**AGENDA**
**Village of Williamsville Special Board Meeting**
**July 28, 2025 at 6:00 p.m.**
**Village Hall, 5565 Main St.**

## I. Pledge of Allegiance

## II. Roll Call

| Mayor Hunt | Deputy Mayor Celeste | Trustee Hahn | Trustee Jackson | Trustee Meyer |
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## III. Resolutions and Reports

**RESOLUTION #1**

**WHEREAS**, the Village of Williamsville, Herein called the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

**WHEREAS**, the Village of Williamsville authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith;

**NOW, THEREFORE, BE IT RESOLVED** by the Village of Williamsville Village Board:

1. That Mayor Christine Hunt or such person's successor in office, is the representative authorized to act on behalf of the Municipality's governing body in all matters related to State assistance under ECL Articles 17, 51 and 56 and/or any applicable federal grant provisions. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance;
2. That the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation; Total project cost of $21,124,000.00 with a maximum grant request of $10,000,000.00 of which a match of 25% or $2,500,000.00 is required;
3. That one (1) certified copy of this Resolution be prepared and sent to the Albany office of the New York State Department of Environmental Conservation
4. That this Resolution take effect immediately.

**<u>RESOLUTION #2</u>**

**A BOND RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF WILLIAMSVILLE, ERIE COUNTY, NEW YORK, AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $14,674,000 PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE A PORTION OF THE COST OF THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE VILLIAGE OF WILLIAMSVILLE SANITARY SEWER SYSTEM AT A TOTAL ESTIMATED MAXIMUM AMOUNT NOT TO EXCEED $14,674,000, SUCH AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY, AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING TO THE VILLAGE TREASURER THE POWER TO ISSUE SUCH BONDS AND BOND ANTICIPATION NOTES IN ACTICIPATION OF THE SALE OF SUCH BONDS.**

**WHEREAS**, the Board of Trustees of the Village of Williamsville, Erie County, New York (the "Village"), has determined to proceed with the increase and improvement of certain sanitary sewer facilities within the Village, including rehabilitation of the sanitary sewers within the Reist Sewershed and Long Sewershed ("Phase1 Facility Improvements"), and the South Ellicott Sub-Sewershed and North Ellicott Sub-Sewershed ("Phase 2 & 3 Facility Improvements") all as described in the engineering report titled "Village of Williamsville I&I Correction Project Phases 1, 2, and 3" as prepared by Wm Schutt Associates dated July 2025 and on file in the office of the Village Clerk ; and has estimated the aggregate maximum cost thereof to be $21,124,000; and

**WHEREAS**, the Board of Trustees of the Village adopted a Bond Resolution on June 24, 2019, authorizing the Phase1 Facility Improvements at an estimated maximum cost of $6,450,000 and authorizing the issuance of serial bonds in the aggregate principal amount not to exceed $6,450,000 to finance such cost, to be offset by any federal, state, county and/or local funds received and delegating the power to issue such bonds and any notes in anticipation of the sale of such bonds to the Village Treasurer; and

**WHEREAS**, the Village has received funds in the amount of $1,612,500 from a New York State Environmental Facilities Corporation Water Infrastructure Improvement Act grant (the "WIIA Funds") and intends to apply for a New York State Department of Environmental Conservation Water Quality Improvement Project Program grant in the maximum amount of $10,000,000 (the "WQIP Funds"); and

**WHEREAS**, the Board of Trustees of the Village desires to authorize the issuance of obligations of the Village in an amount not to exceed $14,674,000 to finance the balance of the costs of the Phase 2 & 3 Facility Improvements not covered by the WIIA Funds and WQIP Funds.

**NOW THERFORE, BE IT RESOLVED**, by the Board of Trustees of the Village of Williamsville, Erie County, New York (by the favorable vote of not less than two-thirds of all the members of said Board of Trustees) as follows:

**<u>SECTION 1</u>**. The Village is hereby authorized to undertake the Phase 2 & 3 Facility Improvements, 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 at an estimated maximum cost of $14,674,000 and said amount is hereby appropriated therefor.

**<u>SECTION 2</u>**. The Board of Trustees of the Village plans to finance the estimated maximum cost of the Phase 2 & 3 Facility Improvements by (i) application of the WIIA Funds; (ii) application of any WQIP Funds received; (iii) issuance of serial bonds and/or notes issued in anticipation of the issuance of such serial bonds in an aggregate amount not to exceed $14,674,000, hereby authorized to be issued therefore pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"); and (iv) assessment, levy and collection of taxes on all taxable real property in the Village to pay the principal of and interest on such bonds and/or notes as the same become due and payable.

**SECTION 3**. It is hereby determined that the Phase 2 & 3 Facility Improvements is a class of objects or purposes described in paragraph 4 of Section 11.00a. of the Law, and that the period of probable usefulness of said class of objects or purposes is forty (40) years.

**SECTION 4**. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued.

**SECTION 5**. Each of the serial bonds authorized by this resolution and any notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any notes issued in anticipation of said bonds shall be general obligations of the Village, payable as to both principal and interest by a general tax upon all the real property within the Village. The faith and credit of the Village are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and/or notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient for (i) 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 on such bonds and/or notes becoming due and payable in such year.

**SECTION 6**. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Sections 21.00, 50.00, 56.00 to 60.00, 62.00, 62.10, 63.00, 164.00 and 168.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents thereof and as to the sale and issuance of the bonds herein authorized, including, without limitation, the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds and the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other bond resolutions of the Board of Trustees, then the power of the Board of Trustees to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Village Treasurer, as the chief fiscal officer of the Village. The Village Treasurer is hereby authorized to sign any serial bonds issued pursuant to this resolution, any notes issued in anticipation of the issuance of said serial bonds, and any renewals thereof, and the Village Treasurer is authorized to affix the corporate seal of the Village to any of said bonds or notes.

**SECTION 7**. The temporary use of available funds of the Village, not immediately required for the purposes or purposes for which the same were borrower, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. This resolution shall constitute a declaration of official intent to reimburse the expenditures authorized herein with the proceeds of the bonds and any notes issued in anticipation of said bonds authorized herein, as required by United States Treasury Regulations Section 1.150-2.

**SECTION 8**. The Village Treasurer is hereby further authorized, at their sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 of the resolution, or a portion thereof, by a serial bond, a statutory installment bond and/or a bond anticipation note issue in the event of the sale of same to the New York State Environmental Facilities Corporation.

**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 to 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)(B)(i) of the Code.

**SECTION 10**. The Village Treasurer is further authorized to enter into continuing disclosure undertakings with or for the benefit of the initial purchaser of the bonds or notes authorized by this resolution, in compliance with the provisions of Rule 15c-2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

**SECTION 11**. The intent of this resolution is to give the Village Treasurer sufficient authority to execute those applications, agreements, instruments, or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of the Board of Trustees of the Village.

**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 Village hereby determines the Phase 2 & 3 Facility Improvements to be a Type II activity pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act (SEQR), and therefore such improvements are not subject to environmental review under SEQR and do not require a determination of significance, an Environmental Impact Statement, or a findings statement (Regulation 6 NYCRR §617.5(c)(1) and (2)).

**SECTION 14**. 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:

(a) Such obligations are authorized for an object or purpose for which the Village is not authorized to expend money; or

(b) 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

(c) Such obligations are authorized in violation of the provisions of the Constitution of New York.

**SECTION 15**. 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 within ten days after the date of adoption of this resolution in the *Amherst Bee*, newspaper regularly published and having a general circulation in the Village and hereby designated as the official newspaper of the Village for such publication and post (in at least six conspicuous public places within the Village), an abstract of this resolution, together with a notice of adoption of this resolution subject to permissive referendum.

**SECTION 16**. If no petitions are filed during 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 said Local Finance

Law, in the *Amherst Bee*, hereby designated as the official newspaper of the Village for such publication.

## IV. Adjournment