

**FIRE HALL FACILITY CONSTRUCTION**

A meeting of the Board of Trustees of the Village of Scotia, Schenectady County, New York was convened in public session at the Village Hall in the Village of Scotia, New York on Wednesday, May 11, 2022 at 7:00 o'clock p.m., local time.

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

**PRESENT:**

Thomas Gifford	Mayor
George Solotruck	Deputy Mayor
Justin Cook	Trustee
Heather Gray	Trustee
Joseph Rizzo	Trustee

**ABSENT:**

The following persons were ALSO PRESENT:

Maria A. Schmitz	Village Treasurer/Clerk
Lydia Marola, Esq.	Village Attorney

The following resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_, to wit;

**BOND RESOLUTION DATED MAY 11, 2022**

**A RESOLUTION AUTHORIZING THE CONSTRUCTION OF A NEW FIRE SAFETY FACILITY IN THE VILLAGE OF SCOTIA, NEW YORK, AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$8,800,000 OF THE VILLAGE OF SCOTIA, SCHENECTADY COUNTY, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE VILLAGE TREASURER, AND DETERMINING TO HOLD A VOTER REFERENDUM WITH RESPECT TO THIS BOND RESOLUTION.**

WHEREAS, the Village of Scotia desires to undertake and finance a project (the "Village Hall/Fire Safety Facility Project") described as follows: (A) the renovation of the current Village Hall/Fire Station located at 4 N. Ten Broeck Street in the Village of Scotia into a Village Hall Facility, which shall include the Clerk's Office, Police Department, Building Inspector's Office,

Village Court, Mayor and Board of Trustees Office and meeting/conference space; and (B) the construction on a parcel of land located at 138 Mohawk Street in the Village of Scotia, New York of a new fire safety facility to contain approximately 14,000 square feet of space (the “New Fire Safety Facility”), including necessary site work and the acquisition and installation of furnishings, fixtures, equipment, machinery and apparatus for the foregoing purpose; and

WHEREAS, the Village Hall/Fire Safety Facility Project has been planned and designed as a single integrated project and the Village intends to undertake the Village Hall/Fire Safety Facility Project as a single integrated project; and

WHEREAS, the Section 31.00 of the Local Finance Law requires the Village to consider the financing of the Village Hall/Fire Safety Facility Project pursuant to two separate bond resolutions; and

WHEREAS, the Village Board will by motion provide for a mandatory referendum on the bond resolutions, in accordance with Section 36.00 of the Local Finance Law, and such referendum will be by a single proposition so to reflect that the Village Hall/Fire Safety Facility Project is a single, integrated project;

BE IT RESOLVED, by the Board of Trustees of the Village of Scotia, Schenectady County, New York (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 hereby makes the following findings and determinations with respect to the Village Hall/Fire Safety Facility Project:

(A) The architect retained by the Village to design the Village Hall/Fire Safety Facility Project has designed the Village Hall/Fire Safety Facility Project as a single integrated project.

(B) The Village Hall/Fire Safety Facility Project has been designed as a single integrated project because the Village would not undertake the Village Hall/Fire Safety Facility Project as separate projects. The reconstruction and renovation of the current Village Hall/Fire Station can only occur if the New Fire Safety Facility is constructed.

(C) The New Fire Safety Facility is a “Class A” building under Section 11.00 of the Local Finance Law.

SECTION 2. The Village is hereby authorized to undertake and finance the specific purpose (hereinafter collectively referred to as “purpose”) pursuant to this resolution as described as follows: the construction on a parcel of land located at 138 Mohawk Street in the Village of Scotia, New York of a new fire safety facility to contain approximately 14,000 square feet of space (the “New Fire Safety Facility”), including necessary site work and the acquisition and installation of furnishings, fixtures, equipment, machinery and apparatus for the foregoing purpose. The maximum cost of said purpose will not exceed \$8,800,000.

SECTION 3. The Board of Trustees plans to finance the maximum estimated cost of said purpose by the issuance of serial bonds in an amount not to exceed \$8,800,000 of said Village, hereby authorized to be issued therefore pursuant to the Local Finance Law.

SECTION 4. It is hereby determined that the construction of the New Fire Safety Facility is an object or purpose described in subdivision 11 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is thirty (30) years.

SECTION 5. 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 6. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 7. The faith and credit of said Village 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 Village a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 8. 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 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 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 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.

SECTION 9. 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 capital purposes described in Section 2 of this resolution. The Village then reasonably expects to reimburse such expenditure with the proceeds of the bonds or bond anticipation notes authorized by Section 3 of this resolution. This resolution shall constitute the declaration of the Village's "official intent" to reimburse the expenditures authorized by Section 2 hereof with the proceeds of the bonds and notes authorized herein, as required by United States Treasury Regulation 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 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 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 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 12. The Village has determined that the construction of the New Fire Safety Facility is an “unlisted action” and the Village has adopted a resolution determining that the undertaking and financing of the purpose will not have a significant effect on the environment and, therefore, the Village has issued a “negative declaration” under the State Environmental Quality Review Act (“SEQR”).

SECTION 13. The Village Treasurer is further authorized to call in and redeem any outstanding obligations (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 14. 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 Village 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 15. The Village Clerk is hereby authorized and directed, following the holding of the voter referendum described in Section 16 below, 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 Daily Gazette, a newspaper having a general circulation in said Village and hereby designated as the official newspaper of said Village for such publication.

SECTION 16. The resolution is subject to permissive referendum pursuant to Section 36.00 of the Local Finance Law, and the Village hereby determines to schedule a voter referendum to consider this resolution and the other bond resolution adopted by the Village in connection with the Village Hall/Fire Safety Facility Project in accordance with the provisions of Article 9 of the Village Law. The Mayor, the Village Clerk and the Village Attorney are hereby authorized to take the necessary steps under Article 9 of the Village Law to provide for the referendum. This resolution shall take effect immediately after such referendum.

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

Thomas Gifford	VOTING	_____
George Solotruck	VOTING	_____
Justin Cook	VOTING	_____
Heather Gray	VOTING	_____
Joseph Rizzo	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 Village of Scotia, New York (hereinafter called the "Village") and the custodian of the records of the Village, including the minutes of the proceedings of the Board of Trustees; 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 Board of Trustees held on the 11th day of May, 2022 and entitled:

A RESOLUTION AUTHORIZING THE CONSTRUCTION OF A NEW FIRE SAFETY FACILITY IN THE VILLAGE OF SCOTIA, NEW YORK, AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$8,800,000 OF THE VILLAGE OF SCOTIA, SCHENECTADY COUNTY, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE VILLAGE TREASURER, AND DETERMINING TO HOLD A VOTER REFERENDUM WITH RESPECT TO THIS BOND RESOLUTION.

(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 Village. 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 Board of Trustees was present throughout said meeting, and a legally sufficient number of members (2/3 of the Board of Trustees) 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 Village 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, 2022.

(SEAL)

\_\_\_\_\_  
Maria A. Schmitz  
Village Clerk

## NOTICE OF BOND RESOLUTION

NOTICE IS HEREBY GIVEN that a resolution, a summary of which is published herewith has been adopted for the Board of Trustees of the Village of Scotia, Schenectady County, on the 11th day of May, 2022. Such resolution was adopted subject to mandatory referendum and such resolution was duly approved at a special referendum held by the Village on June \_\_, 2022, 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 Village of Scotia 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 Board of Trustees of the Village of Scotia on May 11, 2022. 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 \$8,800,000. The proceeds from the sale of the obligations authorized in said resolution shall be used for the specific purpose of financing the construction on a parcel of land located at 138 Mohawk Street in the Village of Scotia, New York of a new fire safety facility (the "New Fire Safety Facility"), including necessary site work and the acquisition and installation of furnishings, fixtures, equipment, machinery and apparatus for the foregoing purpose. The period of probable usefulness for said purpose is thirty (30) years. A copy of the resolution summarized herein is available for public inspection during normal business hours at the Office of the Village Clerk located in the Village of Scotia, New York.