

SPECIAL MEETING - WOLCOTT TOWN BOARD - FEBRUARY 27,
2015

A special meeting of the Wolcott Town Board was held Fri., Feb. 27, 2015, at 11:45 AM at the Wolcott Town Hall with the following people present:

PRESENT - Supervisor - Kim Park
Councilman - Adam Ellis (ABSENT)
Councilman - Henry Felker
Councilman - Russell Freer
Councilman - Christopher Loveless
Town Clerk - Dawn Krul

Supervisor Park called the meeting to order at 11:50 AM.

Pledge of Allegiance -

The purpose of this special meeting was to act on time-sensitive issues pertaining to the Port Bay Sewer District.

RESOLUTION #21-15
FINAL ORDER OF TOWN BOARD ESTABLISHING SANITARY
SEWER DISTRICT

February 27, 2015
In the Matter of the
Establishment of the Port Bay Sewer 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 sanitary sewer 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 September 2, 2014, and an order having been duly adopted by said Town Board on September 2, 2014, re-citing 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 September 23, 2014, for the purpose of conducting a public hearing on such proposal to establish the sanitary sewer 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,

RESOLUTION - (cont'd)

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 here by

ORDERED, that the establishment of the proposed sanitary sewer 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

the "Port Bay Sewer District" and shall be bounded and described as set forth in Exhibit "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 sanitary sewer system to service approximately 619 residential and commercial units, 433 of which are located in the Town of Wolcott and 186 of which are located in the Town of Huron; and it is further

ORDERED, that the project will be funded as set forth in the map plan and report and as set forth in the Order for Public Hearing dated September 23, 2014; 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 - Park "YES", Ellis "ABSENT", Felker "YES",

Freer "YES", Loveless "YES".

Dated: February 27, 2015

Town of Wolcott

I, Dawn M. Krul, do hereby

Kim Park
Supervisor,

certify that this is a true and exact copy of the reso- lution presented, moved and	Adam Ellis, Jr. Town Councilman
adopted by the Wolcott Town Board at a special Town Board meeting held at the Wolcott	Henry Felker Town Councilman
Municipal Building at 6070 Jr. Lake Avenue, Wolcott, New York at 11:45 a.m. on February 27,	Russell Freer, Town Councilman
2015. Loveless	Christopher Town Councilman

Dawn M. Krul, Town Clerk

BOND RESOLUTION #22-15 DATED FEBRUARY 27, 2015
AUTHORIZING GENERAL OBLIGATION BONDS OF THE TOWN OF
WOLCOTT TO FINANCE SEWER 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 Kim Park, moved by Russ Freer, seconded by Henry Felker,

WHEREAS, the Port Bay Sewer District is a Sewer District of the Town of Wolcott, New York and the Town of Huron Sewer District No. 1 is a Sewer District of the Town of Huron, New York, each duly established by the respective Town Board pursuant to the Town Law;

WHEREAS, the Comptroller of the State of New York has duly made an Order granting permission for the establishment of said Town of Wolcott Port Bay

Sewer District;

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 January 20, 2015, has duly issued 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, pursuant to an intermunicipal agreement with the Town of Huron, undertake or manage the acquisition and construction of sewer improvements for the Town of Wolcott Port Bay Sewer District and for the Town of Huron Sewer District No. 1, 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 collectively referred to as "purpose"), and general obligation serial bonds in an aggregate principal amount not to exceed \$10,500,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.

Section 2. The estimated aggregate maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$10,500,000. The plan for financing of said purpose is to provide all of such maximum aggregate cost by issuance of bonds or bond anticipation notes as

herein authorized, with the Town of Huron's share of such costs and debt service to be provided to the Town of Wolcott pursuant to the intermunicipal agreement.

RESOLUTION - (cont'd)

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 4 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is hereby restricted to thirty (30) 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.

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.

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 authority to determine whether to accept bids electronically to the extent allowed by Section 58.00 of the Local Finance Law, the power to contract and issue indebtedness pursuant to §169.00 of the Local Finance Law, 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, 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.

RESOLUTION - (cont'd)

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, and as provided in the intermunicipal agreement, but if not paid from such sources, all the taxable real property within said Town shall be subject to the levy of an *ad valorem* tax, 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.

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

The motion having been duly seconded, it was adopted and the following votes were cast:

AYES - 4 NAYS - 0

EXECUTIVE SESSION -

A motion was made by Kim Park, seconded by Henry Felker, to move into executive session at 11:55 AM to discuss Highway contract negotiations. VOTE - AYES 4 NAYS 0.

CLOSE EXECUTIVE SESSION -

A motion was made by Russ Freer, seconded by Chris Loveless, to close executive session at 12:15 PM. VOTE - AYES 4 NAYS 0.

The next regular meeting of the Wolcott Town Board will be held Mon., Mar. 23, 2015, at 6:00 PM at the Town Hall.

A motion was made by Russ Freer, seconded by Henry Felker, to adjourn the meeting at 12:16 PM.

Respectfully submitted,

Krul,
Clerk

Dawn M.
Town

