

AS ACTED UPON DURING A DULY NOTICED OPEN MEETING OF THE TOWN BOARD OF THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK, HELD AT THE HENRIETTA TOWN HALL AT 475 CALKINS ROAD, HENRIETTA, NEW YORK ON SEPTEMBER 6, 2017 AT 7:00 P.M.

RESOLUTION #15-173/2017

On Motion of
Councilman Adair

Seconded by
Councilman Breese

WHEREAS, for many years, the Town of Henrietta (the "Town") has proudly provided library services through the Town of Henrietta Public Library (the "Henrietta Library"), which serves approximately 1,000 people per day, and

WHEREAS, the current building housing the Henrietta Library is more than 35 years old, and, given the changes in library operations, technology, library design as well as the changing needs and preferences of patrons, the current building housing the Henrietta Library is no longer adequate to serve the needs of the Town, and

WHEREAS, given the significant cost of renovating the existing building, and given the expanded space needs of the Henrietta Library, the Town of Henrietta Library Board of Trustees as well as the Henrietta Library staff support and recommend the construction of a new building for the Henrietta Library, and

WHEREAS, the Henrietta Town Board, along with support from the Henrietta Library staff, Town staff and Town consultants have been examining and considering the construction of a new building for the Henrietta Library (the "Library Project"), but will consider moving forward only if the voters of the Town of Henrietta agree, and

WHEREAS, therefore, the Town Board seeks to submit to the voters of the Town of Henrietta at the upcoming 2017 November general election the question of whether the Town should proceed with financing the Library Project, and

WHEREAS, the Town estimates that the total maximum aggregate cost of the Library Project will approximate \$12,500,000.00, and

WHEREAS, the Town Board will authorize financing \$10,000,000.00 of the cost, subject to voter approval, while the remaining amount is planned to be paid as follows: \$2,500,000.00 out of the general fund, fund balance, grants, donations and/or other unanticipated revenues, and

WHEREAS, in connection with the construction of the Town of Henrietta Library, the landowner adjoining the Town of Henrietta Recreation Center has offered to transfer lands sharing a boundary with the Town of Henrietta Recreation Center (and fronting on Calkins Road) (the "Lands") for no cash consideration, so long as the Town agrees to construct that public road, and

WHEREAS, due to the proximity of said Lands to the Town Recreation Center and Town Hall, the construction of the Library Project on said Lands would further the goal of creating a Henrietta "Town Center" to provide Town services in a central location, and

WHEREAS, because the Town was planning to create common vehicular access between the Town facilities as part of its Town Center goal, and because the owner has offered to transfer said Lands for no cash consideration, the Town seeks to acquire the Lands, and

WHEREAS, in preparation for consideration of the Library Project at the upcoming general election, the Town Board seeks to provide the public with additional information, including holding a public informational meeting on the Library Project on September 14, 2017 @ 6:00 p.m. at the Town Hall Main Meeting Room, and

WHEREAS, the Town, acting as lead agency pursuant to the State Environmental Quality Review Act ("SEQR"), completed its environmental review of the proposed Library Project on July 15, 2015, duly issued a negative declaration and determined that it would not result in any significant adverse environmental impacts, and, pursuant to the opinion of the Town's engineer and the Town Attorney, said SEQR review properly and sufficiently addresses any proposed environmental impacts of the currently proposed Library Project.

THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Henrietta, New York, that the Henrietta Town Board will seek to finance the construction of a Library Project, but only if the residents of the Town of Henrietta agree, all pursuant to a bond resolution to be hereinafter adopted.

BE IT FURTHER RESOLVED, that in preparation for consideration of the Library Project at the upcoming general election on November 7, 2017, the Town Board will provide the public with additional information, including holding a public informational meeting on the Library Project on September 14, 2017 @ 6:00 p.m. at the Henrietta Town Hall Main Meeting Room.

BE IT FURTHER RESOLVED, that, so long as the voters of the Town of Henrietta approve the financing of the Library Project, the Town of Henrietta is authorized to acquire the Lands comprising of approximately 2.791 acres, located at Lot R-3A of the Henrietta Library Subdivision, all pursuant to an agreement with the owner of the Lands, 2695 Commercial, LLC, which agreement is hereby approved.

Duly put to a vote:

Councilwoman Zinck	voting	Aye
Councilman Page	voting	Aye
Councilman Breese	voting	Aye
Councilman Adair	voting	Aye
Supervisor Moore	voting	Aye

Carried

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RESOLUTION #15-174/2017

On Motion of
Councilman Breese

Seconded by
Councilman Page

EXTRACT OF MINUTES OF MEETING OF THE TOWN BOARD
ADOPTING BOND RESOLUTION

At a meeting of the Town Board of the Town of Henrietta, Monroe County, New York, held at the Henrietta Town Hall in Henrietta, New York, on the 6 day of September 2017:

PRESENT: Supervisor Jack W. Moore
Councilwoman Janet B. Zinck
Councilman M. Rick Page
Councilman Kenneth Breese
Councilman Scott Adair

ABSENT: None

Councilman Breese presented the following resolution and duly moved that it be adopted and was seconded by Councilman Page:

BOND RESOLUTION DATED SEPTEMBER 6, 2017 OF THE TOWN BOARD OF THE TOWN OF HENRIETTA, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE CERTAIN CAPITAL IMPROVEMENTS INVOLVING CONSTRUCTION OF A PUBLIC LIBRARY FACILITY, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the Henrietta Town Board (the "Town") is considering authorizing the financing of the construction of a new building for the Town of Henrietta Public Library (the "Library Project"), so long as the electors of the Town of Henrietta agree, and

WHEREAS, the Town of Henrietta (the "Town"), acting as lead agency pursuant to the State Environmental Quality Review Act and the applicable regulations promulgated thereunder ("SEQR"), completed its environmental review of the proposed Library Project on July 15, 2015, duly issued a negative declaration and determined that the implementation of the type I action as proposed will not result in any significant adverse environmental impacts, and

BE IT FURTHER RESOLVED, by the Town Board of the Town of Henrietta, New York (hereinafter referred to as the "Town"), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Town of Henrietta shall undertake certain capital improvements consisting of construction of a new facility for the Town of Henrietta Public Library, including a building and various site and other incidental improvements in connection therewith and the acquisition of original furnishings, equipment, machinery or apparatus that may be required in connection therewith for such construction and Town use (hereinafter referred to as "purpose") at a maximum estimated aggregate cost of \$12,500,000.00, and the issuance of general obligation serial bonds in an aggregate principal amount not to exceed \$10,000,000.00 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose, which amount is hereby appropriated.

Section 2. The estimated maximum aggregate cost of said purpose, which may include preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$12,500,000.00. The plan for financing of said purpose is to provide up to \$10,000,000.00 by issuance of bonds or bond anticipation notes as herein authorized, and to provide the balance of such maximum cost by the amount of available fund balance to be made available in addition to any donations, grants and/or unanticipated revenues, presently estimated to be up to an aggregate of \$2,500,000.00.

Section 3. It is hereby determined and declared that (a) such building shall be a class "A" building as defined in Subdivision 11 of Paragraph a of Section 11.00 of the Local Finance Law, and said purpose is one of the class of objects or purposes described in Subdivision 11 Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is thirty (30) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are not issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes.

Section 5. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without

limitation, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, including without limitation, the authority to determine whether to accept bids electronically to the extent allowed by Section 58.00 of the Local Finance Law, is hereby delegated to the Town Supervisor, the Town's chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Town of Henrietta.

Section 7. The faith and credit of the Town of Henrietta, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. After compliance with Section 9 hereof, this resolution shall be published in full by the Town Clerk of the Town of Henrietta together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by law. The validity of said bonds and bond anticipation notes issued in anticipation of the sale of said serial bonds, may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This financing authorized by this resolution, before becoming effective, shall be approved by the qualified voters of said Town at the general election to be held on November 7, 2017, pursuant to Section 10 below.

Section 10. The following notice of referendum, and the ballot proposition set forth therein, is hereby approved, and the Town Clerk is hereby authorized and directed to publish and post such notice pursuant to law:

NOTICE OF REFERENDUM AT GENERAL ELECTION

NOTICE IS HEREBY GIVEN that a referendum in and for the Town of Town of Henrietta, Monroe County, New York, will be held at the general election on Tuesday, November 7, 2017, and the polls for such referendum shall be kept open for the purpose of voting on such proposition between the hours of 6:00 a.m. and 9:00 p.m., Prevailing Time, for the purpose of submitting the following described proposition for the approval of the qualified electors of said Town:

PROPOSITION

Shall the bond resolution adopted by the Town Board of the Town of Henrietta, New York, dated September 6, 2017, authorizing the issuance of up to \$10,000,000.00 of general obligation serial bonds of the Town to pay for the costs of certain capital

improvements consisting of construction of a new facility for the Town of Henrietta Public Library, including a building and various site and other incidental improvements in connection therewith and the acquisition of original furnishings, equipment, machinery or apparatus that may be required in connection therewith for such construction and Town use, at a maximum estimated aggregate cost of \$12,500,000.00; providing for the issuance of bond anticipation notes; determining that the period of probable usefulness and maximum permissible term of any borrowing is thirty years; and pledging the faith and credit of the Town to the payment of such debt obligations and the interest thereon, be approved?

The Town, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder ("SEQR"), has completed its environmental review and, on July 15, 2015, has duly issued a negative declaration and has determined that the implementation of the type I action as proposed will not result in any significant adverse environmental impacts.

A copy of the bond resolution referred to in the aforesaid proposition is on file in the office of the Town Clerk of said Town, where the same may be examined by any interested persons during regular business hours.

Dated: September 6, 2017

BY ORDER OF THE TOWN BOARD OF THE TOWN OF
HENRIETTA, MONROE COUNTY, NEW YORK

By: Rebecca B. Wiesner
Town Clerk

The motion having been duly seconded, it was adopted and the following votes were cast:

Duly put to a vote:		
Councilwoman Zinck	voting	Aye
Councilman Page	voting	Aye
Councilman Breese	voting	Aye
Councilman Adair	voting	Aye
Supervisor Moore	voting	Aye
	Carried	

NOTICE PURSUANT TO LOCAL FINANCE LAW SECTION 81.00

The bond resolution published herewith was adopted on September 6, 2017, and the validity of the obligations authorized by such bond resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Henrietta is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution. The bond resolution was approved at the voter referendum on November 7, 2017 pursuant to Section 35.00 of the Local Finance Law.

_____, Town Clerk
Town of Henrietta, New York

