

Regular meeting of the Trustees, Village of Lyndonville was held on Tuesday, December 20, 2022 at the Village Hall. The meeting opened at 6:00 PM

PRESENT: Mayor: John Belson
Deputy Mayor: Danny Woodward Jr.
Trustees: Anne Marie Holland
Kimberly Kenyon
Terry Stinson

Clerk-Treasurer Teri Woodworth
Supt. of Public Works Terry M. Woodworth - Absent
Code Enforcement Officer Jason Raduns - Absent
Attorney Katherine Bogan - Absent
Fire Chief Michael Heideman - Absent
Public – Present:

NEW BUSINESS

- Mayor Belson presented the Board with the proposed amended bond resolution for the Waste Water Treatment Plant Disinfection Project.

RESOLUTION NO 2022-126
AMENDING BOND RESOLUTION

ON MOTION of Trustee Holland, seconded by Trustee Kenyon,

AN AMENDING AND RESTATING BOND RESOLUTION, DATED DECEMBER 20, 2022, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF LYNDONVILLE, ORLEANS COUNTY, NEW YORK (THE “VILLAGE”), AMENDING THE BOND RESOLUTION THAT WAS ADOPTED ON OCTOBER 25, 2021, AND AUTHORIZING A SEWER SYSTEM CAPITAL IMPROVEMENTS PROJECT (PRIMARILY AT THE VILLAGE’S WASTEWATER TREATMENT PLANT), AT AN ESTIMATED MAXIMUM COST OF \$1,140,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,140,000 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, on October 25, 2021, the Village Board of Trustees of the Village of Lyndonville, Orleans County, New York (the “Village”) adopted a certain bond resolution (the “Original Bond Resolution”) entitled:

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, due to an increase in the cost of materials, labor, and equipment the Original Bond Resolution has increased above the estimated maximum cost as provided in the Original Bond Resolution; and

WHEREAS, due to the increase in cost of the project, the Village Board of Trustees wishes to modify the Original Bond Resolution for the primary purposes of increasing: a) the estimated maximum cost of the project from \$725,000 to \$1,140,000 and b) the amount of serial bonds authorized to be issued from \$725,000 to \$1,140,000, and to make other modifications to the Original Bond Resolution as may be consistent with law; and

WHEREAS, the scope of the improvements has not materially changed from the Project identified in the Original Bond Resolution; and

WHEREAS, the Village Board of Trustees now wishes to amend and restate (in its entirety) the Original Bond Resolution for the reasons identified above, and to make other modifications to the Original Bond Resolution as may be consistent with law and the Original Bond Resolution is otherwise being reaffirmed and ratified in all other material respects.

NOW THEREFORE,

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

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SECTION 1. The Village is hereby authorized to undertake a certain sewer system capital improvements project, primarily at the Village's 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 amended estimated maximum cost of the Purpose is \$1,140,000.

SECTION 2. The Village Board of Trustees plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$1,140,000 of the Village, hereby authorized to be issued therefor pursuant to the Local Finance Law, said 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 an object or purpose described in subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the 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 shall 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 shall 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. To the extent not previously authorized, 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 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.

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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 the Local Finance Law, in the official newspaper(s) of the Village, or if no newspaper(s) have been so designated, then in a newspaper having a general circulation in the Village, and hereby designated as the official newspaper of the Village for such publication.

SECTION 19. Nothing in this amendment shall affect the validity of the Original Bond Resolution, or any actions taken thereunder, and any such actions are hereby ratified.

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

OLD BUSINESS:

- Code Enforcement – Mayor Belson presented the Board with the Code Enforcement proposal from the Town of Yates. Clerk-Treasurer Woodworth presented the Board with a packet including recommendations from Attorney Bogan, the Village Code and Zoning with regards to administration and enforcement and a sample job offer letter. The Board discussed how they want to handle Code Enforcement. Mayor Belson noted he and Trustee Holland have talked with the applicant. Trustee Woodward Jr. noted he would like to see County wide Code Enforcement after expressing concerns of shared services with the Town in the past. Trustee Holland noted we need to do what’s best for the Village of Lyndonville. Trustee Holland noted she has concerns of time constrains due to the applicants full-time job. Trustee Holland asked if 4 hours a week was enough. Clerk-Treasurer Woodworth noted it use to be more than 4 hours a week, and that more time is needed due to 1203 inspections haven’t been done since 2013. Trustee Holland inquired what happens during the 4 hours. Clerk-Treasurer Woodworth noted in the past the Code Enforcement Officer use to drive the Village a week to look for any violations and send out violation notices in addition to building permits. Trustee Holland noted it was her understanding that violations were only addressed when Code Enforcement received a written complaint. Clerk-Treasurer Woodworth noted that according to the provide Village Code and Zoning administration and enforcement adopted by Local Law it is the obligation of the Code Enforcement/Zoning to address any and all violations, written complaints are not required to address. The Board discussed could the applicant be contacted to see if up to 8 hours a week was an option. The Board asked Clerk-Treasurer Woodworth to draft the job offer and a shared services agreement for training, a cell phone and possibly a laptop for the workshop on December 27, 2022. Mayor Belson noted he will contact the applicant with regards to additional hours.
- Clerk-Treasurer Woodworth asked Board for approval to assist the Village of Albion Clerk with their Logics accounting software. The Board noted they have no issues with assisting other municipalities.

ON MOTION of Trustee Woodward Jr., seconded by Trustee Holland, to adjourn the meeting at 6:49PM.

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

Teri M. Woodworth
Clerk-Treasurer