

SPECIAL VILLAGE BOARD MEETING
August 28, 2018

Mayor: Carl Luft

Trustees: John Wadach, John Correll, Joe Schwing, Jerry Warsaw

Recording Secretary: Linda Banfield

Guest: Pat Nicoletta (MRB)

Meeting opened at 5:00 pm.

This meeting is to consider bond financing for the WWTP.

RESOLUTION

Resolution made by John Correll, seconded by Jerry Warsaw designating lead agency for the WWTP project:

WHEREAS, the Village of Lima Village Board of Trustees (hereinafter referred to as Village Board) has on Aug. 28, 2018 declared its intent to be designated the Lead Agency for the Village of Lima Wastewater Treatment Plant Improvements Project under the provisions of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Village Board has provided written notices to this effect to the involved and interested agencies; and

WHEREAS, the Village Board has not received any written objections from the involved agencies to the Board's being designated as the lead agency under the SEQR Regulations; and

WHEREAS, the Village Board has previously determined that it is the most appropriate agency to insure the coordination of this Action and for making the determination of significance thereon under the SEQR Regulations.

NOW, THEREFORE BE IT RESOLVED that the Village Board does hereby designate itself as the lead agency for the Action identified above herein.

Resolution unanimously carried.

Pat reviewed the Full Environmental Assessment Form with the Board.

RESOLUTION

Resolution made by Joe Schwing seconded by John Wadach for the Determination of Environmental Significance:

WHEREAS, the Village of Lima Village Board of Trustees (hereinafter referred to as Village Board) has determined the above referenced Action to be an Type 1 Action pursuant to Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Village Board has reviewed and accepted the completed Full Environmental Assessment Form Parts 1, 2, and 3 on the Action prepared by the MRB Group; and

WHEREAS, the Village Board has completed the coordinated review and public comment period provided for under the SEQR Regulations; and

WHEREAS, the Village Board has completed the coordinated review and public comment period provided for under the SEQR Regulations; and

WHEREAS, the Village Board has designated itself as lead agency under the SEQR Regulations for making the determination of significance upon said action; and

WHEREAS, the Village Board has given consideration to the criteria for determining significance as set forth in Section 617.7© (1) of the SEQR Regulations and the information contained in Full Environmental Assessment Form Parts 1, 2, and 3.

NOW THEREFORE BE IT RESOLVED, THAT SAID Action **WILL NOT** result in any significant adverse environmental impacts based on the review of the Full Environmental Assessment Form; and

BE IT FINALLY RESOLVED that the Village Board does hereby make a Determination of Non-Significance on said Action, and the Mayor is hereby directed issue the Negative Declaration as evidence of the Village Board determination of environmental non-significance.

Resolution unanimously carried.

Bond Resolution dated August 28, 2018 of the Village Board of Trustees of the Village of Lima, New York, authorizing General Obligation Serial Bonds to finance Sewer System Capital Improvements within the village, authorizing the issuance of Bond Anticipation Notes in contemplation thereof, the expenditure of sums for such purpose, and determining other matters in connection therewith was made by John Correll, seconded by Joe Schwing;

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

WHEREAS, the Village, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder ("SEQRA"), negative declaration with respect to the type 1 action and has determined that the implementation of the action as proposed will not result in any significant adverse environmental impacts; now therefor, be it

RESOLVED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF LIMA, NEW YORK (hereinafter referred to as the "Village"), by the favorable vote of not less than two-thirds of all the members of such Board, as follows:

Section 1. The Village of Lima shall undertake the acquisition, construction and reconstruction of sewer system improvements at the Wastewater Treatment Plant, including, without limitation, anaerobic digester improvements, the installation of effluent disinfection, infrastructure improvements, and the

acquisition of original furnishings, equipment, machinery or apparatus, or the replacement of such equipment, machinery or apparatus, 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 in an aggregate principal amount not to exceed \$3,440,000.00 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Village are hereby authorized to be issued to finance said purpose, and said amount is hereby appropriated therefor.

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 \$3,440,000. The plan for financing of said purpose is to provide all of such maximum cost by issuance of obligations as herein authorized, to be offset and reduced for dollar by the amount of grants received, if any.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 4 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is thirty (30) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bond anticipation notes issued in anticipation of the sale of said bonds.

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, subject to statutory limitations, if any.

Section 5. It is hereby determined and declared that the Village reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, 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 Regulations 1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the power to contract and issue indebtedness pursuant to 169.00 of the Local Finance Law, if applicable, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, whether to authorize the receipt of bids in an electronic format, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and 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 fiscal officer. The Village Treasurer and the Village Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Village of Lima.

Section 7. The faith and credit of the Village of Lima, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same 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.

Section 8. After compliance with Section 9 hereof, this resolution shall be published in full by the Village Clerk of the Village of Lima 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 is subject to a permissive referendum of the qualified electors of the Village of Lima, pursuant to Section 36.00 of the Local Finance Law.

Resolution unanimously carried.

The preliminary Engineering Report for the Water System Improvements Project was given to the Board. They will review and get back to Pat by next Tuesday, the 3rd. of September. Ben will also review the report.

5:25 pm MOTION TO ADJOURN