

Village of Lewiston Work Session Agenda
Monday, April 1, 2019
6:00 PM

I. CALL TO ORDER

II. RESIDENTS

III. CORRESPONDENCE

IV. OLD BUSINESS

1. Other

V. NEW BUSINESS

1. A motion to approve the development plan at 442 Center Street as recommended by the Planning Commission March 11, 2019 with variances granted by the Zoning Board of Appeals on March 26, 2019 at 442 Center Street.

2. A motion to approve the following budget amendments as requested by Supt. Brolinski:

From: A00-8160-4052	\$1,905.05	To: A00-8160-4050	\$1,904.05
Refuse tipping fees		Refuse & Garbage Outside Contractor	

From: A00-5142-4102	\$4,562.21	To: A00-1640-2000	\$4,562.21
Snow Removal Salt		Central Garage Equipment	

3. A motion to approve the following budget amendments as requested by Clerk Treasurer Salada:

From: A00-1680-4050	\$142.00	To: A00-1670-4052	\$142.00
Central data processing		Meter Rental	

From: A00-9010-8000	\$339.00	To: A00-9060-8050	\$339.00
Retirement		Employee Flex Plan	

From: A00-9010-8000	\$339.00	To: F00-9060-8050	\$170.00
Retirement		Employee Flex Plan	

From: A00-9010-8000	\$339.00	To: G00-9060-8050	\$170.00
Retirement		Employee Flex Plan	

From: A00-1325-4120	\$17.00	To: A00-1325-4150	\$17.00
Clk. Treasurer Schools & Travels		Clk. Treasurer Other Expenses	

4. A motion to accept the membership resignation of **James Pythic** from the Lewiston Fire Co. No 1 membership roster.
5. A motion to approve the 2019 Skylighters pyrotechnic display and services agreement for July 4, 2019 with a rain date of July 5, 2019.
6. A motion to approve the facilities contract for the Lower Niagara Moose Lodge #584 to use Academy Park August 2, 2019 and August 3, 2019, 2:00 PM to 11:00 PM. To hold a Carnival Event and Monte Carlo Night with bands to benefit the All Inclusive Playground at Marilyn Toohey Park.

7. BOND RESOLUTION DATED APRIL 1, 2019

A RESOLUTION AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$400,000 IN BONDS OF THE VILLAGE OF LEWISTON, NIAGARA COUNTY, NEW YORK, TO PAY PART OF THE COST OF THE ACQUISITION OF LABOR, MATERIALS AND ENGINEERING EXPENSES FOR REPAIR AND IMPROVEMENTS TO LEWISTON LANDING IN AND FOR SAID VILLAGE.

WHEREAS, the Board of Trustees of the Village of Lewiston, Niagara County, New York, on August 20, 2018, duly adopted a bond resolution authorizing the issuance of \$400,000 bonds of said Village to pay the costs associated with the labor, materials and engineering, including equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, for the repair and improvements of Lewiston Landing in and for said Village of Lewiston, Niagara County, New York, and

BE IT RESOLVED, by the Village Board of the Village of Lewiston, in Niagara County, New York, the Village of Lewiston by the favorable vote of not less than two-thirds of all members of the board as follows:

WHEREAS, it has now been determined that the maximum estimated cost of such specific object or purpose is \$800,000, an increase of \$400,00 over that previously authorized; and

WHEREAS, it is now desired to authorize the issuance of an additional \$400,000 bonds of said Village for such specific object or purpose to pay a portion of the cost thereof; NOW,

THEREFORE, BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Lewiston, Niagara County, New York, as follows:

Section 1. For the specific object or purpose of paying additional costs of the Lewiston Landing repairs and improvements, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, there are hereby authorized to be issued an additional \$400,000 bonds of the Village of Lewiston, Niagara County, New York, pursuant to the provisions of the Local Finance Law, **PROVIDED, HOWEVER**, that to the extent that any State or Federal grants-in-aid and insurance recoveries are received for said specific object or purpose, the amount of bonds to be issued pursuant to this resolution shall be reduced dollar for dollar.

Section 2. It is hereby determined that the maximum estimated cost of such specific object or purpose is now determined to be \$800,000, which specific object or purpose is hereby authorized at said maximum estimated cost, and that the plan for the financing thereof is as follows:

- a) by the issuance of the \$400,000 bonds of said Village authorized to be issued pursuant to bond resolution dated and duly adopted August 20, 2018; and
- b) by the issuance of the additional \$400,000 bonds of said Village authorized to be issued pursuant to this bond resolution.

SECTION 3. It is hereby determined that the Purpose is a class of objects or purposes described in subdivision 22 paragraph (a) period of probable usefulness is 30 years and the period of probable usefulness as described in subdivision 24 is ten years as provided by Section 11.00 of the Local Finance Law, however, the bonds issued pursuant to this resolution, and any bond anticipation notes issued in anticipation of the sale of bonds, will mature no later than five years from the date of original issuance of such bonds or notes.

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 not 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, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of such notes and of section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Village board pertaining or incidental to the sale and issuance of the obligations herein authorizing 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 any bond anticipation issued in anticipation of the sale of such bonds, and the renewals of such 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 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 165.00 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Village then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the Village "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. 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 10. 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 11. the Village hereby determines that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determinations or procedures under the State Environmental Quality Review Act ("SEQRA") are required.

SECTION 12. 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 13. the validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said 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 the publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced with 20 days after the date of such publication; or
2. such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 14. 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 said Local Finance Law, in a newspaper having a general circulation in the Village and designated as the official newspaper of the Village for publication.

SECTION 15. This resolution is effective immediately.

8. Other

DISCUSSION

- 1. Scheduling a work session for village boards and commissions.**
- 2. Other**

ANNOUNCEMENTS:

All meetings are held in the Village Board room at 145 N 4th Street unless notified:

- The next Village Board meeting will be held on April 15, 2019 at 6:00 PM.
- The next Planning Board meeting is scheduled for Monday, April 8, 2019 at 6:30 PM
- The Historic Preservation Commission meeting is scheduled for Monday, April 22, 2019, at 6:00 PM.
- The Zoning Board of Appeals meeting is scheduled for Tuesday, April 23, 2019 6:30 PM.
- The annual Earth Day Cleanup sponsored by the Village of Lewiston will be held on Saturday, April 27, 2019 at 9:00 AM. We start at the Redbrick School house.

ADJOURN