

Minutes of the August 20, 2021 Special Board meeting of the Board of Trustees of the Village of Newark held in the 3rd Floor Conference Room of the Village Municipal Building at 8:00 A.M.

PRESENT

Mayor Jonathan Taylor (21); Trustees: Robert Bendix (excused), Stuart Blodgett (18), Chris Burgess (21), and Emily Howard (21).

Superintendent of DPW Bob Hutteman, and Village Clerk-Treasurer Valerie Quade.

General Public 0

MAYOR

Mayor Taylor opened the meeting at 8:01 A.M.

Motion Trustee Blodgett, seconded Trustee Burgess and carried unanimously to approve Change Order 1 for Wind-Sun Construction's contract for the Water Treatment Plant improvement project. There is an increase in cost of \$36,979.98. The increase is for the following changes:

- Roof access hatch;
- Extended handrail to access hatch;
- Chemical building undercut;
- Install/fit the raw water valve.

Motion Trustee Howard, seconded Trustee Burgess and carried unanimously to approve Change Order 2 for Wind-Sun Construction's contract for the Water Treatment Plant improvement project. There is an increase in cost of \$104,858.25. The increase is for Genesee Environmental Asbestos abatement & demo work.

Motion Trustee Blodgett, seconded Trustee Burgess and carried unanimously to approve Change Order 3 for MRB Group, Engineering, Architecture, Surveying, D.P.C.'s contract for the Water Treatment Plant improvement project. There is an increase in cost of \$146,500.00. The increase is for additional services to be performed by the engineer and modifications to other terms and conditions of the agreement.

Motion Trustee Blodgett, seconded Trustee Burgess and carried unanimously to approve the following:

BOND RESOLUTION DATED AUGUST 20, 2021 OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF NEWARK, NEW YORK,

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AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE CAPITAL IMPROVEMENTS, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the purpose hereinafter described consists of capital improvements authorized to be undertaken by the Village Board of Trustees pursuant to the Village Law; and

WHEREAS, the Village has duly complied with the requirements of the State Environmental Quality Review Act and the applicable regulations thereunder of the State of New York with respect to the purpose hereinafter described and the financing therefor and has duly determined that the purpose is a type II action which has been determined not to have a significant impact on the environment; now therefore, be it

RESOLVED by the Board of Trustees of the Village of Newark, New York (hereinafter referred to as the "Village"), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Village of Newark shall undertake the acquisition and construction of capital improvements, to include reconstruction of the Newark Municipal Building within the Village, including, but not limited to, removal and replacement of approximately 7,700 square feet of existing membrane roof system, including membrane, insulation, coping, penetration, roof drains, blocking, flashing and crickets (such building being a class "C" (neither fireproof nor fire-resistant) building or higher as defined in Subdivision 11 of Paragraph a of Section 11.00 of said Local Finance Law), and other incidental improvements that may be required in connection therewith for such construction and Village use (hereinafter referred to as "purpose"), and general obligation serial bonds or statutory installment bonds in an aggregate principal amount not to exceed \$240,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Village are hereby authorized to be issued to finance said purpose.

Section 2. The estimated aggregate maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$240,000 and said amount is hereby appropriated therefor. The plan for financing of said

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purpose is to provide all of such maximum cost by issuance of obligations as herein authorized.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 12 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is hereby restricted to five (5) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will not be in excess of five years to be measured from the date of the bonds or the date of the first bond anticipation note issued in anticipation of the sale of such bonds, whichever date is earlier, (c) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds, (d) the notes authorized by this resolution shall mature within one (1) year from the date of their issuance, or as otherwise permitted by law, (e) said notes are not issued in anticipation of bonds for an assessable improvement, and (f) prior to the issue of the bonds or notes herein authorized, there will be provided the appropriate amount of current funds required by Section 107.00 of the Local Finance Law, if any.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Village and all the taxable real property in the Village is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount.

Section 5. It is hereby determined that the Village reasonably expects to reimburse the general fund, or such other fund as may be utilized, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the issuance of said bonds and bond anticipation notes and to prescribe the terms, form and contents of said bonds and bond anticipation notes, subject to the provisions of this resolution and the Local Finance Law of New York, including, without limitation, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for and determinations with respect to, credit and liquidity enhancements, if any, and to sell and deliver said bonds and bond anticipation notes subject to the provisions of this resolution and the provisions of the Local Finance Law, is hereby delegated to the Village Treasurer, the Village's chief financial officer. The Village Treasurer and the Village Clerk are hereby authorized to sign by manual or facsimile signature any bonds and bond anticipation notes issued pursuant to this resolution, and are hereby authorized to affix to

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such bonds and bond anticipation notes the corporate seal of the Village of Newark and to attest the same.

Section 7. The faith and credit of the Village of Newark, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and bond anticipation notes 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 obligations becoming due and payable in such year. There shall annually be levied on all taxable real property of said Village, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 8. This resolution, or a summary hereof, shall be published in full by the Village Clerk of the Village of Newark together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Village, in the manner prescribed by law. The validity of said bonds and bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or 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 (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall take effect immediately upon its adoption.

Motion Trustee Burgess, seconded Trustee Howard and carried unanimously to approve the Notice of Award to Elmer Davis for the Newark Municipal Roof Replacement Project at a contract price of \$207,277.00.

ADJOURNMENT

Motion Trustee Blodgett, seconded Trustee Burgess and carried unanimously to adjourn the meeting.

The meeting adjourned at 8:36 A.M.

Valerie Quade
Village Clerk-Treasurer

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