

SPECIAL MEETING - WOLCOTT TOWN BOARD - SEPTEMBER 2,
2014

A special meeting of the Wolcott Town Board was held Tues., Sept 2, 2014, at 6:00 PM at the Wolcott Town Hall with the following people present:

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

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

Pledge of Allegiance -

The purpose of this special meeting was to allow for the adherence to potential timelines for the current water and sewer district projects within the town and any other business that might come before the board.

WADSWORTH ROAD WATER DISTRICT BOND RESOLUTION -
RESOLUTION #44-14 AUTHORIZING GENERAL
OBLIGATION BONDS OF THE TOWN OF WOLCOTT 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 Kim Park, moved by Adam Ellis, seconded by Chris Loveless,

WHEREAS, the Town of Wolcott 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;

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

WHEREAS, the Town has duly complied with the requirements of the State Environmental Quality Review Act of the State of New York and the applicable regulations thereunder with respect to the purpose hereinafter described and the financing therefor; 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 the acquisition and construction of water improvements for the Town of Wolcott Wadsworth Road Water District, including, without limitation, water mains, valves, hydrants, and other apparatus and appurtenances along and located within the right-of-way of Wadsworth Road and Wheeler Road, 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 \$70,000 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 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 \$210,000. The plan for financing of said purpose is to provide (i) up to \$70,000 by the issuance of bonds or bond anticipation notes as herein authorized, and said amount is hereby appropriated therefor; and (ii) a capital contribution from the Wayne County Industrial Development Agency in the amount of \$70,000; and (iii) a capital contribution from Kreher's Farms in the amount of \$70,000.

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.

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 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 Section 58.00 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.

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.

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 5 NAYS 0

PORT BAY SEWER DISTRICT -

RESOLUTION #45-14 ACCEPTING MAP, PLAN AND
REPORT FOR THE PORT
BAY SEWER DISTRICT -

The following resolution was presented by Kim Park, moved by Chris Loveless, seconded by Adam Ellis,

WHEREAS, at the request of the Town of Wolcott, MRB Group has prepared an engineer's Map, Plan and Report for the Town of Wolcott Port Bay Sewer District as MRB Group Project No. 2312.13002; and

WHEREAS, contained in the map, plan and report is a property description of the area to be included in the proposed sewer district; and

WHEREAS, the Town Board is in receipt of the Map, Plan and Report;

NOW, THEREFORE, BE IT RESOLVED, by the Town

Board of the Town of Wolcott that the Map, Plan and Report for the Port Bay Sewer District is hereby accepted.

VOTE - AYES 5 NAYS 0 .

PORT BAY SEWER DISTRICT - (cont'd)

RESOLUTION #46-14

TOWN OF WOLCOTT ORDER FOR PUBLIC HEARING ON
SEPTEMBER 23, 2014, AT 6PM AT THE WOLCOTT TOWN HALL
ON
ESTABLISHMENT OF THE PORT BAY SEWER DISTRICT
PURSUANT TO ARTICLE 12-A OF THE TOWN LAW

The following resolution was presented by Kim Park, moved by Chris Loveless, seconded by Henry Felker,

STATE OF NEW YORK
COUNTY OF WAYNE
TOWN OF WOLCOTT

In the Matter of the Establishment of the
Port Bay Sewer District Pursuant to Article 12-A
ORDER
of the Town Law of the State of New York

WHEREAS, there has been prepared and 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 sanitary sewer system improvements in, and to service properties along Furnace Road, West Port Bay Road and associated side roads including Wood

Tract Road, North and South Maple Streets, and Tompkins Point Road; and East Port Bay Road and associated side roads including Martin, Eagle, Dove, Thrush, Roney, Robin, Jay, Finch, and Cardinal Roads in the Town of Wolcott; and

WHEREAS, the Map, Plan and Report details the sewer line and other facilities of the sewer system proposed to be constructed, including connection points in the Towns of Wolcott and Huron, through which the proposed Port Bay Sewer District ("District") will connect to the Red Creek Area Wastewater Treatment Facility ("Red Creek Plant") owned by the Wayne County Water and Sewer Authority ("Authority"), and includes a map showing the boundaries of the proposed District and sewer system; and

WHEREAS, the District is proposed to include improvements as set forth in the Map, Plan and Report, including (a) a low pressure conveyance system, consisting of an individual grinder pump at each home and a lateral connecting each grinder pump to a small-diameter, low-pressure force main located in the road right-of-way or easement; and (b) transmission system improvements, including the upsizing of the Village of Wolcott ("Village") force main from 8-inch to 10-inch diameter, as well as upgrading of other components of the Village's transmission system; and

WHEREAS, the boundaries of the proposed water district are as described on Exhibit A attached hereto and made a part hereof; and

WHEREAS, the maximum amount proposed to be expended for the sewer system improvements is \$10,500,000.00 dollars; and

RESOLUTION - (cont'd)

WHEREAS, for homeowners who hook up to the sewer system immediately, the estimated one-time charge for hook-up is approximately \$1,500 to \$3,000 per connection, which includes costs

associated with the incorporation of the grinder pump into existing plumbing and interior electric, and costs for pumping out and abandoning existing septic tanks. For these homeowners, there will be no charge for the installation of the grinder pump. For homeowners that connect at a later time, estimated one-time charge for hook-up is approximately \$2,500 to \$4,000 per connection, which includes the costs described above, as well as the cost of installation of the grinder pump.

WHEREAS, the proposed method of financing is through a loan from the New York State Environmental Facilities Corporation - Clean Water State Revolving Fund in the amount of \$10,500,000.00, said loan to be repaid in annual installments amortized over not more than 30 years with an interest rate projected at zero (0) percent; and

WHEREAS, the cost of construction of the sewer system would be assessed by the Town Board, in proportion as nearly as may be calculated, to the benefit which each lot or parcel would derive from the sewer system. The Town Board and the Authority may also impose other appropriate charges, fees, and assessments as allowed by law, including sewer rents and connection fees.

WHEREAS, the estimated annual cost of the District to the typical property or one-family home is \$895 (including \$565 debt service, \$250 sewer use charges, \$30 estimated electrical charge for grinder pump, and \$50 for capital fund for grinder pump replacement), as detailed in the Map, Plan and Report, not including the costs to hook up described above. The estimated annual cost of the District to a two-family home would range from \$1,457.50 to 1,507.50 (including \$847.50 debt service, \$500 sewer use charges, \$60 estimated electrical charge for grinder pumps, and \$50 - \$100 for capital fund for grinder pump replacement, depending upon the number of pumps employed), as

detailed in the Map, Plan and Report, not including the costs to hook up described above. The Map, Plan and Report contains a detailed explanation of how the estimated hook-up fees and the cost of the District to a typical property were computed; and

RESOLUTION - (cont'd)

NOW, THEREFORE, BE IT ORDERED, that the Town Board of the Town of Wolcott shall meet at the Wolcott Town Hall, 6070 Lake Avenue, Wolcott New York on the 23rd day of September 2014 at 6:00 p.m., for the purpose of conducting a public hearing on the proposal to establish said District with the improvements specified above, at which time and place all persons interested in the subject thereof may be heard concerning the same, and it is further

ORDERED, that the Town Clerk of the Town of Wolcott be, and she hereby is authorized and directed to publish and post a copy of this order in the time and manner required by law.

Dated: September 2, 2014
By Order of the Town Board
of the Town of Wolcott
Dawn M. Krul, Town Clerk

RESOLUTION #47-14 AUTHORIZING THE SUPERVISOR TO
SIGN AN AMEND-MENT TO THE OWNER-ENGINEERING
AGREEMENT WITH MRB GROUP FOR THE BLIND SODUS BAY
SEWER PROJECT RE-ALLOCATING \$20,000 FROM THE
CONSTRUCTION OBSERVATION BUDGET TO THE ADDITIONAL
SERVICES BUDGET -

The following resolution was presented by Kim Park, moved by Adam Ellis, seconded by Henry Felker,

WHEREAS, the Blind Sodus Bay Sewer District has proved to take more time on engineering than expected; and

WHEREAS, there have been multiple site visits, visits with resi-dents, meetings, phone calls, as well as additional easements; and

WHEREAS, revisions to easements have caused other revisions to easements; and

WHEREAS, all of this has added much time and expense; and

WHEREAS, in an effort to minimize budget impacts, \$20,000 from construction observation budget to additional services budget should be moved;

NOW, THEREFORE, BE IT RESOLVED, that \$20,000 from the construc-tion observation budget be moved to the additional services budget in the Blind Sodus Bay Sewer District owner-engineering agreement.

VOTE - AYES 5 NAYS 0.

OTHER BUSINESS -

The board briefly discussed the potential local law regarding septic systems.

EXECUTIVE SESSION -

A motion was made by Russ Freer, seconded by Chris Loveless, to move into executive session at 6:10 PM to discuss a particular per-sonnel issue. VOTE - AYES 5 NAYS 0.

CLOSE EXECUTIVE SESSION -

A motion was made by Adam Ellis, seconded by Chris Loveless, to close executive session at 6:42 PM. VOTE - AYES 5 NAYS 0.

The next regular meeting of the Wolcott Town Board will be held Sept. 23, 2014, at 6:00 PM at the Town Hall.

A motion was made by Adam Ellis, seconded by Henry Felker, to adjourn the meeting at 6:43 PM.

Respectfully submitted,

Krul,
Clerk

Dawn M.
Town

