

**NOTICE OF SPECIAL ELECTION
OF THE QUALIFIED VOTERS OF THE
TOWN OF CARROLLTON JOINT FIRE DISTRICT
IN THE TOWN OF CARROLLTON,
CATTARAUGUS COUNTY, NEW YORK**

TO THE QUALIFIED VOTERS OF THE TOWN OF CARROLLTON JOINT FIRE DISTRICT, in the Town of Carrollton, Cattaraugus County, New York.

Those qualified to vote on the following resolution are those qualified voters who shall have resided in said Fire District for thirty days preceding such election and have registered to vote with the Cattaraugus County Board of Election on or before 23 days before this particular election.

PLEASE TAKE NOTICE that a Special Fire District Election in and for the Town of Carrollton Joint Fire District, Town of Carrollton, Cattaraugus County, will take place on Tuesday, October 29, 2024, between the hours of 6:00 P.M. to 9:00 P.M. At the Town of Carrollton Municipal Complex Building, 640 Main Street, Limestone, New York for voting upon the following resolution.

Shall the following resolution, "BOND RESOLUTION," duly adopted by the Board of Fire Commissioner of said Fire District on September 17, 2024, be approved?

BOND RESOLUTION

BOND RESOLUTION OF THE BOARD OF FIRE COMMISSIONERS OF THE TOWN OF CARROLLTON JOINT FIRE DISTRICT IN THE TOWN OF CARROLLTON, CATTARAUGUS COUNTY, NEW YORK, AUTHORIZING THE ACQUISITION OF A USED FIRE FIGHTING VEHICLE, INCLUDING ALL RELATED, INCIDENTAL AND OTHER MISCELLANEOUS APPARATUS; INCLUDING COST OF FINANCING, LEGAL FEES, AND OTHER MISCELLANEOUS EXPENSES, AT A MAXIMUM ESTIMATED COST OF \$300,000.00; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$300,000.00 IN SERIAL BONDS OF SAID FIRE DISTRICT TO FINANCE THE COST THEREOF

WHEREAS the Board of Fire Commissioners (the "Board") of the Town of Carrollton Joint Fire District in the Town of Carrollton, Cattaraugus County, New York (the "District") proposes to undertake the acquisition of a used 2014 custom top mount rescue pumper fire fighting vehicle, with a 750-gallon poly tank, a 1500 GPM Hale pump, a foam system with a 25-gallon tank including all related, incidental and other miscellaneous apparatus (the "Project "or the Acquisition "), and to finance the cost thereof through the issuance of up to \$300,000.00 in serial bonds of the District; and

WHEREAS the Board now wishes to appropriate funds for the Project and authorize the issuance of the District's serial bonds and bond anticipation notes to finance the acquisition cost of the aforementioned specific object or purpose.

WHEREAS, the Board, by resolution adopted on September 17, 2024, immediately before the consideration and voting on this resolution, determined according to the State Environmental Quality Review Act of the Department of Environmental Conservation promulgated thereunder (6 NYCRR Part 617.5(c)) (collectively, "SEQRA") that the

Acquisition constitutes a “Type II” action within the meaning of SEQRA and therefore no further action need be taken by the Board under SEQRA as a pre-condition to either undertaking the project or adopting this resolution; and

NOW, THEREFORE, THE BOARD OF FIRE COMMISSIONERS OF THE TOWN OF CARROLLTON JOINT FIRE DISTRICT IN THE TOWN OF CARROLLTON, CATTARAUGUS COUNTY, NEW YORK, (DISTRICT) HEREBY RESOLVES (by the affirmative vote of not less than three-fifths of all the members of such body), AS FOLLOWS:

SECTION 1. By resolution passed before this resolution, it is hereby determined that the Project, Acquisition, and the financing thereof constitute a “Type II” action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (16 N.Y.C.R.R. Section 617.5(25)) (collectively, “SEQRA”) and that the Board need take no further action under SEQRA concerning the Project or Acquisition as a condition precedent to the adoption of this resolution.

SECTION 2. The District is hereby authorized to undertake the Project and Acquisition and to issue up to \$300,000.00 principal amount of serial bonds (including, for this purpose, statutory installment bonds) according to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the “Law”) to finance the estimated cost of the Acquisition, which is authorized to \$300,000.00.

SECTION 3. The District is hereby authorized to (i) undertake the acquisition of one used fire fighting vehicle, including incidental equipment and expenses in connection therewith, at a maximum estimated cost of \$300,000.00 (ii) to expend and reimburse \$ 2,500 from the District’s existing general fund to pay a portion of the cost and deposit thereof, and (iii) issue serial bonds of the District (including statutory installment bonds) in the principal amount of \$300,000.00 in serial bonds or bond anticipation notes in anticipation of such bonds, according to provisions of Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the “Law”) to finance a portion of the cost of the aforementioned specific object or purpose.

SECTION 4. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose, including all incidental and financing costs, is approximately \$ 300,000.00; said amount is hereby appropriated, therefore and the plan for the funding thereof shall consist of the issuance of up to \$ 300,000.00 in serial bonds of the District authorized to be issued under Section 1 of this resolution, or bond anticipation notes issued in anticipation of such serial bonds, and (b) the levy and collection of taxes on all the taxable real property in the District to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

SECTION 5. It is hereby determined that the period of probable usefulness for specific objects or purposes is twenty (20) years, according to subdivision 27 of Section 11.00 of the Law.

SECTION 6. The temporary use of available funds of the Town of Carrollton Joint Fire District, not immediately required for the purpose or purposes for which the same were borrowed, raised, or otherwise created, is hereby authorized under Section 165.10 of the Law for the capital purposes described in Section 1 of this resolution. The District shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by this resolution. This resolution shall constitute a declaration of “official intent” to reimburse the expenditures approved by Section 2 hereof with the proceeds of the bonds and notes authorized herein, as required by the United States Treasury Regulations Section 1.150-2.

SECTION 7. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the District, payable as to both principal and interest by a general tax upon all the real property within the District subject to applicable statutory limits, if any. The faith and credit of the District are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds, and bond anticipation notes and provisions shall be made annually in the budget of the District by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 8. Subject to the provisions of this resolution and of the Law, according to the requirements of Section 30.00 relative to the authorization of the issuance of serial bonds and bond anticipation notes or the renewals of said obligations and of Sections 21.00, 50.00, 54.90, 56.00 through 60.00, 62.10 and 63.00 of the Law, the powers and duties of the Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form, and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining annual debt service and all matters related to that, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Town of Carrollton Joint Fire District Treasurer, as the chief fiscal officer of the District (the "District Treasurer"). Further, according to paragraph b. of Section 11.00 of the Law, if bonds authorized by this resolution are combined for sale, according to paragraph c. of Section 57.00 of the Law, with bonds to be issued for any of the other objects or purposes authorized by other resolutions of the Board, then the power of the Board to determine the "weighted average period of probable usefulness" (within the meaning of paragraph a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the District Treasurer, as the chief fiscal officer of the District.

SECTION 9. The District Treasurer is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes according to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as "qualified tax-exempt bonds" per Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The District Treasurer is further authorized to enter a continuing disclosure undertaking with or for the benefit of the initial purchaser of the bonds or notes in compliance with the provisions of Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended.

SECTION 11. This resolution intends to give the District Treasurer sufficient authority to execute those applications, agreements, and instruments or to do any similar acts necessary to affect the issuance of the previously mentioned serial bonds or bond anticipation notes without resorting to further action of the Board.

SECTION 12. Under Section 38.00 of the Law, this resolution shall be subject to a mandatory referendum to be held at a special election on Tuesday, October 29, 2024, in the manner prescribed by Sections 175 and 179 of the Town Law of the State of New York. This resolution shall not take effect until approved by the affirmative vote of a majority of the duly qualified voters of the District voting on such proposition.

SECTION 13. As soon as reasonably possible after the date that this resolution takes effect, the Secretary of the Town of Carrollton Joint Fire District is hereby authorized and directed to cause a copy of this resolution, or a summary hereof, to be published in the official newspaper of the District for such purposes. Such a resolution or summary thereof is to be posted following the Town Law, together with a notice from the Secretary of the District in the form provided in Section 81.00 of the Law.

SECTION 14. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the District is not authorized to expend money; or*
- (b) the provisions of law that should be complied with at the date of the publication of such resolution are not adhered to, and an action, suit, or proceeding to contest such validity is commenced within twenty (20) days after the date of such publication; or*
- (c) Such obligations are authorized in violation of the constitution's provisions.*

The adoption of the preceding resolution was duly put to a vote, and upon roll call, the vote was as follows:

<i>Chairperson</i>	<i>James Frick</i>	<i>Yes</i>
<i>Commissioner</i>	<i>Donald Jacoby</i>	<i>Yes</i>
<i>Commissioner</i>	<i>Larry Bateau</i>	<i>Yes</i>
<i>Commissioner</i>	<i>Michael Soper</i>	<i>Yes</i>
<i>Commissioner</i>	<i>Sheri Ambuske</i>	<i>Yes</i>

The Resolution was duly adopted subject to the above-mentioned Mandatory Referendum outlined in Section 12.

Dated September 17, 2024

Debra Soper, Secretary/Treasurer
Town of Carrollton Joint Fire District
640 Main Street
Limestone, New York 14763

**BY ORDER OF THE BOARD OF FIRE COMMISSIONERS OF THE TOWN OF
CARROLLTON JOINT FIRE DISTRICT, NEW YORK**

By Debra Soper, Secretary
BOARD OF FIRE COMMISSIONERS
Town of Carrollton Joint Fire District
P.O. Box 353
Limestone, New York 14753

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

I, the undersigned Secretary of the Town of Carrollton Joint Fire District in the Town of Carrollton, Cattaraugus County, New York, DO HEREBY CERTIFY as follows:

1. I am the duly qualified and acting Secretary of the Town of Carrollton Joint Fire District in the Town of Carrollton, Cattaraugus County, New York (the "District") and the custodian of the records of the District, including the minutes of the proceedings of the Board of Fire Commissioners, and am duly authorized to execute this certificate.

2. A meeting of the Board of Fire Commissioners of the Town of Carrollton Joint Fire District in the Town of Carrollton, Cattaraugus County, New York, was held on September 17, 2024, and the Minutes of said meeting have been duly recorded in the Minute Book kept by me in accordance with law to record the minutes of meetings of said Board.

3. Attached hereto is a true and correct copy of a board resolution duly adopted at a meeting of the Board of Fire Commissioners held on September 17, 2024, and entitled:

BOND RESOLUTION OF THE BOARD OF FIRE COMMISSIONERS OF THE TOWN OF CARROLLTON JOINT FIRE DISTRICT IN THE TOWN OF CARROLLTON, CATTARAUGUS COUNTY, NEW YORK, AUTHORIZING THE ACQUISITION OF A USED FIRE FIGHTING VEHICLE, INCLUDING ALL RELATED, INCIDENTAL AND OTHER MISCELLANEOUS APPARATUS; INCLUDING COST OF FINANCING, LEGAL FEES, AND OTHER MISCELLANEOUS EXPENSES, AT A MAXIMUM ESTIMATED COST OF \$300,000.00; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$300,000.00 IN SERIAL BONDS OF SAID FIRE DISTRICT TO FINANCE THE COST THEREOF

4. That said meeting was duly convened and held and that said resolution was duly adopted in all respects in accordance with the law and regulations of the District. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Board of Fire Commissioners was present throughout said meeting, and a legally sufficient number of members (3/5's of the Board of Fire Commissioners) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under the law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including the publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

5. Public Notice of the time and place of said Meeting was duly posted and duly given to the public and the news media in accordance with the Open Meetings Law, constituting Chapter 511 of the Laws of 1976 of the State of New York, and that all members of said Board had due notice of said Meeting and that the Meeting was in all respects duly held and a quorum was present and acted throughout.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of the Town of Carrollton Joint Fire District on this 17th day of September 2024.

Debra Soper, Fire District Secretary