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RESOLUTION #31-2026 OF THE TOWN BOARD, TOWN OF NEWFANE, NY

**BOND RESOLUTION OF THE TOWN OF NEWFANE, NEW YORK,
ADOPTED MAY 27, 2026, APPROPRIATING \$3,690,532 FOR THE
INCREASE AND IMPROVEMENT OF FACILITIES OF CONSOLIDATED
SEWER DISTRICT NO. 1, AND AUTHORIZING THE ISSUANCE OF
\$3,690,532 BONDS OF SAID TOWN OF FINANCE SAID
APPROPRIATION**

**Attached Resolution prepared by Hawkins Delafield & Wood LLP
Robert P Smith, Partner**

Signed and Dated: May 27, 2026

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APPROPRIATION**

Offered by: _____

Seconded By: _____

Recital

WHEREAS, following preparation of a map, plan and report by Wendel, engineers duly licensed by the State of New York (the “Engineer”) and an estimate of cost for the increase and improvement of facilities of Consolidated Sewer District No. 1 (the “District”), in the Town of Newfane (the “Town”), in the County of Niagara, New York, and after a public hearing duly called and held, the Town Board of the Town determined that it is in the public interest to increase and improve the facilities of the District, and ordered that such facilities be so increased and improved;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF NEWFANE, IN THE COUNTY OF NIAGARA, NEW YORK (by the favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Town hereby appropriates the amount of \$3,690,532 for the increase and improvement of facilities of the District, including upgrades and improvements to the Wastewater Treatment Plant, installation of a UV disinfection system and improvements to Pump Station 13, including relining of the Pump Station 13 discharge forcemain, and other ancillary or related work required in connection therewith, all as described in the report prepared by the

Engineer, dated August 2025 and revised January 2026. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$3,690,532. The plan of financing includes the issuance of \$3,690,532 bonds of the Town to finance said appropriation and the levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem especially benefited by said facilities, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same. Grant funds are expected to be received in connection with the increase and improvement of facilities of the District, and any such grant funds received are authorized to be used to pay a part of the cost of such project.

Section 2. Bonds of the Town are hereby authorized to be issued in the principal amount of \$3,690,532 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 4 of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the serial bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) 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 to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law 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 Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and the renewals of said bond anticipation notes, and relative to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and

an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, in a newspaper that has been designated as the official newspaper of the Town for such publication, together with the Town Clerk's statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

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

Supervisor John Syracuse	voting_____
Councilman Paul Conrad	voting_____
Councilman Robert C. Horanburg	voting_____
Councilwoman Jessica Reinhardt	voting_____
Councilman Peter P. Robinson	voting_____

The Resolution was declared adopted.