

SPECIAL MEETING (PUBLIC HEARING)
WOLCOTT TOWN BOARD - MARCH 12, 2019

A special meeting (Public Hearing) of the Wolcott Town Board was held Tues., Mar. 12, 2019, at 6:00 PM at the Town Hall with the following people present:

PRESENT - Supervisor - Lynn Chatfield
Councilman - Adam Ellis, Jr.
Councilman - Daniel Youngman
Councilman - Zachary Decker
Councilwoman - Lori Furguson (ABSENT)

OTHERS PRESENT - Dawn Krul, Town Clerk; Jack & Judy Norris, 7905 Brown Rd., Wolcott; Leon & Cheryl Amer, 7997 Brown Rd., Wolcott; Dave Doyle, MRB Group.

Supervisor Chatfield called the meeting to order at 6:00 PM.

Pledge of Allegiance -

The purpose of tonight's meeting is to hold a Public Hearing on the Brown/Wadsworth Road Water District and to discuss any other business that might come before the board.

OPEN PUBLIC HEARING - Brown/Wadsworth Road Water District

Supervisor Chatfield declared the Public Hearing open at 6:02 PM and asked the Town Clerk to read the notice of Public Hearing and show proof of publication.

Supervisor Chatfield asked for questions or comments

from the floor. Leon Amer asked for further clarification on the cost proposal of the \$1,600.00 hookup fee and what that included. Dave Doyle addressed his question and explained what was and was not included. Jack Norris asked about the 10 acres of land he owns across from his house and how that would be charged. He was told it would be charged at .05 EDU's or approximately \$16.00 a year. Dave answered a few other questions/concerns and said they hope to break ground either late this fall or early spring 2020.

CLOSE PUBLIC HEARING -

Lynn asked if there were any other questions or comments, there being none, a motion was made by Zach Decker, seconded by Dan Young-man, to close the Public Hearing at 6:16 PM.

VOTE - AYES 5 NAYS 0 .

RESOLUTION #12-19 ESTABLISHING TOWN OF WOLCOTT BROWN/WADSWORTH ROAD WATER DISTRICT -

The following resolution was presented by Adam Ellis, moved by Zach Decker, seconded by Dan Youngman,

In the Matter of the Establishment of
Town of Wolcott Brown/Wadsworth Road Water District

RESOLUTION

Pursuant to Article 12 of the Town Law
of the State of New York

WHEREAS, the Town Board of the Town of Wolcott did cause to be prepared and duly and timely filed in the office of the Town Clerk of the Town of Wolcott and available for public inspection, a map, plan, and report prepared by the Town Engineer providing for Water system improvements in, and to service properties along Wadsworth Road, Wheeler Road, Cemetery Road, Rasbeck Road and Brown Road in the Town of Wolcott; and

WHEREAS, the Town Board of the Town of Wolcott duly adopted on February 19, 2019, an order reciting a description of the boundaries of the proposed district, the improvements proposed, the maximum amount proposed to be expended for the improvements, the estimated cost of hook-up fees to and the cost of the district to the typical property, the proposed method of financing to be employed, the fact that a map, plan, and report describing the same were on file in the Town Clerk's Office for public inspection, and specifying that the Town Board of the Town of Wolcott would meet and convene a public hearing on March 12, 2019, at 6:00 p.m. at the Wolcott Town Hall, located at No. 6070 Lake Avenue, Wolcott, New York, for the purpose of establishing the described water district and to hear all persons interested in the subject thereof concerning same, and

WHEREAS, prior to the publication of such order, the Town Board caused to be prepared and filed for public inspection with the Town Clerk, an explanation of how the estimated cost of hook-up fees and district costs to the typical property was computed, and

WHEREAS, at the time and place duly noticed, such public hearing was held and all those desiring to be heard were heard, and

WHEREAS, at a prior duly noticed meeting of the Wolcott Town Board on February 21, 2017 a resolution was adopted pursuant to the State Environmental Quality Review Act that the establishment of the proposed district and water improvements would not have a significant adverse environmental impact, and

WHEREAS, the evidence offered at such time and place

requires that the Town Board make the determinations hereinafter made.

RESOLUTION - (cont'd)

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Wolcott in the County of Wayne, that it be, and hereby is, determined as follows:

1. That the notice of public hearing was published and posted as required by law and is otherwise sufficient.
2. That all of the property and property owners within the proposed water district are benefited thereby.
3. That all of the property and property owners benefitted are included within the proposed water district.
4. That it is in the public interest to establish the proposed water district and be it,

FURTHER RESOLVED, that the Town Board does hereby approve the establishment of the Brown/Wadsworth Road Water District described on Schedule A attached hereto and made a part hereof.

HEREBY INTENDING TO DESCRIBE IN ITS ENTIRETY, those parcels of land set forth on Schedule A attached hereto, situate in the Town of Wolcott, Wayne County, New York, to be collectively known and identified as The Brown/Wadsworth Road Water District; and be it

FURTHER RESOLVED, that the maximum amount to be expended for the water system improvements is Nine hundred ninety-one thousand (\$991,000.00) dollars, and be it

FURTHER RESOLVED, the proposed method of financing is through a combination of a loan from the United States Department of Agriculture (USDA), Rural Utility Service (RUS) Program in the amount of \$395,000.00, said loan to be repaid in annual installments amortized over not more

than 38 years with an interest rate projected at 2.125 percent along with a grant of \$596,000.00 from Rural Development; and be it

FURTHER RESOLVED, the proposed method of payment for said financing the loan of \$395,000.00 from the United States Department of Agriculture is by annual installments raised by the annual benefit per residential unit within the district. There is presently counted 47.45 Equivalent Dwelling Units (EDU's) within proposed district. The estimated hook-up fees are a one-time charge of approximately \$1,600.00 dollars based upon the current amount charged by the Wayne County Water and Sewer Authority, the public authority to operate, maintain and service the proposed water improvements. In addition, the cost of the proposed district to the owner of a typical property being a commercial unit or a one family home is \$638.00 for the first year following district formation, including debt service operation and maintenance, based upon the present number of units, consisting of \$317.00 in user charges and \$321.00 in annual principal and interest on the indebtedness, and vacant, non-agricultural land will be assessed at 0.05 EDU's per lot per year until the indebtedness is satisfied.

ON ROLL CALL VOTE - Chatfield "YES", Ellis "YES", Youngman "YES",

Decker "YES".

RESOLUTION #13-19

Final Order of Town Board Establishing Water District

The following resolution was presented by Zach Decker, moved by Adam Ellis, seconded by Dan Youngman,

In the Matter of the Establishment of
Brown/Wadsworth Road Water District
in the Town of Wolcott, County of Wayne,
State of New York.

A resolution having been duly adopted by the Town Board of the Town of Wolcott directing the Town Engineer to

supervise the preparation of a map, plan and report for providing facilities, improvements or services in a portion of the Town of Wolcott, wherein a water district, hereinafter described, was proposed to be established, and said map, plan and report having duly been filed in the office of the Town Clerk on December 18, 2018, and an order having been duly adopted by said Town Board on February 19, 2019, reciting the description of the boundaries of the proposed district, the maximum amount proposed to be expended for the improvement, the proposed method of financing to be employed, the fact that a plan, map and report describing the same are on file in the Town Clerk's office for public inspection, and specifying that said Town Board shall meet at the Town Hall, located at 6070 Lake Avenue, Wolcott, Wayne County, New York, on March 12, 2019, for the purpose of conducting a public hearing on such proposal to establish the water district with the specified improvements and to hear all persons interested in the subject thereof concerning the same, and a hearing having been duly held by said Board at such time and place, and it having been duly resolved and determined following such hearing that the notice of hearing was published and posted as required by law and otherwise sufficient, that all the property and property owners within the proposed district were benefited thereby, that all property and property owners benefited were included within the limits of the proposed district, and that it was in the public interest to grant in whole the relief sought, it is hereby

ORDERED, that the establishment of the proposed district as set forth in said map, plan and report be approved; that the improvements herein mentioned be constructed by the Petitioner; and such district shall be known and designated as "Brown/Wadsworth Road Water District of the Town of Wolcott" and shall be bounded and described as set forth in Schedule "A" attached hereto and made a part hereof; and be it further

ORDERED, that the following improvements in said district be constructed upon the required funds being available or provided for a water distribution system to supply potable water to approximately 47.45 Equivalent

Dwelling Units (EDU's); and it is further

RESOLUTION - (cont'd)

ORDERED, that the project will be funded as set forth in the map, plan and report and as set forth in the Order for a Public Hearing dated February 19, 2019; and it is further

ORDERED, that the Town Clerk of the Town of Wolcott is hereby authorized and directed to cause a certified copy of this Order to be duly recorded in the Office of the Clerk of Wayne County in which the Town of Wolcott is located within ten (10) days of adoption of this Order; and it is further

ORDERED, that the Town Clerk is hereby authorized and ordered to file a certified copy of this Order in the State Department of Audit and Control, Albany, New York within ten (10) days of adoption of this Order.

ON ROLL CALL VOTE - Chatfield "YES", Ellis "YES",
Youngman "YES",
Decker "YES".

Dated: March 12, 2019

Lynn Chatfield
Supervisor

Adam Ellis, Jr.
Town Councilman

Daniel Youngman
Town Councilman

Zachary Decker
Town Councilman

Lori Furguson
Town Councilwoman

RESOLUTION #14-19
BOND RESOLUTION DATED MARCH 12, 2019, OF
THE TOWN BOARD OF THE TOWN OF WOLCOTT, NEW
YORK, AUTHORIZING GENERAL OBLIGATION
SERIAL BONDS TO FINANCE WATER SYSTEM
CAPITAL IMPROVEMENTS WITHIN THE TOWN,
AUTHORIZING THE ISSUANCE OF BOND
ANTICIPATION NOTES IN CONTEMPLATION
THEREOF, THE EXPENDITURE OF SUMS FOR SUCH
PURPOSE, AND DETERMINING OTHER MATTERS IN
CONNECTION THEREWITH.

The following resolution was presented by Zach Decker, moved by Adam Ellis, seconded by Dan Youngman,

WHEREAS, the Town of Wolcott Brown/Wadsworth Road Water District is a Water District of the Town of Wolcott, New York, duly established by the Town Board pursuant to

the Town Law pursuant to a resolution adopted on March 12, 2019; and

WHEREAS, the cost of the improvements authorized will not exceed the cost thresholds that require approval of the Office of the State Comptroller; and

WHEREAS, the Town, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder ("SEQRA"), has completed its environmental review and, on February 21, 2017, has duly adopted a negative declaration and has determined that the implementation of the type I action as proposed will not result in any significant adverse environmental impacts; now therefor, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF WOLCOTT, NEW YORK (hereinafter referred to as the "Town"), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Town of Wolcott shall undertake certain capital improvements consisting of the acquisition and construction of water improvements for the Town of Wolcott Brown/Wadsworth Road Water District, to include a water distribution system to service properties along Wadsworth Road, Wheeler Road, Cemetery Road, Rasbeck Road and Brown Road in the Town of Wolcott, and the acquisition of land or rights in land necessary therefor, if any, and the acquisition of original furnishings, equipment, machinery or apparatus and other incidental improvements that may be required in connection therewith for such construction and district use (hereinafter referred to as "purpose"), and general obligation serial bonds in an aggregate principal amount not to exceed \$395,000 of the Town are hereby authorized to be issued to finance said purpose, and said amount is hereby appropriated therefor, and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.

RESOLUTION - (cont'd)

Section 2. The estimated aggregate maximum cost to the Town of Wolcott of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$991,000. The plan for financing of said purpose is to provide (i) up to \$395,000 from USDA Rural Development loan to be evidenced by the issuance of bonds, as well as, bond anticipation notes in anticipation thereof as herein authorized; and (ii) up to \$596,000 from anticipated grant funds.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 1 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty (40) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes.

Section 5. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

RESOLUTION - (cont'd)

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, including without limitation, the authority to determine whether to accept bids electronically to the extent allowed by the Local Finance Law, is hereby delegated to the Town Supervisor, the Town's chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Town of Wolcott.

Section 7. The faith and credit of the Town of Wolcott, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. Such bonds and notes shall be payable from a levy on real property in such district benefitted or user charges therefor, in the manner provided by law, but if not paid from such source, all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. This resolution, or a summary hereof, shall be published in full by the Town Clerk of the Town of Wolcott together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by law. The validity of said bonds or of any bond anticipation notes issued in anticipation of the sale of said bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or 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 (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

RESOLUTION - (cont'd)

Section 9. This resolution shall take effect immediately upon its adoption.

ON ROLL CALL VOTE - Chatfield "YES", Ellis "YES",
Youngman "YES",
Decker "YES".

OTHER BUSINESS -

No other business was transacted.

The next regular meeting of the Wolcott Town Board will be held March 19, 2019, at 6:00 PM at the Town Hall.

A motion was made by Zach Decker, seconded by Adam Ellis, to ad-journ the meeting at 6:21 PM.

submitted,

Respectfully

Dawn M. Krul
Town Clerk

