

Regular meeting of the Trustees, Village of Lyndonville was held on Monday, April 5, 2021 at the Village Hall. Meeting by teleconference via Zoom, the meeting opened at 6:00 PM

PRESENT: Mayor: John Belson
Deputy Mayor: Danny Woodward Jr.
Trustees: Anne Marie Holland
Kimberly Kenyon - Absent
Darren Wilson
Clerk-Treasurer Teri Woodworth
Supt. of Public Works Terry M. Woodworth - via Zoom
Code Enforcement Officer Dan Wolfe - via Zoom
Attorney Katherine Bogan - Absent
Fire Chief Ben Bane
Public – Present: Jenelle Boyd & Rusty Boyd

ON MOTION of Trustee Wilson, seconded by Trustee Holland, to open the public hearing for the 2021-2022 tentative budget at 6:00pm.

Vote: 4 Ayes (Belson, Holland, Wilson, Woodward Jr.); 0 Nays; 0 Abstain

- The Board discussed the proposed budget. Mayor Belson noted the Fire budget still up in the air. Mayor Belson stated the Public Safety Committee will be meeting Wednesday April 7th at 6:00pm on Fire budget. Mayor Belson noted the Board could approve the 2021-2022 tentative budget or could hold off until April 15, 2021 to see the results of the Public Safety Committee meeting and any changes to the Fire budget. Mayor Belson asked if the public had any comment, there was no public comment. The Board agreed to give the Public Safety Committee a chance to meet for one final explain and discussion on the Fire budget.

ON MOTION of Trustee Woodward Jr., seconded by Trustee Wilson, to close the public hearing for the 2021-2022 tentative budget at 6:05pm.

Vote: 4 Ayes (Belson, Holland, Wilson, Woodward Jr.); 0 Nays; 0 Abstain

ON MOTION of Trustee Wilson, seconded by Trustee Holland, to open the public hearing for Local Law 2021-2 to override the tax levy limit established in general municipal law 3-c at 6:05pm.

Vote: 4 Ayes (Belson, Holland, Wilson, Woodward Jr.); 0 Nays; 0 Abstain

- Mayor Belson explained the local law.

ON MOTION of Trustee Holland, seconded by Trustee Woodward Jr., to close the public hearing for Local Law 2021-2 to override the tax levy limit established in general municipal law 3-c at 6:07pm.

Vote: 4 Ayes (Belson, Holland, Wilson, Woodward Jr.); 0 Nays; 0 Abstain

APPROVAL OF THE MINUTES

ON MOTION of Trustee Wilson seconded by Trustee Holland, to accept the minutes of the March 1, 2021 regular meeting.

Vote: 4 Ayes (Belson, Holland, Wilson, Woodward Jr.); 0 Nays; 0 Abstain

PRIVILEGE OF THE FLOOR

- Jenelle Boyd – Expressed concerns regarding the conditions at 43 Garland Street. Mrs. Boyd noted they property now has 6 vehicles, the newest one is now on the neighbor’s property and doesn’t have plates on it. Mrs. Boyd noted she’s very disappointed this situation hasn’t been resolved. Mrs. Boyd noted the first time she complained the side yard was cleaned up. Mrs. Boyd’s asked Mayor Belson if this property was need next to you, would you allow it? Trustee Woodward Jr. noted the residents at 43 Garland Street took his bath tub at 10:00pm after his home renovations and put it in their side yard. Code Enforcement Wolfe noted he will do whatever he can to get this property cleaned up and addressed. Code Enforcement Wolfe noted the owners of 43 Garland Street’s former property in Medina he had to deal with. Code Enforcement Wolfe noted he will be issuing an appearance ticket to 43 Garland Street. Mayor Belon will be checking in with Code Enforcement Wolfe tomorrow to get the process going and get a time frame for resolution.

USE OF FACILITIES

- Veterans Park – Houseman-Tanner Post 1603 American Legion has requested use of Veterans Park on May 31, 2021 from 9:00am to noon for a POW table and the playing of taps. There will be no parade this year.

RESOLUTION NO 2021-25

USE OF FACILITIES – HOUSEMAN-TANNER POST 1603 AMERICAN LEGION

ON MOTION of Trustee Woodward Jr., seconded by Trustee Holland, to approve the use of facilities request from the Houseman-Tanner Post 1603 American Legion.

Vote: 4 Ayes (Belson, Holland, Wilson Woodward Jr.); 0 Nays; 0 Abstain

Report – Code Enforcement Wolfe

- Mayor Belson confirmed everyone received Code Enforcement Wolfe’s report. Mayor Belson noted Trustee Holland advised him she saw the concerns of the fence complaint at the E-Z Shop being addressed today.
- Code Enforcement Wolfe noted March was hectic with the Pennysaver building collapsing, he thanked everyone involved in the project.

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- Code Enforcement Wolfe noted a situation came up at 28 South Main Street for a carbon monoxide that he wasn't able to respond to that Code Enforcement Officer Dan Strong handled for him. Code Enforcement Wolfe mentioned he needs to have a backup for him and wanted to work on a plan for the future he's going to work with Mayor Belson on that.
- Code Enforcement Wolfe wanted to publicly give a special thanks to Clerk-Treasurer Woodworth for all the help the past few years with building permits, variances, special use permits, site plan reviews etc, he noted he couldn't accomplish nor perform his job duties working two hours a week without the very professional help from Clerk-Treasurer Woodworth.
- The Board discussed having a back up plan for future for Code Enforcement.

Report – Officer Larkin

- Mayor Belson confirmed everyone received Officer Larkin's police report.

Report – Fire Chief Bane

- Report – 49 Calls for 2021; 17 Calls for March (10 – EMS in Town, 3 – EMS in Village, 1 – Tree down Town, 1 – Water in the basement Town, 1 – Pole down Town and 1 – Smoke Alarm Village)
- Turnout Gear – Chief Bane asked for approval to purchase six sets of gear from Municipal Emergency Services based on the quote of \$16,071.30. Trustee Wilson noted the Fire Department should reach out the Lyndonville Area Foundation for any possible assistance in funding this purchase as well.

RESOLUTION NO 2021-26

PURCHASE SIX SETS OF TURNOUT GEAR

ON MOTION of Trustee Wilson, seconded by Trustee Woodward Jr., to authorize the purchase of six sets of turnout gear from Municipal Emergency Services not to exceed \$16,100.00.

Vote: 4 Ayes (Belson, Holland, Wilson, Woodward Jr.); 0 Nays; 0 Abstain

Report – Attorney Bogan

- Nothing - Absent

Report – Clerk-Treasurer Woodworth

- Fiscal & Environmental Stress Scores – Clerk-Treasurer Woodworth informed the Board the Village's 2020 Fiscal Stress is 5.0 – No Designation and Environmental Stress is 6.7 – No Designation, the same as 2019.
- 114 S Main St – Clerk-Treasurer Woodworth informed the Board, on March 10, 2021 Susanne Sanderson POA for Marian Dack, verbally requested an explanation of the Availability rate for 114 South Main Street. 114 South Main Street is a two (2) service unit location, as such a classified as a Class 2 for the Availability rate (Class 2 - First service unit - Availability charge \$100.00 per year, Each additional service unit -Availability charge \$50.00 per year.) Upon further review, it appears that on the June 1, 2016 billing cycle the system inadvertently changed the account from a two (2) service unit to a three (3) service unit. With this change the account in error has been over charged \$24.99 per quarter for 20 quarters resulting in a \$499.80 overpayment. On March 25, 2021, Clerk-Treasurer Woodworth informed Mrs. Sanderson of this error and supplied the attached history for her review. Clerk-Treasurer Woodworth advised Mrs. Sanderson to submit a letter to the Village Board requesting either a credit or a refund for said error. The account has been reclassified as a two (2) service unit. Clerk-Treasurer Woodworth expressed her apologies for not catching this error. The account has been flagged to double check the availability charge on the next several billing cycles.

RESOLUTION NO 2021-27

114 SOUTH MAIN STREET AVAILABILITY REFUND

ON MOTION of Trustee Belson, seconded by Trustee Woodward Jr., to authorize Clerk-Treasurer Woodworth to refund \$499.80 back to Marian Dack.

Vote: 4 Ayes (Belson, Holland, Wilson, Woodward Jr.); 0 Nays; 0 Abstain

- Planning Board and Zoning Board training for 2020 – Clerk-Treasurer Woodworth provided the Board with Village Law 7-a© allowing training to be waived. Due to COVID-19 has been difficult for 2020, Clerk-Treasurer Woodworth asked the Board to consider waiving the four hours of mandatory training for 2020 for the Planning and Zoning Board.

RESOLUTION NO 2021-28

WAIVE TRAINING REQUIREMENTS FOR 2020 FOR THE PLANNING AND ZONING BOARD OF APPEALS

ON MOTION of Trustee Holland, seconded by Trustee Wilson, to waive the four hours of mandatory training for 2020 for the Planning Board and Zoning Board of Appeals.

Vote: 4 Ayes (Belson, Holland, Wilson, Woodward Jr.); 0 Nays; 0 Abstain

- Budget Transfers

Budget Transfers – March 2021			
Account Number	Account Name	Increase	Decrease

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A0-1325-004	Clerk-Treasurer.Contractual	\$582.49	
A0-1325-002	Clerk-Treasurer.Equipment		\$582.49
A0-3410-002	Fire Protection.Equipment	\$6,186.60	
A0-3410-048	Fire.SCBA, Pump, Ladder Test		\$4,808.74
A0-3410-493	Fire.Truck Maintenance.Pump Maintenance		\$1,377.86
A0-3410-041	Fire.Radios-Pagers	\$1,787.06	
A0-3410-045	Fire.Medical Exams		\$1,787.06
F0-8310-001	Water Admin.Personal Services	\$1,718.35	
F0-8310-002	Water Admin.Equipment		\$1,500.00
F0-8310-004	Water Admin.Contractual		\$218.35
F0-8340-011	Water Transm & Distrib.Personal Services - TOY	\$1,712.18	
F0-8340-011	Water Transm & Distrib.Personal Services – VOL		\$1,712.18
F0-8340-014	Water Transm & Distrib.Contractual – TOY	\$1,849.38	
F0-8340-004	Water Transm & Distrib.Contractual – VOL		\$1,849.38
G0-8110-001	Sewer Admin.Personal Services	\$1,718.11	
G0-8110-002	Sewer Admin.Equipment		\$500.00
G0-8110-004	Sewer Admin.Contractual		\$337.33
G0-8130-002	Sewage Treatment & Disposal Equipment		\$880.78

RESOLUTION NO 2021-29

BUDGET TRANSFERS

ON MOTION of Trustee Holland, seconded by Trustee Woodward Jr., to authorize Clerk-Treasurer Woodworth make the presented budget transfers.

Vote: 4 Ayes (Belson, Holland, Wilson, Woodward Jr.); 0 Nays; 0 Abstain

- Vouchers – Abstract A10-1 – A11 # 15031 – 15111 to be paid

General	\$ 19,458.62
Water	\$ 12,481.48
Sewer	<u>\$ 8,963.26</u>
Grand Total	\$ 40,903.36

RESOLUTION NO 2021-30

VOUCHERS TO BE PAID FOR ABSTRACTS A10-1 – A11

ON MOTION of Trustee Wilson, seconded by Trustee Woodward Jr., to have Clerk-Treasurer Woodworth pay Abstracts A10-1 – A11 # 15031 – 15111.

Vote: 4 Ayes (Belson, Holland, Wilson, Woodward Jr.); 0 Nays; 0 Abstain

Report – Superintendent Woodworth

- Sidewalks – Superintendent Woodworth noted sidewalk work will start next week, they will be done by the end of May.
- MRB Group – Dam violations – Superintendent Woodworth noted the Village is under violation on the inspection of the Dam. Superintendent Woodworth asked the Board for approval on the MRB Group quote not to exceed \$9,260.00 for the inspection. Mayor Belson inquired if the insurance inspection was the same thing. Superintendent Woodworth noted the insurance inspection doesn't meet the DEC requirements. Mayor Belson inquired if the insurance inspection was useless. Superintendent Woodworth noted that was for insurance purposes, the DEC has difference requirements.
- Trustee Wilson inquired about status of the hole on South Main. Superintendent Woodworth noted they are looking into getting it taken care of. Trustee Wilson noted he's going to continue bugging Superintendent Woodworth until its resolve.

Report – Trustee Kenyon

- Nothing - Absent

Report – Trustee Woodward Jr.

- Trustee Woodward Jr. inquired if the Fire Department ISO rating has come back yet. Chief Bane noted he has not received anything as of yet.
- Trustee Woodward Jr. inquired when the next meeting will be regarding Dollar General. Clerk-Treasurer Woodworth the next joint Planning Board and Zoning Board of Appeals meeting is April 21, 2021 at 6:00pm.
- Trustee Woodward Jr. noted there needs to be a back for Code Enforcement.
- Trustee Woodward Jr. noted he had concerns regarding 43 Garland Street as well.

Report – Trustee Holland

- Trustee Holland inquired if the Dam inspection is a one-time deal. Clerk-Treasurer Woodworth noted the Board would need to approve Mayor Belson to execute the quote from MRB Group.
- Trustee Holland expressed her concerns regarding 43 Garland Street.

Report – Trustee Wilson

- Nothing

Report – Mayor Belson

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- Mayor Belson inquire if anyone has applied to the Clerk Part-Time position. Clerk-Treasurer Woodworth noted she has not received any inquiries at this point. The Board requested an ad be put on the Orleans Hub and the Lake Country Pennysaver for the Clerk Part-Time position.
- Mayor Belson asked Trustee Holland if she would see if Terry Stinson is interested in being on the Village Planning Board as an alternate.
- Mayor Belson noted it's been a busy week in the Village with the robbery at the Discount Grocery Store, the carbon monoxide call, fire call and the spill at the E-Z Shop. Mayor Belson noted the New York State Police and the New York State DEC may need to be provided a copy of the Village Police Reform as he didn't feel the proper protocols was followed. Mayor Belson thanked the Lyndonville Fire Department for their services the last several days.

OLD BUSINESS:

- Use of Facilities – Rental/Cleaning fee for the Fire Hall – Work in progress
- Water Rate Agreement – Work in progress.

NEW BUSINESS:

- 2021-2022 Annual Appointments

Budget Officer	Teri M. Woodworth
Chief of Police	John Belson
Code Enforcement Officer	Daniel Wolfe
Communications Technology Coordinator	Kimberly Kenyon
Deputy Registrar of Vital Statistics	Darren Wilson
Fair Housing Officer	Darren Wilson
Fire Department Liaison	Danny Woodward Jr.
Fire Department Records Officer	Teri M. Woodworth
Grants Managers	MRB Group & LaBella Associates
Historian	Teri M. Woodworth
Insurance Broker	Tompkins Insurance Agencies, Inc.
Legion & VFW Liaison	Darren Wilson
Lions Club Liaison	Danny Woodward Jr.
Orleans County Planning Board	Steven Vann, Alternate - Kelly Cousins
Parking Lots & Streets	John Belson
Parks & Pond	Kimberly Kenyon
Planning Board Clerk	Teri M. Woodworth
Planning Board Liaison	Darren Wilson
Public Safety Committee	John Belson & Danny Woodward Jr.
Records Management Officer	Teri M. Woodworth
Registrar of Vital Statistics	Teri M. Woodworth
Safety Officer	Terry M. Woodworth
Senior Citizens Rep	Anne Marie Holland
Sewer (Sanitary & Storm)	John Belson
Sexual Harassment Officer	Darren Wilson
Sidewalks	Anne Marie Holland
Street Lighting	Anne Marie Holland
Trees	Kimberly Kenyon
Village Attorney	Katherine Bogan
Village Engineer	MRB Group
Village Police Officer	William Larkin
Water Works	John Belson
Youth Rep	Kimberly Kenyon
Zoning Clerk	Teri M. Woodworth

Meeting Night	1st Monday of each month at 6:00pm
Next Organizational Meeting	April 4, 2022
Official Newspaper	The Batavia Daily News
Planning Board Meetings	3rd Wednesday of each month at 6:00pm
Workshops	Monday prior to Board Meeting each month at 2:30pm

Planning Board Member	Kelly Cousins	Term - 4/5/2021 - 4/6/2026
Zoning Board of Appeals Member	Benjamin Holland	Term - 4/5/2021 - 4/6/2026

POLICIES:

- Code of Ethics
- Communication Technology Policy
- Confined Space Policy
- Disciplinary Action Guidelines
- Driving of Village of Equipment Policy
- Drug and Alcohol Testing Policy
- Fixed Assets Policy
- Investment Policy
- Online Payments Policy
- Photographing, Recording & Broadcasting Policy
- Procurement Policy
- Public Employer Health Emergency Plan for the Village of Lyndonville
- Safety Eyeglasses Policy

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Sale of Scrap Metal Policy
Sexual Harassment Policy

ADVANCE APPROVAL OF CLAIMS:

WHEREAS the Board of Trustees has determined to authorize payment in advance of audit claims for public utility services, postage, freight, and express charges; and

WHEREAS all such claims must be presented at the next regular meeting for audit; and

WHEREAS the claimant and the officer incurring or approving the claim are jointly and severally liable for any amount the Board of Trustees disallows.

NOW THEREFORE BE IT RESOLVED;

Section 1. That the Board of Trustees authorizes payment in advance of audit of claims for public utility services, postage, freight and express charges. All such claims must be presented at the next regular meeting for audit and the claimant and the officer incurring or approving the claims are jointly and severally liable for any amount the Board of Trustees disallows.

Section 2. That this resolution is effective immediately.

MILEAGE REIMBURSEMENT:

WHEREAS the Board of Trustees has determined to pay a fixed rate for mileage as reimbursement to Village Officers and employees who use their personal automobiles while performing their official village duties;

NOW THEREFORE BE IT RESOLVED:

Section 1. That the Board of Trustees will approve reimbursement to such officers and employees at the rate of \$0.55 per mile.

Section 2. that this resolution is effective immediately.

ATTENDEANCE AT SCHOOLS, CONFERENCES, CLASSES AND MEETINGS:

WHEREAS there is to be held during the coming fiscal year

- a) NYCOM's Annual Meeting and Training School,
- b) NYCOM's Fall Training School,
- c) NYCOM's Public Works Training School, and
- d) Any County meetings, Mayor's Conferences, schools, workshops and NFAVO meetings; and

WHEREAS attendance by certain municipal officials, employees, Planning Board and Zoning Board members and Fire Department member at one or more of these meetings, conferences or schools benefits the municipality;

NOW THEREFORE BE IT RESOLVED:

Section 1. That the following officers, employees and Fire Department member are authorized to attend the following schools, conferences, workshops and meetings:

- a) NYCOM's Annual Meeting and Training School,
- b) NYCOM's Fall Training School,
- c) NYCOM's Public Works Training School, and
- d) Any County meetings, Mayor's Conferences, schools, workshops and NFAVO meetings

Section 2. That this resolution is effective immediately.

DESIGNATING DEPOSITORIES

WHEREAS the Board of Trustees has determined that Village Law § 4-412(3)(2) requires the designation of banks and trust companies for the deposit of all Village monies;

NOW THEREFORE BE IT RESOLVED;

Section 1. That the Board of Trustees designates the following institutions as depositories of all moneys received by the Village Treasurer, Clerk, and receiver of taxes: M&T Bank and NYCLASS

Section 2. That this resolution is effective immediately.

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PART-TIME AND EMERGENCY HELP PAY RATE

Pay rate of part-time labor is \$10.00 at the discretion of Supt. of Public Works; rate for part-time labor (emergency) is to be \$10.00 per hour.

RESOLUTION NO 2021-31

2021-2022 ANNUAL APPOINTMENTS

ON MOTION of Trustee Woodward Jr., seconded by Trustee Wilson, to approve the 2021-2022 annual appointments as presented.

Vote: 4 Ayes (Belson, Holland, Wilson, Woodward Jr.); 0 Nays; 0 Abstain

- Refunding Bond – The Board discussed refunding the water bond. Mayor Belson noted the Village would save approximately \$167,000.00 in the refunding.

RESOLUTION NO 2021-32

A REFUNDING BOND RESOLUTION, DATED APRIL 5, 2021, AUTHORIZING THE ISSUANCE OF REFUNDING BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$740,000 OF THE VILLAGE OF LYNDONVILLE, ORLEANS COUNTY, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO.

WHEREAS, the Village of Lyndonville, Orleans County, New York (the “Village”) heretofore issued its General Obligation Serial Bonds, 2006 dated September 21, 2006, in the original aggregate principal amount of \$882,000, with \$702,500 of such bonds being scheduled to mature in the years 2021 through 2044, inclusive (collectively, the “Refunded Bonds”); and

WHEREAS, in order for the Village to realize the potential for certain long-term debt service savings with respect to the Refunded Bonds, the Village Board of Trustees has determined, after consultation with the Village Treasurer and the municipal advisory and bond counsel firms retained by the Village, that it would be in the public interest for the Village to refinance the Refunded Bonds by the issuance of refunding bonds of the Village pursuant to Section 90.00 and/or Section 90.10 of the Local Finance Law (the “Refunding Law”); and

WHEREAS, the Refunded Bonds are, by their terms, either scheduled for payment or subject to the possibility of call for redemption prior to their stated maturity dates, and the Village has determined to conduct such a call for a redemption (on or about May 27, 2021), to achieve future debt service savings; and

WHEREAS, the Refunded Bonds were issued pursuant to a bond resolution adopted by the Village Board of Trustees on April 14, 2003, as amended on July 11, 2005 (as amended, the “Refunded Bond Resolution”) authorizing the issuance of bonds to finance the reconstruction of and construction of improvements to the Village water system, the terms of which are incorporated herein by this reference; and

WHEREAS, the Village has the power and authority to issue refunding bonds of the Village for the purpose of refunding (and thereby refinancing) the Refunded Bonds at more favorable rates of interest, including provision for incidental costs of issuance in connection therewith, pursuant to the provisions of the Refunding Law; and

WHEREAS, the Village has received a draft refunding summary/refunding financial plan, dated as of April 2, 2021 (the “Refunding Financial Plan”), from Municipal Solutions, Inc., the municipal advisory firm retained by the Village in connection with the proposed refunding of the Refunded Bonds and such Refunding Financial Plan is attached hereto as Exhibit A; and

WHEREAS, the Village Board of Trustees has reviewed and considered the Refunding Financial Plan in consultation with the Village Treasurer and the municipal advisory and bond counsel firms retained by the Village; and

WHEREAS, the Village desires to refund all or a portion of the Refunded Bonds by issuing certain new refunding bonds and selling such bonds at competitive sale in accordance with the Refunding Financial Plan; and

WHEREAS, the Refunding Law requires that the Village adopt a refunding bond resolution which includes a refunding financial plan setting forth all of the pertinent details in connection with the proposed refunding transaction;

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 Village Board of Trustees) as follows:

SECTION 1. Based on the recommendation of Municipal Solutions, Inc., the municipal advisory firm retained by the Village, the Village Board of Trustees hereby determines to undertake a current refunding of the Refunded Bonds, through the issuance of refunding bonds of the Village, such refunding bonds to be offered and sold at a competitive sale under arrangements that are to be in general accord with the Refunding Financial Plan.

SECTION 2. For the object or purpose of refunding the Refunded Bonds, including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein

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authorized, shall be sufficient to pay (A) such applicable outstanding principal amount of the Refunded Bonds, (B) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date(s) on which the Refunded Bonds mature or are to be redeemed in accordance with the Refunding Financial Plan, (C) redemption premiums, if any, payable on the Refunded Bonds as of such redemption date(s), (D) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including, but not limited to, the development of the Refunding Financial Plan, the fees and costs of the municipal advisor to the Village, and the fees and costs of the bond counsel to the Village, there are hereby authorized to be issued the Refunding Serial Bonds, 2021 of the Village in an aggregate principal amount not to exceed \$740,000 (the "Refunding Bonds") pursuant to the provisions of the Refunding Law, it being anticipated that the principal amount of Refunding Bonds actually to be issued will be approximately \$727,500 as described in the Refunding Financial Plan and in Section 5 hereof. The Refunding Bonds shall be dated such date as shall hereafter be determined by the Village Treasurer pursuant to Section 5 hereof, shall be of the denominations of \$5,000 or any integral multiple thereof not exceeding the principal amount of each respective maturity (unless a bond of an odd denomination is required), and shall mature annually and shall bear interest semi-annually thereafter on such dates as shall be determined by the Village Treasurer pursuant to Section 5 hereof, at the rate or rates of interest per annum as may be necessary to sell the same, all as shall be determined by the Village Treasurer.

SECTION 3. The Refunding Bonds shall be executed in the name of the Village by the manual or facsimile signature of the Village Treasurer, and its corporate seal (or a facsimile thereof) shall be imprinted thereon and attested by the Village Clerk. The Refunding Bonds shall contain the recital(s) required by the Refunding Law, as well as the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form, and contain such recitals, as the Village Treasurer shall determine.

SECTION 4. It is hereby determined that:

(A) The maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by the Local Finance Law; and

(B) The maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for each of the objects or purposes for which the Refunded Bonds were issued is as shown upon Exhibit B; and

(C) The last installment of the Refunding Bonds will mature not later than the expiration of the maximum period of probable usefulness of the objects or purposes for which the Refunded Bonds were issued, or in the alternative, the weighted average remaining period of probable usefulness of the objects or purposes (or classes of objects or purposes) financed with the Refunded Bonds or the weighted average remaining period of probable usefulness of the objects or purposes (or classes of objects or purposes) financed with the Refunded Bonds, in accordance with the provisions of the Refunding Law; and

(D) The estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the Refunding Law, is as shown in the Refunding Financial Plan described in Section 5 hereof.

SECTION 5. The Refunding Financial Plan, showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit A attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the aggregate principal amount of \$727,500 and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in Exhibit A. This Village Board of Trustees recognizes that the amount and/or structure of the Refunding Bonds, and the maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the Village will most probably be different from such assumptions and that the final details of the sale will also most probably be different from that attached hereto as Exhibit A. The Village Treasurer is hereby authorized and directed to determine the amount of the Refunded Bonds to be refunded, the details as to the redemption of the Refunded Bonds, including the date and amount of such redemption or redemptions, the amount of the Refunding Bonds to be issued, the date of such bonds and the date of issue, maturities and terms thereof, the provisions relating to any redemption of the Refunding Bonds prior to maturity, the terms of the competitive sale of the Refunding Bonds to the purchaser thereof, the amount of the annual installments of the Refunding Bonds to be paid pursuant to the Refunding Law, whether the Refunding Bonds shall be sold at a discount in the manner authorized by Section 57.00(e) of the Local Finance Law, and the rate or rates of interest to be borne thereby, and the terms of a final Refunding Financial Plan for the Refunding Bonds, whether the Refunding Bonds are sold in conjunction with or consolidated with the issuance of certain other refunding bonds to be issued by the Village to refund any other general obligation bonds issued by the Village (including, but not limited to, the structuring of the annual installments of a consolidated issue), and all powers in connection therewith are hereby delegated to the Village Treasurer; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of the Refunding Law. The Village Treasurer shall file a copy of his or her certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Village Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

SECTION 6. The faith and credit of the Village are hereby irrevocably pledged for the payment of the principal of and interest on the Refunding 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 Refunding Bonds becoming due and payable in such year. 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 Refunding Bonds as the same become due and payable.

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SECTION 7. 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 Refunding Bonds 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, if applicable, to designate the Refunding Bonds authorized by this resolution as "qualified tax-exempt obligations" in accordance with Section 265 of the Code.

SECTION 8. The Village Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the Refunding Bonds authorized by this resolution, if required, 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 9. 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 10. The Village hereby determines that the issuance of the Refunding Bonds is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") is required.

SECTION 11. In accordance with the provisions of Section 53.00 and the Refunding Law, subject to the determination by the Village Treasurer regarding the redemption of the Refunded Bonds described in Section 5 above, the Village hereby elects to redeem the Refunded Bonds with the proceeds of the Refunding Bonds prior to their stated maturity dates on the date or dates provided in the Refunding Financial Plan. The sum to be paid therefor on such redemption date or dates shall be the par value thereof plus the required redemption premium, if any, and the accrued interest to such redemption date or dates. Upon the issuance of the Refunding Bonds, the election to call in and redeem the Refunded Bonds and the direction to cause notice thereof to be given as provided in this section shall become irrevocable, provided that this section may be amended from time to time as may be necessary in order to comply with the publication requirements of Section 53.00(a) of the Local Finance Law, or any successor law thereto.

SECTION 12. Subject to compliance with the provisions of the Refunding Law, the Refunding Bonds shall be sold at a competitive sale and the Village Treasurer is hereby authorized to conduct such sale in accordance with the provisions of the Refunding Law and all other applicable statutes and regulations, and to make all final decisions with respect to or arising out of such competitive sale. After the Refunding Bonds have been duly executed, they shall be delivered by the Village Treasurer to the purchaser of the Refunding Bonds, in accordance with the terms of such competitive sale, upon the receipt by the Village of the applicable purchase price, including any premium or accrued interest.

SECTION 13. The Village Clerk - Treasurer and all other officers, employees and agents of the Village are hereby authorized and directed for and on behalf of the Village to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

SECTION 14. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the Village Treasurer and all powers in connection therewith are hereby delegated to the Village Treasurer.

SECTION 15. In the event of 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 16. The validity of the Refunding Bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which such 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 20 days after the date of such publication;
or

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

SECTION 17. 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 the official newspaper(s) of the Village for such publications.

SECTION 18. This resolution shall take effect immediately upon its adoption.

ON MOTION of Trustee Woodward Jr., seconded by Trustee Holland, to authorizing the issuance of refunding bonds in an aggregate principal amount not to exceed \$740,000 of the Village of Lyndonville, Orleans County, New York, pursuant to the local finance law and providing for other matters in relation thereto.

Regular meeting of the Trustees, Village of Lyndonville was held on Monday, April 5, 2021 at the Village Hall. Meeting by teleconference via Zoom, the meeting opened at 6:00 PM

Vote: 4 Ayes (Belson, Holland, Wilson, Woodward Jr.); 0 Nays; 0 Abstain

- Mayor Belson recommended setting a special meeting for the 2021-2022 tentative budget. The Board set a special meeting for 11:00am on April 14 2021.
- MRB Group – Dam Proposal

RESOLUTION NO 2021-33
MRB PROPOSAL

ON MOTION of Trustee Woodward Jr., seconded by Trustee Holland, to approve the MRB proposal on the DAM no to exceed \$9,260.00.

Vote: 4 Ayes (Belson, Holland, Wilson, Woodward Jr.); 0 Nays; 0 Abstain

RESOLUTION NO 2021-34
LOCAL LAW 2021-2 – TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW 3-C

ON MOTION of Trustee Woodward Jr., seconded by Trustee Holland, to adopt Local Law 2021-2 to override the tax levy limit established in general municipal law 3-c.

Vote: 4 Ayes (Belson, Holland, Wilson, Woodward Jr.); 0 Nays; 0 Abstain

ON MOTION of Trustee Woodward Jr., seconded by Trustee Wilson, to adjourn the meeting at 6:50 PM.

Vote: 4 Ayes (Belson, Holland, Wilson, Woodward Jr.); 0 Nays; 0 Abstain

Teri M. Woodworth
Clerk-Treasurer