

REGULAR MEETING - WOLCOTT TOWN BOARD - JANUARY 19, 2010

A regular meeting of the Wolcott Town Board was held Tues., Jan. 19, 2010, at the Wolcott Town Hall with the following people present:

PRESENT - Supervisor - Kim Park
Councilman - Dallas Youngman
Councilman - Jeffrey Keller
Councilman - Scott Gregg
Councilman - Adam Ellis, Jr.

OTHERS PRESENT - Dawn Krul, Town Clerk; Kenneth Burgess, Code Enforcement Officer; Amber Roberts, Assessor/Bookkeeper; Eileen Perkins, Assessor; Chris Loveless, 11700 Tompkins Point Rd., Wolcott; Arlene Middleton, 10823 Lummisville Rd., Wolcott; Jeff Duncan, 7672 Brown Rd., Wolcott; Brandon Luckey, Matt Duncan, Ted Graffius, Corey Youells, Mitch Colon, Students.

Copies presented to the Town Board:

1. Minutes of December 15, 2009 (Regular & Special Meeting)
2. Minutes of December 28, 2009 (Close-Out & Organizational Mtg)
3. General Fund Claims (Unaudited)
4. Highway Fund Claims (Unaudited)

The Supervisor's, Town Clerk's, Justices, Code Enforcement Officer's, Highway Supt's and Animal Control Officer's reports were presented to the Town Board.

GENERAL BUSINESS -

GENERAL CORRESPONDENCE -

1. Letter containing information from the Association of Towns of the State of New York re the 2010 Training School and Annual Meeting to be held in New York

City, February 14-17th.

2. Letter from Sheriff Barry Virts stating he would like to attend a town board meeting to discuss any Public Safety concerns the town might have. Also, to possibly discuss the services the Office of Sheriff provides.

A motion was made by Kim Park, seconded by Adam Ellis, to accept the minutes of Dec. 15 & Dec. 28, 2009, general correspondence and departmental reports. VOTE - AYES 5
NAYS 0.

ABSTRACT OF CLAIMS -

GENERAL ACCOUNT - Claims #1 thru #42 - total -
\$69,327.39

HIGHWAY ACCOUNT - DA Townwide & DB Outside - total -
\$22,725.71

GENERAL BUSINESS - (cont'd)

A resolution was presented by Kim Park, moved by Dallas Youngman, seconded by Jeff Keller "Be it RESOLVED to pay General and Highway claims as presented." VOTE - AYES 5 NAYS 0.

ASSESSORS - Amber Roberts & Eileen Perkins

1. Amber invited the Board to attend the upcoming joint informational meeting with the Town of Butler and State Officials to be held February 9th at 6:00 PM at the Palace Theater. The topic of discussion will be the update process. The assessors hope to have the new valuation change notices sent out prior to the meeting, which should prompt people to attend.

HIGHWAY - Tom Interlichia (ABSENT)

Tom did not attend tonight's meeting.

CODE ENFORCEMENT OFFICER - Ken Burgess

1. Ken said he was still doing fire inspections.
2. Ken mentioned the progress being made on the handicapped ramp and also his end of the year report.

TOWN CLERK - Dawn Krul

Nothing to discuss this month.

SUPERVISOR -

FYI's - Gov. Paterson delays payments to localities -
- Cable Franchise Fee Audits -

1. Kim informed the rest of the Board she wrote a support letter for Pomona Packing, formerly called CEL Packaging, pertaining to a grant they are trying to obtain for the old Reckitt-Benckiser Building.
2. Kim discussed with the rest of the Board the letter of conditions required for the Waters Road/Red Creek Road Water District before USDA will loan money or give grants.

SUPERVISOR - (cont'd)

LOAN RESOLUTION -

The following resolution was presented by Kim Park, moved by Dallas Youngman, seconded by Jeff Keller,

A RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WOLCOTT AUTHORIZ-ING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARG-ING, IMPROVING, AND/OR EXTENDING ITS WATER FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO

WHEREAS, it is necessary for the Town of Wolcott (herein after called Association) to raise a portion of the cost of such undertak-ing by issuance of its bonds in the principal amount of

SIX HUNDRED FORTY-FOUR THOUSAND AND XX/100 DOLLARS
(644,000.00)

pursuant to the provisions of Subject to New York State Municipal Finance Law; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Govern-ment) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at

reasonable

rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).

3. To provide for, execute, and comply with Form RD 400-4,

"Assurance Agreement," and Form RD 400-1, "Equal Opportunity

Agreement," including an "Equal Opportunity Clause," which

clause is to be incorporated in, or attached as a rider to,

each construction contract and subcontract involving in ex-

cess of \$10,000.

4. To indemnify the Government for any payments made or losses

suffered by the Government on behalf of the Association.

Such indemnification shall be payable from the same source of

funds pledged to pay the bonds or any other legally permis-

sible source.

SUPERVISOR - (cont'd)

LOAN RESOLUTION - (cont'd)

5. That upon default in the payments of any principal and ac-

crued interest on the bonds or in the performance of any

covenant or agreement contained herein or in the instruments

incident to making or insuring the loan, the Government at

its option may (a) declare the entire principal amount then

outstanding and accrued interest immediately due

and payable,

(b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.

6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.

7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of nor-

mal maintenance) without the prior written consent of the Gov-

ernment if such undertaking would involve the source of funds pledged to pay the bonds.

8. To place the proceeds of the bonds on deposit in an account

and in a manner approved by the Government. Funds may be de-

posited in institutions insured by the State or Federal Gov-

ernment or invested in readily marketable securities backed

by the full faith and credit of the United States. Any in-

come from these accounts will be considered as revenues of

the system.

9. To comply with all applicable State and Federal laws and reg-

ulations and to continually operate and maintain the facility

in good condition.

10. To provide for the receipt of adequate revenues to meet the

requirements of debt service, operation and maintenance, and

the establishment of adequate reserves. Revenue accumulated

over and above that needed to pay operating and maintenance,

debt service and reserves may only be retained or used to

make prepayments on the loan. Revenue cannot be used to pay

any expenses which are not directly incurred for the facility

financed by USDA. No free service or use of the facility

will be permitted.

SUPERVISOR - (cont'd)

LOAN RESOLUTION - (cont'd)

11. To acquire and maintain such insurance and fidelity bond cov-

erage as may be required by the Government.

12. To establish and maintain such books and records relating to

the operation of the facility and its financial affairs and

to provide for required audit thereof as required by the Gov-

ernment, to provide the Government a copy of each such audit

without its request, and to forward to the Government such

additional information and reports as it may from time to

time require.

13. To provide the Government at all reasonable times access to

all books and records relating to the facility and access to

the property of the system so that the Government may ascer-

tain that the Association is complying with the provisions

hereof and of the instruments incident to the making or in-

suring of the loan.

14. That if the Government requires that a reserve account be

established, disbursements from that account(s) may be used

when necessary for payments due on the bond if sufficient

funds are not otherwise available and prior approval of the

Government is obtained. Also, with the prior

written appro-

val of the Government, funds may be withdrawn and used for

such things as emergency maintenance, extensions to facili-

ties, and replacement of short lived assets.

15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain

USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are

feasible and legal, such person shall have a direct right of

action against the Association or public body.

16. To comply with the measures identified in the Government's

environmental impact analysis for this facility for the pur-

pose of avoiding or reducing the adverse environmental im-

pacts of the facility's construction or operation.

17. To accept a grant in an amount not to exceed \$898,600.00

under the terms offered by the Government; that Town Supervi-

sor and Town Clerk of the Association are hereby authorized

and empowered to take all action necessary or appropriate in

the execution of all written instruments as may be required

in regard to or as evidence of such grant; and to operate the

facility under the terms offered in said grant agreement(s).

SUPERVISOR - (cont'd)

LOAN RESOLUTION - (cont'd)

The provisions hereof and the provisions of all instruments inconsistent to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

Yeas 5 Nays 0 Absent 0

IN WITNESS WHEREOF, the Town Board of the Town of Wolcott has duly adopted this resolution and caused it to be executed by the officers below in duplicate on the 19th day of January, 2010.

Town of
Wolcott

By

Kim Park

Title

Supervisor

(SEAL)

Attest:

Dawn Krul

Title Town of Wolcott Clerk

SUPERVISOR - (cont'd)

3. Kim touched on the Port Bay Water District and we're waiting on the Pre-eligibility Determination from Rural Development. She stated they are backed up on their end so as soon as they get caught up we'll be moving forward with this district.

AUTHORIZATION OF SUPERVISOR TO SUBMIT APPLICATION TO
USDA RURAL

DEVELOPMENT FOR LOAN ASSISTANCE -

The following resolution was presented by Kim Park, moved by Adam Ellis, seconded by Dallas Youngman,

"RESOLVED, that the Supervisor of the Town of Wolcott, Wayne County, New York, is hereby authorized as the official representative of the Town to execute and submit an application to the U.S. Department of Agriculture, Rural Development for loan and grant assistance for the construction of improvements to serve the Port Bay Water Project that will serve areas around the Bay in Wolcott and Huron and the Supervisor is hereby authorized and directed to act in connection with the submission of the application and to provide such additional information as may be required."

VOTE - AYES 5 NAYS 0 .

TOWN OF WOLCOTT - CREATION OF PORT BAY WATER DISTRICT
- SEQR RESOLUTION -

The following resolution was presented by Kim Park, moved by Dallas Youngman, seconded by Jeff Keller,

RESOLVED, that in accordance with the New York State Environmental Quality Review regulations (SEQR), the Town Board of the Town of Wolcott announces its intent to serve as lead agency to conduct an environmental review under Section 617.7 of the New York State Codes, Rules and Regulations (NYSCRR) of a project to establish the Town of Wolcott Port Bay Water District. The creation of the proposed water district will allow for the extension of public water service along portions of West Port Bay Road, Wood Tract Road, Tompkins Point Road, North Maple Street and South Maple Street. The water system improvements will eventually involve the construction of approximately 13,375 l.f. of watermain and will provide public water service to a total of 110 equivalent dwelling units.

FURTHER RESOLVED, that the Town Board has determined that the proposed action is an "Unlisted Action" as defined

under SEQR.

SUPERVISOR - (cont'd)

RESOLUTION - (cont'd)

FURTHER RESOLVED, that the Town Board, in its capacity of lead agency, has caused to be prepared an environmental assessment of the significance of potential environmental impact of the above listed action. The Town Board hereby accepts the environmental assessment of the proposed project prepared by Stuart I. Brown Associates, Inc., dated January 19, 2010. The Town Board further declares that, based on the environmental assessment which has been prepared, the project will result in no major impacts and, therefore, will not cause significant damage to the environment. A Negative Declaration under SEQR is therefore issued for this project.

VOTE - AYES 5 NAYS 0.

4. Amendment to Procurement Policy -

RESOLUTION TO AMEND PROCUREMENT POLICY -

The following resolution was presented by Kim Park, moved by Adam Ellis, seconded by Jeff Keller,

WHEREAS, the Town of Wolcott has received funding under the Community Development Block Grant (CDBG) Program; and

WHEREAS, under the CDBG program regulations, communities are required to comply with the procurement standards established for federal assistance programs; and

WHEREAS, these procurement standards require that,

whenever possible, small, minority and women-owned businesses should be solicited as potential sources of supplies, services and construction and other contract; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Wolcott hereby amends its existing procurement policy to require that consideration in the solicitation of bids and quotes for services, supplies or contracts be given to:

1 small and/or locally owned businesses, with priority to businesses owned by or which employ low or moderate income persons, as defined by HUD; and

1 qualified Minority and Women-owned Business Enterprises (M/WBE) firms listed in the directory of certified minority and women-owned businesses maintained by the Empire State Development Corporation on its website at <http://205.232.252.35> or at [http://www.empire.state.ny.us/Small and Growing Businesses/mwbe.asp](http://www.empire.state.ny.us/Small%20and%20Growing%20Businesses/mwbe.asp)

SUPERVISOR - (cont'd)

RESOLUTION - (cont'd)

BE IT FURTHER RESOLVED, that these provisions shall apply to the procurement of goods and services related to the implementation of the CDBG funded programs and activities as well as to the procurement of goods and services related to the general conduct of business by the Town of Wolcott.

VOTE - AYES 5 NAYS 0.

5. Kim stated we are awaiting the engineering report before we can move forward on the Blind Sodus Bay Sewer Project.

6. Kim informed the rest of the Board that any elected official in the retirement system now has to keep a three-month record of hours worked and file it with the Town Clerk who will keep it on file for ten years.

7. Fire and Ambulance Contracts -

2010 WOLCOTT FIRE CONTRACT -

The following resolution was presented by Kim Park, moved by Dallas Youngman, seconded by Jeff Keller,

WHEREAS, the town of Wolcott must have fire protection; and

WHEREAS, the Village of Wolcott Fire Department handles a portion of the town; and

WHEREAS, the Town Board desires for the town to have such protection;

NOW, THEREFORE, BE IT RESOLVED to authorize the Supervisor to sign and contract with the Village of Wolcott Fire Department and to pay them the sum of \$24,051.00 for their services.

VOTE - AYES 5 NAYS 0.

2010 RED CREEK FIRE CONTRACT -

The following resolution was presented by Kim Park, moved by Scott Gregg, seconded by Dallas Youngman,

WHEREAS, the town of Wolcott must have fire protection; and

WHEREAS, the Village of Red Creek Fire Department handles a portion of the town; and

WHEREAS, the Town Board desires for the town to have such protection;

NOW, THEREFORE, BE IT RESOLVED to authorize the Supervisor to sign and contract with the Village of Red Creek Fire Department and to pay them the sum of \$26,460.00 for their services.

VOTE - AYES 5 NAYS 0 .

SUPERVISOR - (cont'd)

2010 FAIR HAVEN FIRE CONTRACT -

The following resolution was presented by Kim Park, moved by Scott Gregg, seconded by Adam Ellis,

WHEREAS, the town of Wolcott must have fire protection; and

WHEREAS, the Fair Haven Volunteer Fire Department covers a por-tion of the town; and

WHEREAS, the Town Board desires for the town to have such protec-tion;

NOW, THEREFORE, BE IT RESOLVED to authorize the Supervisor to sign and contract with the Fair Haven Volunteer Fire Department and to pay them the sum of \$11,880.00 for their services.

VOTE - AYES 5 NAYS 0 .

SUPERVISOR - (cont'd)

2010 RED CREEK AMBULANCE CONTRACT -

The following resolution was presented by Kim Park, moved by Adam Ellis, seconded by Scott Gregg,

WHEREAS, the town of Wolcott must have ambulance coverage; and

WHEREAS, the Red Creek Volunteer Ambulance covers a portion of the town; and

WHEREAS, the Town Board desires for the town to have such cover-age;

NOW, THEREFORE, BE IT RESOLVED to authorize the Supervisor to sign and contract with the Red Creek Volunteer

Ambulance and to pay them the sum of \$6,988.30 for their services.

VOTE - AYES 5 NAYS 0.

2010 FAIR HAVEN AMBULANCE CONTRACT -

The following resolution was presented by Kim Park, moved by Scott Gregg, seconded by Adam Ellis,

WHEREAS, the town of Wolcott must have ambulance coverage; and

WHEREAS, the Village of Fair Haven covers a portion of the town;
and

WHEREAS, the Town Board desires for the town to have such cover-age;

NOW, THEREFORE, BE IT RESOLVED to authorize the Supervisor to sign and contract with the Fair Haven Village Ambulance and to pay them the sum of \$2,894.00 for their services.

VOTE - AYES 5 NAYS 0.

SUPERVISOR - (cont'd)

8. Kim updated the rest of the Board as to what was being dis-cussed at the County level and that she voted no on a couple speci-fics - namely recycling and raises for department heads and manager-ial people.

9. Kim asked Chris Loveless to update us on the basement renovation and the handicapped ramp. He stated the basement was 90 percent completed and the ramp should be poured by this weekend and then completed within the next week or so.

10. Kim asked Amber to touch on the balance sheets comparing the last several years.

11. Kim mentioned there is a revised draft for the Local Water-front Revitalization Program. She is hoping to move

toward getting another engineering report regarding a permanent channel for Port Bay. She commented that every year at the County level there is an appropriations request or "wish list" that goes to our Congressman. She wondered if they had any suggestions for this list other than the permanent channel for Port Bay which she is going to suggest. Wind energy was another topic discussed.

The next regular meeting of the Wolcott Town Board will be held
Feb. 16, 2010, at 7:00 PM at the Town Hall.

A motion was made by Dallas Youngman, seconded by Scott Gregg, to adjourn the meeting at 7:45 PM.

submitted,

Respectfully

Dawn M. Krul,
Town Clerk

