

**MINUTES
SPECIAL TOWN BOARD MEETING
JUNE 20, 2017**

PRESENT:

Supervisor Gary Westfall, Councilman Jamie King, Mike Pfeiffer, Herb Meyer, and Bob Rodger.

ALSO PRESENT:

Joe Mull, Highway Superintendent and MRB Engineer, Mr. Pat Nicoletta.

PLEDGE OF ALLEGIANCE:

Supervisor Westfall led everyone in the Pledge of Allegiance.

2017-044

Councilman Pfeiffer presented the following resolution and duly moved that it be adopted . Councilman King seconded the motion as follows:

BOND RESOLUTION DATED JUNE 20, 2017 OF THE TOWN BOARD OF THE TOWN OF WATERLOO, 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.

WHEREAS, the Town of Waterloo Serven Road, Packwood Road and Pre Emption Street/Townline Road Water Improvement Area is a Water Improvement Area of the Town of Waterloo, New York, duly established by the Town Board pursuant to the Town Law;

WHEREAS, such water improvement area and the water improvements therein were duly approved by the State of New York Office of the State Comptroller by Order, dated March 2, 2016;

WHEREAS, a portion of the water improvements authorized to be financed herein, will be undertaken by the Town of Waterloo pursuant to an intermunicipal agreement between and among the Towns of Waterloo, Junius, Geneva and Phelps;

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 April 28, 2015, duly issued a negative declaration and 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 WATERLOO, 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 Waterloo shall undertake certain capital improvements consisting of the acquisition and construction of water improvements to the Town of Waterloo Serven Road, Packwood Road and Pre Emption Street/Townline Road Water Improvement Area, 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 \$562,900 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.

Section 2. The estimated maximum aggregate cost of said purpose, which may include preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$562,900, of which the amount in excess of the \$372,307 cost amount previously approved by the Comptroller of the State of New York, will be financed by the Town of Waterloo pursuant to an Intermunicipal Agreement between and among the Towns of Waterloo, Junius, Geneva and Phelps. The plan for financing of said purpose is to provide all of such maximum cost by issuance of bonds or bond anticipation notes as herein authorized, to be offset and reduced dollar for dollar by the amount of grants that may be received.

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.

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 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, and the power to contract and issue indebtedness pursuant to §169.00 of the Local Finance Law, if applicable, 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 Waterloo.

Section 7. The faith and credit of the Town of Waterloo, 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 improvement area 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 Waterloo 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:

AYE

Supervisor Westfall
Councilman King
Councilman Pfeiffer
Councilman Meyer
Councilman Meyer

NAE

The motion was carried.

2017-045

Councilman King made the motion for the following resolution. Councilman Pfeiffer seconded the motion as follows:

WHEREAS, the Town of Waterloo Town Board is intending to extend Public Water on the northwestern side of Town. This is a Joint Water Project whereas the Towns of Waterloo, Phelps, Geneva and Junius are participating. The water extension in the Town of Waterloo will be along Border City, Serven, Packwood and Townline (Pre Emption Street) Roads. The approximate length of main proposed for the Town of Waterloo is 3 miles. The improvements include new water main, hydrants, valves, services and a pump station (serving all communities). As part of this project a section of the water main improvements in the Town of Waterloo is a transmission line that will be installed along Border City Road and Serven Road. This section of main is approximately 0.75 miles shared by all participating parties.

WHEREAS, the Town Board of the Town of Waterloo held Public Informational meetings and Public Hearings for the project. After the Public Informational meetings were held, residents signed a petition to request that water be extended. Upon evaluation of the petition the district formation requirements were met; that being that owners owning in the aggregate at least one-half of the assessed valuation of all the taxable residential real property within the district boundaries and property owners owning in aggregate at least one-half of the assessed valuation of all taxable real property within the district boundaries signed the petition indicating that they were in favor of the proposed extension of water and a public hearing was held with the proper legal notice having been given. Based on this result it is noted that the Public was in support of the project. The Town Board then adopted a resolution approving the creation of the Water Improvement Area. The water improvement area was approved by the NYS Comptroller and properly filed in the Office of the County Clerk.

WHEREAS, a determination of environmental significance pursuant to the State Environmental Quality Review Act was undertaken. The Action was a Type 1 and required a Coordinated Review. The Town Board declared themselves Lead Agent, after the coordination period expired, and made a Determination of Non-Significance.

WHEREAS, the Town Board passed a Bond Resolution to fund the project. In addition, to

Town funds the Town is pursuing funding in the form of Grants from the Dormitory Authority and NYS Department of Health/Environmental Facilities Corporation (WIIA and IMG Grants).

NOW, THEREFORE BE IT RESOLVED that the Waterloo Town Board determines that funding for the Water Improvement Area is in place (Bonding), but it is in the best interest of the Town and property owners in the improvement area apply for additional funding for the project through Dormitory Authority and NYS Department of Health/Environmental Facilities Corporation (WIIA and IMG Grants). Town of Waterloo has determined that Public Authorization of the Grant Application is supported.

BE IT FURTHER RESOLVED that the Town Board further agrees that the Town of Phelps will be the lead agent in the application of this grant. The Town Board authorizes that the Grant be filed for the Water Improvement Area and that the Town Supervisor has authorization by the Board to sign and execute all documents required for the Grant Submission.

AYE

Supervisor Westfall
Councilman King
Councilman Pfeiffer
Councilman Meyer
Councilman Meyer

NAE

The motion was carried.

2017-046

Councilman Rodger made the motion to accept the resignation of Mr. Nate Boyd as Highway Laborer, effective June 23, 2017. Councilman Meyer seconded the motion.

AYE

Supervisor Westfall
Councilman King
Councilman Pfeiffer
Councilman Meyer
Councilman Meyer

NAE

The motion was carried.

2017-047

Councilman Rodger made the motion to authorize Highway Superintendent, Joe Mull to purchase an enclosed trailer for the welding machine, not to exceed \$6000.00. Councilman Pfeiffer seconded the motion.

AYE

Supervisor Westfall
Councilman King
Councilman Pfeiffer
Councilman Meyer
Councilman Meyer

NAE

The motion was carried.

DEPARTMENT REPORTS:

Highway Superintendent, Joe Mull said he has a meeting today, at 4:00 PM, at the State Park for the Trail and asked the Board Members if they would be interested in going with him.

COMMITTEE REPORTS:

Councilman Mike Pfeiffer said he had a meeting this week with union officials and another meeting has been scheduled for July 13th at 4:00 PM.

SUPERVISOR COMMENTS:

Supervisor Westfall said he has a scheduled meeting this Friday June 23rd at 10:00 AM, with the Premier Group (owner of Lowe's). This property is a desirable location to install the Pump Station needed for the Four Town Water Project.

Supervisor Westfall also mentioned to everyone that the Annual Red Wings Baseball Game, sponsored by the MRB Group is August 11th this year and he asked everyone to let him know who is interested in going so tickets can be ordered.

2017-048

Councilman Rodger made the motion to adjourn the meeting. Councilman King seconded the motion.

AYE

Supervisor Westfall
Councilman King
Councilman Pfeiffer
Councilman Meyer
Councilman Meyer

NAE

The motion was carried.

Respectfully Submitted,

Sandra L. Ridley
Town Clerk