

**BOND RESOLUTION  
COMMUNITY CENTER PROJECT**

A meeting of the Town Board of the Town of Pendleton, Niagara County, New York was convened in public session at the Town Hall located in the Town of Pendleton, New York on May 22, 2023 at 7:00 o'clock p.m., local time.

The meeting was called to order by the Town Supervisor and, upon roll being called, the following members were:

PRESENT:

Joel Maerten	Town Supervisor
Wolfgang Buechler	Councilman
Joseph Hickman	Councilman
David Leible	Councilman
Scott Lombardo	Councilman

ABSENT:

The following persons were ALSO PRESENT:

Deborah Maurer	Town Clerk
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The following resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_, to wit;

BOND RESOLUTION DATED MAY 22, 2023

A RESOLUTION AUTHORIZING THE UNDERTAKING OF THE CONSTRUCTION OF A NEW COMMUNITY CENTER, AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,700,000 OF THE TOWN OF PENDLETON, NIAGARA COUNTY, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

BE IT RESOLVED, by the Town Board of the Town of Pendleton, Niagara County, New York (the "Town") (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as “purpose”) to be financed pursuant to this resolution is the construction of a new approximately 2,400 sq.ft. one-story building to serve as the Pendleton Community Center, together with the acquisition and installation of equipment, machinery and apparatus and the undertaking of necessary site work for the foregoing purpose. The maximum cost of said purpose will not exceed \$2,950,000.

SECTION 2. The Town Board plans to finance the maximum estimated cost of said purpose as follows: (a) by the issuance of serial bonds in an amount not to exceed \$1,700,000 of said Town, hereby authorized to be issued therefor pursuant to the Local Finance Law, (b) by the application of an amount not to exceed \$1,200,000 from the Town’s General Fund, (c) by the application of an amount not to exceed \$291,000 from the Town’s Green Fees Reserve Fund, and (d) by the application of an amount not to exceed \$200,000 from the Town’s Greenway Commission Grant.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 11(c) of paragraph (a)(1) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is fifteen (15) 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 said 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 said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance 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 notes and of Section 21.00, Section 23.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 63.00 and Section 164.00 of the Local Finance Law, the powers and duties of the Town Board 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 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 Town Supervisor, the chief fiscal officer of the Town.

SECTION 8. 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 Local Finance Law, for the

capital purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse such expenditure with the proceeds of the bonds or bond anticipation notes authorized by Section 2 of this resolution. This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 9. The Town Supervisor 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 to 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)(B)(i) of the Code.

SECTION 10. The Town Supervisor 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 11. The Town has previously determined that the undertaking of the construction of the new Pendleton Community Center and related improvements is an unlisted action, and that it will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQR") is required. The Town has issued a "negative declaration" under SEQR in connection with such determination.

SECTION 12. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

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

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

SECTION 13. The Town 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 said Local Finance Law, in the official newspaper or newspapers of the Town.

SECTION 14. This resolution is adopted subject to permissive referendum pursuant to Section 35.00 of the Local Finance Law.

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

Joel Maerten	VOTING	_____
Wolfgang Buechler	VOTING	_____
Joseph Hickman	VOTING	_____
David Leible	VOTING	_____
Scott Lombardo	VOTING	_____

The foregoing resolution was thereupon declared duly adopted.

CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certifies that:

(1) She is the duly qualified and acting Clerk of the Town of Pendleton, New York (hereinafter called the “Town”) and the custodian of the records of the Town, including the minutes of the proceedings of the Town Board; and is duly authorized to execute this certificate.

(2) Attached hereto is a true and correct copy of a resolution duly adopted at a meeting of the Town Board held on the 22nd day of May, 2023 and entitled:

BOND RESOLUTION DATED MAY 22, 2023. A RESOLUTION AUTHORIZING THE UNDERTAKING OF THE CONSTRUCTION OF A NEW COMMUNITY CENTER, AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,700,000 OF THE TOWN OF PENDLETON, NIAGARA COUNTY, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

(3) Said meeting was duly convened and held and said resolution was duly adopted in all respects in accordance with law and the 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 of the Town Board) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including any 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, the undersigned has hereunto set her hand this \_\_\_\_ day of May, 2023.

(SEAL)

\_\_\_\_\_  
Deborah Maurer  
Town Clerk

NOTICE OF ADOPTION OF RESOLUTION SUBJECT  
TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN that at a regular meeting held on the 22nd day of May, 2023, the Town Board of the Town of Pendleton duly adopted a resolution, an abstract of which follows, which resolution is subject to a permissive referendum pursuant to Section 35.00 of the Local Finance Law of the State of New York.

The following is a summary of a resolution adopted by the Town Board of the Town of Pendleton on May 22, 2023. Said resolution authorizes the issuance and sale of a serial bond or bonds and a bond anticipation note or notes in anticipation of the issuance and sale of said serial bonds, in an amount not to exceed \$1,700,000. The proceeds from the sale of the obligations authorized in said resolution shall be used for the specific purpose of financing the construction of a new approximately 2,400 sq.ft. one-story building to serve as the Pendleton Community Center. The maximum estimated cost of this project is not to exceed \$2,950,000. The plan of financing is (a) to issue a serial bond or bonds and a bond anticipation note or notes, (b) to apply an amount not to exceed \$1,200,000 from the Town's General Fund (c) to apply an amount not to exceed \$291,000 from the Town's Green Fees Reserve Fund, and (d) to apply an amount not to exceed \$200,000 from the Town's Greenway Commission Grant. The period of probable usefulness for said purpose is fifteen (15) years. A copy of the resolution summarized herein is available for public inspection during normal business hours at the Office of the Town Clerk, located in the Town Hall, Town of Pendleton, New York.

Dated: May \_\_, 2023

## NOTICE OF BOND RESOLUTION

NOTICE IS HEREBY GIVEN that a resolution, a summary of which is published herewith has been adopted for the Town Board of the Town of Pendleton, Niagara County, on the 22nd day of May, 2023. Such resolution was adopted subject to permissive referendum and the period of time has elapsed for the submission and filing of a petition for such referendum without a valid petition having been submitted and filed, and the validity of the obligations authorized by such resolution may be hereafter contested only if:

(1) (a) such obligations were authorized for an object or purpose for which the Town of Pendleton is not authorized to expend money or

(b) 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 days after the date of publication of this notice; or

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

## SUMMARY OF RESOLUTION

The following is a summary of a resolution adopted by the Town Board of the Town of Pendleton on May 22, 2023. Said resolution authorizes the issuance and sale of a serial bond or bonds and a bond anticipation note or notes in anticipation of the issuance and sale of said serial bonds, in an amount not to exceed \$1,700,000. The proceeds from the sale of the obligations authorized in said resolution shall be used for the specific purpose of financing the construction of a new approximately 2,400 sq.ft. one-story building to serve as the Pendleton Community Center. The maximum estimated cost of this project is not to exceed \$2,950,000. The plan of financing is (a) to issue a serial bond or bonds and a bond anticipation note or notes, (b) to apply an amount not to exceed \$1,200,000 from the Town's General Fund (c) to apply an amount not to exceed \$291,000 from the Town's Green Fees Reserve Fund, and (d) to apply an amount not to exceed \$200,000 from the Town's Greenway Commission Grant. The period of probable usefulness for said purpose is fifteen (15) years. The period of probable usefulness for said purpose is fifteen (15) years. A copy of the resolution summarized herein is available for public inspection during normal business hours at the Office of the Town Clerk, located in the Town Hall, Town of Pendleton, New York.