

The December 6th, 2023 Town of Tioga Special Board Meeting was brought to order at 6:37pm. Present were Councilman Drew Griffin, Councilman Paul Welch, Councilman Gerald Hyatt with Deputy Supervisor Robert Strong presiding.

Councilman Griffin made the motion to approve Resolution #12-2023 as presented to the Board, Councilman Welch seconded, carried.

Roll call vote:

Councilman Hyatt – Aye

Deputy Supervisor Strong – Aye

Councilman Griffin – Aye

Councilman Welch – Aye

RESOLUTION #12-2023

RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE REPLACEMENT OF THE BRIDGE ON DIAMOND VALLEY ROAD, IN AND FOR THE TOWN OF TIOGA, TIOGA COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$1,602,601.00 AND AUTHORIZING THE ISSUANCE OF \$1,602,601.00 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which as said, it has been determined will not have any significant adverse impact on the environment; and

WHEREAS, it is now desired to authorize the financing of such capital project, **NOW THEREFORE**,

BE IT RESOLVED, by the Town Board of the Town of Tioga, Tioga County, New York, as follows:

Section 1 The replacement of the bridge on Diamond Valley Road over Neiger Hollow Creek, including original furnishings, equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$1,602,601.00.

Section 2 The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$1,602,601.00 bonds of said Town, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; **PROVIDED, HOWEVER**, that to the extent that any grants-in-aid are received for such purposes, the amount of obligations to be issued pursuant to this resolution shall be reduced dollar for dollar.

Section 3 It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years, pursuant to subdivision 10 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby determined that the maximum maturity of the serial bonds herein authorized **will exceed five years**.

Section 4 The faith and credit of said Town of Tioga, Tioga County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds 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 bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5 Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell 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 Supervisor of said Town, the chief fiscal officer. Such notes shall be of such terms, form and contents and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6 All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required in Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7 The validity of such bonds and bond anticipation notes may be considered only if:

1. Such obligations are authorized for an object or purpose for which said Town 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 days after the date of such publication, or

3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 8 This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. 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 object or purpose described herein.

Section 9 Upon this resolution taking effect, the same shall be published in full or summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10 **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

Councilman Griffin made the motion to approve Resolution #13-2023 as presented to the Board as completed, Councilman Hyatt seconded, carried.

Roll call vote:

Councilman Hyatt – Aye
Councilman Griffin – Aye

Deputy Supervisor Strong – Aye
Councilman Welch – Aye

RESOLUTION #13-2023
2022 NY BRIDGE PROJECT FUNDED WITH BFP OFF -SYSTEM
LOCALLY ADMINISTERED

Authorizing the implementation and funding of the costs of a transportation project, which, may be eligible for federal-aid and/or state-aid, or reimbursement from Bridge NY funds.

WHEREAS, a project for the Diamond Valley Road over Neiger Hollow Creek Bridge Replacement (BIN 2219000) (BNY22) in the Town of Tioga, County of Tioga, P.I.N. 9755.62 (the “project”) is eligible for funding under Title 23 U.S. Code, as amended and PUB. L. 1167-58 also known as the “Bipartisan Infrastructure Law” (BIL); and

WHEREAS, the Town of Tioga will design, let, and construct the Project; and

WHEREAS, the Town of Tioga desires to advance the Project by making a commitment of 100% of the costs of the Preliminary Engineering/Design and Right-of-Way Incidentals work for the Project or portions thereof.

NOW, THEREFORE, the Town of Tioga Board, duly convened does hereby

RESOLVE, that the Town of Tioga Board hereby approves the Project; and it is hereby further

RESOLVED, that the Town of Tioga Board hereby authorizes the Town of Tioga to pay 100% of the cost pf the Preliminary Engineering/Design and Right-of-Way Incidentals work for the project portions thereof, with the understanding that qualified costs may be eligible for federal-aid, or reimbursement from Bridge Ny finds; and it is further

RESOLVED, that the sum of \$261,000.00 is hereby appropriated from Highway Savings (or, appropriated pursuant to Highway Savings) and made available to cover the cost of participation in the above phase(s) of the Project; and it is further

RESOLVED, that the Tioga Town Board hereby agrees that the Town of Tioga shall be responsible for all costs of the Project which exceed the amount of federal-aid, state-aid, of NY Bridge Funding awarded to the Town of Tioga; and it is further

RESOLVED, that in the event the Project costs not covered by federal-aid, state-aid, or NY Bridge Funding exceed the amount appropriated above, the Town of Tioga Board shall convene as soon as possible to

appropriate said excess amount immediately upon the notification by the Town Bookkeeper of the Town of Tioga; it is further

RESOLVED, that the Town of Tioga hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the project shall be completed within thirty (30) months; and it is further

RESOLVED, that the Town Supervisor of the Town of Tioga be and is hereby authorized to execute on behalf of the Town of Tioga all necessary agreements, certifications, or reimbursement requests for federal-aid and/or state-aid with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's funding of the Project costs and permanent funding of the local share of federal-aid and state-aid Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project, and it further

RESOLVED, this Resolution shall take effect immediately.

Councilman Hyatt made the motion to adjourn at 6:47pm, Councilman Welch seconded, carried.

Tiffany Middendorf
Tioga Town Clerk