

- PRESENT** Mayor Welch, Deputy Mayor Eydt, Trustee Conde, Trustee Gibson, Trustee Marasco, Superintendent Wills, Law Counsel Leone, Engineer Marino, Clerk Fundis, Deputy Clerk Vazquez, Historian Piper
- EXCUSED** Treasurer Longwell, Building Inspector/Zoning Officer Candella, Recreation Director McDermott
- CALL TO ORDER** Mayor Welch called the meeting to order with the Pledge of Allegiance at 6:00pm.
- MINUTES** A motion was made by Trustee Marasco seconded by Trustee Gibson and passed unanimously to approve the August 16, 2021 Village Board Meeting minutes and September 7, 2021 Work Session Minutes.
- BILLS** A motion was made by Trustee Eydt seconded by Trustee Conde and passed unanimously to approve the September bills as presented by Treasurer Longwell in the following amounts:
- General Fund:** \$341,652.76                      **Trust & Agency:** \$6,484.10
- REPORTS** **Historian Piper** held a discussion about vacant plots in the Village Cemetery and gave feedback on options for additional property within the cemetery that could be used for additional plots. Piper stated that this would be revenue for the Village, and funds could be put towards its restoration. Piper asked Law Counsel Leone to do research on the proper process for selling these unused plots.
- Mayor Welch suggested that Engineer Marino do a survey of the cemetery to determine how many plots, and said she would do a walk through with Piper.
- LIAISON REPORTS** **Trustee Marasco** gave an update on the Jazz Festival Fundraiser, the upcoming Bicentennial, and the Peach Festival Parade
- NEW BUSINESS** **Bicycle Repair Station at Academy Park – Boy Scouts of America**  
A motion was made by Trustee Gibson seconded by Trustee Marasco and passed unanimously to approve the Boy Scouts of America proposal made by Cambria Troop 8 member, Jack Olszewski, to install a new bicycle repair station outside of the Chamber of Commerce building, and to waive all building permit fees.
- Olszewski gave a presentation on the proposed plan for the materials, the Village's involvement, as well as plans for fundraising to fully fund the project.
- Chamber of Commerce Electric Lights Parade**  
A motion was made by Trustee Marasco seconded by Trustee Conde and passed unanimously to approve the request made by the Niagara River Region Chamber of Commerce, to host an Electric Lights Parade on Sunday, December 5, 2021 from approximately 3:00pm to 8:00pm. This request includes use of Center Street, Portage Road from Cayuga to Center, and N. 4<sup>th</sup> St. at Village Hall and Academy Park.
- Aaron Day spoke on behalf of the Chamber of Commerce, mentioning that this parade will travel South instead of North, turning left on Center Street. We would begin in Artpark, go through Portage Rd, down Center Street and ending in the Artpark parking lot on 4<sup>th</sup> Street.
- Resident Tom Deal suggested that the annual tree lighting ceremony be moved from the traditional Friday night to Sunday evening, at the closing of the parade. Mayor Welch agreed with Deal's suggestion.
- Be OK Studio – Facilities Use Request for Academy Park**  
A motion was made by Deputy Mayor Eydt seconded by Trustee Gibson and passed unanimously to approve the request made by Bobbi Stokes from Be OK Studio for use of Academy Park to hold weekly outdoor yoga/fitness classes on

Wednesdays at 6:00pm and Tuesday, Thursday and Saturday mornings at 10:00am, beginning May 2022 through October 2022. Donations made during these classes will be given to the Marilyn Toohey All-Inclusive Playground.

**Town of Lewiston Ice Rink – Facilities Use Request for Academy Park**

A motion was made by Deputy Mayor Eydt seconded by Trustee Gibson and passed unanimously to approve the request made by the Town of Lewiston to operate the Ice Rink at Academy Park for the upcoming season, with a projected opening date of November 19, 2021.

A discussion ensued regarding the wear on Academy Park and the plans to restore it back to its original state prior to the installation of the rink as efficiently as possible. A discussion also ensued involving plans for a permanent structure to host the ice rink going forward.

**Historic Registry Removal Request – 250 S. 4<sup>th</sup> Street**

A motion was made by Deputy Mayor Eydt seconded by Trustee Gibson and passed unanimously to table the request made by Linda Hermoza, owner of 250 S. 4<sup>th</sup> Street, to have her property removed from the Village of Lewiston Historic Registry.

Loretta Frankovitch, Chairperson of the Historic Preservation Commission addressed her concerns regarding the request made by Hermoza, stating that with this property being historically designated and hear to the historic district, it contributes the Village's character. I am concerned that releasing this home from the Village's historic registry it will set a dangerous precedence; that it could open the door for more homes to request to be released, which would deplete the historic stock that we have. Currently the Historic Preservation Commission members fee unsupported because we are unable to enforce and hold to our guidelines.

Mayor Welch stated that there is an appeal process set in place for a reason. I believe in the Historic Preservation Commission. This specific home was not originally chosen to be designated by the commission, the homeowner at the time requested that it be designated.

Law Counsel Leone stated that in order for the Village to allow this home to leave the registry, there should be findings and/or reasons why. The homeowner should present why their circumstances are different than anybody else in the historic district and/or on the historic registry.

**SEQR EAF – DPQ Garage Proposed Addition**

A motion was made by Trustee Conde seconded by Deputy Mayor Eydt and passed unanimously to approve the prepared SEQR EAF for the proposed addition to the Department of Public Works Garage at 892 Seneca Street, Lewiston NY. The proposed action will not result in any adverse effect environmental impact and a Negative Declaration will be filed.

**Bond Resolution – DPW Garage Capital Improvements**

A motion was made by Deputy Mayor Eydt and seconded by Trustee Conde to approve the following resolution:

**A BOND RESOLUTION, DATED SEPTEMBER 20, 2021, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF LEWISTON, NIAGARA COUNTY, NEW YORK (THE "VILLAGE"), AUTHORIZING A DEPARTMENT OF PUBLIC WORKS (DPW) CAPITAL IMPROVEMENTS PROJECT INVOLVING THE CONSTRUCTION OF A NEW STANDALONE BUILDING AND THE CONSTRUCTION OF TWO ADDITIONS TO THE EXISTING VILLAGE DPW GARAGE BUILDING, AT AN ESTIMATED MAXIMUM COST OF \$1,800,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,800,000**

**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 Lewiston, in the County of Niagara, New York (the "Village") desires to undertake a capital improvements project generally consisting of the construction of a new building and the construction of two additions to the existing Village Department of Public Works Garage Building and such other work in connection therewith.

**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 capital improvements project for the Village Department of Public Works ("DPW") generally consisting of the construction of two additions along the South and East sides of the existing DPW garage building (approximately 3,800 square foot and 1,250 square foot, respectively) and the construction of an approximate 1,800 square foot new standalone building, all such work to include, but not limited to, general construction, plumbing, mechanical, and electrical work, as well as other improvements as more fully identified in (or contemplated by) a report prepared by Nussbaumer & Clarke, Inc. in connection with such project, and 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 \$1,800,000.

**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 \$1,800,000 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 a class of objects or purposes described in subdivision 93 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such Purpose is 25 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 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 complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under SEQRA is necessary.

SECTION 14. 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 15. 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 at 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 16. 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 17. 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.

Clerk Fundis polled the board and received the following results:

Deputy Mayor Eydt – YES	Trustee Conde – YES
Trustee Gibson – YES	Trustee Marasco – NO
Mayor Welch – YES	

This motion passed with four YES votes.

#### **Recycling Truck Grant Funds Budget Amendment**

A motion was made by Deputy Mayor Eydt and seconded by Trustee Conde to approve the following resolution:

#### **Resolution Amending 2021-2022 Budget for Recycling Truck Grant Funds**

**WHEREAS**, the Village Board of Trustees of the Village of Lewiston, are increasing the revenue and expense lines for the installment payment on the 2019 Recycling Truck to receive additional grant funding.

**WHEREAS**, the source of funds for this increase have come from a previous DASNY grant received in July 2021.

**WHEREAS**, this transfer will have a net impact of zero on the adopted 2021-2022 budget.

**RESOLVED**, that the Village of Lewiston Board of Trustees approve the 2021-2022 budget amendments as follows:

Increase revenue line: A00-3515-0000 – Grant Reimbursements - \$35,813.78

Increase expense line: A00-9785-6000 – Installment Purchase Debt - \$32,890.10

Increase expense line: A00-9785-7000 – Installment Purchase Interest - \$2,923.68

Clerk Fundis polled the board and received the following results:

Deputy Mayor Eydt – YES	Trustee Conde – YES
Trustee Gibson – YES	Trustee Marasco – YES
Mayor Welch – YES	

This motion passed with five YES votes.

#### **Recreation Department – Student Internship**

A motion was made by Trustee Conde seconded by Deputy Mayor Eydt and passed unanimously to approve the request made by Brendan McDermott, Recreation Director, for an internship with Thomas Mueller of Niagara County Community College Recreational Studies Program from 09/20/2021 to 12/31/2021. This is a non-paid internship.

#### **Bond Resolution – Lewiston Landing**

A motion was made by Trustee Gibson and seconded by Deputy Mayor Eydt to approve the following resolution:

**AN AMENDING AND RESTATING BOND RESOLUTION, DATED SEPTEMBER 20, 2021, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF LEWISTON, NIAGARA COUNTY, NEW YORK (THE "VILLAGE"), FURTHER AMENDING THE BOND RESOLUTIONS THAT WERE ADOPTED ON AUGUST 20, 2018 AND APRIL 1, 2019 AND AMENDED ON OCTOBER 21, 2019, AND AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT CONSISTING OF IMPROVEMENTS TO LEWISTON LANDING IN THE VILLAGE, AT AN ESTIMATED MAXIMUM COST OF \$800,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$800,000 OF THE VILLAGE, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID 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 August 20, 2018, the Village Board of Trustees of the Village of Lewiston, Niagara County, New York (the "Village") adopted a certain bond resolution (the "Original Bond Resolution") entitled:

**A BOND RESOLUTION, DATED AUGUST 20, 2018 OF THE VILLAGE OF LEWISTON BOARD OF TRUSTEES, NIAGARA COUNTY, NEW YORK (THE "VILLAGE"), AUTHORIZING THE ACQUISITION OF LABOR, MATERIALS AND ENGINEERING FOR THE USE BY THE VILLAGE, AT AN ESTIMATED MAXIMUM COST OF \$400,000. PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY INSURANCE, 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 MAYOR.**

WHEREAS, on April 1, 2019, the Village Board of Trustees of the Village of Lewiston, Niagara County, New York (the "Village") adopted a certain bond resolution (the "April 2019 Bond Resolution") entitled:

**A BOND RESOLUTION DATED APRIL 1, 2019, OF THE VILLAGE BOARD OF THE VILLAGE OF LEWISTON, NIAGARA COUNTY, NEW YORK, AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$400,000 BONDS OF THE VILLAGE OF LEWISTON, NIAGARA COUNTY, NEW YORK TO PAY FOR THE ACQUISITION OF LABOR, MATERIALS AND ENGINEERING TO REPAIR LEWISTON LANDING, AT AN ESTIMATED MAXIMUM COST OF \$800,000. THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$800,000 OF THE VILLAGE, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY AN INSURANCE, 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. and;**

WHEREAS, on October 21, 2019, the Village Board of Trustees of the Village of Lewiston, Niagara County, New York (the "Village") adopted an amending, clarifying and restating bond resolution (the "October Amending Bond Resolution") entitled:

**AN AMENDING, CLARIFYING AND RESTATING BOND RESOLUTION, DATED OCTOBER 21, 2019, OF THE VILLAGE BOARD**

**OF TRUSTEES OF THE VILLAGE OF LEWISTON, NIAGARA COUNTY, NEW YORK (THE “VILLAGE”), AMENDING THE BOND RESOLUTIONS THAT WERE ADOPTED ON AUGUST 20, 2018 AND APRIL 1, 2019, AND AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT CONSISTING OF IMPROVEMENTS TO LEWISTON LANDING IN THE VILLAGE, AT AN ESTIMATED MAXIMUM COST OF \$800,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$800,000 OF THE VILLAGE, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY INSURANCE, 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. and;**

**WHEREAS**, in an effort to provide additional flexibility for the repayment of debt for the capital improvements project, the Village Board of Trustees now wishes to amend the October Amending Bond Resolution to permit the Village to extend the maximum repayment period to a period beyond five years and make other determinations in connection therewith; and

**WHEREAS**, the October Amending Bond Resolution is not being modified in any other material respect; and

**WHEREAS**, the scope of the improvements has not materially changed from the project identified in the October Amending Bond Resolution; and  
**WHEREAS**, the Village Board of Trustees now wishes to amend and restate (in its entirety) the Original Bond Resolution and the April 2019 Bond Resolution (as amended by the October Amending Bond Resolution) for the reasons identified above, and to make other modifications to the October Amending Bond Resolution as may be consistent with law and the October Amending Bond Resolution is otherwise being reaffirmed and ratified in all other material respects; and

**WHEREAS**, the Village has previously issued bond anticipation notes pursuant to the Original Bond Resolution and April 2019 Bond Resolution (as amended by the October Amending Bond Resolution), but has not yet entered into permanent financing arrangements thereunder (i.e., the issuance of long-term serial bonds);

**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:

**SECTION 1.** The Village is hereby authorized to undertake a capital improvements project consisting of improvements to Lewiston Landing in the Village including, but not limited to, flood resiliency measures consisting of the installation of steel sheetpile bulkhead, installation of a floating dock system including boater utility pedestals, installation of fill materials to raise the Landing area by approximately two feet, and the construction of new concrete and wooden boardwalk areas as well as other improvements more fully identified in (or contemplated by) one or more reports and design documents prepared by Nussbaumer & Clarke, Inc. and including all preliminary work and necessary equipment, materials, and site work and all preliminary costs and costs incidental thereto and in connection with the financing thereof (collectively, the “Purpose”). The estimated maximum cost of the Purpose is \$800,000.

**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 \$800,000 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. Nussbaumer & Clarke, Inc. has determined that the useful life of the Purpose is at least 15 years, and accordingly, the period of probable usefulness of the class of objects or purposes herein authorized and for which said serial bonds are herein authorized to be issued within the limitations of subdivision 35 of paragraph (a) of Section 11.00 of the Local Finance Law is 15 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 complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under SEQRA is necessary.

SECTION 14. 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 15. 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 16. 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 17. 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 18. Nothing in this amendment shall affect the validity of the Original Bond Resolution, the April 2019 Bond Resolution, or the October Amending Bond Resolution, or any actions taken thereunder, and any such actions are hereby ratified.

Clerk Fundis polled the board and received the following results:

Deputy Mayor Eydt – YES	Trustee Conde – YES
Trustee Gibson – YES	Trustee Marasco – YES
Mayor Welch – YES	

This motion passed with five YES votes.

**REPORTS** **Superintendent Wills** gave an updated on the sidewalk paving being done.

**Engineer Marino** said that he had a grant reimbursement meeting with Wills regarding the bathrooms at Academy Park, the next steps for the 9<sup>th</sup> Street water line improvements, parks on easements crossing the parkway with the water line, and Lewiston Landing Phase V.

**Law Counsel Leone** gave an update on the property 125 S. 1<sup>st</sup> Street; I have been in communication with the attorney for the bank regarding this home, and there is a proposed order of foreclosure but the order has yet to be signed, most likely due

to the current moratorium on residential foreclosures in place until January 15, 2022. The banks intent is to sell at a foreclosure sale. The property owner can request a short sale; he just needs the banks consent.

**BOARD  
REPORTS**

**Deputy Mayor Eydt** thanked Recreation Director McDermott for organizing the community build for the Marilyn Toohey All-Inclusive Playground

**Trustee Gibson** commented on the newly installed and repaired sidewalks.

**Trustee Marasco** said that the Village has been busy, and she hopes to see more completion of projects continue.

**Mayor Welch** made the following statement:

‘It was a beautiful weekend in the Village! We had a great turnout of Volunteers to assemble the playground equipment for the new ALL INCLUSIVE Playground at Marilyn Toohey Park. I want to thank Mark Cerrone Inc for their continued construction, Ben, Nathan, Sara, Lynn and Andy from Parkitects and Landscape Structures, Fox Fence for the construction fence, Dave Webb for the concrete installation, Sherriff Mike Filicetti & the Niagara County Sheriffs Department, Chief Frank Previte and the Lewiston Police Department., M&T Bank for their large team of volunteers, Niagara University students, Lewiston Service Guild members, Historic Association Curator Tom Collister and many Village and Town residents that are too numerous to name, Town Councilman Rob Morreale and John Jacoby and our Village Engineer Mike Marino and his engineers, Village Trustees Vic Eydt and Claudia Marasco and my husband Bob Welch who was voluntold. I’m sure I missed someone.

Also, a big Thank You to Bob Burns of Tim Horton’s for generously donating the coffee and TimBits each morning and to Mike Hibbard for donating the delicious lunch from Gallo.

Also, a huge thank you to Brendan McDermott for all his hard work organizing and coordinating this event. He was the first one here all day both days, and the last to leave.

This was not a “walk in the park” – it was hard work. The weather was hot, the equipment was very heavy, and there was a million parts to put together. All the equipment had to be cemented in the ground by hand. At the end of the day on Saturday it looked like a playground. There is still more work to be done but without the community build we would not have this started.’

**ANNOUNCEMENTS**

The Village Board Work Session will be held at 6:00pm on October 4, 2021.

The Historic Preservation Commission meeting will be held at 6pm, followed by the Planning Board meeting on Tuesday, October 12, 2021.

The Village Board of Trustees meeting will be at 6pm on October 18, 2021.

The Zoning Board of Appeals meeting will be held at 6:30pm on Tuesday, October 26, 2021.

The Clerk’s office and DPW will be closed on Monday, October 11, 2021 in observance of Indigenous Peoples’ Day.

**ADJOURN**

A motion was made by Trustee Marasco seconded by Trustee Gibson and passed unanimously to adjourn the meeting at 7:27pm.