

MAY 29, 2024

PUBLIC HEARING cont.

Attorney Sansone stated for the record that the Notice and Summary of Bond Resolution for Publication will be published as required by the Town Clerk.

The Supervisor offered anyone to speak if there are comments or questions or for the good of the order. Hearing none, the Supervisor entertained a MOTION to adjourn. Motion made by Councilwoman Neidlinger, second by Councilman Coleman on the question. Hearing no questions, all were in favor, no one was opposed.

5 AYE

0 NAY

Motion Carried

ADJOURN

The Supervisor entertained a MOTION to adjourn. Motion made by Councilwoman Neidlinger, second by Councilman Coleman. All were in favor, no one was opposed.

Motion carried

Meeting adjourned at 7:17 p.m.

Respectfully submitted,



Donna M. Lakes
Town Clerk

Next Regular Town Board Meeting June 26th, 2024

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Newfane, in the County of Niagara, New York

May 29, 2024

A meeting of the Town Board of the Town of Newfane, in the County of Niagara, New York, was held at the Town Hall, 2737 Main Street, Newfane, New York, on May 29, 2024.

There were present: Hon. John Syracuse, Supervisor; and

Board Members: Richard Coleman, Councilperson
Susan Neidlinger, Councilperson
Robert Horanburg, Councilperson
Peter Robinson, Councilperson

There were absent: None

Also present: Donna Lakes, Town Clerk

* * *

The Supervisor stated that a public hearing had been called for this meeting at the Town Hall, 2737 Main Street, Newfane, New York, at 7:00 o'clock P.M. (Prevailing Time) to consider the increase and improvement of facilities of Water District No. 1 (herein referred to as the "District"), consisting of the replacement of existing waterline in the West Lake Road and Jackson Street area, at the locations described in the Report, including any necessary furnishings, equipment, machinery, apparatus, installations, appurtenances, accessories and related engineering and other costs in connection therewith, as further described in the Report, at the estimated maximum cost, including preliminary costs and costs incidental thereto and the financing thereof,

and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law. The Town Clerk presented affidavits showing that the Notice of said public hearing had been duly published and posted pursuant to the provisions of Article 12 of the Town Law;

The Supervisor stated that the hearing in the said matter was now open and asked if there were any interested persons present who desired to be heard. The following persons appeared in favor of such increase and improvement of facilities of said District:

The following persons appeared in opposition to such increase and improvement of facilities: none

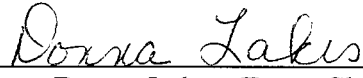
The Supervisor inquired as to whether there were any other persons present who wished to be heard. No one appeared, whereupon the Supervisor declared the public hearing closed.

CERTIFICATE

I, DONNA LAKES, Town Clerk of the Town of Newfane, in the County of Niagara, State of New York, HEREBY CERTIFY that the foregoing annexed Extract of Minutes of a meeting of the Town Board of said Town of Newfane duly called and held on May 29, 2024, has been compared by me with the original minutes as officially recorded in my office as Town Clerk, and is a true, complete and correct copy thereof and of the whole of said original minutes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Newfane this 29th day of May, 2024.

(SEAL)



Donna Lakes, Town Clerk
Town of Newfane

At a meeting of the Town Board of the Town of Newfane, in the County of Niagara, New York, held at the Town Hall, 2737 Main Street, Newfane, New York, on the 29th day of May, 2024.

PRESENT:

Hon. John Syracuse, Supervisor
Richard Coleman, Councilperson
Susan Neidlinger, Councilperson
Robert Horanburg, Councilperson
Peter Robinson, Councilperson

In the Matter

of the

Increase and Improvement of Facilities of Water District
No 1, in the Town of Newfane, in the County of Niagara,
New York, pursuant to Section 202-b of the Town Law

Offered by: Robert Horanburg, Councilperson

Seconded by: Peter Robinson, Councilperson

RESOLUTION AND
ORDER AFTER PUBLIC
HEARING

WHEREAS, the Town Board of the Town of Newfane (herein called the “Town”), in the County of Niagara, New York, on behalf of Water District No. 1 (herein referred to as the “District”), has caused Wendel, a firm of engineers duly licensed by the State of New York (the “Engineer”), to prepare a map, plan and report (the “Report”), which report is on file in the office of the Town Clerk, for the increase and improvement of facilities of the District, consisting of the replacement of existing waterline in the West Lake Road and Jackson Street area, at the locations described in the Report, including any necessary furnishings, equipment, machinery, apparatus,

installations, appurtenances, accessories and related engineering and other costs in connection therewith, as further described in the Report (the “Project”); and

WHEREAS, the Engineer has estimated that the cost of such increase and improvement of facilities shall be \$2,200,000 and said map, plan and report have been filed with the Town Board; and

WHEREAS, the Town expects that all or part of the cost of the project may be financed through the State of New York Environmental Facilities Corporation pursuant to the Water Infrastructure Improvement Act (WIIA), and/or any other source of funding. Any such grants and/or other funds are hereby authorized to be applied toward the cost of said Project or redemption of the Town’s bonds or notes issued therefor, or to be budgeted as an offset to the taxes to be collected for the payment of the principal of and interest on said bonds or notes; and

WHEREAS, the Town Board, acting as lead agency, has given due consideration to the impact that the Project described herein may have on the environment, and has determined that such projects constitute Type II actions pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617.5 (c), and therefore no further environmental review is required; and

WHEREAS, the Town Board adopted an Order describing in general terms the proposed increase and improvement of such facilities, specifying the estimated cost thereof, and stating the Town Board would meet to hear all persons interested in said increase and improvement of facilities on May 29, 2024 at 7:00 o’clock P.M. (Prevailing Time) at the Town Hall, 2737 Main Street, Newfane, New York; and

WHEREAS, a Notice of such public hearing was duly published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on May 29, 2024 at 7:00 o'clock P.M. (Prevailing Time) at the Town Hall, 2737 Main Street, Newfane, New York, with considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of such facilities; and

Now, therefore, be it

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described, at the estimated total cost of \$2,200,000; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense of said increase and improvement of such facilities and, with the assistance of the Town Attorney, shall prepare a proposed contract for such increase and improvement of facilities of the District, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of facilities shall be financed by the issuance of \$2,200,000 bonds of the Town, and the cost of said increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be paid from charges collected through water metering or other means and/or the assessment, levy and collection of assessments upon the several lots and parcels of land within the District in the same manner and at the same time as other Town charges; and it is hereby

FURTHER ORDERED, that the Town Clerk record, or cause to be recorded, a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Niagara County within ten (10) days after adoption thereof.

DATED: May 29, 2024

(SEAL)

TOWN BOARD OF THE TOWN OF NEWFANE

The adoption of the foregoing Resolution and Order was duly put to a vote on roll call, which resulted as follows:

Supervisor John Syracuse	voting <u>AYE</u>
Councilperson Richard Coleman	voting <u>AYE</u>
Councilperson Susan Neidlinger	voting <u>AYE</u>
Councilperson Robert Horanburg	voting <u>AYE</u>
Councilperson Peter Robinson	voting <u>AYE</u>

The Resolution and Order were declared adopted.

CERTIFICATE

I, DONNA LAKES, Town Clerk of the Town of Newfane, in the County of Niagara, State of New York, HEREBY CERTIFY that the foregoing annexed resolution of the Town Board of said Town adopted at a meeting duly called and held on May 29, 2024, has been compared by me with the original resolution as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Newfane this 29th day of May, 2024.

(SEAL)



Donna Lakes, Town Clerk
Town of Newfane

BOND RESOLUTION OF THE TOWN OF NEWFANE, NEW YORK, ADOPTED MAY 29, 2024, APPROPRIATING \$2,200,000 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE WATER DISTRICT NO. 1, AND AUTHORIZING THE ISSUANCE OF BONDS OF SAID TOWN IN THE PRINCIPAL AMOUNT OF \$2,200,000 TO FINANCE SAID APPROPRIATION

Offered by: Susan Neidlinger, Councilperson

Seconded By: Richard Coleman, Councilperson

Recital

WHEREAS, following preparation of a map, plan and report and an estimate of cost for the increase and improvement of facilities of Water District No. 1 (herein referred to as the "District"), in the Town of Newfane (herein called the "Town"), in the County of Niagara, New York, and after a public hearing duly called and held, the Town Board of the Town determined that it is in the public interest to increase and improve the facilities of the District, and ordered that such facilities be so increased and improved;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF NEWFANE, IN THE COUNTY OF NIAGARA, NEW YORK (by the favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Town hereby appropriates the amount of \$2,200,000 for the increase and improvement of facilities of the District, consisting of the replacement of existing waterline in the West Lake Road and Jackson Street area, at the locations described in the Report, including

any necessary furnishings, equipment, machinery, apparatus, installations, appurtenances, accessories and related engineering and other costs in connection therewith. The estimated total cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,200,000. The plan of financing includes the issuance of \$2,200,000 bonds of the Town to finance said appropriation, the collection of charges from water metering or other means and/or the assessment, levy and collection of assessments upon the several lots and parcels of land within the District in the same manner and at the same time as other Town charges. The Town expects that all or part of the cost of the project may be financed through the State of New York Environmental Facilities Corporation pursuant to the Water Infrastructure Improvement Act (WIIA), or any other source of funding. Any such grant and/or other funds are hereby authorized to be applied toward the cost of said Project or redemption of the Town's bonds or notes issued therefor, or to be budgeted as an offset to the taxes to be collected for the payment of the principal of and interest on said bonds or notes.

Section 2. Bonds of the Town are hereby authorized to be issued in the principal amount of \$2,200,000 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of the object or purpose for which said \$2,200,000 Bonds are authorized to be issued, within the limitations of Section 11.00 a. 1 of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made

after the effective date of this resolution. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the serial bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the 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 bonds and any notes issued in anticipation said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes issued in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the 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 Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and the renewals of said bond anticipation notes, and as to executing contracts

for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any 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 Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, 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

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, in the "*Lockport Union Sun and Journal*," a newspaper having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, together with the Town Clerk's statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

The adoption of the foregoing Resolution was duly put to a vote on roll call,
which resulted as follows:

Supervisor John Syracuse	voting <u> AYE </u>
Councilperson Richard Coleman	voting <u> AYE </u>
Councilperson Susan Neidlinger	voting <u> AYE </u>
Councilperson Robert Horanburg	voting <u> AYE </u>
Councilperson Peter Robinson	voting <u> AYE </u>

The Resolution was declared adopted.

CERTIFICATE

I, DONNA LAKES, Town Clerk of the Town of Newfane, in the County of Niagara, State of New York, HEREBY CERTIFY that the foregoing annexed resolution of the Town Board of said Town adopted at a meeting duly called and held on May 29, 2024, has been compared by me with the original resolution as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 29th day of May, 2024.

Donna Lakes

Donna Lakes, Town Clerk
Town of Newfane

(SEAL)

NOTICE AND SUMMARY OF BOND RESOLUTION FOR PUBLICATION

NOTICE

The resolution, a summary of which is published herewith, has been adopted on May 29, 2024, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Newfane, in the County of Niagara, New York 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 days after the publication of this notice, or such obligations were authorized in violation of the provisions of the constitution.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF NEWFANE

Donna Lakes
Town Clerk

BOND RESOLUTION OF THE TOWN OF NEWFANE, NEW YORK, ADOPTED MAY 29, 2024, APPROPRIATING \$2,200,000 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE WATER DISTRICT NO. 1, AND AUTHORIZING THE ISSUANCE OF BONDS OF SAID TOWN IN THE PRINCIPAL AMOUNT OF \$2,200,000 TO FINANCE SAID APPROPRIATION

The object or purpose for which the bonds are authorized is the increase and improvement of facilities of the District, consisting of the replacement of existing waterline in the West Lake Road and Jackson Street area, at the locations described in the Report, including any necessary furnishings, equipment, machinery, apparatus, installations, appurtenances, accessories and related engineering and other costs in connection therewith.

The maximum amount of obligations authorized to be issued is \$2,200,000. The Town expects that all or part of the cost of the project may be financed through the State of New York Environmental Facilities Corporation pursuant to the Water Infrastructure Improvement Act (WIIA), and/or any other sources of funding.

The period of probable usefulness is forty (40) years.

A complete copy of the Bond Resolution summarized above shall be available for public inspection during normal business hours at the office of the Town Clerk, Town Hall, 2737 Main Street, Newfane, New York.