



Incorporated 1872

VILLAGE OF CLAYTON

425 Mary St. ♦ PO Box 250 ♦ Clayton ♦ 1000 Islands ♦ New York 13624
 Phone: (315) 686-5552 Fax: (315) 686-2132
 TTD: 1-800-662-1220

RESOLUTION 2023-16 AMENDED BOND RESOLUTION

At a regular meeting of the Village Board of Clayton, Jefferson County, New York held at its Offices, in said Village of Clayton on the 27th day of November 2023 at 5:30 p.m., prevailing time.

The meeting was called to order by Mayor Zimmer and upon roll being called, the following were:

		PRESENT	ABSENT
Norma Zimmer	Mayor	X	_____
Nancy L. Hyde	Trustee/Deputy Mayor	X	_____
Allen Heberling	Trustee	X	_____
John Buker	Trustee	_____	X
Robert Wierzba	Trustee	X	_____

The following resolution was offered by Trustee Hyde, who moved its adoption, seconded by Trustee Wierzba, to wit:

AMENDED AND RESTATED BOND RESOLUTION DATED NOVEMBER 27TH, 2023

AN AMENDED AND RESTATED BOND RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS OR A STATUTORY INSTALLMENT BOND OF THE VILLAGE OF CLAYTON NOT TO EXCEED \$12,500,000 THE PROCEEDS OF WHICH ARE TO BE USED FOR THE VILLAGE OF CLAYTON WASTEWATER TREATMENT AND CONVEYANCE SYSTEM IMPROVEMENTS PROJECT AND IMPROVEMENTS TO THE VILLAGE OF CLAYTON WASTEWATER TREATMENT SYSTEM INCLUDING BUT NOT LIMITED TO CONVERTING THE

EXISTING CHLORINE CONTACT TO AN INTERMEDIATE EFFLUENT LIFE STATION, EXPANDING THE FILTRATION/DISINFECTION BUILDING, INSTALLING LARGER FILTERS AND UV DISINFECTION SYSTEMS RATED FOR HIGHER CAPACITY AND IMPROVEMENTS TO THE RIVERSIDE DRIVE PUMP STATION TO INCLUDE EXPANDING THE PUMP STATION WET WELL AND INSTALLING DRY PIT SUBMERSIBLE PUMPS WITH INCREASED CAPACITY IN THE EXISTING DRY WELL.

BE IT RESOLVED, by the Village Board of Clayton, Jefferson County, New York, as follows:

Section 1. The Village Board of Clayton in the interest of certain of its citizens of the Village of Clayton and as Governing Board finds that it is necessary to upgrade and improve to replace the Village of Clayton Wastewater Treatment and Conveyance System that includes but is not limited to converting the existing chlorine contact to an intermediate effluent lift station, expanding the filtration/disinfection building, installing larger filters, and UV disinfection systems rated for higher capacity and improvements to the Riverside Drive Pump Station to include expanding the pump station wet well and installing dry pit submersible pumps with increased capacity in the existing dry well. The maximum cost of such specific objects or purposes as determined by the engineers hired by the village is \$12,500,000.

Section 2. It is hereby determined that the period of probable usefulness of the aforesaid Project is forty (40) years; pursuant to subdivision (a)(4) of Section 11.00 of the Local Finance Law. It is further determined that no down payment is required pursuant to Section 107 of the Local Finance Law.

Section 3. The plan for the financing of such estimated cost is based upon receipt of a grant through the Lake Ontario Resiliency and Economic Development Initiative (REDI), grant up to \$5,000,000 through the New York State Department of Environmental Conservation Water Quality Improvement Project and/or a grant up to \$975,000 through New York State Environmental Facilities Corporation and/or grants/low interest loans through New

York State Environmental Facilities Corporation and/or low grants and low interest loans through the United States Department of Agriculture Rural Development and/or Serial Bonds or a Statutory Installment Bond, in an amount not to exceed \$12,500,000, and hereby authorized to be issued, pursuant to the Local Finance Law, for a period in excess of five (5) years.

Section 4. The faith and credit of said Village of Clayton, Jefferson County New York are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall become due and payable.

Section 5. Subject to the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes of the issuance and the sale of a statutory installment bond or serial bonds herein authorized, including renewal of such notes, is hereby delegated to the Village Treasurer, the Chief Fiscal Officer. Such Notes shall be of such terms, form and contents and shall be sold in such a manner as may be prescribed by said Mayor consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Mayor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said Village, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation if necessary; provided, however, that in the exercise of these delegated powers, the Mayor shall comply fully with the provisions of the Local Finance Law and any other order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Mayor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially

level or declining annual debt service, shall be determined by the Mayor, the chief fiscal officer of the such Village. Such bonds shall contain substantially 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, in addition to those required by Section 51.00 of the Local Finance Law, as the Mayor shall determine consistent with provisions of the Local Finance Law.

Section 8. The Mayor is hereby further authorized, at her sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Health and/or 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 class of objects or purposes described in the Bond Resolution, or a portion thereof, by a bond, and/or note of issue of said Village in the event of the sale of the same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law, if advisable, is hereby delegated to the Mayor. Such notes shall be of such terms, form and contents as may be prescribed by said Mayor consistent with the provisions of the Local Finance Law.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- (2) 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
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. Upon this resolution taking effect, the same be published in full in the Thousand Islands Sun, the official newspaper of said Village for such purpose, together with a notice of the Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 12. This Resolution is subject to permissive referendum, pursuant to Section 36.00(a) of the Local Finance Law.

Section 13. This resolution shall constitute a statement of official intent for the purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

		VOTING	
		YES	NO
Norma Zimmer	Mayor	X_____	_____
Nancy L. Hyde	Trustee/Deputy Mayor	X_____	_____
Allen Heberling	Trustee	X_____	_____
John Buker	Trustee	Absent	_____
Robert Wierzba	Trustee	X_____	_____

The Resolution was thereupon declared duly adopted.

The above Resolution is a true, complete and accurate copy of a resolution made and seconded at a regular meeting of the Village Board of the Village of Clayton held **November 27th, 2023.**



Joanne Lenard-Boye, Village Clerk