

AGENDA  
Town of Lockport Meeting  
February 5, 2014

PLEDGE OF ALLEGIANCE

ADMINISTRATION OF OATH: Thomas J. Keough, Town Councilman  
Town Justice Cheryl A. Antkowiak, Presiding

PUBLIC HEARING: Relating to proposed 202-b action:  
Certain Improvements of the Town Sewer District #3

PUBLIC HEARING: Relating to proposed 202-b action:  
Certain Improvements of the Town Water District #3

PUBLIC COMMENTS:

BUSINESS MEETING:

1. Approval of Minutes of 01/06/2014, 01/08/2014 and 01/22/2014.
2. Approval of Payment of Bills.
3. Communications.
4. Building Inspector's Report.
5. Supervisor's Monthly Financial Report.
6. Resolution to approve a Recreation Contract with the Niagara Co. Historical Society to provide discount passes to the Erie Canal Discovery Center for Town residents.
7. Resolution to authorize Bark for Life of WNY to conduct a fund raiser for the American Cancer Society to be held at the Day Road Park on August 24, 2014 from 9:00 a.m. – 2:00 p.m.
8. Authorization for Town Assessor to hire Casey Anderson to the position of Real Property Appraisal Technician at a salary of \$16.50 per hour.
9. Resolution that determines that the proposed Capital Improvement Project for Sewer District #3 is a Type II Action and is not anticipated to result in any significant impact and that no SEQRA Determination of Significance, EIS, or Findings are required for this project.

(over)

10. Resolution to issue a Negative Declaration under SEQRA for the proposed Capital Improvement Project for Water District #3.
11. Resolution authorizing the Supervisor to enter an agreement with Wendel to provide Engineering Services for Survey and Design for new sidewalks on Locust Street and Shimer Drive, in an amount not to exceed \$38,300.00.
12. Resolution authorizing the Supervisor to enter into an agreement with Lockport Little League to provide baseball and/or softball activities for Town of Lockport residents for the 2014 season.
13. Resolution authorizing the Town Highway Dept. to purchase of a new plow for a pickup truck from Niagara Performance, the low bidder, in the amount of \$4,000.00.

ACTION AFTER PUBLIC HEARING:

14. Resolution, pursuant to Section 202-b of Town Law, to approve the undertaking of Certain Capital Improvements for Sewer District #3.

ROLL CALL VOTE:        MC    PS    TK    MS

15. Resolution, pursuant to Section 202-b of Town Law, to approve the undertaking of Certain Capital Improvements for Water District #3.

ROLL CALL VOTE:        MC    PS    TK    MS

16. Resolution authorizing the issuance of up to \$2,837,500.00 in serial bonds for the Town to undertake Certain Capital Improvements for Sewer District #3.

ROLL CALL VOTE:        MC    PS    TK    MS

17. Resolution authorizing the issuance of up to \$14,080,000.00 in serial bonds for the Town to undertake Certain Capital Improvements to Water District #3.

ROLL CALL VOTE:        MC    PS    TK    MS

18. Resolution authorizing the Supervisor to enter into an agreement with Harris, Beach to provide Bond Counsel Services for the Capital Improvement Project for Sewer District #3.

(Next Page)

19. Resolution authorizing the Supervisor to enter into an agreement with Harris, Beach to provide Bond Counsel Services for the Capital Improvement Project for Water District #3.
20. Resolution authorizing the Supervisor to enter an agreement with Municipal Solutions to provide Financial Advisory Services for the Capital Improvement Project for Sewer District #3.
21. Resolution authorizing the Supervisor to enter an agreement with Municipal Solutions to provide Financial Advisory Services for the Capital Improvement Project for Water District #3.
22. Resolution authorizing the Supervisor to enter an agreement with Wendel to provide Engineering Services for Survey, Design and Bidding Services for the Capital Improvement Project for Sewer District #3 in an amount not to exceed \$124,700.00.
23. Resolution authorizing the Supervisor to enter an agreement with Wendel to provide Engineering Services for Survey, Design and Bidding Services for the Capital Improvement Project for Water District #3 in an amount not to exceed \$424,800.00.
24. Town Board Comments/Reports
25. Town Supervisor's Comments/Reports.
26. Adjournment.

## **AGREEMENT**

**THIS AGREEMENT** made this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by and between **LOCKPORT LITTLE LEAGUE**, P.O. Box 1179, Lockport, New York, hereinafter referred to as "Little League" and the **TOWN OF LOCKPORT, on behalf of the TOWN OF LOCKPORT RECREATION COMMISSION**, hereinafter referred to as "Town".

**WHEREAS**, the Little League has agreed to provide baseball and/or softball activities for area residents, including Town of Lockport residents, for its 2014 season, and

**WHEREAS**, the Town Recreation Commission desires to provide to Town resident youths the opportunity to participate in organized baseball,

**NOW, THEREFORE, IT IS DULY AGREED BY THE PARTIES AS FOLLOWS:**

1. Residents of the Town of Lockport of appropriate age will be offered the opportunity to participate in Little League baseball activities during the 2014 Lockport Little League baseball season.
2. The Little League agrees to provide volunteer and paid staff, including coaches, referees, etc., during said baseball season, and appropriate facilities for baseball and/or softball and to run a little league baseball program.
3. The Little League shall submit to the Town of Lockport Recreation Commission a list of each Town resident who has signed

up to participate in Little League, together with his or her residence.

4. The Town shall pay to the Little League the amount of \$15.00 for each youth who participates in Little League.

5. It is agreed that the Town of Lockport and the Town Recreation Commission provide no supervision or involvement in the Little League's program.

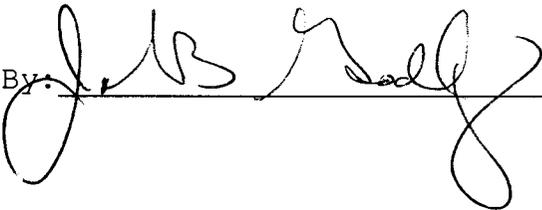
6. It is understood and agreed that the Little League is an independent contractor and that the Little League assumes full responsibility for the safety of all persons participating in the Little League's programs, pursuant to this Agreement.

7. The Little League shall indemnify and save harmless the Town of Lockport for and against any and all liability, damage expense, cause of action, suits, claims, penalties or judgments arising from injury to any person or property or from loss of life sustained by anyone arising out of the Little League program conducted, pursuant to the terms of this Agreement, as a result from any negligence, acts or omissions of the Little League, its employees, servants, or agents. The Little League shall, at its own cost and expense, defend any and all suits or actions which may be brought against the Town of Lockport which may be impleaded with others upon any such claim. Further, the Little League shall satisfy, pay and discharge any and all judgments that may be recovered against the Town of Lockport in any such suit or action against the

Town of Lockport as a result of any act or omission of the Little League for its negligence resulting in injury to any person on the premises of the Little League pursuant to this Agreement.

8. The Little League agrees that it will have liability insurance in the minimum amount of \$1,000,000.00 per occurrence to protect both itself and the Town of Lockport and members of the Recreation Commission of said Town of Lockport from any action brought as a result of injury or damage sustained which arises from activities under this Agreement. The Town of Lockport will be named as an additional insured on the policy which must not expire prior to the last date authorized for Little League activities under this Agreement, as evidenced by a Certificate of Insurance filed with the Town.

**LOCKPORT LITTLE LEAGUE**

By:  \_\_\_\_\_

**TOWN OF LOCKPORT, on behalf of the  
TOWN OF LOCKPORT RECREATION COMMISSION**

By: \_\_\_\_\_  
Marc R. Smith, Supervisor

## **AGREEMENT**

**THIS AGREEMENT** made this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by and between the **NIAGARA COUNTY HISTORICAL SOCIETY, INC.**, 215 Niagara Street, Lockport, New York, hereinafter referred to as the "Historical Society" and the **TOWN OF LOCKPORT, on behalf of the TOWN OF LOCKPORT RECREATION COMMISSSION**, hereinafter referred to as "Town".

**WHEREAS**, the Town of Lockport Recreation Commission desires to provide cultural and entertainment opportunities to the residents of the Town of Lockport, and

**WHEREAS**, the Historical Society through its Erie Canal Discovery Center, located at 24 Church Street, Lockport, New York, provides such opportunities, and

**WHEREAS**, the Town has decided that it would be advantageous to encourage the use of the Erie Canal Discovery Center.

**NOW, THEREFORE**, it is duly agreed by the parties herein as follows:

1. That the Historical Society shall accept coupons at the Erie Canal Discovery Center as provided through the Town newsletter or as distributed by the Town Clerk's Office for discounts in the amount of \$2.00 for admission.

2. Upon returning the coupons collected to the Town Clerk, together with an executed Town Voucher, the Town shall reimburse the Historical Society for such discounts.

3. It is agreed that the Town has no input or control over the Erie Canal Discovery Center premises and the Erie Canal Discovery Center and Historical Society shall indemnify and hold harmless the Town of Lockport for and against any and all liability, damage expense, cause of action, suits, claims, penalties or judgments arising from injury to any person or property or from loss of life or property sustained by anyone in or about the property of the Erie Canal Discovery Center, arising from any acts or omissions of the Erie Canal Discovery Center or the Historical Society, its employees, servants, or agents. The Erie Canal Discovery Center shall, at its own cost and expense, defend any and all suits or actions which may be brought against the Town of Lockport, which may be impleaded with others upon any claim in the event of failure of the Erie Canal Discovery Center or the Historical Society to do any such act. Further, the Historical Society shall satisfy, pay and discharge any and all judgments that may be recovered against the Town of Lockport in any such suit or action against the Town of Lockport as a result of any act or omission of the Historical Society for its negligence resulting in injury to any person on the premises of the Erie Canal Discovery Center, pursuant to this Agreement.

4. This contract shall commence upon execution and shall remain in effect for a period of one year or until sooner terminated on 30 days notice by either party.

**NIAGARA COUNTY HISTORICAL SOCIETY, INC.**

By: Melissa Dunlap  
Melissa Dunlap, Executive Director

**TOWN OF LOCKPORT, on behalf of the  
TOWN OF LOCKPORT RECREATION COMMISSION**

By: \_\_\_\_\_  
Marc R. Smith, Supervisor

At a regular meeting of the Town Board of the Town of Lockport, in the County of Niagara, New York, held at the Town Hall, 6560 Dysinger Road, Lockport, New York 14094 at 7:30 p.m. on February 5, 2014

PRESENT: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ABSENT: \_\_\_\_\_

The following resolution was offered by \_\_\_\_\_, who moved its adoption, seconded by \_\_\_\_\_, to-wit:

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF LOCKPORT, NIAGARA COUNTY, NEW YORK (THE "TOWN") PURSUANT TO SECTION 202-b OF THE TOWN LAW DETERMINING THAT IT IS IN THE PUBLIC INTEREST TO UNDERTAKE CERTAIN IMPROVEMENTS TO THE TOWN'S SEWER DISTRICT NO. 3**

WHEREAS, the Town Board of the Town of Lockport, Niagara County, New York (the "Town") is considering whether to authorize certain improvements to the Town's Sewer District No. 3 that are necessary to replace and rehabilitate certain pump stations and to inspect and repair certain sanitary sewers (collectively, the "Project"); and

WHEREAS, the Town has caused a certain map, plan and report, for the proposed Project (the "Map, Plan and Report"), to be prepared by Wendel Companies, a firm of engineers duly licensed in the State of New York ("Wendel"); and

WHEREAS, the proposed Project, as more particularly described in a Map, Plan and Report, dated December, 2013 prepared by Wendel, consists of the following:

(I) the inspection and rehabilitation of all existing pump stations, including in particular but without limitation, the IDA Drive pump station, the Keck Road pump station and the Niagara County jail pump station; and

(II) the inspection, assessment, rehabilitation and improvement of the Tonawanda Creek Road sanitary sewer line including, without limitation, slip lining the existing pipe using Cured-in-Place (CIP) piping, and any ancillary or related work required in connection therewith; and

WHEREAS, the estimated maximum cost of the Project is \$2,837,500; and

WHEREAS, by resolution adopted on January 8, 2014, at a regular meeting of the Town Board held on such date, the Town Board directed that a public hearing be held on whether to authorize the Project, and to hear all persons interested in the subject thereof concerning the same on February 5, 2014 at 7:30 p.m. at the Town Hall, 6560 Dysinger Road, Lockport, New York 14094; and

WHEREAS, notice of said public hearing certified by the Town Clerk was duly published and posted as required by law, to wit: a duly certified copy thereof was published in the *Lockport Union Sun & Journal*, the official newspaper of the Town, on January 22, 2014 and a copy of such notice was posted on January 10, 2014 on the signboard maintained by the Town Clerk, and on the Town's website, pursuant to Town Law Section 30(6); and

WHEREAS, said public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; and

WHEREAS, by resolution dated February 5, 2014, adopted immediately prior to consideration of this of this resolution, the Town Board determined pursuant to the State Environmental Quality Review Act and the regulations of the Department of Environmental Conservation promulgated thereunder (6 NYCRR Part 617.5(c)) (collectively, "SEQRA"), that each of such public improvements and purposes constitutes a "Type II" action under the New York State Environmental Quality Review Act and the regulations promulgated thereunder (6 NYCRR Part 617.5(c)) (collectively, "SEQRA") and therefore no further action need be taken by the Town Board under SEQRA as a pre-condition to the adoption of this resolution.

NOW THEREFORE, THE TOWN BOARD OF THE TOWN OF LOCKPORT, NIAGARA COUNTY, NEW YORK HEREBY RESOLVES, AS FOLLOWS:

SECTION 1. Based upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to undertake the Project as hereinabove described at the maximum cost of \$2,837,500. The Project is hereby approved.

SECTION 2. The Town Clerk is hereby authorized and directed to cause a certified copy of this resolution to be duly recorded in the office of the Clerk of Niagara County, New York within ten (10) days after the adoption hereof, in accordance with Section 195 of the Town Law.

SECTION 3. This resolution shall take effect immediately.

The following vote was taken and recorded in public or open session

AYES:

NAYS:

Dated: February 5, 2014

STATE OF NEW YORK     )  
COUNTY OF NIAGARA    ) S.S.:

I, the undersigned Town Clerk of the Town of Lockport, Niagara County, New York, DO HEREBY CERTIFY as follows:

1. I am the duly qualified and acting Clerk of the Town of Lockport, Niagara County, New York (the "Town") and the custodian of the records of the Town, including the minutes of the proceedings of the Town Board of the Town of Lockport (the "Town Board"), and am duly authorized to execute this certificate.

2. A regular meeting of the Town Board of the Town was held on February 5, 2014, and attached hereto is a true and correct copy of a resolution duly adopted at such meeting and entitled:

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF LOCKPORT, NIAGARA COUNTY, NEW YORK (THE "TOWN") PURSUANT TO SECTION 202-b OF THE TOWN LAW DETERMINING THAT IT IS IN THE PUBLIC INTEREST TO UNDERTAKE CERTAIN IMPROVEMENTS TO THE TOWN'S SEWER DISTRICT NO. 3

3. That said meeting was duly convened and held and that said resolution was duly adopted in all respects in accordance with the law and regulations of the Town. To the extent required by law or said regulations, due and proper notice of said meeting was given, and that all members of said Board had due notice of said Meeting and voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under the law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including the publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

4. The seal appearing below constitutes the official seal of the Town and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of the Town of Lockport this 5<sup>th</sup> day of February, 2014.

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Nancy Brooks, Town Clerk

[SEAL]

At a regular Meeting of the Town Board of the Town of Lockport, in the County of Niagara, New York, held at the Town Hall, 6560 Dysinger Road, Lockport, New York, 14094 at 7:30 p.m. on February 5, 2014

PRESENT: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ABSENT: \_\_\_\_\_

The following resolution was offered by \_\_\_\_\_, who moved its adoption, seconded by \_\_\_\_\_, to-wit:

**BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF LOCKPORT, NIAGARA COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ISSUANCE OF UP TO \$2,837,500 IN SERIAL BONDS OF THE TOWN TO UNDERTAKE CERTAIN IMPROVEMENTS TO TOWN'S SEWER DISTRICT NO. 3**

WHEREAS, the Town Board of the Town of Lockport, Niagara County, New York (the "Town") is considering whether to authorize certain improvements to the Town's Sewer District No. 3 that are necessary to replace and rehabilitate certain pump stations and to inspect and repair certain sanitary sewers (collectively, the "Project");

WHEREAS, by resolution adopted dated February 5, 2014, adopted prior to the consideration of this resolution, the Board determined that public improvements and purposes constitutes a "Type II" action under the New York State Environmental Quality Review Act and the regulations promulgated thereunder (6 NYCRR Part 617.5(c)) (collectively, "SEQRA") and therefore no further action need be taken by the Town Board under SEQRA as a pre-condition to the adoption of this resolution; and

WHEREAS, by resolution dated February 5, 2014, adopted immediately prior to the consideration of this resolution, in accordance with Section 202-b of the Town Law (the "202-b Order"), the Town Board determined it to be in the public interest to undertake the Project, consisting of the following:

(i) the inspection and rehabilitation of all existing pump stations, including in particular but without limitation, the IDA Drive pump station, the Keck Road pump station and the Niagara County jail pump station; and

(ii) the inspection, assessment, rehabilitation and improvement of the Tonawanda Creek Road sanitary sewer line including, without limitation, slip lining the existing pipe

using Cured-in-Place (CIP) piping, and any ancillary or related work required in connection therewith; and

WHEREAS, the Town Board now wishes to appropriate funds for the Project and to authorize the issuance of the Town's serial bonds or bond anticipation notes to finance said appropriation.

THE TOWN BOARD OF THE TOWN OF LOCKPORT, NIAGARA COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

SECTION 1. The Town is hereby authorized to undertake the Project as hereinabove described and issue up to \$2,837,500 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the estimated cost of the Project.

SECTION 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$2,837,500, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$2,837,500 in serial bonds of the Town authorized to be issued pursuant to Section 1 of this resolution, or bond anticipation notes issued in anticipation thereof, and the levy and collection of taxes on all the taxable real property in the Town 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 period of probable usefulness for the aforementioned specific object or purpose is forty (40) years, pursuant to subdivision 4. of paragraph a. of Section 11.00 of the Law.

SECTION 4. The final maturity of the bonds herein authorized to be issued pursuant to Section 1 of this resolution shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued.

SECTION 5. The temporary use of available funds of the Town, 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 Law, for the capital purposes described in this resolution. The Town shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by Section 1 of this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 6. Each of the serial 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 serial bonds and any bond anticipation 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 real property within the Town without legal or constitutional limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 7. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00 and Sections 62.10 and 63.00 of the Law, the powers and duties of the Town Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters relating thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor of the Town, the chief fiscal officer of the Town (the "Supervisor"). Further, in connection with bonds and bond anticipation notes issued under the authority of Section 1 hereof, the power to contract with and issue bonds and bond anticipation notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Law and to approve the terms, form and content of such bonds and bond anticipation notes, consistent with the provisions of the Law, is hereby delegated to the Supervisor. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for one or more of the objects or purposes authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other resolutions of this Town Board, then the power of the Town Board to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Supervisor, as the chief fiscal officer of the Town.

SECTION 8. The Supervisor is hereby further authorized, at his sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the 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 specific object or purpose described in Section 1 hereof, or a portion thereof, by a serial bond, and, or a bond anticipation note issue in the event of the sale of same to the New York State Environmental Facilities Corporation.

SECTION 9. The Supervisor of the Town is hereby 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 to designate the bonds authorized by this resolution and any notes issued in anticipating thereof, if applicable, as "qualified tax-exempt obligations" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Supervisor is further authorized to enter into continuing disclosure undertakings with or for the benefit of the initial purchaser of the bonds or notes 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 11. The intent of this resolution is to give the Supervisor sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this Town Board.

SECTION 12. The validity of the bonds authorized by this resolution and of any bond anticipation 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 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

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

SECTION 13. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published in full, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the Town for such purpose.

The following vote was taken and recorded in the public or open session of said meeting:

AYES:

NAYS:

Dated: February 5, 2014

STATE OF NEW YORK     )  
COUNTY OF NIAGARA    ) SS.:

I, the undersigned Clerk of the Town of Lockport, Niagara County, New York, DO HEREBY CERTIFY as follows:

1. I am the duly qualified and acting Clerk of the Town of Lockport, Niagara County, New York (the "Town") and the custodian of the records of the Town, including the minutes of the proceedings of the Town Board, and am duly authorized to execute this certificate.

2. A regular meeting of the Town Board of the Town was held on February 5, 2014, and attached hereto is a true and correct copy of a resolution duly adopted at such meeting and entitled:

**BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF LOCKPORT, NIAGARA COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ISSUANCE OF UP TO \$2,837,500 IN SERIAL BONDS OF THE TOWN TO UNDERTAKE CERTAIN IMPROVEMENTS TO TOWN'S SEWER DISTRICT NO. 3**

3. That said meeting was duly convened and held and that said resolution was duly adopted in all respects in accordance with the law and regulations of the Town. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Town Board was present throughout said meeting, and a legally sufficient number of members (2/3's of the Town Board) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under the law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including the publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

4. Public Notice of the time and place of said Meeting was duly posted and duly given to the public and the news media in accordance with the Open Meetings Law, constituting Chapter 511 of the Laws of 1976 of the State of New York, and that all members of said Town Board had due notice of said Meeting and that the Meeting was in all respects duly held and a quorum was present and acted throughout.

5. The seal appearing below constitutes the official seal of the Town and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of the Town of Lockport as of this 5<sup>th</sup> day of February, 2014.

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Nancy Brooks, Town Clerk

[SEAL]

## **ESTOPPEL NOTICE**

The resolution, a summary of which is published herewith, has been adopted on February 5, 2014 by the Town Board of the Town of Lockport, Niagara County, New York. The validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Lockport, Niagara County, New York is not authorized to expend money or if the provisions of law which should have been 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 twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

Nancy Brooks, Town Clerk  
Town of Lockport

### SUMMARY OF BOND RESOLUTION

Set forth below is a summary of said resolution adopted by the Town Board of the Town of Lockport on February 5, 2014.

1. The resolution is entitled “BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF LOCKPORT, NIAGARA COUNTY, NEW YORK (THE “TOWN”), AUTHORIZING THE ISSUANCE OF UP TO \$2,837,500 IN SERIAL BONDS OF THE TOWN TO UNDERTAKE CERTAIN IMPROVEMENTS TO TOWN’S SEWER DISTRICT NO. 3”.

2. The specific object or purpose for which the bonds are authorized is the financing of certain improvements to the Town’s Sewer District No. 3 that are necessary to replace and rehabilitate certain pump stations and to inspect and repair certain sanitary sewers , consisting of (i) the inspection and rehabilitation of all existing pump stations, including in particular but without limitation, the IDA Drive pump station, the Keck Road pump station and the Niagara County jail pump station; and (ii) the inspection, assessment, rehabilitation and improvement of the Tonawanda Creek Road sanitary sewer line including, without limitation, slip lining the existing pipe using Cured-in-Place (CIP) piping, and any ancillary or related work required in connection therewith.

3. The period of probable usefulness is 40 years.

4. The amount of obligations authorized to be issued is \$2,837,500.

The resolution summarized herein shall be available for public inspection during normal business hours at the offices of the Town Clerk, Town of Lockport, Town Hall, 6560 Dysinger Road, Lockport, New York, 14094.

At a regular meeting of the Town Board of the Town of Lockport, in the County of Niagara, New York, held at the Town Hall, 6560 Dysinger Road, Lockport, New York 14094 at 7:30 p.m. on February 5, 2014

PRESENT: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ABSENT: \_\_\_\_\_

The following resolution was offered by \_\_\_\_\_, who moved its adoption, seconded by \_\_\_\_\_, to-wit:

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF LOCKPORT, NIAGARA COUNTY, NEW YORK (THE "TOWN") PURSUANT TO SECTION 202-b OF THE TOWN LAW DETERMINING THAT IT IS IN THE PUBLIC INTEREST TO UNDERTAKE CERTAIN IMPROVEMENTS TO THE TOWN'S WATER DISTRICT NO. 3**

WHEREAS, the Town Board of the Town of Lockport, Niagara County, New York (the "Town") is considering whether to authorize certain improvements to the Town's Water District No. 3 including the replacement of certain waterlines, the replacement of certain pressure reducing valves, the acquisition of a water monitoring system and the conducting of a leak detection survey within the Town's water distribution system (collectively, the "Project"); and

WHEREAS, the Town has caused a certain map, plan and report, for the proposed Project (the "Map, Plan and Report"), to be prepared by Wendel Companies, a firm of engineers duly licensed in the State of New York ("Wendel"); and

WHEREAS, the proposed Project, as more particularly described in the Map, Plan and Report, dated December, 2013 prepared by Wendel, consists of the following:

- (I) the replacement of existing ductile iron watermains with 10" PVC watermains at the following locations: (a) approximately 1,130 lineal feet of watermain along Leete Road from the intersection of Sunset Drive and Leete Road eastward, (b) approximately 3,600 lineal feet of watermain on Slayton Settlement Road from the Town of Lockport town line westward, (c) approximately 2,700 lineal feet of watermain along Shimer Road from Transit Road to Locust Street Extension, (d) approximately 3,150 lineal feet of watermain on Upper Mountain Road from Junction Road eastward, (e) approximately 3,300 lineal feet of watermain along Bowmiller Road from the intersection of Lincoln Avenue and Bowmiller Road southward, (f) approximately 7,200 lineal feet of watermain along Old Saunders Settlement Road from the intersection of Old Saunders Settlement Road and Saunders Settlement Road to the intersection of Old Saunders Settlement Road

and Upper Mountain Road, (g) approximately 8,500 lineal feet of watermain along Keck Road from the intersection of Akron Road and Keck Road northward, (h) approximately 14,000 lineal feet of watermain along Junction Road from the intersection of Junction Road and Lockport Road northward to Upper Mountain Road, (i) approximately 3,900 lineal feet of watermain along Ernest Road between Lincoln Avenue and East High Street, (j) approximately 9,500 lineal feet of watermain along Purdy Road from the intersection of Purdy Road and Ridge Road southward to Old Niagara Road, (k) approximately 16,300 lineal feet of watermain along Transit Road from the Tonawanda Creek northward to Robinson Road, and (l) approximately 8,080 lineal feet of watermain along Beattie Avenue from Dysinger Road to Lincoln Avenue; and

(II) the replacement of pressure reducing valves (PRVs) at the following locations: Old Niagara Road, Lake Avenue, Leete Road, Sunset Drive/Leete Road, Sunset Drive/Niagara Street, Lockport IDA/Upper Mountain Road, Candlewood Estates, Cold Springs Road/Old Niagara Road, Cold Spring Road/East Avenue, Day Road, and Slaton Settlement/Day Road;

(III) the acquisition of a water monitoring system to provide the Water Department with future leak detection capabilities; and

(IV) the conducting of a leak detection survey within the Town's water distribution system to locate and pinpoint leaks; and

WHEREAS, the estimated maximum cost of the Project is \$14,080,000; and

WHEREAS, by resolution adopted on January 8, 2014, at a regular meeting of the Town Board held on such date, the Town Board directed that a public hearing be held on whether to authorize the Project, and to hear all persons interested in the subject thereof concerning the same on February 5, 2014 at 7:30 p.m. at the Town Hall, 6560 Dysinger Road, Lockport, New York 14094; and

WHEREAS, notice of said public hearing certified by the Town Clerk was duly published and posted as required by law, to wit: a duly certified copy thereof was published in the *Lockport Union Sun & Journal*, the official newspaper of the Town, on January 22, 2014 and a copy of such notice was posted on January 10, 2014 on the signboard maintained by the Town Clerk, and on the Town's website, pursuant to Town Law Section 30(6); and

WHEREAS, said public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; and

WHEREAS, by resolution dated February 5, 2014, adopted immediately prior to consideration of this of this resolution, the Town Board determined pursuant to the State Environmental Quality Review Act and the regulations of the Department of Environmental Conservation promulgated thereunder (6 NYCRR Part 617) (collectively, "SEQRA"), that the improvements included in the Project constitute an "Unlisted Action" within the meaning of SEQRA and that such improvements would not have a significant detrimental effect upon the

environment and issued a “negative declaration” (within the meaning of SEQRA) with respect to the Project.

NOW THEREFORE, THE TOWN BOARD OF THE TOWN OF LOCKPORT, NIAGARA COUNTY, NEW YORK HEREBY RESOLVES, AS FOLLOWS:

SECTION 1. Based upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to undertake the Project as hereinabove described at the maximum cost of \$14,080,000. The Project is hereby approved.

SECTION 2. The Town Clerk is hereby authorized and directed to cause a certified copy of this resolution to be recorded in the office of the Clerk of Niagara County, New York, within ten (10) days after the adoption hereof, in accordance with Section 195 of the Town Law.

SECTION 3. This resolution shall take effect immediately.

The following vote was taken and recorded in public or open session

AYES:

NAYS:

Dated: February 5, 2014

STATE OF NEW YORK     )  
COUNTY OF NIAGARA    ) S.S.:

I, the undersigned Town Clerk of the Town of Lockport, Niagara County, New York, DO HEREBY CERTIFY as follows:

1. I am the duly qualified and acting Clerk of the Town of Lockport, Niagara County, New York (the "Town") and the custodian of the records of the Town, including the minutes of the proceedings of the Town Board of the Town of Lockport (the "Town Board"), and am duly authorized to execute this certificate.

2. A regular meeting of the Town Board of the Town was held on February 5, 2014, and attached hereto is a true and correct copy of a resolution duly adopted at such meeting and entitled:

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF LOCKPORT,  
NIAGARA COUNTY, NEW YORK (THE "TOWN") PURSUANT TO  
SECTION 202-b OF THE TOWN LAW DETERMINING THAT IT IS IN THE  
PUBLIC INTEREST TO UNDERTAKE CERTAIN IMPROVEMENTS TO THE  
TOWN'S WATER DISTRICT NO. 3

3. That said meeting was duly convened and held and that said resolution was duly adopted in all respects in accordance with the law and regulations of the Town. To the extent required by law or said regulations, due and proper notice of said meeting was given, and that all members of said Board had due notice of said Meeting and voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under the law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including the publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

4. The seal appearing below constitutes the official seal of the Town and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of the Town of Lockport this 5<sup>th</sup> day of February, 2014.

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Nancy Brooks, Town Clerk

[SEAL]

At a regular meeting of the Town Board of the Town of Lockport, in the County of Niagara, New York, held at the Town Hall, 6560 Dysinger Road, Lockport, New York 14094 at 7:30 p.m. on February 5, 2014

PRESENT: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ABSENT: \_\_\_\_\_

The following resolution was offered by \_\_\_\_\_, who moved its adoption, seconded by \_\_\_\_\_, to-wit:

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF LOCKPORT, NIAGARA COUNTY, NEW YORK (THE "TOWN") PURSUANT TO SECTION 202-b OF THE TOWN LAW DETERMINING THAT IT IS IN THE PUBLIC INTEREST TO UNDERTAKE CERTAIN IMPROVEMENTS TO THE TOWN'S WATER DISTRICT NO. 3**

WHEREAS, the Town Board of the Town of Lockport, Niagara County, New York (the "Town") is considering whether to authorize certain improvements to the Town's Water District No. 3 including the replacement of certain waterlines, the replacement of certain pressure reducing valves, the acquisition of a water monitoring system and the conducting of a leak detection survey within the Town's water distribution system (collectively, the "Project"); and

WHEREAS, the Town has caused a certain map, plan and report, for the proposed Project (the "Map, Plan and Report"), to be prepared by Wendel Companies, a firm of engineers duly licensed in the State of New York ("Wendel"); and

WHEREAS, the proposed Project, as more particularly described in the Map, Plan and Report, dated December, 2013 prepared by Wendel, consists of the following:

- (I) the replacement of existing ductile iron water mains with 10" PVC water mains at the following locations: (a) approximately 1,130 lineal feet of watermain along Leete Road from the intersection of Sunset Drive and Leete Road eastward, (b) approximately 3,600 lineal feet of watermain on Slayton Settlement Road from the Town of Lockport town line westward, (c) approximately 2,700 lineal feet of watermain along Shimer Road from Transit Road to Locust Street Extension, (d) approximately 3,150 lineal feet of watermain on Upper Mountain Road from Junction Road eastward, (e) approximately 3,300 lineal feet of watermain along Bowmiller Road from the intersection of Lincoln Avenue and Bowmiller Road southward, (f) approximately 7,200 lineal feet of watermain along Old Saunders Settlement Road from the intersection of Old Saunders Settlement Road and Saunders Settlement Road to the intersection of Old Saunders Settlement Road

and Upper Mountain Road, (g) approximately 8,500 lineal feet of watermain along Keck Road from the intersection of Akron Road and Keck Road northward, (h) approximately 14,000 lineal feet of watermain along Junction Road from the intersection of Junction Road and Lockport Road northward to Upper Mountain Road, (i) approximately 3,900 lineal feet of watermain along Ernest Road between Lincoln Avenue and East High Street, (j) approximately 9,500 lineal feet of watermain along Purdy Road from the intersection of Purdy Road and Ridge Road southward to Old Niagara Road, (k) approximately 16,300 lineal feet of watermain along Transit Road from the Tonawanda Creek northward to Robinson Road, and (l) approximately 8,080 lineal feet of watermain along Beattie Avenue from Dysinger Road to Lincoln Avenue; and

(II) the replacement of pressure reducing valves (PRVs) at the following locations: Old Niagara Road, Lake Avenue, Leete Road, Sunset Drive/Leete Road, Sunset Drive/Niagara Street, Lockport IDA/Upper Mountain Road, Candlewood Estates, Cold Springs Road/Old Niagara Road, Cold Spring Road/East Avenue, Day Road, and Slaton Settlement/Day Road;

(III) the acquisition of a water monitoring system to provide the Water Department with future leak detection capabilities; and

(IV) the conducting of a leak detection survey within the Town's water distribution system to locate and pinpoint leaks; and

WHEREAS, the estimated maximum cost of the Project is \$14,080,000; and

WHEREAS, by resolution adopted on January 8, 2014, at a regular meeting of the Town Board held on such date, the Town Board directed that a public hearing be held on whether to authorize the Project, and to hear all persons interested in the subject thereof concerning the same on February 5, 2014 at 7:30 p.m. at the Town Hall, 6560 Dysinger Road, Lockport, New York 14094; and

WHEREAS, notice of said public hearing certified by the Town Clerk was duly published and posted as required by law, to wit: a duly certified copy thereof was published in the *Lockport Union Sun & Journal*, the official newspaper of the Town, on January 22, 2014 and a copy of such notice was posted on January 10, 2014 on the signboard maintained by the Town Clerk, and on the Town's website, pursuant to Town Law Section 30(6); and

WHEREAS, said public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; and

WHEREAS, by resolution dated February 5, 2014, adopted immediately prior to consideration of this of this resolution, the Town Board determined pursuant to the State Environmental Quality Review Act and the regulations of the Department of Environmental Conservation promulgated thereunder (6 NYCRR Part 617) (collectively, "SEQRA"), that the improvements included in the Project constitute an "Unlisted Action" within the meaning of SEQRA and that such improvements would not have a significant detrimental effect upon the

environment and issued a “negative declaration” (within the meaning of SEQRA) with respect to the Project.

NOW THEREFORE, THE TOWN BOARD OF THE TOWN OF LOCKPORT, NIAGARA COUNTY, NEW YORK HEREBY RESOLVES, AS FOLLOWS:

SECTION 1. Based upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to undertake the Project as hereinabove described at the maximum cost of \$14,080,000. The Project is hereby approved.

SECTION 2. The Town Clerk is hereby authorized and directed to cause a certified copy of this resolution to be recorded in the office of the Clerk of Niagara County, New York, within ten (10) days after the adoption hereof, in accordance with Section 195 of the Town Law.

SECTION 3. This resolution shall take effect immediately.

The following vote was taken and recorded in public or open session

AYES:

NAYS:

Dated: February 5, 2014

STATE OF NEW YORK     )  
COUNTY OF NIAGARA    ) S.S.:

I, the undersigned Town Clerk of the Town of Lockport, Niagara County, New York, DO HEREBY CERTIFY as follows:

1. I am the duly qualified and acting Clerk of the Town of Lockport, Niagara County, New York (the "Town") and the custodian of the records of the Town, including the minutes of the proceedings of the Town Board of the Town of Lockport (the "Town Board"), and am duly authorized to execute this certificate.

2. A regular meeting of the Town Board of the Town was held on February 5, 2014, and attached hereto is a true and correct copy of a resolution duly adopted at such meeting and entitled:

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF LOCKPORT,  
NIAGARA COUNTY, NEW YORK (THE "TOWN") PURSUANT TO  
SECTION 202-b OF THE TOWN LAW DETERMINING THAT IT IS IN THE  
PUBLIC INTEREST TO UNDERTAKE CERTAIN IMPROVEMENTS TO THE  
TOWN'S WATER DISTRICT NO. 3

3. That said meeting was duly convened and held and that said resolution was duly adopted in all respects in accordance with the law and regulations of the Town. To the extent required by law or said regulations, due and proper notice of said meeting was given, and that all members of said Board had due notice of said Meeting and voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under the law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including the publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

4. The seal appearing below constitutes the official seal of the Town and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of the Town of Lockport this 5<sup>th</sup> day of February, 2014.

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Nancy Brooks, Town Clerk

[SEAL]

At a regular Meeting of the Town Board of the Town of Lockport, in the County of Niagara, New York, held at the Town Hall, 6560 Dysinger Road, Lockport, New York, 14094 at 7:30 p.m. on February 5, 2014

PRESENT: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ABSENT: \_\_\_\_\_

The following resolution was offered by \_\_\_\_\_, who moved its adoption, seconded by \_\_\_\_\_, to-wit:

**BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF LOCKPORT, NIAGARA COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ISSUANCE OF UP TO \$14,080,000 IN SERIAL BONDS OF THE TOWN TO UNDERTAKE CERTAIN IMPROVEMENTS TO TOWN'S WATER DISTRICT NO. 3**

WHEREAS, the Town Board of the Town of Lockport, Niagara County, New York (the "Town") is considering whether to authorize certain improvements to the Town's Water District No. 3 including the replacement of certain waterlines, the replacement of certain pressure reducing valves, the acquisition of a water monitoring system and the conducting of a leak detection survey within the Town's water distribution system (collectively, the "Project"); and

WHEREAS, the Board, acting as lead agency under the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation adopted thereunder (collectively, "SEQRA"), by resolution dated February 5, 2014 and adopted prior to the consideration of this resolution, determined that the Project constitutes an "Unlisted" action within the meaning of SEQRA, that it will not have a significant impact on the environment; and adopted a negative declaration under SEQRA to such effect; and

WHEREAS, by resolution dated February 5, 2014, adopted immediately prior to the consideration of this resolution, in accordance with Section 202-b of the Town Law (the "202-b Order"), the Town Board determined it to be in the public interest to undertake the Project, consisting of the following:

- (i) the replacement of existing ductile iron watermains with 10" PVC watermains at the following locations: (a) approximately 1,130 lineal feet of watermain along Leete Road from the intersection of Sunset Drive and Leete Road eastward, (b) approximately 3,600 lineal feet of watermain on Slayton Settlement Road from the Town of Lockport town line westward, (c) approximately 2,700 lineal feet of watermain along Shimer Road from Transit

Road to Locust Street Extension, (d) approximately 3,150 lineal feet of watermain on Upper Mountain Road from Junction Road eastward, (e) approximately 3,300 lineal feet of watermain along Bowmiller Road from the intersection of Lincoln Avenue and Bowmiller Road southward, (f) approximately 7,200 lineal feet of watermain along Old Saunders Settlement Road from the intersection of Old Saunders Settlement Road and Saunders Settlement Road to the intersection of Old Saunders Settlement Road and Upper Mountain Road, (g) approximately 8,500 lineal feet of watermain along Keck Road from the intersection of Akron Road and Keck Road northward, (h) approximately 14,000 lineal feet of watermain along Junction Road from the intersection of Junction Road and Lockport Road northward to Upper Mountain Road, (i) approximately 3,900 lineal feet of watermain along Ernest Road between Lincoln Avenue and East High Street, (j) approximately 9,500 lineal feet of watermain along Purdy Road from the intersection of Purdy Road and Ridge Road southward to Old Niagara Road, (k) approximately 16,300 lineal feet of watermain along Transit Road from the Tonawanda Creek northward to Robinson Road, and (l) approximately 8,080 lineal feet of watermain along Beattie Avenue from Dysinger Road to Lincoln Avenue;

(ii) the replacement of pressure reducing valves (PRVs) at the following locations: Old Niagara Road, Lake Avenue, Leete Road, Sunset Drive/Leete Road, Sunset Drive/Niagara Street, Lockport IDA/Upper Mountain Road, Candlewood Estates, Cold Springs Road/Old Niagara Road, Cold Spring Road/East Avenue, Day Road, and Slaton Settlement/Day Road;

(iii) the acquisition of a water monitoring system to provide the Water Department with future leak detection capabilities; and

(iv) the conducting of a leak detection survey within the Town's water distribution system to locate and pinpoint leaks; and

WHEREAS, the Town Board now wishes to appropriate funds for the Project and to authorize the issuance of the Town's serial bonds or bond anticipation notes to finance said appropriation.

THE TOWN BOARD OF THE TOWN OF LOCKPORT, NIAGARA COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

SECTION 1. The Town is hereby authorized to undertake the Project as hereinabove described and issue up to \$14,080,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the estimated cost of the Project.

SECTION 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$14,080,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of the \$14,080,000 in

serial bonds of the Town authorized to be issued pursuant to Section 1 of this resolution, or bond anticipation notes issued in anticipation thereof, and the levy and collection of taxes on all the taxable real property in the Town 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 period of probable usefulness for the aforementioned specific object or purpose is forty (40) years, pursuant to subdivision 1. of paragraph a. of Section 11.00 of the Law.

SECTION 4. The final maturity of the bonds herein authorized to be issued pursuant to Section 1 of this resolution shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued.

SECTION 5. The temporary use of available funds of the Town, 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 Law, for the capital purposes described in this resolution. The Town shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by Section 1 of this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 6. Each of the serial 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 serial bonds and any bond anticipation 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 real property within the Town without legal or constitutional limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 7. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00 and Sections 62.10 and 63.00 of the Law, the powers and duties of the Town Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters relating thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor of the Town, the chief fiscal officer of the Town (the "Supervisor"). Further, in connection with bonds and bond anticipation notes issued under the authority of Section 1 hereof, the power to contract with and issue bonds and bond anticipation notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Law and

to approve the terms, form and content of such bonds and bond anticipation notes, consistent with the provisions of the Law, is hereby delegated to the Supervisor. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for one or more of the objects or purposes authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other resolutions of this Town Board, then the power of the Town Board to determine the “weighted average period of probable usefulness” (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Supervisor, as the chief fiscal officer of the Town.

SECTION 8. The Supervisor is hereby further authorized, at his sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the 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 specific object or purpose described in Section 1 hereof, or a portion thereof, by a serial bond, and, or a bond anticipation note issue in the event of the sale of same to the New York State Environmental Facilities Corporation.

SECTION 9. The Supervisor of the Town is hereby 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 to designate the bonds authorized by this resolution and any notes issued in anticipating thereof, if applicable, as “qualified tax-exempt obligations” in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Supervisor is further authorized to enter into continuing disclosure undertakings with or for the benefit of the initial purchaser of the bonds or notes 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 11. The intent of this resolution is to give the Supervisor sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this Town Board.

SECTION 12. The validity of the bonds authorized by this resolution and of any bond anticipation 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 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

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

SECTION 13. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published in full, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the Town for such purpose.

The following vote was taken and recorded in the public or open session of said meeting:

AYES:

NAYS:

Dated: February 5, 2014

STATE OF NEW YORK     )  
COUNTY OF NIAGARA    ) SS.:

I, the undersigned Clerk of the Town of Lockport, Niagara County, New York, DO HEREBY CERTIFY as follows:

1. I am the duly qualified and acting Clerk of the Town of Lockport, Niagara County, New York (the "Town") and the custodian of the records of the Town, including the minutes of the proceedings of the Town Board, and am duly authorized to execute this certificate.

2. A regular meeting of the Town Board of the Town was held on February 5, 2014, and attached hereto is a true and correct copy of a resolution duly adopted at such meeting and entitled:

**BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF LOCKPORT, NIAGARA COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ISSUANCE OF UP TO \$14,080,000 IN SERIAL BONDS OF THE TOWN TO UNDERTAKE CERTAIN IMPROVEMENTS TO TOWN'S WATER DISTRICT NO. 3**

3. That said meeting was duly convened and held and that said resolution was duly adopted in all respects in accordance with the law and regulations of the Town. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Town Board was present throughout said meeting, and a legally sufficient number of members (2/3's of the Town Board) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under the law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including the publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

4. Public Notice of the time and place of said Meeting was duly posted and duly given to the public and the news media in accordance with the Open Meetings Law, constituting Chapter 511 of the Laws of 1976 of the State of New York, and that all members of said Town Board had due notice of said Meeting and that the Meeting was in all respects duly held and a quorum was present and acted throughout.

5. The seal appearing below constitutes the official seal of the Town and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of the Town of Lockport as of this 5<sup>th</sup> day of February, 2014.

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Nancy Brooks, Town Clerk

[SEAL]

## ESTOPPEL NOTICE

The resolution, a summary of which is published herewith, has been adopted on February 5, 2014 by the Town Board of the Town of Lockport, Niagara County, New York. The validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Lockport, Niagara County, New York is not authorized to expend money or if the provisions of law which should have been 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 twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

Nancy Brooks, Town Clerk  
Town of Lockport

### SUMMARY OF BOND RESOLUTION

Set forth below is a summary of said resolution adopted by the Town Board of the Town of Lockport on February 5, 2014.

1. The resolution is entitled "BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF LOCKPORT, NIAGARA COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ISSUANCE OF UP TO \$14,080,000 IN SERIAL BONDS OF THE TOWN TO UNDERTAKE CERTAIN IMPROVEMENTS TO TOWN'S WATER DISTRICT NO. 3".

2. The specific object or purpose for which the bonds are authorized is the financing of certain improvements to the Town's Water District No. 3 including the replacement of certain waterlines, the replacement of certain pressure reducing valves, the acquisition of a water monitoring system and the conducting of a leak detection survey within the Town's water distribution system (the "Project"), consisting of: (i) the replacement of existing ductile iron watermains with 10" PVC watermains at the following locations: (a) approximately 1,130 lineal feet of watermain along Leete Road from the intersection of Sunset Drive and Leete Road eastward, (b) approximately 3,600 lineal feet of watermain on Slayton Settlement Road from the Town of Lockport town line westward, (c) approximately 2,700 lineal feet of watermain along Shimer Road from Transit Road to Locust Street Extension, (d) approximately 3,150 lineal feet of watermain on Upper Mountain Road from Junction Road eastward, (e) approximately 3,300 lineal feet of watermain along Bowmiller Road from the intersection of Lincoln Avenue and Bowmiller Road southward, (f) approximately 7,200 lineal feet of watermain along Old Saunders Settlement Road from the intersection of Old Saunders Settlement Road and Saunders Settlement Road to the intersection of Old Saunders Settlement Road and Upper Mountain Road, (g) approximately 8,500 lineal feet of watermain along Keck Road from the intersection of Akron Road and Keck Road northward, (h) approximately 14,000 lineal feet of watermain along Junction Road from the intersection of Junction Road and Lockport Road northward to Upper Mountain Road, (i) approximately 3,900 lineal feet of watermain along Ernest Road between Lincoln Avenue and East High Street, (j) approximately 9,500 lineal feet of watermain along

Purdy Road from the intersection of Purdy Road and Ridge Road southward to Old Niagara Road, (k) approximately 16,300 lineal feet of watermain along Transit Road from the Tonawanda Creek northward to Robinson Road, and (l) approximately 8,080 lineal feet of watermain along Beattie Avenue from Dysinger Road to Lincoln Avenue, (ii) the replacement of pressure reducing valves (PRVs) at the following locations: Old Niagara Road, Lake Avenue, Leete Road, Sunset Drive/Leete Road, Sunset Drive/Niagara Street, Lockport IDA/Upper Mountain Road, Candlewood Estates, Cold Springs Road/Old Niagara Road, Cold Spring Road/East Avenue, Day Road, and Slaton Settlement/Day Road, (iii) the acquisition of a water monitoring system to provide the Water Department with future leak detection capabilities, and (iv) the conducting of a leak detection survey within the Town's water distribution system to locate and pinpoint leaks.

3. The period of probable usefulness is 40 years.
4. The amount of obligations authorized to be issued is \$14,080,000.

The resolution summarized herein shall be available for public inspection during normal business hours at the offices of the Town Clerk, Town of Lockport, Town Hall, 6560 Dysinger Road, Lockport, New York, 14094.