

SPECIAL MEETING  
June 12, 2024

Present: Mayor Burling, Trustees Gardner, Rajk and Schurr, Clerk Allen, and Superintendent Evans.

Mayor Burling presided

Meeting was open with a salute to the flag.

WATER SYSTEM PROJECT – Received Municipal Solutions resolution to authorize application for the Water Infrastructure Improvements Act (WIIA) funding.

WATER SYSTEM PROJECT – Received SEQRA resolution from Clark Patterson Lee for the WIIA grant application.

WATER SYSTEM PROJECT – Received Bond resolution from Hodgson Russ to finance the project.

RESOLUTION #125 OF 2024  
**RESOLUTION WITH REFERENCE TO THE PROPOSED  
VILLAGE OF WARSAW, WYOMING COUNTY, NEW YORK  
WATER IMPROVEMENTS PROJECT**

**WHEREAS**, the Village of Warsaw engaged Clark Patterson Lee Engineers to complete an engineering report for the Village’s water distribution system to identify the current system shortcomings, the proposed infrastructure improvements necessary to improve performance, and the projected costs for residents of the district: and

**WHEREAS**, affordability for Village residents and property owners is a significant concern in advancement of the proposed project: and

**WHEREAS**, the Village is eligible for Water Infrastructure Improvement Act (WIIA) funding and must now submit a competitive application to obtain WIIA funding.

**NOW, THEREFORE, be it RESOLVED as follows:**

1. The Village Board authorizes Municipal Solutions, Inc. to prepare an application for Water Infrastructure Improvement Act grant funds from the NYS Environmental Facilities Corporation (EFC).
2. The Village Board authorizes Mayor Daniel Burling to execute the application for Water Infrastructure Improvement Act grant funds from the NYS Environmental Facilities Corporation (EFC).
3. This resolution shall take effect immediately.

Dated: June 12, 2024

Introduced by: Trustee Schurr

Seconded by: Trustee Rajk

Mayor Burling - Aye  
Trustee Gardner - Aye  
Trustee Rajk - Aye  
Trustee Schurr – Aye  
Trustee Schell - Absent

CARRIED

RESOLUTION #126 OF 2024

**CLASSIFYING THE WATER SYSTEM IMPROVEMENTS AS A TYPE II ACTION.**

Trustee Rajk presented the following resolution and moved that it be adopted, and it was seconded by Trustee Gardner.

BE IT RESOLVED BY THE BOARD OF THE VILLAGE OF WARSAW AS FOLLOWS:

**WHEREAS**, the Village of Warsaw Board (“Village”) has determined that it is appropriate to apply for grant funding to assist in the financing of the various capital improvement projects; and

**WHEREAS**, the capital improvements, known as the (“Project”), being considered includes the following improvements to the existing water system

- Improvements to the headwaters including security, spillway improvements and intake screen;
- Improvements to the reservoir pong including dredging, pump replacement, intake, and by-pass piping;
- Improvements to the water treatment plant including the mixing chamber, clarification chambers, filtration units, and site work;
- Improvements to the backwash lagoon;
- Improvements to the clearwell including pump replacement and expansion to add capacity;
- Improvements to the Summit Ave. pump house including electrical, pumps, and roof;
- Improvements to the storage tanks including installation of TTHM removal systems, coating application, and piping;
- Improvements to the system controls including SCADA;
- Replacement of the water transmission main from the water treatment plant to the Village;
- Replacement of the water main on Liberty Street; and

**WHEREAS**, pursuant to the requirements of the State Environmental Quality Review Act (“SEQRA”), the Village must consider pursuant to criteria set forth in SEQRA the environmental implications of the Project; and

**WHEREAS**, certain actions are classified under SEQRA as Type II actions; and

**WHEREAS**, Type II actions are those actions, or classes of actions, which have been found categorically to not have significant adverse impacts on the environment, or actions that have been statutorily exempted from SEQRA review, and Type II actions do not require preparation of an Environmental Assessment Form, a negative or positive declaration, or an Environmental Impact Statement; and

**WHEREAS**, Type II actions do not require any further SEQRA review; and

**WHEREAS**, the Village has considered under SEQRA the environmental impact of which will be separately considered, and finds that each of the actions meets the requirement for a Type II action; and

**WHEREAS**, pursuant to 6 NYCRR Section 617.5 (c), the Project is determined to be Type II actions because they involve the following requiring no further review by the Village:

617.5 (c) (1) maintenance or repair involving no substantial changes in an existing structure or facility;

617.5 (c) (2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4;

617.5 (c) (6) street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities;

**NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE BOARD OF WARSAW, NEW YORK AS FOLLOWS:**

1. The Project discussed above hereby is determined to constitute SEQRA Type II Action as defined under said regulation and do not require an environmental impact statement or any other determination or procedure.

This resolution shall take effect immediately.

Duly put to a vote as follows:

Mayor Burling – Aye  
Trustee Gardner – Aye  
Trustee Rajk – Aye  
Trustee Schurr – Aye  
Trustee Schell – Absent

**CARRIED**

WATER SYSTEM PROJECT – Trustee Schurr questioned costs and if the village was obligated to the amount in the bond resolution. Superintendent Evans explained that these are estimated costs and can be adjusted.

RESOLUTION #127 OF 2024

WATER SYSTEM PROJECT:

Motion made by Trustee Schurr  
Seconded by Trustee Rajk

**AN AMENDING AND RESTATING BOND RESOLUTION, DATED JUNE 12, 2024, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF WARSAW, WYOMING COUNTY, NEW YORK (THE “VILLAGE”), AMENDING THE BOND RESOLUTION THAT WAS ADOPTED ON JUNE 19, 2017, AND AUTHORIZING A WATER SYSTEM CAPITAL IMPROVEMENTS PROJECT, AT AN ESTIMATED MAXIMUM COST OF \$12,100,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$12,100,000 OF THE VILLAGE, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE VILLAGE TREASURER.**

WHEREAS, on June 19, 2017, the Village Board of Trustees of the Village of Warsaw, Wyoming County, New York (the “Village”) adopted a certain bond resolution (the “Original Bond Resolution”) entitled:

A BOND RESOLUTION, DATED JUNE 19, 2017, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF WARSAW, WYOMING COUNTY, NEW YORK (THE “VILLAGE”), AUTHORIZING A WATER SYSTEM CAPITAL IMPROVEMENTS PROJECT, AT AN ESTIMATED MAXIMUM COST OF \$4,988,250 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$4,988,250 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE VILLAGE TREASURER.

and

WHEREAS, due to a modification to the scope of the project and an increase in the cost of construction materials and labor, the Original Bond Resolution has increased above the estimated maximum cost as provided in the Original Bond Resolution; and

WHEREAS, due to such modification to the scope and increased estimated maximum cost of the project, the Village Board of Trustees wishes to modify the Original Bond Resolution for the primary purposes of increasing: a) the estimated maximum cost of the project from \$4,988,250 to \$12,100,000 and b) the amount of serial bonds authorized to be issued from \$4,988,250 to \$12,100,000, and to make other modifications to the Original Bond Resolution as may be consistent with law; and

WHEREAS, the Village Board of Trustees now wishes to amend and restate (in its entirety) the Original Bond Resolution for the reasons identified above, and to make other modifications to the Original Bond Resolution as may be consistent with law and the Original Bond Resolution is otherwise being reaffirmed and ratified in all other material respects; and

WHEREAS, the Village has not previously issued bond anticipation notes pursuant to the Original Bond Resolution, and has not yet entered into permanent financing arrangements thereunder (i.e., the issuance of long-term serial bonds); and

NOW THEREFORE,

BE IT RESOLVED, by the Village Board of Trustees of the Village (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Village is hereby authorized to undertake a certain water system capital improvements project, primarily at the water treatment plant, such work to generally consist of (but not be limited to) the installation of various equipment and site improvements at the headwaters source, improvements to the reservoir pond, replacement of mixing chamber valves, improvements to backwash lagoon and clearwell including pump replacement, various improvements to the pump house, improvements to water storage tank, installation of SCADA system controls, exterior site improvements and the replacement and installation of water main along various roads in the Village, as well as other improvements more fully identified in (or contemplated by) a preliminary engineering report prepared by CPL, and 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 (collectively, the "Purpose"). The amended estimated maximum cost of the Purpose is \$12,100,000.

SECTION 2. The Village Board of Trustees plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$12,100,000 of the Village, hereby authorized to be issued therefor pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, the cost of such improvements is to be paid by the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that the Purpose is an object or purpose described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is 40 years.

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 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 shall 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 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 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, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Village Board of Trustees pertaining or incidental to the sale and issuance of the obligations herein authorized, 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 of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said 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 Village 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. To the extent not previously authorized, 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 165.10 of the Local Finance Law, for the purpose or purposes described in this resolution.

SECTION 9. This resolution shall constitute the declaration (or reaffirmation) of the Village's "official intent" to reimburse the expenditures authorized in this resolution with the proceeds of the bonds, notes or other obligations authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 10. 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 11. 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 12. 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 13. 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 determination or procedures under the State Environmental Quality Review Act (“SEQRA”) are required.

SECTION 14. To the extent applicable, the Village Treasurer is hereby authorized to execute and deliver in the name and on behalf of the Village a project financing agreement prepared by the New York State Environmental Facilities Corporation (“EFC”) (the “SRF Project Financing Agreement”). To the extent applicable, the Village Treasurer and the Village Clerk 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, including, but not limited to, the SRF Project Financing Agreement.

SECTION 15. 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 16. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such 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 as of the date of publication of this notice were not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice, or

2. such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 17. 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 (one time) and post (in at least six conspicuous public places within the Village and at each polling place), this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten days after the date of adoption of this resolution.

SECTION 18. If no petitions are filed in 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 the Local Finance Law, in the official newspaper(s) of the Village, or if no newspaper(s) have been so designated, then in a newspaper having a general circulation in the Village, and hereby designated as the official newspaper of the Village for such publication.

SECTION 19. Nothing in this amendment shall affect the validity of the Original Bond Resolution, or any actions taken thereunder, and any such actions are hereby ratified.

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

Mayor Burling – Aye  
Trustee Gardner – Aye  
Trustee Rajk – Aye  
Trustee Schurr – Aye  
Trustee Schell – Absent

CARRIED

The foregoing resolution was thereupon declared duly adopted.

Moved and seconded to adjourn at 5:16 p.m.

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Lisa A. Allen, Clerk