VILLAGE OF WOLCOTT

BOARD OF TRUSTEES

VILLAGE HALL CONFERENCE ROOM

DEPARTMENT HEAD MEETING

July 11, 2023

7:00 pm

Members Present: Mayor Chris Henner, Trustees: Dave Lewis, Dan Smith, Andrew Marshall and Misty Harper

Others Present: Fran Acker, Nick Rizzo, Ed Wazinski, Jerry Lasher, Drew Smith and Ron Lancy

Mayor Henner called the meeting to order at 7:00 pm with the Pledge of Allegiance.

**Water/Sewer Accounts 72905, 72900 & 73400**

All of these accounts are owned by one customer and have credits due to pre-payments. The customer is planning on selling properties in October and asked if the over payments on his accounts could be redistributed among his accounts to cover future bills. He is planning on selling in October. Any remaining credits in October he has asked to be reimbursed. Trustee Smith made the motion to approve. Trustee Marshall 2nd the motion. All present voted in favor.

**Fire Department-Chief Jerry Lasher-**

Chief Lasher thought the Old Heritage/Strawberry Festival went well and thanked all who made it happen.

Chief Lasher provided June 2023 monthly report. Stated there were several calls regarding the egg farm. Jerry spoke with them to rectify the problem found it was an isolated issue.

Service has been completed on the trucks. 2 trucks still need NYSI.

Fire School is being done.

**Police Department-OIC Brian Ritchie**

See monthly report

**Highway Department-Nick Rizzo-absent**

Worked on sewer lid on Washington Street along with catch basin on Northup and other catch basins. The Highway Department help the Water Department with some issues.

Snow plow maintenance is completed.

Railroad tracks on Orchard Street have been taken out.

Mr. Rizzo presented the Village Board with 2 separate quotes from Champion Asphalt Maintenance for Village street striping. One quote = $4,154.00. The second quote = $6,311.02. The Village will provide the paint separately. There were suggestions of parking changes on some streets. Mayor Henner asked for the suggestions to be given to Nick Rizzo. Trustee Smith made the motion to approve Champion Asphalt Maintenance Quote #23-6543 with the parking changes in the amount of $4,154. Trustee Lewis 2nd the motion. All present voted in favor.

**Sewer Department-Tommy Mettler-absent**

**Water Department-Ed Wazinski**

The Water Department is getting ready to start reads the beginning of August.

The campground on East Port Bay Road will need to have water/sewer billed out in bulk. Ed Wazinski will work with Deputy Clerk-Treasurer Toni Kellam on how to bill this.

Deputy Clerk-Treasurer Kellam had submitted the past due water/sewer accounts. Current amount past due = $27,163.56. Mr. Wazinski stated he and the water clerk will work on contacting those on the list about paying before water shut-off’s on July 25, 2023.

**Court Audit**

The annual court audit review for fiscal year ending May 31, 2023 was completed by Village Clerk-Treasurer Acker and submitted to the Village Board. Trustee Smith made the motion to accept and approve annual court audit. Trustee Lewis 2nd the motion. All present voted in favor.

**Village Clerk-Treasurer**

Clerk-Treasurer Acker presented the board with the Village taxes collected to date in the amount of $566,597.55. Taxes outstanding=$112,918.11 Penalties =99.41. Collections from June 1-July 11, 2023.

**Meeting Minutes**

Trustee Smith made the motion to accept and approve the minutes from the June 13, 2023 Department Head Meeting. Trustee Lewis 2nd the motion. All present voted in favor.

**Abstract #002**

Trustee Smith made the motion to approve Abstract #002 in the amount of $113,936.74, with vouchers numbered 39-101 and checks numbered 32184-32246. Total claims from the General Fund are $82,564.12. Total claims from the Water Fund are $8,451.39. Total claims from the Sewer Fund are $22,921.23. Trustee Lewis seconded the motion. All present voted in favor.

**Resolutions**

**2023-14**

**SEQRA Type II**

Trustee Smith presented the following resolution and moved that it be adopted, and it was seconded by Trustee Harper.

**RESOLUTION OF THE VILLAGE OF WOLCOTT, WAYNE COUNTY, NEW YORK, ADOPTED JULY 11, 2023, MAKING A DETERMINATION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT REGARDING CERTAIN CAPITAL IMPROVEMENTS TO THE EXISTING WATER TREATMENT PLANT**

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WOLCOTT IN THE COUNTY OF WAYNE, NEW YORK AS FOLLOWS:

**WHEREAS**, the Board of Trustees of the Village of Wolcott Board (“Village”) has determined that it is appropriate to apply for grant funding to assist in the financing of the various capital improvement projects; and

**WHEREAS**, the capital improvements expected to be undertaken include improvement, repair and replacement to the facilities, equipment and machinery comprising the existing Water Treatment Plant ("WTP") generally consisting of, without limitation, intake improvements, new intake screen installation, pump replacements, filter rehabilitation, clarifier rehabilitation, and other improvements and the financing of all or a portion of the costs thereof through grants and bonds or other indebtedness (collectively , the "Project"); and

**WHEREAS**, pursuant to the requirements of the State Environmental Quality Review Act and the regulations promulgated thereunder (collectively, “SEQRA”), the Village must consider pursuant to criteria set forth in SEQRA the environmental impacts of the Project; and

**WHEREAS**, certain "actions" (as defined in SEQRA are classified under SEQRA as "Type II" actions; and

**WHEREAS**, Type II actions are those actions, or classes of actions, which have been found categorically to not have significant adverse impacts on the environment, or actions that have been statutorily exempted from SEQRA review, and Type II actions do not require preparation of an Environmental Assessment Form, a negative or positive declaration, or an Environmental Impact Statement; and

**WHEREAS**, Type II actions do not require any further SEQRA review; and

**WHEREAS**, the Village finds on the advice of its consultants that the Project meets the requirement for a Type II action;

**NOW THEREFORE, BE IT RESOLVED** BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WOLCOTT, NEW YORK that the Project constitutes a Type II action under SEQRA and does not require any further review under SEQRA.

This resolution shall take effect immediately.

Voting Aye: Mayor Henner, Trustees: Lewis, Smith, Marshall and Harper

Voting Nay: None

**CERTIFICATE OF RECORDING OFFICER**

The attached resolution is a true and correct copy of a resolution making a determination under SEQRA, as regularly adopted at a legally convened meeting of the Board of Trustees of the Village of Wolcott held on July 11, 2023; and further that such Resolution has been fully recorded in the Book of Minutes of the Village of Wolcott Board of Trustees in my office.

In witness whereof, I have here unto set my hand at this 11th day of July, 2023.

Signed:

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Fran Acker**

**Village Clerk/Treasurer**

**2023-15**

**Bond Resolution**

Trustee Smith presented the following resolution and moved that it be adopted, and it was seconded by Trustee Harper.

**BOND RESOLUTION OF THE VILLAGE OF WOLCOTT, WAYNE COUNTY, NEW YORK, DATED JULY 11, 2023, AUTHORIZING UNDERTAKING A PROJECT CONSISTING OF CONSTRUCTING, REPAIRING AND REPLACING IMPROVEMENTS TO THE VILLAGE WATER TREATMENT PLANT AND AUTHORIZING THE ISSUANCE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF $8,400,000 TO FINANCE SAID PROJECT.**

**NOW, THEREFORE**, IT IS HEREBY RESOLVED, BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WOLCOTT, IN THE COUNTY OF WAYNE, NEW YORK (BY A FAVORABLE VOTE OF NOT LESS THAN TWO-THIRDS OF ALL THE MEMBERS OF SAID BOARD OF TRUSTEES), AS FOLLOWS:

SECTION 1. The Village of Wolcott, in the County of Wayne, New York (the "Village") is hereby authorized to undertake a project (the "Project") consisting of improvement, repair and replacement to the facilities, equipment and machinery comprising the existing Water Treatment Plant generally consisting of, without limitation, intake improvements, new intake screen installation, pump replacements, filter rehabilitation, clarifier rehabilitation, and other improvements (collectively, the "Project"). The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is $8,400,000. For the specific purpose or object of financing the cost of undertaking the Project, there are hereby authorized to be issued up to $8,400,000 or such lesser amount as may be necessary, of serial bonds or any bond anticipation notes, including renewals of such notes, in anticipation of the issuance and sale of the bonds of said Village, pursuant to the provisions of the Local Finance Law and the levy of a tax to pay principal and interest on said obligations, and the application, if and when available, of state and/or federal assistance available or to any revenues available for such purpose from any other source. Undertaking the Project is hereby approved. The bonds and notes authorized hereby may be issued to the United States Department of Agriculture, Office of Rural Development, or any of its related offices or agencies, the New York State Environmental Facilities Corporation under any of its revolving fund programs or any purchaser in accordance with the provisions of the Local Finance Law.

SECTION 2. The Village has determined that the Project constitutes a "Type II action" under the State Environmental Quality Review Act.

SECTION 3. The plan for the financing of the cost of the Project shall be as follows:

1. By the issuance of up $8,400,000, or such lesser amount as may be necessary, of serial bonds or any bond anticipation notes, including renewals of such notes, of said Village herein authorized; and
2. By the application of state and/or federal grants and assistance available or any revenues available for such purpose from any other source and the acceptance of such grants, assistance and revenue and the application of such fund to the costs of the Project are hereby approved.

SECTION 4. The full faith and credit of the Village is hereby irrevocable pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. 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 years, and such debt service payments may be made in substantially level or declining amounts as may be authorized by law. All the taxable real property within said Village shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds.

SECTION 5. Subject to the provisions of the Local Finance Law and this bond resolution, the power to authorize the issuance of and to sell serial bonds and any bond anticipation notes in anticipation thereof, including renewals of such notes, is hereby delegated to the Village Clerk/Treasurer, the chief fiscal officer. Such bonds and notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Clerk/Treasurer, consistent with the provisions of the Local Finance Law.

SECTION 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Clerk/Treasurer, the chief fiscal officer of the Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Clerk/Treasurer shall determine consistent with the provisions of the Finance Law.

SECTION 7. Such bonds shall be in fully registered form and shall be signed in the name of the Village of Wolcott, New York, by the manual or facsimile signature of the Village Clerk/Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and maybe attested to by the manual or facsimile signature of the Village Clerk. It is hereby determined that it is to the financial advantage of the Village not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent.

SECTION 8. The Village Clerk/Treasurer is hereby further authorized, at her sole discretion, to execute a project finance and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation and/or the United States Department of Agriculture – Rural Development, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of the Village in the event of the sale of same to the New York State Environmental Facilities Corporation or to such other entity as may be designated by the United States Department of Agriculture – Rural Development. The intent of this resolution is to give the Village Clerk/Treasurer sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and/or notes without resorting to further action of this Village Board.

SECTION 9. The Village hereby covenants and agrees with the holders from time to time of the Bonds and any bond anticipation notes issued in anticipation of the sale of the Bonds, that the Village will faithfully observe and comply with all provisions of the Internal Revenue Code of 1986, as amended (the “Code”), and any proposed or final regulations issued pursuant thereto unless, in the opinion of bond counsel, such compliance is not required by the Code and regulations to maintain the exclusion from gross income of interest on said obligations for federal income tax purposes.

SECTION 10. The following additional matters are hereby determined and declared:

1. Pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law, the period of probable usefulness of the Project is 40 years; and
2. Current funds are not required by the Local Finance Law to be provided prior to the issuance of the bonds and any notes issued in anticipation thereof authorized by this resolution; and
3. The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

SECTION 11. The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the Village’s General Fund. It is intended that the Village shall then reimburse expenditures from the General Fund with the proceeds of the bonds and bond anticipation notes authorized by this resolution and that the interest payable on the bonds and any bond anticipation notes issued in anticipation of such bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the Village’s “official intent” within the meaning of Treasury Regulation Section 1.150-2 to reimburse the expenditures authorized by this resolution with the proceeds of the bonds and bond anticipation notes authorized herein. Other than as specified in this resolution, no monies are reasonably expected to be, received, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

SECTION 12. The validity of such bonds and bond anticipation notes may be contested only if:

1. Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
2. 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 days after the date of such publication, or
3. Such obligations are authorized in violation of the provisions of the Constitution.

SECTION 13. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

SECTION 14. Jean S. Everett., Esq. is hereby appointed bond counsel to the Village in relation to the Project. Kevin C. Caraccioli is hereby appointed counsel to the Village in relation to the Project.

SECTION 15. This resolution shall be subject to permissive referendum and a summary hereof shall be published by the Village Clerk as provided by Village Law Section 9-900. The Village Clerk is hereby authorized and directed, within ten (10) days after the adoption hereof, to cause to be published, in full, in a newspaper having a general circulation within said Village, and posted on the Village's website, a Notice in substantially the following form:

VILLAGE OF WOLCOTT, NEW YORK

PLEASE TAKE NOTICE that on July 11, 2023, the Board of Trustees of the Village of Wolcott, in the County of Wayne, New York, adopted the bond resolution entitled:

"BOND RESOLUTION OF THE VILLAGE OF WOLCOTT, WAYNE COUNTY, NEW YORK, DATED JULY 11, 2023, AUTHORIZING UNDERTAKING A PROJECT CONSISTING OF CONSTRUCTING, REPAIRING AND REPLACING IMPROVEMENTS TO THE VILLAGE WATER TREATMENT PLANT AND AUTHORIZING THE ISSUANCE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF $ 8,400,000TO FINANCE SAID PROJECT.",

an abstract of such bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING the Village of Wolcott to undertake improvement, repair and replacement to the facilities, equipment and machinery comprising the existing Water Treatment Plant generally consisting of, without limitation, intake improvements, new intake screen installation, pump replacements, filter rehabilitation, clarifier rehabilitation, and other improvements (the "Project") STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is $8,400,000;

SECOND: AUTHORIZING the issuance of the maximum principal amount of $8,400,000 of bonds of the Village or any bond anticipation notes, including renewals of such notes, in anticipation of the issuance and sale of the bonds of the Village pursuant to the Local Finance Law of the State of New York or such lesser amount as shall be necessary for the purpose of financing cost of the Project and the application of state and/or federal grants and assistance available or any revenues available for such purpose from any other source;

THIRD: DETERMINING and STATING that (a) the period of probable usefulness of the object or purpose for which the bonds are authorized is forty (40) years; (b) the proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized; and (c) the proposed maturity of said bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Village; and PLEDGING to their payment the faith and credit of the Village;

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

Such resolution shall be kept available for public inspection in the Village Clerk’s Office during regular business hours for thirty days following this publication.

DATED: July 11. 2023 Fran Acker Village Clerk/Treasurer

SECTION 16. This Resolution shall become effective 30 days after its adoption. Following such effective date, in the event that no petition for a referendum was timely submitted and filed, the Village Clerk shall cause the publishing and posting of a notice in substantially the form provided in Section 81.00 of the Local Finance Law together with a summary of this Bond Resolution.

Voting Aye: Mayor Henner, Trustees: Lewis, Smith, Marshall and Harper

Voting Nay: None

**CERTIFICATE OF RECORDING OFFICER**

The attached resolution is a true and correct copy of a resolution authorizing undertaking a project consisting of constructing, repairing and replacing improvements to the Village water treatment plant and authorizing the issuance of bonds in the maximum principal amount of $8,400,000 to finance said project, as regularly adopted at a legally convened meeting of the Board of Trustees of the Village of Wolcott held on July 11, 2023; and further that such Resolution has been fully recorded in the Book of Minutes of the Village of Wolcott Board of Trustees in my office.

In witness whereof, I have here unto set my hand at this 11th day of July, 2023.

Signed:

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Fran Acker**

**Village Clerk/Treasurer**

**2023-16**

**Resolution with reference to the proposed**

**Village of WOLCOTT, WAYNE COUNTY, NEW YORK**

**WATER PROJECT**

**WHEREAS,** the Village of Wolcott Village Board supports the submission of a New York State Water Infrastructure Improvement Act (WIIA) grant application and a Drinking Water State Revolving Funds (DWSRF) application on behalf of the Village for a water system improvement project, hereinafter referred to as the “Project”; and

**WHEREAS,** the New York State Environmental Facilities Corporation (EFC) administers grants to assist municipalities in funding water infrastructure projects that improve water quality and protect public health; and

**WHEREAS**, an Engineering Report entitled “Water Treatment Plant Upgrade” dated June 2023, recommends implementing the Project to help improve water quality and protect public health; and

**NOW, THERFORE BE IT RESOLVED,** that the Village Board authorizes Municipal Solutions, Inc. to prepare applications for Water Infrastructure Improvement Act grant funds and Drinking Water State Revolving Funds financing from the NYS Environmental Facilities Corporation (EFC).

**BE IT FURTHER RESOLVED**, that the Village Board authorizes Mayor Christopher Henner to execute the application for Water Infrastructure Improvement Act grant funds from the NYS Environmental Facilities Corporation (EFC).

**BE IT FURTHER RESOLVED** that the Village of Wolcott Board fully supports the Project and the submission of the WIIA grant application and the DWSRF application by Municipal Solutions Inc. on behalf of the Village to improve water quality and protect public health.

Introduced by: Trustee Smith

Seconded by: Trustee Harper

Voting Aye: Mayor Henner, Trustees: Lewis, Smith, Marshall and Harper

Voting Nay: None

**CERTIFICATE OF RECORDING OFFICER**

The attached resolution is a true and correct copy of a resolution authorizing the execution of an application by Mayor Christopher Henner for WIIA grant funds, as regularly adopted at a legally convened meeting of the Board of Trustees of the Village of Wolcott held on July 11, 2023; and further that such Resolution has been fully recorded in the Book of Minutes of the Village of Wolcott Board of Trustees in my office.

In witness whereof, I have here unto set my hand at this 11th day of July, 2023.

(Signature)

Fran Acker

Village Clerk/Treasurer

**Facilities Use Request**

Trustee Marshall made the motion to approve use of the Falls Park on July 25, 2023 at 7:00 pm for the Wolcott Town Democratic Caucus. Trustee Harper 2nd the motion. All present voted in favor.

**Municipal Solutions-Water Plant Grant**

Trustee Smith made the motion for Mayor Henner to sign contract with Municipal Solutions for application of a Water Infrastructure Improvement Grant. Trustee Harper 2nd the motion. All present voted in favor.

**Mayor Henner**

Mayor Henner complimented on how well the Old Heritage –Strawberry Festival came together. Felt it was a huge success. Nick Rizzo, Highway Foreman commented that clean-up from all involved was great.

The Mayor asked how meters to outside customers was being handled? Mentioned we have to catch up those that were not charged in the past according to how NYCOM recommended we could charge. Suggested breaking down over time. Stated we have to make sure everything is cleaned up especially with the Village trying for the water plant grant.

**Trustee Harper**

Trustee Harper was approached about the Village of Wolcott having a Pickle ball court at the school. This would be a school decision not a village decision.

Trustee Harper has information about grants for playground equipment that needs to be submitted by July 29, 2023. Kara Chapin has volunteered to assist Trustee Harper with the grant application. Trustee Smith made the motion to have Trustee Harper and Kara Chapin move forward with the playground grant application. Trustee Lewis 2nd the motion. All present voted in favor.

**Trustee Marshall**

Nothing at this time.

**Trustee Smith**

Nothing at this time.

**Trustee Lewis**

Nothing at this time.

**Executive Session**

Trustee Smith made the motion to move the meeting to executive session for a personnel and contractual matter at 8:06 pm. Trustee Lewis 2nd the motion. All present voted in favor. Clerk-Treasurer Acker was asked to stay.

Trustee Marshall made the motion to move the meeting back to regular session at 8:25pm. Trustee Harper 2nd the motion. All present voted in favor.

Trustee Smith made the motion to adjourn the meeting at 8:27 pm. Trustee Harper 2nd the motion. All present voted in favor.

The next regularly scheduled Village Board of Trustees Meeting will be held on August 8, 2023 at 7:00pm in the Village of Wolcott Conference Room.

Respectfully Submitted,

Fran Acker

Fran Acker

Clerk-Treasurer