

Special meeting of the Trustees, Village of Lyndonville was held on Monday, October 25, 2021 at the Village Hall. Meeting by teleconference via Zoom, the meeting opened at 2:30 PM

PRESENT: Mayor: John Belson
Deputy Mayor: Danny Woodward Jr.
Trustees: Anne Marie Holland
Kimberly Kenyon
Darren Wilson
Clerk-Treasurer Teri Woodworth
Supt. of Public Works Terry M. Woodworth
Code Enforcement Officer Dan Wolfe - Absent
Attorney Katherine Bogan - Absent
Fire Chief Ben Bane - Absent
Public – Present:

USE OF FACILITIES

- Village Hall – Lyndonville Area Foundation is requesting use of the Village Hall on October 26, 2021 from 7:00pm to 8:00pm for a meeting.

RESOLUTION NO 2021-81

USE OF FACILITIES – LYNDONVILLE AREA FOUNDATION

ON MOTION of Trustee Woodward Jr., seconded by Trustee Wilson, to approve the use of facilities request from Lyndonville Area Foundation as requested.

Vote: 4 Ayes (Belson, Holland, Wilson, Woodward Jr.); 0 Nays; 0 Abstain

NEW BUSINESS:

- Public Works Maintenance Worker – Mayor Belson noted he, Superintendent Woodworth and Assistant Superintendent Freeman have completed the interview process for the Public Works Maintenance Worker position. Superintendent Woodworth noted they have 2 really good candidates he called back for second interviews. Superintendent Woodworth noted Assistant Superintendent Freeman inquired if both could be hired. Superintendent Woodworth had Clerk-Treasurer Woodworth look into the financial side to see if the Village could afford to hire both. Superintendent Woodworth proposed hiring James Hibbard and Paul Kurz as Public Works Maintenance Workers.

RESOLUTION NO 2021-82

PUBLIC WORKS MAINTENANCE WORKER HIRES – JAMES HIBBARD AND PAUL KURZ

ON MOTION of Trustee Holland, seconded by Trustee Woodward Jr., to authorize Superintendent Woodworth to hire James Hibbard and Paul Kurz as Public Works Maintenance Workers with the start date of October 27, 2021, placing them on a 6-month probationary period.

Vote: 4 Ayes (Belson, Holland, Wilson, Woodward Jr.); 0 Nays; 0 Abstain

- Contract for Services – Clerk-Treasurer Woodworth presented the Board with the proposed contract for services from Municipal Solutions for the Wastewater Treatment Plant Disinfection Project.

RESOLUTION NO 2021-83

CONTRACT FOR SERVICES – MUNICIPAL SOLUTIONS – WASTEWATER TREATMENT PLANT DISINFECTION PROJECT

ON MOTION of Trustee Holland, seconded by Trustee Wilson, to authorized Mayor Belson to execute the contract for services with Municipal Solutions for the Wastewater Treatment Plant Disinfection Project.

Vote: 4 Ayes (Belson, Holland, Wilson, Woodward Jr.); 0 Nays; 0 Abstain

- Bond Counsel Services and Billing Arrangements – Clerk-Treasurer Woodworth presented the Board with the proposed bond counsel services and billing arrangement from HodgsonRuss for the Wastewater Treatment Plant Disinfection Project.

RESOLUTION NO 2021-84

BOND COUNSEL SERVICES AND BILLING ARRANGEMENTS – HODGESONRUSS – WASTEWATER TREATMENT PLANT DISINFECTION PROJECT

ON MOTION of Trustee Holland, seconded by Trustee Kenyon, to authorized Mayor Belson to execute the bond counsel services and billing arrangements for the Wastewater Treatment Plant Disinfection Project, **RESOLVED**, that Hodgson Russ LLP is hereby appointed Bond Counsel for the Village pursuant to the terms set forth in the engagement letter as present.

Vote: 5 Ayes (Belson, Holland, Kenyon, Wilson, Woodward Jr.); 0 Nays; 0 Abstain

- Bond Resolution – Clerk-Treasurer Woodworth presented the Board with the proposed bond resolution for \$725,000.00 for the Wastewater Treatment Plant Disinfection Project.

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RESOLUTION NO 2021-85

A BOND RESOLUTION, DATED OCTOBER 25, 2021, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF LYNDONVILLE, ORLEANS COUNTY, NEW YORK (THE “VILLAGE”), AUTHORIZING A SEWER SYSTEM CAPITAL IMPROVEMENTS PROJECT (PRIMARILY AT THE VILLAGE’S WASTEWATER TREATMENT PLANT), AT AN ESTIMATED MAXIMUM COST OF \$725,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$725,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE VILLAGE TREASURER

WHEREAS, the Village Board of Trustees of the Village of Lyndonville, in the County of Orleans, New York (the “Village”) desires to undertake a capital improvements project for the reconstruction of and construction of improvements to the Village Sewer System, primarily at the Village’s wastewater treatment plant.

NOW THEREFORE,

BE IT RESOLVED, by the Village Board of Trustees (by the favorable vote of not less than two-thirds of all the members of the Board of Trustees) as follows:

SECTION 1. The Village is hereby authorized to undertake a certain sewer system capital improvements project, primarily at the wastewater treatment plant, such work to generally consist of the implementation of an effluent disinfection system, including, but not limited to, the installation of an approximate 11,850 gallon chlorine contact tank, ancillary tanks, pipes, chemical storage enclosures, equipment and metering pumps, as well as various other improvements as more fully identified in (or contemplated by) an engineering report prepared by MRB Group, including all preliminary work and necessary equipment, materials, and related site work and any preliminary costs and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “Purpose”). The estimated maximum cost of the Purpose is \$725,000.

SECTION 2. The Village Board of Trustees plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds of the Village in an aggregate principal amount not to exceed \$725,000 hereby authorized to be issued therefor pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, the cost of such improvements is to be paid by the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that the Purpose is a class of objects or purposes described in subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such Purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the Village are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the taxable real property of the Village a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Village Board of Trustees pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village. Without in any way limiting the scope of the foregoing delegation of powers, the Village Treasurer, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Village.

SECTION 8. The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in this resolution.

SECTION 9. This resolution shall constitute the declaration (or reaffirmation) of the Village’s “official intent” to reimburse the expenditures authorized in this resolution with the proceeds of the bonds, notes or other obligations authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 10. The Village Treasurer is 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 pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”) and may designate the bonds authorized by

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this resolution, and any notes issued in anticipation thereof, as “qualified tax-exempt bonds” in accordance with Section 265(b)(3) of the Code.

SECTION 11. The Village Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 12. The Village Treasurer is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Village officials and the Village’s municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Village Clerk.

SECTION 13. The Village has determined that the purpose will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act (“SEQRA”) are required.

SECTION 14. To the extent applicable, the Village Treasurer is hereby authorized to execute and deliver in the name and on behalf of the Village a project financing agreement prepared by the New York State Environmental Facilities Corporation (“EFC”) (the “SRF Project Financing Agreement”). To the extent applicable, the Village Treasurer and the Village Clerk and all other officers, employees and agents of the Village are hereby authorized and directed for and on behalf of the Village to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including, but not limited to, the SRF Project Financing Agreement.

SECTION 15. In the absence or unavailability of the Village Treasurer, the Deputy Treasurer is hereby specifically authorized to exercise the powers delegated to the Village Treasurer in this resolution.

SECTION 16. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Village is not authorized to expend money, or

(b) the provisions of the law which should be 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 20 days after the date of such publication of this notice, or

2. such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 17. This Resolution is subject to permissive referendum pursuant to Section 36.00 of the Local Finance Law. The Village Clerk is hereby authorized and directed to publish (one time) and post (in at least six conspicuous public places within the Village and at each polling place), this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten days after the date of adoption of this resolution.

SECTION 18. If no petitions are filed in the permissive referendum period, the Village Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of such Local Finance Law, in a newspaper having a general circulation in the Village and hereby designated as the official newspaper of the Village for such publication.

ON MOTION of Trustee Holland, seconded by Trustee Woodward Jr., to adopt the \$725,000 Bond Resolution for the Sewer System Project (Wastewater Treatment Plant – Effluent Disinfection – 2021) as presented.

Vote: 5 Ayes (Belson, Holland, Kenyon, Wilson, Woodward Jr.); 0 Nays; 0 Abstain

- WIIA Funding Resolution – Clerk-Treasurer Woodworth presented the Board with the proposed resolution for the Clean Water State Revolving Loan and Grant Funding.

RESOLUTION NO 2021-86

RESOLUTION WITH REFERENCE TO THE PROPOSED VILLAGE OF LYNDONVILLE, ORLEANS COUNTY, NY WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECT

WHEREAS, the Village of Lyndonville engaged MRB Group to complete an engineering report for the Village’s Comprehensive Wastewater Infrastructure Improvement project identifying the current wastewater system’s shortcomings, the proposed infrastructure improvements necessary to improve performance, and the projected costs for residents of the Village: and

WHEREAS, affordability for Village residents and property owners is a significant concern in advancement of the proposed project: and

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WHEREAS, the Village is eligible for Clean Water State Revolving Loan and Grant (WIIA) funding consideration and the Village desires to submit a competitive application to obtain WIIA funding to assist in making the project economically viable to the Village's sewer users.

NOW, THEREFORE, be it RESOLVED as follows:

1. The Village Board authorizes Municipal Solutions, Inc. to prepare a NYSEFC State Revolving loan fund application and WIIA Grant application for NYSEFC loan and Water Infrastructure Improvement Act (WIIA Grant) grant funding consideration from the NYS Environmental Facilities Corporation (EFC).
2. The Village Board authorizes Mayor John Belson and Teri Woodworth in her role as Village Clerk/Treasurer, to execute the application and any necessary supporting document required to apply for a NYSEFC loan and WIIA grant funds from the NYS Environmental Facilities Corporation (EFC).
3. This resolution shall take effect immediately.

ON MOTION of Trustee Holland, seconded by Trustee Wilson, to the resolution with reference to the proposed Village of Lyndonville, Orleans County, NY Wastewater Treatment Plant Improvement Project as stated.

Vote: 5 Ayes (Belson, Holland, Kenyon, Wilson, Woodward Jr.); 0 Nays; 0 Abstain

ON MOTION of Trustee Woodward Jr., seconded by Trustee Holland, to adjourn the meeting at 2:50PM.

Vote: 5 Ayes (Belson, Holland, Kenyon, Wilson, Woodward Jr.); 0 Nays; 0 Abstain

Teri M. Woodworth
Clerk-Treasurer