder have been satisfied; and

WHEREAS, it is now desired to provide for the financing of such project;

NOW, THEREFORE, BE IT RESOLVED BY THE AFFIRMATIVE VOTE OF NOT LESS THAN TWO-THIRDS OF THE TOTAL VOTING STRENGTH OF THE LEGISLATURE OF THE COUNTY OF MONROE, NEW YORK, as follows:

Section 1. For the class of objects or purposes of financing the cost of improvements to the primary tanks of the Rochester Pure Water District Frank E. VanLare Waste Water Treatment Plant, in and for the County of Monroe, New York (the "County"), including general structural improvements to the primary tanks in combination with mechanical and electrical improvements, there are hereby authorized to be issued \$5,700,000 bonds of the County, pursuant to the provisions of the Local Finance Law. The duly adopted current Capital Budget of the County, to the extent inconsistent herewith, is hereby amended to provide for the appropriation of an additional \$3,700,000 to pay the cost of the aforesaid class of objects or purposes (\$2,000,000 having been heretofore appropriated from one or more Capital Budgets). The period of probable usefulness of the aforesaid class of objects or purposes is forty (40) years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law, computed from date of the first obligation issued therefor.

Section 2. The maximum estimated cost thereof is \$5,700,000, and the plan for the financing thereof is by the issuance of \$5,700,000 bonds of the County herein authorized; provided, however, that to the extent any state and/or federal aid is received for the aforesaid purpose, such aid shall be used to redeem any outstanding indebtedness incurred for such purpose or shall be applied, dollar for dollar, to reduce the amount of bonds to be issued for such purpose.

Section 3. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations 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. There shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell the bonds and 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 Director of Finance-Chief Financial Officer, the chief fiscal officer of the County under the Local Finance Law. The Director of Finance-Chief Financial Officer may sell such bonds or notes at public or private sale, at a discount or premium, at fixed or variable rates of interest or at no interest whatsoever, or as capital appreciation bonds, and with such amortization of principal as the Director of Finance-Chief Financial Officer shall determine is most favorable to the County, and in compliance with any rules of the State Comptroller applicable thereto. Such bonds or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Director of Finance-Chief Financial Officer, consistent with the provisions of the Local Finance Law. The Director of Finance-Chief Financial Officer may, in the event it is determined to issue variable rate bonds or notes, enter into such agreements as said officer finds reasonable to facilitate the issuance, sale, resale and repurchase of such bonds or notes, as authorized under Section 54.90 of the Local Finance Law. The Director of Finance-Chief Financial Officer is also authorized to enter into such agreements and take such other action as may be necessary or appropriate and lawful to assure that, to the extent possible, (i) interest on the bonds and notes authorized hereby will not be includable in the gross income, for federal income tax purposes, of the recipients thereof, and (ii) to enable the purchaser thereof to comply with Securities and Exchange Commission Rule 15c2-12. The Director of Finance-Chief Financial Officer is hereby further delegated all powers of this County Legislature with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for such bonds or notes, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

Section 5. All other matters, except as provided herein, relating to such bonds or notes, including prescribing whether manual or facsimile signatures shall appear on said bonds or notes, prescribing the method for the recording of ownership of said bonds or notes, appointing the fiscal agent or agents for said bonds or notes, providing for the printing and delivery of said bonds or notes (and if said bonds or notes are to be executed in the name of the County by only facsimile signatures, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, form, denominations, maturities, interest rate or rates, terms of and manner of sale and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Director of Finance-Chief Financial Officer. The Director of Finance-Chief Financial officer may elect to become the fiscal agent for the bonds or notes, or may contract on behalf of the County for this service pursuant to the Local Finance Law. Such bonds or notes 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 Director of Finance-Chief Financial Officer shall determine.

Section 6. The validity of such bonds and bond anticipation notes, as authorized by this resolution or as authorized by any resolution which this resolution supersedes, may be contested only if:

- 1) such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or

- 2) 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

- 3) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. This resolution shall supersede Resolution No. 130 of 2011, being a bond resolution dated May 10, 2011, except to the extent that any indebtedness shall have been contracted or encumbrances made thereunder. No bonds or notes have been issued under Resolution No. 130 of 2011. The purpose of this superseding bond resolution is to effect the following: to increase the maximum estimated cost of the purpose and the amount of the bonds to be issued therefor from \$2,000,000 to \$5,700,000.

Section 8. This resolution shall constitute a statement of official intent for purposes of Section 1.150-2 of the Treasury Regulations. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, 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. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter and the Clerk of the Legislature is hereby authorized and directed to cause this resolution or a summary hereof to be published, together with a notice attached in substantially the form and in the manner provided by Section 81.00 of the Local Finance Law.

Environment and Public Work Committee; February 29, 2012 – CV: 6-0
 Ways and Means Committee; February 29, 2012 – CV: 11-0
 File No. 12-0080.br

ADOPTION: Date: _____ Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF RESOLUTION: _____

By Legislators Howland and Yolevich

Intro. No. _____

MOTION NO. _____ OF 2012

PROVIDING THAT RESOLUTION (INTRO. NO. 84 OF 2012), ENTITLED "APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN ROCHESTER PURE WATERS DISTRICT - COMBINED SEWER OVERFLOW ABATEMENT PROGRAM TUNNEL SYSTEM IMPROVEMENTS," BE LIFTED FROM THE TABLE

BE IT MOVED, that Resolution (Intro. No. 84 of 2012), entitled, "**APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN ROCHESTER PURE WATERS DISTRICT - COMBINED SEWER OVERFLOW ABATEMENT PROGRAM TUNNEL SYSTEM IMPROVEMENTS,**" be lifted from the table.

File No. 12-0082

ADOPTION: Date: _____

Vote: _____

By Legislators Howland and Yolevich

Intro. No. _____

MOTION NO. _____ OF 2012

PROVIDING THAT RESOLUTION (INTRO. NO. 84 OF 2012), ENTITLED "APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN ROCHESTER PURE WATERS DISTRICT - COMBINED SEWER OVERFLOW ABATEMENT PROGRAM TUNNEL SYSTEM IMPROVEMENTS," BE ADOPTED

BE IT MOVED, that Resolution (Intro. No. 84 of 2012), entitled, **"APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN ROCHESTER PURE WATERS DISTRICT - COMBINED SEWER OVERFLOW ABATEMENT PROGRAM TUNNEL SYSTEM IMPROVEMENTS,"** be adopted.

File No. 12-0082

ADOPTION: Date: _____ Vote: _____

By Legislators Howland and Yolevich

Intro. No. 84

RESOLUTION NO. _____ OF 2012

APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN THE ROCHESTER PURE WATERS DISTRICT - COMBINED SEWER OVERFLOW ABATEMENT PROGRAM TUNNEL SYSTEM IMPROVEMENTS

WHEREAS, the Administrative Board of the Rochester Pure Waters District of the County of Monroe, New York has heretofore duly caused to be prepared, pursuant to Section 268 of the County Law, a map and plan by an engineer duly licensed by the State of New York for a proposed increase and improvement of the facilities of said District, consisting of the "Rochester Pure Waters District - Combined Sewer Overflow Abatement Program Tunnel System Improvements", all as more fully set forth in such map and plan; and

WHEREAS, the County Legislature of the County of Monroe has called a public hearing on the aforesaid increase and improvement of facilities in accordance with the provisions of Section 268 of the County Law, and said public hearing held on the 17th day of April, 2012, at 6:17 P.M. in the Legislative Chambers of the County Office Building, Rochester, New York, in said County; and

WHEREAS, notice of said public hearing was duly published in the manner provided by law and proof thereof has been submitted to said County Legislature; and

WHEREAS, said County Legislature has duly considered the evidence given at said public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to increase and improve the facilities in the Rochester Pure Waters District at a maximum estimated cost of \$1,000,000, all as more fully described in the preambles hereof.

Section 2. The cost of such increase and improvement shall be assessed against the entire geographic area encompassed by the Rochester Pure Waters District.

Section 3. The expenditure proposed for such improvement of facilities in the Rochester Pure Waters District is in the public interest and will not constitute an undue burden on the property which will bear the cost thereof; and all real property to be assessed for such expenditure will be benefited by the proposed improvements and no benefited property has been excluded.

Section 4. The increase and improvement of facilities in the Rochester Pure Waters District is hereby approved at the maximum amount to be expended.

Section 5. The County Executive or the Director of Finance-Chief Financial Officer, as appropriate, is hereby authorized to file applications and execute Project Financing Agreements, and any other necessary documents, for participation in the New York State Water Pollution Control Revolving Loan

Fund under the applicable laws of New York State to finance all or a portion of this sewage facility improvement project.

Section 6. The County Executive is hereby authorized and directed to send the Application attached hereto to the New York State Department of Audit and Control.

Section 7. The Administrative Board of the Rochester Pure Waters District of said County is hereby directed to proceed with the improvements in the manner set forth in Section 262 of the County Law once approval from the New York State Comptroller has been received consenting to the expenditures for such improvements.

Section 8. The attached Application to the New York State Comptroller for consent to expend funds for such improvements was prepared at the request of the County Legislature and the County Legislature believes the contents of the Application to be accurate

Section 9. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Environment and Public Works Committee; February 29, 2012 - CV: 6-0
Ways and Means Committee; February 29, 2012 - CV: 11-0
File No. 12-0082

ADOPTION: Date: _____ Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF RESOLUTION: _____

By Legislators Howland and Yolevich

12.1

Intro. No. ____

RESOLUTION NO. ____ OF 2012

BOND RESOLUTION DATED APRIL 17, 2012

RESOLUTION AUTHORIZING THE ISSUANCE OF \$1,000,000 BONDS OF THE COUNTY OF MONROE, NEW YORK, TO FINANCE THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE ROCHESTER PURE WATERS DISTRICT IN AND FOR SAID COUNTY, AT AN ESTIMATED MAXIMUM COST OF \$1,000,000

WHEREAS, the Administrative Board of the Rochester Pure Waters District of the County of Monroe, New York has heretofore duly caused to be prepared, pursuant to Section 268 of the County Law, a map and plan by an engineer duly licensed by the State of New York for a proposed increase and improvement of the facilities of said District, consisting of a comprehensive evaluation of and improvements to Pure Waters' Combined Sewer Overflow Abatement Program (CSOAP) Tunnel System. Improvements will include grit and debris removal to restore hydraulic capacity and structural rehabilitation to ensure physical integrity throughout the Tunnel System; and

WHEREAS, a public hearing was held on April 17, 2012, pursuant to Section 268 of the County Law, and thereafter this Legislature of the County of Monroe, New York determined that it was in the public interest to undertake the aforesaid improvements; and

WHEREAS, the requirements of the New York State Environmental Quality Review Act and the regulations promulgated thereunder have been satisfied; and

WHEREAS, it is now desired to provide for the additional financing of such project;

NOW, THEREFORE, BE IT RESOLVED BY THE AFFIRMATIVE VOTE OF **NOT LESS THAN TWO-THIRDS OF THE TOTAL VOTING STRENGTH** OF THE LEGISLATURE OF THE COUNTY OF MONROE, NEW YORK, as follows:

Section 1. For the class of objects or purposes of financing the cost of the comprehensive evaluation of and improvements to the facilities of the Pure Waters' Combined Sewer Overflow Abatement Program (CSOAP) Tunnel System of the Rochester Pure Waters District in and for the County of Monroe, New York (the "County"), there are hereby authorized to be issued \$1,000,000 bonds of the County, pursuant to the provisions of the Local Finance Law. The duly adopted current Capital Budget of the County, to the extent inconsistent herewith, is hereby amended to provide for the appropriation of the amount hereby authorized to pay the cost of the aforesaid class of objects or purposes. The period of probable usefulness of the aforesaid class of objects or purposes is forty (40) years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law.

Section 2. The maximum estimated cost thereof is now determined to be \$1,000,000, and the plan for the financing thereof is by the issuance of \$1,000,000 bonds of the County herein authorized; provided, however, that to the extent any state and/or federal aid is received for the aforesaid purpose, such aid shall be used to redeem any outstanding indebtedness incurred for such purpose or shall be applied, dollar for dollar, to reduce the amount of bonds to be issued for such purpose.

Section 3. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations 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. There shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell the bonds and 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 Director of Finance-Chief Financial Officer, the chief fiscal officer of the County under the Local Finance Law. The Director of Finance-Chief Financial Officer may sell such bonds or notes at public or private sale, at a discount or premium, at fixed or variable rates of interest or at no interest whatsoever, or as capital appreciation bonds, and with such amortization of principal as the Director of Finance-Chief Financial Officer shall determine is most favorable to the County, and in compliance with any rules of the State Comptroller applicable thereto. Such bonds or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Director of Finance-Chief Financial Officer, consistent with the provisions of the Local Finance Law. The Director of Finance-Chief Financial Officer may, in the event it is determined to issue variable rate bonds or notes, enter into such agreements as said officer finds reasonable to facilitate the issuance, sale, resale and repurchase of such bonds or notes, as authorized under Section 54.90 of the Local Finance Law. The Director of Finance-Chief Financial Officer is also authorized to enter into such agreements and take such other action as may be necessary or appropriate and lawful to assure that, to the extent possible, (i) interest on the bonds and notes authorized hereby will not be includable in the gross income, for federal income tax purposes, of the recipients thereof, and (ii) to enable the purchaser thereof to comply with Securities and Exchange Commission Rule 15c2-12. The Director of Finance-Chief Financial Officer is hereby further delegated all powers of this County Legislature with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for such bonds or notes, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

Section 5. All other matters, except as provided herein, relating to such bonds or notes, including prescribing whether manual or facsimile signatures shall appear on said bonds or notes, prescribing the method for the recording of ownership of said bonds or notes, appointing the fiscal agent or agents for said bonds or notes, providing for the printing and delivery of said bonds or notes (and if said bonds or notes are to be executed in the name of the County by only facsimile signatures, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, form, denominations, maturities, interest rate or rates, terms of and manner of sale and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Director of Finance-Chief Financial Officer. The Director of Finance-Chief Financial officer may elect to become the fiscal agent for the bonds or notes, or may contract on behalf of the County for this service pursuant to the Local Finance Law. Such bonds or notes 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 Director of Finance-Chief Financial Officer shall determine.

Section 6. The validity of such bonds and bond anticipation notes, as authorized by this resolution or as authorized by any resolution which this resolution supersedes, may be contested only if:

- 1) such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) 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

3) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. This resolution shall constitute a statement of official intent for purposes of Section 1.150-2 of the Treasury Regulations. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 8. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter and the Clerk of the Legislature is hereby authorized and directed to cause this resolution or a summary hereof to be published, together with a notice attached in substantially the form and in the manner provided by Section 81.00 of the Local Finance Law.

Environment and Public Work Committee; February 29, 2012 – CV: 6-0
Ways and Means Committee; February 29, 2012 – CV: 11-0
File No. 12-0082.br

ADOPTION: Date: _____ Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF RESOLUTION: _____

By Legislators Howland and Yolevich

Intro. No. _____

MOTION NO. _____ OF 2012

PROVIDING THAT RESOLUTION (INTRO. NO. 87 OF 2012), ENTITLED "APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN IRONDEQUOIT BAY SOUTH CENTRAL PURE WATERS DISTRICT - GENERAL PUMP STATION AND INTERCEPTOR IMPROVEMENTS," BE LIFTED FROM THE TABLE

BE IT MOVED, that Resolution (Intro. No. 87 of 2012), entitled "**APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN IRONDEQUOIT BAY SOUTH CENTRAL PURE WATERS DISTRICT - GENERAL PUMP STATION AND INTERCEPTOR IMPROVEMENTS,**" be lifted from the table.

File No. 12-0084

ADOPTION: Date: _____

Vote: _____

14.1

By Legislators Howland and Yolevich

Intro. No. _____

MOTION NO. _____ OF 2012

PROVIDING THAT RESOLUTION (INTRO. NO. 87 OF 2012), ENTITLED "APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN IRONDEQUOIT BAY SOUTH CENTRAL PURE WATERS DISTRICT - GENERAL PUMP STATION AND INTERCEPTOR IMPROVEMENTS," BE ADOPTED

BE IT MOVED, that Resolution (Intro. No. 87 of 2012), entitled "APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN IRONDEQUOIT BAY SOUTH CENTRAL PURE WATERS DISTRICT - GENERAL PUMP STATION AND INTERCEPTOR IMPROVEMENTS," be adopted.

File No. 12-0084

ADOPTION: Date: _____

Vote: _____

By Legislators Howland and Yolevich

Intro. No. 87

RESOLUTION NO. _____ OF 2012

APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN IRONDEQUOIT BAY SOUTH CENTRAL PURE WATERS DISTRICT - GENERAL PUMP STATION AND INTERCEPTOR IMPROVEMENTS

WHEREAS, the Administrative Board of the Irondequoit Bay South Central Pure Waters District of the County of Monroe, New York has heretofore duly caused to be prepared, pursuant to Section 268 of the County Law, a map and plan by an engineer duly licensed by the State of New York for a proposed increase and improvement of the facilities of said District, consisting of the "General Pump Station and Interceptor Improvements," all as more fully set forth in such map and plan; and

WHEREAS, the County Legislature of the County of Monroe has called a public hearing on the aforesaid increase and improvement of facilities in accordance with the provisions of Section 268 of the County Law, and said public hearing held on the 17th day of April, 2012, at 6:18 P.M. in the Legislative Chambers of the County Office Building, Rochester, New York, in said County; and

WHEREAS, notice of said public hearing was duly published in the manner provided by law and proof thereof has been submitted to said County Legislature; and

WHEREAS, said County Legislature has duly considered the evidence given at said public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to increase and improve the facilities in the Irondequoit Bay South Central Pure Waters District, at a maximum estimated cost of \$500,000, all as more fully described in the preambles hereof.

Section 2. The cost of such increase and improvement shall be assessed against the entire geographic area encompassed by the Irondequoit Bay South Central Pure Waters District.

Section 3. The expenditure proposed for such improvement of facilities in the Irondequoit Bay South Central Pure Waters District is in the public interest and will not constitute an undue burden on the property which will bear the cost thereof; and all real property to be assessed for such expenditure will be benefited by the proposed improvements and no benefited property has been excluded.

Section 4. The increase and improvement of facilities in the Irondequoit Bay South Central Pure Waters District is hereby approved at the maximum amount to be expended.

Section 5. The County Executive or the Director of Finance - Chief Financial Officer are hereby authorized and directed to file applications and execute Project Financing Agreements and any other necessary documents as appropriate, for participation in the New York State Water Pollution Control Revolving Loan Fund (SFR) under applicable laws of New York State to finance all or a portion of the project.

14.3

Section 6. The Clerk of the Legislature is hereby authorized and directed to send certified copies of this resolution to the New York State Department of Audit and Control.

Section 7. The Administrative Board of the Irondequoit Bay South Central Pure Waters District of said County is hereby directed to proceed with the improvements in the manner set forth in Section 262 of the County Law.

Section 8. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Environment and Public Works Committee; February 29, 2012 - CV: 6-0
Ways and Means Committee; February 29, 2012 - CV: 11-0
File No. 12-0084

ADOPTION: Date: _____ Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF RESOLUTION: _____

By Legislators Howland and Yolevich

15.1

Intro. No. ____

RESOLUTION NO. ____ OF 2012

SUPERSEDING BOND RESOLUTION DATED APRIL 17, 2012

RESOLUTION AUTHORIZING THE ISSUANCE OF \$1,500,000 BONDS OF THE COUNTY OF MONROE, NEW YORK, TO FINANCE THE COST OF THE IMPROVEMENT OF THE FACILITIES OF THE IRONDEQUOIT BAY/SOUTH CENTRAL PURE WATERS DISTRICT, CONSISTING OF GENERAL PUMP STATION AND INTERCEPTOR IMPROVEMENTS IN AND FOR SAID COUNTY, AT AN ESTIMATED MAXIMUM COST OF \$1,500,000 AND SUPERSEDING THE BOND RESOLUTION ADOPTED ON MAY 10, 2011 (RESOLUTION NO. 132 OF 2011)

WHEREAS, the Administrative Board of the Irondequoit Bay/South Central Pure Waters District of the County of Monroe, New York has heretofore duly caused to be prepared, pursuant to Section 268 of the County Law, a map and plan by an engineer duly licensed by the State of New York for improvements of the facilities of said District, consisting of general pump station and interceptor improvements, including, but limited to, (i) the phased reconstruction of the Irondequoit Bay Pump Station's two major force mains that convey District flows to the Frank E. VanLare Waste Water Treatment Plant; (ii) trunk sewer improvements necessary to increase conveyance capacities in the southwest quadrant of the District and, (iii) District-wide enhancements to appurtenant communication and data transmission systems, all as more fully set forth in such map and plan; and

WHEREAS, a public hearing was held on April 17, 2012, pursuant to Section 268 of the County Law, and thereafter this Legislature of the County of Monroe, New York determined that it was in the public interest to undertake the aforesaid improvements; and

WHEREAS, the requirements of the New York State Environmental Quality Review Act and the regulations promulgated thereunder have been satisfied; and

WHEREAS, it is now desired to provide for the additional financing of such project;

BE IT RESOLVED BY THE AFFIRMATIVE VOTE OF NOT LESS THAN TWO-THIRDS OF THE TOTAL VOTING STRENGTH OF THE LEGISLATURE OF THE COUNTY OF MONROE, NEW YORK, as follows:

Section 1. For the class of objects or purposes of financing the cost of the improvement of the facilities of the Irondequoit Bay/South Central Pure Waters District, consisting of general pump station and interceptor improvements in and for the County of Monroe, New York (the "County"), including, but not limited to, (i) the phased reconstruction of the Irondequoit Bay Pump Station's two major force mains that convey District flows to the Frank E. VanLare Waste Water Treatment Plant; (ii) trunk sewer improvements necessary to increase conveyance capacities in the southwest quadrant of the District and, (iii) District-wide enhancements to appurtenant communication and data transmission systems, all as more fully set forth in such map and plan, there are hereby authorized to be issued \$1,500,000 bonds of the County, pursuant to the provisions of the Local Finance Law. The duly adopted current Capital Budget of the County, to the extent inconsistent herewith, is hereby amended to provide for the appropriation of an additional \$500,000 to pay the cost of the aforesaid class of objects or purposes (\$1,000,000 having been heretofore appropriated from one or more Capital Budgets). The period of probable usefulness of the aforesaid class of objects or

purposes is forty (40) years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law, computed from July 13, 2010, the date of the first obligation issued pursuant to this bond resolution.

Section 2. The maximum estimated cost thereof is now determined to be \$1,500,000, and the plan for the financing thereof is by the issuance of \$1,500,000 bonds of the County herein authorized; provided, however, that to the extent any state and/or federal aid and/or grant is received for the aforesaid purpose, such aid and/or grant shall be used to redeem any outstanding indebtedness incurred for such purpose or shall be applied, dollar for dollar, to reduce the amount of bonds to be issued for such purpose.

Section 3. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations 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. There shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell the bonds and 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 Director of Finance-Chief Financial Officer, the chief fiscal officer of the County under the Local Finance Law. The Director of Finance-Chief Financial Officer may sell such bonds or notes at public or private sale, at a discount or premium, at fixed or variable rates of interest or at no interest whatsoever, or as capital appreciation bonds, and with such amortization of principal as the Director of Finance-Chief Financial Officer shall determine is most favorable to the County, and in compliance with any rules of the State Comptroller applicable thereto. Such bonds or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Director of Finance-Chief Financial Officer, consistent with the provisions of the Local Finance Law. The Director of Finance-Chief Financial Officer may, in the event it is determined to issue variable rate bonds or notes, enter into such agreements as said officer finds reasonable to facilitate the issuance, sale, resale and repurchase of such bonds or notes, as authorized under Section 54.90 of the Local Finance Law. The Director of Finance-Chief Financial Officer is also authorized to enter into such agreements and take such other action as may be necessary or appropriate and lawful to assure that, to the extent possible, (i) interest on the bonds and notes authorized hereby will not be includable in the gross income, for federal income tax purposes, of the recipients thereof, and (ii) to enable the purchaser thereof to comply with Securities and Exchange Commission Rule 15c2-12. The Director of Finance-Chief Financial Officer is hereby further delegated all powers of this County Legislature with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for such bonds or notes, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

Section 5. All other matters, except as provided herein, relating to such bonds or notes, including prescribing whether manual or facsimile signatures shall appear on said bonds or notes, prescribing the method for the recording of ownership of said bonds or notes, appointing the fiscal agent or agents for said bonds or notes, providing for the printing and delivery of said bonds or notes (and if said bonds or notes are to be executed in the name of the County by only facsimile signatures, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, form, denominations, maturities, interest rate or rates, terms of and manner of sale and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Director of Finance-Chief Financial Officer. The Director of Finance-Chief Financial officer may elect to become the fiscal agent for the bonds or notes, or may contract on behalf of the County for this service pursuant to the Local Finance Law. Such bonds or notes 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 Director of Finance-Chief Financial Officer shall determine.

Section 6. The validity of such bonds and bond anticipation notes, as authorized by this resolution or as authorized by any resolution which this resolution supersedes, may be contested only if:

- 1) such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) 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

- 3) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. This resolution shall supersede Resolution No. 132 of 2011, being a bond resolution dated May 10, 2011, except to the extent that any indebtedness shall have been contracted or encumbrances made thereunder. The purpose of this superseding bond resolution is to effect the following: to increase the maximum estimated cost of the purpose and the amount of bonds to be issued therefore from \$1,000,000 to \$1,500,000.

Section 8. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter and the Clerk of the Legislature is hereby authorized and directed to cause this resolution or a summary hereof to be published, together with a notice attached in substantially the form and in the manner provided by Section 81.00 of the Local Finance Law.

Environment and Public Work Committee; February 29, 2012 – CV: 6-0
Ways and Means Committee; February 29, 2012 – CV: 11-0
File No. 12-0084.br

ADOPTION: Date: _____ Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF RESOLUTION: _____

Table of Contents

- I. Summary
- II. Purpose
- III. Proposed Improvements
- IV. User Charges
- V. Conclusions
- VI. Recommendations

By Legislators Howland and Yolevich

Intro. No. _____

MOTION NO. _____ OF 2012

PROVIDING THAT RESOLUTION (INTRO. NO. 90 OF 2012), ENTITLED "APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN IRONDEQUOIT BAY SOUTH CENTRAL PURE WATERS DISTRICT - SOUTH CENTRAL TRUNK SEWER IMPROVEMENTS," BE LIFTED FROM THE TABLE

BE IT MOVED, that Resolution (Intro. No. 90 of 2012), entitled "APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN IRONDEQUOIT BAY SOUTH CENTRAL PURE WATERS DISTRICT - SOUTH CENTRAL TRUNK SEWER IMPROVEMENTS," be lifted from the table.

File No. 12-0086

ADOPTION: Date: _____ Vote: _____

17.1

By Legislators Howland and Yolevich

Intro. No. ____

MOTION NO. ____ OF 2012

PROVIDING THAT RESOLUTION (INTRO. NO. 90 OF 2012), ENTITLED "APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN IRONDEQUOIT BAY SOUTH CENTRAL PURE WATERS DISTRICT - SOUTH CENTRAL TRUNK SEWER IMPROVEMENTS," BE ADOPTED

BE IT MOVED, that Resolution (Intro. No. 90 of 2012), entitled "APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN IRONDEQUOIT BAY SOUTH CENTRAL PURE WATERS DISTRICT - SOUTH CENTRAL TRUNK SEWER IMPROVEMENTS," be adopted.

File No. 12-0086

ADOPTION: Date: _____ Vote: _____

By Legislators Howland and Yolevich

Intro. No. 90

RESOLUTION NO. ____ OF 2012

APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN IRONDEQUOIT BAY SOUTH CENTRAL PURE WATERS DISTRICT - SOUTH CENTRAL TRUNK SEWER IMPROVEMENTS

WHEREAS, the Administrative Board of the Irondequoit Bay South Central Pure Waters District of the County of Monroe, New York has heretofore duly caused to be prepared, pursuant to Section 268 of the County Law, a map and plan by an engineer duly licensed by the State of New York for a proposed increase and improvement of the facilities of said District, consisting of the "South Central Trunk Sewer Improvements," all as more fully set forth in such map and plan; and

WHEREAS, the County Legislature of the County of Monroe has called a public hearing on the aforesaid increase and improvement of facilities in accordance with the provisions of Section 268 of the County Law, and said public hearing held on the 17th day of April, 2012, at 6:19 P.M. in the Legislative Chambers of the County Office Building, Rochester, New York, in said County; and

WHEREAS, notice of said public hearing was duly published in the manner provided by law and proof thereof has been submitted to said County Legislature; and

WHEREAS, said County Legislature has duly considered the evidence given at said public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to increase and improve the facilities in the Irondequoit Bay South Central Pure Waters District, at a maximum estimated cost of \$1,000,000, all as more fully described in the preambles hereof.

Section 2. The cost of such increase and improvement shall be assessed against the entire geographic area encompassed by the Irondequoit Bay South Central Pure Waters District.

Section 3. The expenditure proposed for such improvement of facilities in the Irondequoit Bay South Central Pure Waters District is in the public interest and will not constitute an undue burden on the property which will bear the cost thereof; and all real property to be assessed for such expenditure will be benefited by the proposed improvements and no benefited property has been excluded.

Section 4. The increase and improvement of facilities in the Irondequoit Bay South Central Pure Waters District is hereby approved at the maximum amount to be expended.

Section 5. The County Executive or the Director of Finance - Chief Financial Officer are hereby authorized and directed to file applications and execute Project Financing Agreements and any other necessary documents as appropriate, for participation in the New York State Water Pollution Control Revolving Loan Fund (SFR) under applicable laws of New York State to finance all or a portion of the project.

Section 6. The Clerk of the Legislature is hereby authorized and directed to send certified copies of this resolution to the New York State Department of Audit and Control.

Section 7. The Administrative Board of the Irondequoit Bay South Central Pure Waters District of said County is hereby directed to proceed with the improvements in the manner set forth in Section 262 of the County Law.

Section 8. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Environment and Public Works Committee; February 29, 2012- CV: 6-0
Ways and Means Committee; February 29, 2012 - CV: 11-0
File No. 12-0086

ADOPTION: Date: _____ Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF RESOLUTION: _____

By Legislators Howland and Yolevich

18.1

Intro. No. ____

RESOLUTION NO. ____ OF 2012

BOND RESOLUTION DATED APRIL 17, 2012

RESOLUTION AUTHORIZING THE ISSUANCE OF \$1,000,000 BONDS OF THE COUNTY OF MONROE, NEW YORK, TO FINANCE THE COST OF THE IMPROVEMENTS TO THE SOUTH CENTRAL TRUNK SEWER OF THE IRONDEQUOIT BAY/SOUTH CENTRAL PURE WATERS DISTRICT, IN AND FOR SAID COUNTY, AT AN ESTIMATED MAXIMUM COST OF \$1,000,000

WHEREAS, the Administrative Board of the Irondequoit Bay/South Central Pure Waters District of the County of Monroe, New York has heretofore duly caused to be prepared, pursuant to Section 268 of the County Law, a map and plan by an engineer duly licensed by the State of New York for improvements of the South Central Trunk Sewer of said District, consisting of repairs, replacement and rehabilitation measures necessary to increase conveyance capacities and maintain structural integrity of the District's South Central Trunk Sewer, all as more fully set forth in such map and plan; and

WHEREAS, a public hearing was held on April 17, 2012, pursuant to Section 268 of the County Law, and thereafter this Legislature of the County of Monroe, New York determined that it was in the public interest to undertake the aforesaid improvements; and

WHEREAS, the requirements of the New York State Environmental Quality Review Act and the regulations promulgated thereunder have been satisfied; and

WHEREAS, it is now desired to provide for the financing of such project;

BE IT RESOLVED BY THE AFFIRMATIVE VOTE OF NOT LESS THAN TWO-THIRDS OF THE TOTAL VOTING STRENGTH OF THE LEGISLATURE OF THE COUNTY OF MONROE, NEW YORK, as follows:

Section 1. For the class of objects or purposes of financing the cost of improvements of the South Central Trunk Sewer of said District, consisting of repairs, replacement and rehabilitation measures necessary to increase conveyance capacities and maintain structural integrity of the District's South Central Trunk Sewer, in and for the County of Monroe, New York (the "County"), there are hereby authorized to be issued \$1,000,000 bonds of the County, pursuant to the provisions of the Local Finance Law. The duly adopted current Capital Budget of the County, to the extent inconsistent herewith, is hereby amended to provide for the appropriation of the amount hereby authorized to pay the cost of the aforesaid class of objects or purposes. The period of probable usefulness of the aforesaid class of objects or purposes is forty (40) years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law.

Section 2. The maximum estimated cost thereof is \$1,000,000, and the plan for the financing thereof is by the issuance of \$1,000,000 bonds of the County herein authorized; provided, however, that to the extent any state and/or federal aid and/or grant is received for the aforesaid purpose, such aid and/or grant shall be used to redeem any outstanding indebtedness incurred for such purpose or shall be applied, dollar for dollar, to reduce the amount of bonds to be issued for such purpose.

Section 3. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations 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. There shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell the bonds and 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 Director of Finance-Chief Financial Officer, the chief fiscal officer of the County under the Local Finance Law. The Director of Finance-Chief Financial Officer may sell such bonds or notes at public or private sale, at a discount or premium, at fixed or variable rates of interest or at no interest whatsoever, or as capital appreciation bonds, and with such amortization of principal as the Director of Finance-Chief Financial Officer shall determine is most favorable to the County, and in compliance with any rules of the State Comptroller applicable thereto. Such bonds or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Director of Finance-Chief Financial Officer, consistent with the provisions of the Local Finance Law. The Director of Finance-Chief Financial Officer may, in the event it is determined to issue variable rate bonds or notes, enter into such agreements as said officer finds reasonable to facilitate the issuance, sale, resale and repurchase of such bonds or notes, as authorized under Section 54.90 of the Local Finance Law. The Director of Finance-Chief Financial Officer is also authorized to enter into such agreements and take such other action as may be necessary or appropriate and lawful to assure that, to the extent possible, (i) interest on the bonds and notes authorized hereby will not be includable in the gross income, for federal income tax purposes, of the recipients thereof, and (ii) to enable the purchaser thereof to comply with Securities and Exchange Commission Rule 15c2-12. The Director of Finance-Chief Financial Officer is hereby further delegated all powers of this County Legislature with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for such bonds or notes, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

Section 5. All other matters, except as provided herein, relating to such bonds or notes, including prescribing whether manual or facsimile signatures shall appear on said bonds or notes, prescribing the method for the recording of ownership of said bonds or notes, appointing the fiscal agent or agents for said bonds or notes, providing for the printing and delivery of said bonds or notes (and if said bonds or notes are to be executed in the name of the County by only facsimile signatures, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, form, denominations, maturities, interest rate or rates, terms of and manner of sale and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Director of Finance-Chief Financial Officer. The Director of Finance-Chief Financial officer may elect to become the fiscal agent for the bonds or notes, or may contract on behalf of the County for this service pursuant to the Local Finance Law. Such bonds or notes 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 Director of Finance-Chief Financial Officer shall determine.

Section 6. The validity of such bonds and bond anticipation notes, as authorized by this resolution or as authorized by any resolution which this resolution supersedes, may be contested only if:

- 1) such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) 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

3) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. This resolution shall constitute a statement of official intent for purposes of Section 1.150-2 of the Treasury Regulations. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 8. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter and the Clerk of the Legislature is hereby authorized and directed to cause this resolution or a summary hereof to be published, together with a notice attached in substantially the form and in the manner provided by Section 81.00 of the Local Finance Law.

Environment and Public Work Committee; February 29, 2012 – CV: 6-0
Ways and Means Committee; February 29, 2012 – CV: 11-0
File No. 12-0086.br

ADOPTION: Date: _____ Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF RESOLUTION: _____

By Legislators Howland and Yolevich

Intro. No. _____

MOTION NO. _____ OF 2012

PROVIDING THAT RESOLUTION (INTRO. NO. 93 OF 2012), ENTITLED "APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN NORTHWEST QUADRANT PURE WATERS DISTRICT - GENERAL PUMP STATION AND INTERCEPTOR IMPROVEMENTS," BE LIFTED FROM THE TABLE

BE IT MOVED, that Resolution (Intro. No. 93 of 2012), entitled "APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN NORTHWEST QUADRANT PURE WATERS DISTRICT - GENERAL PUMP STATION AND INTERCEPTOR IMPROVEMENTS," be lifted from the table.

File No. 12-0088

ADOPTION: Date: _____

Vote: _____

20.1

By Legislators Howland and Yolevich

Intro. No. ____

MOTION NO. ____ OF 2012

PROVIDING THAT RESOLUTION (INTRO. NO. 93 OF 2012), ENTITLED "APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN NORTHWEST QUADRANT PURE WATERS DISTRICT - GENERAL PUMP STATION AND INTERCEPTOR IMPROVEMENTS," BE ADOPTED

BE IT MOVED, that Resolution (Intro. No. 93 of 2012), entitled "APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN NORTHWEST QUADRANT PURE WATERS DISTRICT - GENERAL PUMP STATION AND INTERCEPTOR IMPROVEMENTS," be adopted.

File No. 12-0088

ADOPTION: Date: _____

Vote: _____

By Legislators Howland and Yolevich

Intro. No. 93

RESOLUTION NO. _____ OF 2012

APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN NORTHWEST QUADRANT PURE WATERS DISTRICT - GENERAL PUMP STATION AND INTERCEPTOR IMPROVEMENTS

WHEREAS, the Administrative Board of the Northwest Quadrant Pure Waters District of the County of Monroe, New York has heretofore duly caused to be prepared, pursuant to Section 268 of the County Law, a map and plan by an engineer duly licensed by the State of New York for a proposed increase and improvement of the facilities of said District, consisting of the "General Pump Station and Interceptor Improvements," all as more fully set forth in such map and plan; and

WHEREAS, the County Legislature of the County of Monroe has called a public hearing on the aforesaid increase and improvement of facilities in accordance with the provisions of Section 268 of the County Law, and said public hearing held on the 17th day of April, 2012, at 6:20 P.M. in the Legislative Chambers of the County Office Building, Rochester, New York, in said County; and

WHEREAS, notice of said public hearing was duly published in the manner provided by law and proof thereof has been submitted to said County Legislature; and

WHEREAS, said County Legislature has duly considered the evidence given at said public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to increase and improve the facilities in the Northwest Quadrant Pure Waters District, at a maximum estimated cost of \$500,000, all as more fully described in the preambles hereof.

Section 2. The cost of such increase and improvement shall be assessed against the entire geographic area encompassed by the Northwest Quadrant Pure Waters District.

Section 3. The expenditure proposed for such improvement of facilities in the Northwest Quadrant Pure Waters District is in the public interest and will not constitute an undue burden on the property which will bear the cost thereof; and all real property to be assessed for such expenditure will be benefited by the proposed improvements and no benefited property has been excluded.

Section 4. The increase and improvement of facilities in the Northwest Quadrant Pure Waters District is hereby approved at the maximum amount to be expended.

Section 5. The County Executive or the Director of Finance – Chief Financial Officer are hereby authorized and directed to file applications and execute Project Financing Agreements and any other necessary documents as appropriate, for participation in the New York State Water Pollution Control Revolving Loan Fund (SFR) under applicable laws of New York State to finance all or a portion of the project.

Section 6. The County Executive is hereby authorized and directed to send the Application attached hereto to the New York State Department of Audit and Control.

Section 7. The Administrative Board of the Northwest Quadrant Pure Waters District of said County is hereby directed to proceed with the improvements in the manner set forth in Section 262 of the County Law once approval from the New York State Comptroller has been received consenting to the expenditures for such improvements.

Section 8. The attached Application to the New York State Comptroller for consent to expend funds for such improvements was prepared at the request of the County Legislature and the County Legislature believes the contents of the Application to be accurate

Section 9. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Environment and Public Works Committee; February 29, 2012 - CV: 6-0
Ways and Means Committee; February 29, 2012 - CV: 11-0
File No. 12-0088

ADOPTION: Date: _____ Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF RESOLUTION: _____

By Legislators Howland and Yolevich

21.1

Intro. No. ____

RESOLUTION NO. ____ OF 2012

SUPERSEDING BOND RESOLUTION DATED APRIL 17, 2012

RESOLUTION AUTHORIZING THE ISSUANCE OF \$1,000,000 BONDS OF THE COUNTY OF MONROE, NEW YORK, TO FINANCE THE COST OF IMPROVEMENTS TO THE FACILITIES OF THE NORTHWEST QUADRANT PURE WATERS DISTRICT, INCLUDING GENERAL IMPROVEMENTS TO VARIOUS PUMP STATIONS AND INTERCEPTORS IN THE DISTRICT, IN AND FOR SAID COUNTY, AT AN ESTIMATED MAXIMUM COST OF \$1,000,000 AND SUPERSEDING THE BOND RESOLUTION ADOPTED ON MAY 11, 2011 (RESOLUTION NO. 136 OF 2011)

WHEREAS, the Administrative Board of the Northwest Quadrant Pure Waters District of the County of Monroe, New York has heretofore duly caused to be prepared, pursuant to Section 268 of the County Law, a map and plan by an engineer duly licensed by the State of New York for improvements, including, but not limited to, improvements to various pump stations and interceptors of the District, increase in conveyance capacity of the District's interceptors, facility upgrades to maximize flow distribution and capacities between the District and the Gates-Chili-Ogden Sewer District, and enhancements to the appurtenant communication and data transmission systems; and

WHEREAS, a public hearing was held on April 17, 2012, pursuant to Section 268 of the County Law, and thereafter this Legislature of the County of Monroe, New York determined that it was in the public interest to undertake the aforesaid improvements; and

WHEREAS, the requirements of the New York State Environmental Quality Review Act and the regulations promulgated thereunder have been satisfied; and

WHEREAS, it is now desired to provide for the financing of such project;

BE IT RESOLVED BY THE AFFIRMATIVE VOTE OF NOT LESS THAN TWO-THIRDS OF THE TOTAL VOTING STRENGTH OF THE LEGISLATURE OF THE COUNTY OF MONROE, NEW YORK, as follows:

Section 1. For the class of objects or purposes of financing the cost of improvements to the facilities of the Northwest Quadrant Pure Waters District, in and for the County of Monroe, New York (the "County"), including general improvements to various pump stations and interceptors in the District, there are hereby authorized to be issued \$1,000,000 bonds of the County, pursuant to the provisions of the Local Finance Law. The duly adopted current Capital Budget of the County, to the extent inconsistent herewith, is hereby amended to provide for the appropriation of an additional \$500,000 to pay the cost of the aforesaid class of objects or purposes (\$500,000 having been theretofore appropriated from one or more Capital Budgets). The period of probable usefulness of the aforesaid class of objects or purposes is forty (40) years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law, computed from December 13, 2011, the date of the first obligation issued therefor.

Section 2. The maximum estimated cost thereof is \$1,000,000, and the plan for the financing thereof is by the issuance of \$1,000,000 bonds of the County herein authorized; provided, however, that to the extent any state and/or federal aid is received for the aforesaid purpose, such aid shall be used to redeem any outstanding indebtedness incurred for such purpose or shall be applied, dollar for dollar, to reduce the amount of bonds to be issued for such purpose.

Section 3. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations 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. There shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell the bonds and 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 Director of Finance-Chief Financial Officer, the chief fiscal officer of the County under the Local Finance Law. The Director of Finance-Chief Financial Officer may sell such bonds or notes at public or private sale, at a discount or premium, at fixed or variable rates of interest or at no interest whatsoever, or as capital appreciation bonds, and with such amortization of principal as the Director of Finance-Chief Financial Officer shall determine is most favorable to the County, and in compliance with any rules of the State Comptroller applicable thereto. Such bonds or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Director of Finance-Chief Financial Officer, consistent with the provisions of the Local Finance Law. The Director of Finance-Chief Financial Officer may, in the event it is determined to issue variable rate bonds or notes, enter into such agreements as said officer finds reasonable to facilitate the issuance, sale, resale and repurchase of such bonds or notes, as authorized under Section 54.90 of the Local Finance Law. The Director of Finance-Chief Financial Officer is also authorized to enter into such agreements and take such other action as may be necessary or appropriate and lawful to assure that, to the extent possible, (i) interest on the bonds and notes authorized hereby will not be includable in the gross income, for federal income tax purposes, of the recipients thereof, and (ii) to enable the purchaser thereof to comply with Securities and Exchange Commission Rule 15c2-12. The Director of Finance-Chief Financial Officer is hereby further delegated all powers of this County Legislature with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for such bonds or notes, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

Section 5. All other matters, except as provided herein, relating to such bonds or notes, including prescribing whether manual or facsimile signatures shall appear on said bonds or notes, prescribing the method for the recording of ownership of said bonds or notes, appointing the fiscal agent or agents for said bonds or notes, providing for the printing and delivery of said bonds or notes (and if said bonds or notes are to be executed in the name of the County by only facsimile signatures, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, form, denominations, maturities, interest rate or rates, terms of and manner of sale and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Director of Finance-Chief Financial Officer. The Director of Finance-Chief Financial officer may elect to become the fiscal agent for the bonds or notes, or may contract on behalf of the County for this service pursuant to the Local Finance Law. Such bonds or notes 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 Director of Finance-Chief Financial Officer shall determine.

Section 6. The validity of such bonds and bond anticipation notes, as authorized by this resolution or as authorized by any resolution which this resolution supersedes, may be contested only if:

- 1) such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) 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

3) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. This resolution shall supersede Resolution No. 136 of 2011, being a bond resolution dated May 11, 2011, except to the extent that any indebtedness shall have been contracted or encumbrances made thereunder. The purpose of this superseding bond resolution is to effect the following: to increase the maximum estimated cost of the purpose and the amount of bonds to be issued therefore from \$500,000 to \$1,000,000.

Section 8. This resolution shall constitute a statement of official intent for purposes of Section 1.150-2 of the Treasury Regulations. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, 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. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter and the Clerk of the Legislature is hereby authorized and directed to cause this resolution or a summary hereof to be published, together with a notice attached in substantially the form and in the manner provided by Section 81.00 of the Local Finance Law.

Environment and Public Work Committee; February 29, 2012 – CV: 6-0
Ways and Means Committee; February 29, 2012 – CV: 11-0
File No. 12-0088.br

ADOPTION: Date: _____ Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF RESOLUTION: _____

By Legislators Howland and Yolevich

Intro. No. _____

MOTION NO. _____ OF 2012

PROVIDING THAT RESOLUTION (INTRO. NO. 96 OF 2012), ENTITLED "APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN NORTHWEST QUADRANT PURE WATERS DISTRICT - NORTHWEST QUADRANT SECONDARY CLARIFIER IMPROVEMENTS," BE LIFTED FROM THE TABLE

BE IT MOVED, that Resolution (Intro. No. 96 of 2012), entitled "APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN NORTHWEST QUADRANT PURE WATERS DISTRICT - NORTHWEST QUADRANT SECONDARY CLARIFIER IMPROVEMENTS," be lifted from the table.

File No. 12-0090

ADOPTION: Date: _____ Vote: _____

23.1

By Legislators Howland and Yolevich

Intro. No. ____

MOTION NO. ____ OF 2012

PROVIDING THAT RESOLUTION (INTRO. NO. 96 OF 2012), ENTITLED "APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN NORTHWEST QUADRANT PURE WATERS DISTRICT - NORTHWEST QUADRANT SECONDARY CLARIFIER IMPROVEMENTS," BE ADOPTED

BE IT MOVED, that Resolution (Intro. No. 96 of 2012), entitled "APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN NORTHWEST QUADRANT PURE WATERS DISTRICT - NORTHWEST QUADRANT SECONDARY CLARIFIER IMPROVEMENTS," be adopted.

File No. 12-0090

ADOPTION: Date: _____

Vote: _____

23.2

By Legislators Howland and Yolevich

Intro. No. 96

RESOLUTION NO. ____ OF 2012

APPROVING INCREASE AND IMPROVEMENT OF FACILITIES IN NORTHWEST QUADRANT PURE WATERS DISTRICT - NORTHWEST QUADRANT SECONDARY CLARIFIER IMPROVEMENTS

WHEREAS, the Administrative Board of the Northwest Quadrant Pure Waters District of the County of Monroe, New York has heretofore duly caused to be prepared, pursuant to Section 268 of the County Law, a map and plan by an engineer duly licensed by the State of New York for a proposed increase and improvement of the facilities of said District, consisting of the "Northwest Quadrant Secondary Clarifier Improvements," all as more fully set forth in such map and plan; and

WHEREAS, the County Legislature of the County of Monroe has called a public hearing on the aforesaid increase and improvement of facilities in accordance with the provisions of Section 268 of the County Law, and said public hearing held on the 17th day of April, 2012, at 6:21 P.M. in the Legislative Chambers of the County Office Building, Rochester, New York, in said County; and

WHEREAS, notice of said public hearing was duly published in the manner provided by law and proof thereof has been submitted to said County Legislature; and

WHEREAS, said County Legislature has duly considered the evidence given at said public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to increase and improve the facilities in the Northwest Quadrant Pure Waters District, at a maximum estimated cost of \$6,000,000, all as more fully described in the preambles hereof.

Section 2. The cost of such increase and improvement shall be assessed against the entire geographic area encompassed by the Northwest Quadrant Pure Waters District.

Section 3. The expenditure proposed for such improvement of facilities in the Northwest Quadrant Pure Waters District is in the public interest and will not constitute an undue burden on the property which will bear the cost thereof; and all real property to be assessed for such expenditure will be benefited by the proposed improvements and no benefited property has been excluded.

Section 4. The increase and improvement of facilities in the Northwest Quadrant Pure Waters District is hereby approved at the maximum amount to be expended.

Section 5. The County Executive or the Director of Finance – Chief Financial Officer are hereby authorized and directed to file applications and execute Project Financing Agreements and any other necessary documents as appropriate, for participation in the New York State Water Pollution Control Revolving Loan Fund (SFR) under applicable laws of New York State to finance all or a portion of the project.

Section 6. The County Executive is hereby authorized and directed to send the Application attached hereto to the New York State Department of Audit and Control.

Section 7. The Administrative Board of the Northwest Quadrant Pure Waters District of said County is hereby directed to proceed with the improvements in the manner set forth in Section 262 of the County Law once approval from the New York State Comptroller has been received consenting to the expenditures for such improvements.

Section 8. The attached Application to the New York State Comptroller for consent to expend funds for such improvements was prepared at the request of the County Legislature and the County Legislature believes the contents of the Application to be accurate

Section 9. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Environment and Public Works Committee; February 29, 2012 - CV: 6-0
Ways and Means Committee; February 29, 2012 - CV: 11-0
File No. 12-0090

ADOPTION: Date: _____ Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF RESOLUTION: _____

**AN APPLICATION OF THE COUNTY OF MONROE
FOR CONSENT BY THE STATE COMPTROLLER
TO EXPENDITURES FOR THE MONROE COUNTY NORTHWEST QUADRANT
PURE WATERS SEWER DISTRICT
PURSUANT TO SECTION 268
OF THE COUNTY LAW**

TO THE COMPTROLLER OF THE STATE OF NEW YORK

State Department of Audit and Control
110 State Street
14th Floor
Albany, New York 12236

Sir:

The petition of the County Legislature of the County of Monroe, State of New York for consent to expenditures for the County's Northwest Quadrant Pure Waters Sewer District, pursuant to Section 268 of the County Law, respectfully shows:

- (a) Documents and information required to be included by the provisions of County Law pursuant to which this Application is being made:
 - Map, Plan and Estimate of Cost (Attachment #1).
 - Notice of Hearing (Attachment #2).
 - Public Interest/Determinations Resolution Approving the Application (Attachment #3).

- (b) The proposed expenditures relate to installation of an additional secondary clarifier tank at the District's Wastewater Treatment Plant (WWTP) as more fully set forth in the map, plan and estimate of cost (see Attachment #1).

All work has been designed by a currently licensed New York State Professional Engineer.

- (c) The maximum cost of the proposed improvements is \$6,000,000 further broken out in the map, plan and estimate of cost.

- (d) In considering its determination that the proposed improvements are in the public interest, the County Legislature considered the content of the map, plan and estimate of cost to conclude that the proposed improvements are necessary and all property upon which the user charges are to be imposed will be benefited by the improvements and no benefited property has been excluded.
- (e) The proposed method of financing the cost of the improvements shall be through the issuance of County obligations payable over 20 years at an anticipated interest rate of 4.50%. There are no grants currently available to offset costs of the improvements. (See Exhibit C.)

This proposed financing is deemed reasonable under current market conditions.

- (f) There is no increased operating and maintenance cost to the District as a result of the proposed improvements. IMPROVEMENTS SHOULD REDUCE O&M COST DUE TO INCREASED EFFICIENCY OF NEW EQUIPMENT, ETC.
- (g) Debt Service for the proposed serial bonds shall be raised through user charges imposed and collected from the several lots and parcels within the District based upon user charges.
- (h) The aggregate assessed valuation of the taxable property within the District as shown on the latest completed assessment rolls is \$8,278,582,104.
- (i) This application for consent to the expenditures for the improvements is not being made under Section 54 or 209-q of Town Law.
- (j) There are no Zones of Assessment in the District.
- (k) The average full valuation of the taxable real property of the County, computed pursuant to the first paragraph of subdivision seven-a of section 2.00 of the Local Finance Law is \$38,157,175,675.
- (l) The County has completed a debt statement and is attached as Exhibit A.
- (m) The current tax rates applicable to the taxable real property which will bear the cost of the proposed improvements are attached as Exhibit B.
- (n) The assessed valuation of a "typical property" in the District is \$131,686.
- (o) It is estimated that the typical property owner in the District will be required to pay the total shown below in the first year following approval of the Application (calculated as set forth below):

<u>Current 2012</u>		<u>2013 (proposed improvements only)</u>
Debt Service:	\$28.56	\$7.99
O&M:	<u>78.40</u>	
Total:	\$106.96	

- (p) The maximum amount any real property owner (Alumni Association State University College at Brockport, 75 College Street) will be required to pay in the first year following approval of this Application, if granted (calculated as set forth below), is as follows:

<u>Current 2012</u>	<u>2013 (proposed improvements only)</u>
Debt Service: \$ 33,843.60	\$9,468.15
O&M: <u>91,744.80</u>	
Total: \$125,558.40	

- (q) The area which will bear the cost of the *proposed* District improvements contains "state lands", however, they are all wholly exempt from County sewer district capital costs.
- (r) No part of the area which will bear the cost of the *proposed* District improvements is wholly or partially within an existing or proposed agricultural.
- (s) The population of the District is 157,054. The number of one family homes in the District is 47,279. The number of two family homes in the District is 644. The various improvements contemplated are not predicated on any future development plans but should accommodate general growth throughout the District.
- (t) It is not contemplated at this time that sewer service will be sold to users outside the District.
- (u) There are no State or other orders relating to the improvements proposed.
- (v) The County has conducted a number of formal and informal meetings and discussions with the interested parties concerning the improvements proposed.
- (w) The County has not received any written objections from any of the owners of the real property that will bear the cost of the improvements.

APPENDIX
LIST OF ATTACHMENTS

- #1. Map, Plan and Estimate of Cost**
- #2. Notice of Hearing**
- #3. Public Interest/Determinations Resolution Approving the Application
(Certified Copy)**
- #4. Counsel Opinion**

- Exhibit A Debt Statement**
- Exhibit B Tax Rates**
- Exhibit C Financial Advisor Letter**

VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF MONROE)

I, _____, being duly sworn, deposes and says that he/she is the _____ of the County of Monroe, New York, the corporation named in the within entitled action; that he/she has read the foregoing application and knows the content thereof; and that the same is true to his/her own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters he/she believes it to be true.

County of Monroe

Sworn to before me this ____ day of April, 2012.

REPORT ON
THE MAXIMUM AMOUNT TO BE EXPENDED FOR AN
INCREASE AND IMPROVEMENT OF FACILITIES



SEWERAGE FACILITY IMPROVEMENTS
NORTHWEST QUADRANT PURE WATERS DISTRICT
MONROE COUNTY, NEW YORK

January 2012

Monroe County
Department of Environmental Services
CityPlace, 50 West Main Street, Suite 7100
Rochester, New York 14614-1228

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I. Summary

1. The Northwest Quadrant Pure Waters District (District) is a County sewer district formed in 1968 to serve the Towns of Greece, Parma, Hamlin, Clarkson, Sweden, and a portion of Ogden, including the Villages of Brockport, Hilton, and Spencerport.
2. The District constructed a wastewater treatment plant and interceptor system, including three pump stations in the early 1970s. The stations include the Island Cottage, Flynn Road, and Buttonwood Pump Stations.
3. Improvements to the Northwest Quadrant Wastewater Treatment Plant (NWQ WWTP) were previously authorized, including replacement of the Buttonwood Force Main influent connection to the WWTP headworks, flow monitoring equipment, design of a second centrifuge installation, replacement of motor control centers, rebuilding the first centrifuge, evaluation of aerators, installation of an additional secondary clarifier and general improvements including the replacement of equipment to maintain environmentally compliant operations and address equipment reaching the end of its useful service life.
4. Improvements to the Island Cottage and Flynn Road Pump Stations were previously authorized, including enhancements to driveway and parking areas for vehicular access and electrical system upgrades to accommodate required emergency backup power systems.
5. Improvements for a major regional sewer project including a new pump station and force main to convey wastewater from the Village of Spencerport, in the Town of Ogden, to existing District sewers in North Gates, in the Town of Gates were previously authorized. The improvements allowed the Village to decommission its wastewater treatment plant, a point source discharge to Northrup Creek, consistent with Monroe County Pure Waters' Master Plan recommendations regarding regional wastewater conveyance, treatment, and water quality initiatives.
6. The District's pump stations and interceptor sewers require additional improvements, including general improvements to various pump stations and interceptor sewers and appurtenant communication and data transmission systems to maintain environmentally compliant operations and address equipment reaching the end of its useful service life.
7. The NWQ WWTP requires additional improvements to the new secondary clarifier to maintain environmentally compliant operations.
8. An Increase and Improvement of Facilities in the amount of \$6,500,000 will be required to finance these improvements.

II. Purpose

1. The purpose of these improvement projects is the repair, replacement, rehabilitation or reconstruction of the District's sewerage facilities, whether or not including land or rights in land, or original furnishings, equipment, machinery or apparatus appurtenant thereto with periods of probable usefulness of 20 years.

III. Proposed Improvements

1. *General Pump Station and Interceptor Improvements*

The District will make general improvements to various pump stations and interceptor sewers, including enhancements to appurtenant communication and data transmission systems.

2. *Northwest Quadrant Secondary Clarifier Improvements*

The District will install an additional secondary clarifier tank and appurtenant mechanical and electrical systems.

3. *Project Cost Summary*

<u>Project</u>	<u>Cost Estimate</u>
General Pump Station and Interceptor Improvements	\$ 500,000
<u>Northwest Quadrant Secondary Clarifier Improvements</u>	<u>\$ 6,000,000</u>
Total Project Costs	\$ 6,500,000

IV. User Charges

The District intends to finance the improvements through the issuance of \$6,500,000 in bonds. Implementation of these improvements could result in an increase of \$0.67 and \$7.99, respectively, for a total increase of \$8.66 to the capital rate portion of the average District homeowner's annual bill. The current capital rate for the average District homeowner is \$28.56. The 2012 rate for an average house in the District is \$106.96, including both operation & maintenance and capital rate portions, based on water consumption of 60,000 gallons.

V. Conclusions

1. Improvements are necessary to maintain the District's sewerage facilities.
2. Approval of the issuance of \$6,500,000 in bonds is necessary to provide for the planning, design, and construction of the proposed improvements.
3. The impact on District user charges resulting from the proposed improvements is reasonable.

VI. Recommendations

The District Administrative Board and County Legislature should take the following specific action:

1. Approve submission to the County Legislature of a request to establish an Increase and Improvement of Facilities in the Northwest Quadrant Pure Waters District at a total cost of \$6,500,000.
2. Adopt a resolution calling for a Public Hearing for the proposed maximum amount to be expended for an Increase and Improvement of Facilities
3. Publish a notice of Public Hearing in the official newspapers of the County not less than 10, or more than 20, days before the hearing.
4. Following the Public Hearing, adopt a resolution approving the Increase and Improvement of Facilities and the maximum amount to be expended; and adopt a bond resolution authorizing issuance of \$6,500,000 in bonds, all subject to the approval of the State Comptroller if required.
5. Authorize filing of applications and execution of Project Financing Agreements and any other necessary documents by the County Executive or the Chief Financial Officer, as appropriate for participation in the New York State Water Pollution Control Revolving Loan Fund (SRF) under the applicable laws of New York State to finance all or a portion of this sewage facility improvement project.