SPECIAL MEETING & PUBLIC HEARING - WOLCOTT TOWN BOARD – DECEMBER 10, 2024

A Special Meeting of the Wolcott Town Board was held Monday, December 10th, 2024, at 6:00 PM at the Wolcott Town Hall with the following people present:

PRESENT - Supervisor - Lynn Chatfield
Councilmember - Adam Ellis, Jr.
Councilmember - Dan Youngman
Councilmember – Julie Aldrich

ABSENT – Councilmember – Jorden Brown

OTHERS PRESENT - Jessica Freer, Town Clerk; Ray Hauss, Code Enforcement Officer; Dave Doyle, MRB Group; Blind Sodus Bay Water District Residents

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

Pledge of Allegiance -

The purpose of this special meeting and public hearing is the Petition seeking establishment of a proposed water district, to be known and identified as Town of Wolcott Blind Sodus Bay Water District, and to consider the revised map, plan and report, including the request to increase the amount to be expended for the construction of the proposed water distribution system filed in relation thereto and to discuss any other business that comes before the Town Board.

OPEN PUBLIC HEARING – Blind Sodus Bay Water District

Supervisor Chatfield declared the Public Hearing open at 6:01 PM and asked the Town Clerk to read the notice of Public Hearing on the establishment of proposed Blind Sodus Bay Water District.

Supervisor Chatfield asked for comments or questions from the floor –

Ray asked how much was done for the design, a resident made a comment about where the water was coming from, a resident made a comment about the Fair Haven water quality.

CLOSE PUBLIC HEARING -

A motion was made by Adam Ellis, seconded by Dan Youngman to close the Public Hearing at 6:11 PM. VOTE - AYES__4__ NAYS__0__.

The following Resolution was offered by Councilperson Adam Ellis, who moved its adoption, seconded by Councilperson Dan Youngman, to wit:

RESOLUTION #54-24 MAKING CERTAIN DETERMINATIONS IN RELATION TO THE PROPOSED ESTABLISHMENT OF THE TOWN OF WOLCOTT BLIND SODUS BAY WATER DISTRICT IN THE TOWN OF WOLCOTT, WAYNE COUNTY, NEW YORK.

WHEREAS, a written Petition, in due form and containing the signatures required by law, having been presented to and filed with the Town Board of the Town of Wolcott, Wayne County, New York, requesting an increase in the maximum amount to be expended for the establishment and construction of a proposed water distribution system in said Town pursuant to Article 12 of the Town Law, to be known as the Town of Wolcott Blind Sodus Bay Water District (the "Project"), as described in said Petition; and

WHEREAS, the Town Board of the Town of Wolcott, Wayne County, New York, has heretofore duly caused a general map, plan and report, including an Addendum thereto, to be prepared and filed in the Office of the Town Clerk of said Town in relation to the proposed establishment and construction of the Town of Wolcott Blind Sodus Bay Water District; and

WHEREAS, the boundaries of said proposed water district shall be as set forth in Schedule A attached hereto and made a part of this Resolution; and

WHEREAS, an Order was duly adopted by said Town Board on November 19, 2024, reciting the filing of said Petition and describing the boundaries of said proposed water district, the improvements proposed, the maximum amount now proposed to be expended for said improvements ($3,545.400), the fact that said Petition and the amended map, plan and report were on file in the Town Clerk's Office for public inspection, and specifying December 10, 2024 at 6:00 P.M., Prevailing Time, at the Town Hall at 6070 Lake Avenue in the Town of Wolcott, New York, as the time when and the place where said Town Board would meet for the purpose of conducting a public hearing to consider the establishment of said proposed water district and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law; and

WHEREAS, such Order was duly published and posted in the manner and within the time prescribed by Section 193 of the Town Law and proof of said publication and posting has been duly presented to said Town Board; and

WHEREAS, a certified copy of said Order has been duly filed with the Office of the State Comptroller within the time prescribed by Section 193 of the Town Law; and

WHEREAS, said public hearing was duly held at the time and place set forth in said Order, as aforesaid, at which all persons desiring to be heard were duly heard; and

WHEREAS, said Town Board has duly considered said Petition and the amended map, plan and report, together with the evidence given at said public hearing.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Wolcott, Wayne County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing and pursuant to the provisions of Section 194 of the Town Law, it is hereby found and determined as follows:

(a) The aforesaid Petition has been duly signed and acknowledged or proved as required by law and is otherwise sufficient and in compliance with both Section 191 and Section 202-d of the Town Law; and

(b) All the property and property owners residing within said proposed water district are benefited thereby; and

(c) All the property and property owners benefited by the proposed water district improvements are included within the boundaries of said proposed water district; and

(d) The establishment of said proposed water district is in the public interest.

Section 2. This Resolution shall take effect immediately.

The question of the adoption of the foregoing **Public Interest Resolution** was duly put to a vote on roll call, which resulted as follows:

Lynn Chatfield	**VOTING**	Aye
Adam Ellis, Jr.	**VOTING**	Aye
Dan Youngman	**VOTING**	Aye
Julie Aldrich	**VOTING**	Aye
Jorden Brown	**VOTING**	Absent

The Resolution was thereupon declared duly adopted.

The following Resolution was offered by Councilperson Adam Ellis, who moved its adoption, seconded by Councilperson Julie Aldrich, to wit:

RESOLUTION #55-24 APPROVING THE REQUEST FOR AN INCREASE IN THE MAXIMUM AMOUNT TO BE EXPENDED FOR THE ESTABLISHMENT OF THE TOWN OF WOLCOTT BLIND SODUS BAY WATER DISTRICT IN THE TOWN OF WOLCOTT, WAYNE COUNTY, NEW YORK, PURSUANT TO ARTICLE 12 OF THE TOWN LAW AND SUBJECT TO THE APPROVAL OF THE OFFICE OF THE NEW YORK STATE COMPTROLLER.

WHEREAS, a written Petition, in due form and containing the signatures required by law, having been presented to and filed with the Town Board of the Town of Wolcott, Wayne County, New York, requesting an increase in the maximum amount to be expended for the establishment of a proposed water district in said Town pursuant to Article 12 of the Town Law, to be known as The Town of Wolcott Blind Sodus Bay Water District (the "Project") as described in said Petition; and

WHEREAS, the Town Board of the Town of Wolcott, Wayne County, New York, has heretofore duly caused an amended map, plan and report to be prepared and filed in the Office of the Town Clerk of said Town in relation to the proposed Project; and

WHEREAS, the boundaries of said proposed water district shall be as set forth in Schedule A attached hereto and made a part of this Resolution; and

WHEREAS, an Order was duly adopted by said Town Board on November 19, 2024 reciting the filing of said Petition and describing the boundaries of said proposed water district, the improvements proposed, the maximum amount now proposed to be expended for said improvements ($3,545,400), the fact that said Petition and the amended map, plan and report were on file in the Town Clerk's Office for public inspection, and specifying the 10th day of December, 2024 at 6:00 P.M., Prevailing Time, at the Town Hall at 6070 Lake Ave, Wolcott , NY 14590, New York, in said Town, as the time when and the place where said Town Board would meet for the purpose of conducting a public hearing to consider an increase in the maximum amount to be expended for the establishment of said proposed water district and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law; and

WHEREAS, certified copies of said Order were duly published and posted in the manner and within the time prescribed by Section 193 of the Town Law and proof of said publication and posting has been duly presented to said Town Board; and

WHEREAS, a certified copy of said Order has been duly filed with the Office of the State Comptroller within the time prescribed by Section 193 of the Town Law; and

WHEREAS, said public hearing was duly held at the time and place set forth in said Order, as aforesaid, at which all persons desiring to be heard were duly heard; and

WHEREAS, following said Public Hearing and based upon the evidence given thereat, said Town Board duly adopted a Resolution determining in the affirmative all of the questions set forth in Subdivision 1 of Section 194 of the Town Law, and further determining and fixing the boundaries of said proposed water district.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Wolcott, Wayne County, New York, as follows:

Section 1. Based upon the determinations heretofore made pursuant to the Public Interest Resolution adopted by the Town Board on even date herewith, said Town Board hereby approves an increase in the maximum amount to be expended for the establishment of the Town of Wolcott Blind Sodus Bay Water District, the boundaries of which shall be as set forth in Schedule A attached hereto and made a part of this Resolution.

Section 2. The following improvements in said water district shall be constructed upon the required funds being made available or provided, and upon receipt of permission from the State Comptroller: the installation of approximately 33,000 linear feet of 8 inch watermains and original furnishings, valves, hydrants, equipment, machinery and apparatus required in connection therewith, and also including, if necessary, the acquisition of land or rights in land required in connection therewith, all as more fully described in the aforesaid amended map, plan and report accompanying the Petition, with the maximum amount to be expended for the improvements to now be Three Million Five Hundred Forty Five Thousand and Four Hundred Dollars ($3,545,400).

Section 3. The method of financing the cost of said improvements shall, in the first instance, be derived from USDA Rural Development Loan funds through the USDA Rural Development (RUS) originally committed Loan not to exceed $2,702,000, amortized over thirty-eight (38) years at an estimated interest rate of 1.375%, together with a RUS Grant of $450,000 and an additional RUS Loan of $393,000 secured by the Town to supplement Project costs, amortized over thirty-eight (38) years at an estimated interest rate of 3.0% and secured by the issuance of serial bonds (and bond anticipation notes in anticipation thereof) of said Town maturing in annual installments over a period not exceeding Thirty Eight years, payable in the first instance from a levy upon the several lots and parcels of land situate in Town of Wolcott Blind Sodus Bay Water District, and assessed on a benefit basis upon all of the improved real property situate within said proposed water district at the same time and in the same manner as other Town charges, and in an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not so paid from such source, then all of the taxable real property in said Town shall be subject to the levy of ad valorem taxes, without limitation as to rate or amount, sufficient to pay the principal of and the interest on said bonds as the same shall become due and payable.

Section 4. The Town Clerk is hereby authorized and directed to file a certified copy of this Resolution in the Office of the State Comptroller in Albany, New York, together with an Application by said Town Board for permission to increase the maximum amount to be expended to establish The Town of Wolcott Blind Sodus Bay Water District, in the manner and form prescribed by Section 194 and Section 202-d of the Town Law.

Section 5. The Town Supervisor is hereby authorized and directed to execute said Application on behalf of the Town of Wolcott, Wayne County, New York.

Section 6. This Resolution shall take effect immediately.

The question of the adoption of the foregoing **Establishment Resolution** was duly put to a vote on roll call, which resulted as follows:

Lynn Chatfield	**VOTING**	Aye
Adam Ellis, Jr.	**VOTING**	Aye
Dan Youngman	**VOTING**	Aye
Julie Aldrich	**VOTING**	Aye
Jorden Brown	**VOTING**	Absent

The Resolution was thereupon declared duly adopted.

ORDER ESTABLISHING
TOWN OF WOLCOTT BLIND SODUS BAY WATER DISTRICT

At a Special meeting of the Town Board of the Town of Wolcott, Wayne County, New York held at the Town Hall at No. 6070 Lake Avenue in the Town of Wolcott, New York, in said Town, on the 10th day of December 2024 at 6:00 P.M., Prevailing Time.

PRESENT:
Supervisor: Lynn Chatfield
Councilman: Adam Ellis, Jr.
Councilman: Dan Youngman
Councilmember: Julie Aldrich

In the Matter of the Establishment of Town of Wolcott Blind Sodus Bay Water District, in the Town of Wolcott, Wayne County, New York.

FINAL ORDER

WHEREAS, a written petition in due form and containing the signatures required by law, accompanied by a general map, plan and report dated July 2021 and subsequent addendum dated August 2024 (collectively the "map, plan and report"), has heretofore been presented to and filed with the Town Board of the Town of Wolcott, Wayne County, New York, for the establishment of Town of Wolcott Blind Sodus Bay Water District, to serve properties within the boundaries of said Water District, as more fully described in said petition; and

WHEREAS, an Order was duly adopted by said Town Board on November 19, 2024 reciting the filing of said petition and describing the boundaries of said proposed Water District, the proposed improvements therein, the maximum amount proposed to be expended for said improvements ($3,545,400), the fact that said petition and map, plan and report were on file in the Town Clerk's Office and specifying the 10th day of December, 2024 at 6:00 P.M., Prevailing Time, at 6070 Lake Avenue in the Town of Wolcott, New York, in said Town, as the time when and the place where said Town Board would meet for the purpose of conducting a public hearing to hear all persons interested in the subject thereof concerning the same, as may be required by law or proper in the premises; and

WHEREAS, such Order was duly published and posted in the manner and within the time prescribed by Section 193 of the Town Law and proof of said publication and posting has been duly presented to said Town Board; and

WHEREAS, said public hearing was duly held at the time and place set forth in said Order, as aforesaid, at which time all persons desiring to be heard were duly heard; and

WHEREAS, following said public hearing, and based upon the evidence given thereat, said Town Board duly adopted a Resolution determining in the affirmative all of the questions set forth in Subdivision 1 of Section 194 of the Town Law and approving

the establishment of said Water District as proposed in the aforesaid petition, and approving the construction of the improvements proposed therefor, subject to the
approval of the Comptroller of the State of New York for permission to increase the maximum amount to be expended for the proposed public water system; and

WHEREAS, said Town Board has considered the environmental impacts of the proposed public water system and has previously determined, by appropriate SEQRA Resolution, that the establishment of the proposed Water District and the approval of any financing therefor would not have a significant effect on the environment, and that the filing of a Notice of Negative Declaration was, and still is, warranted; and

WHEREAS, the Comptroller of the State of New York has duly made an Order, in duplicate, dated October 20, 2022, granting permission for the establishment of said Water District at a maximum cost not to exceed $2,702,000; and

WHEREAS, the Town Clerk has duly presented a copy of such Order to said Town Board and it is now desired to adopt a **Final Order** pursuant to Subdivision 5 of Section 194 of the Town Law establishing said Water District in accordance with the aforesaid proceedings and as the boundaries thereof have been finally determined.

NOW, THEREFORE, BE IT ORDERED by the Town Board of the Town of Wolcott, Wayne County, New York as follows:

Section 1. A water district, to be known as Town of Wolcott Blind Sodus Bay Water District, in the Town of Wolcott, Wayne County, New York is hereby established and shall be bounded and described as set forth in Schedule A attached hereto and made a part of this Order.

Section 2. The construction of the improvements proposed for said Water District, consisting of the purchase and construction of a water distribution system to serve said Water District, substantially in accordance with the aforesaid map, plan and report, including, if necessary, the acquisition of land or rights in land required in connection therewith, and including the original furnishings, equipment, machinery and apparatus required in connection therewith **IS HEREBY AUTHORIZED AND APPROVED** at a maximum cost of $3,545,400.

Section 3. The method of financing the cost of the proposed improvements, including the cost of rights of way, construction costs, administrative and engineering costs, legal fees and other expenses, shall be derived from USDA Rural Development Grant Funds through a USDA Rural Development (RUS) committed Grant of $450,000, and the balance of the cost of said improvements shall be derived from USDA Rural Development Loan funds through a RUS originally committed Loan of $2,702,000, amortized over thirty-eight (38) years at an estimated interest rate of 1.375%, together with an additional RUS loan of $393,000 secured by the Town to supplement Project costs, said additional Loan amount to be amortized over thirty-eight (38) years at an estimated interest rate of 3.0%, with both of said obligations being secured by the issuance of serial bonds (and bond anticipation notes in anticipation thereof) of said Town maturing in annual installments over a period not exceeding forty years, payable in the first instance from a levy upon the several lots and parcels of land situate in said Water District, and assessed on a “benefit” basis upon all of the improved real property situate within said

proposed water district at the same time and in the same manner as other Town charges, and in an amount sufficient to pay the principal and interest on said bonds as the same become due and payable, but if not so paid from such source, then all of the taxable real property in said Town shall be subject to the levy of ad valorem taxes, without limitation as to rate or amount, sufficient to pay the principal of and the interest on said bonds as the same shall become due and payable; and

Section 4. The Town Clerk is hereby authorized and directed to cause a certified copy of this Final Order to be recorded in the Wayne County Clerk's Office and filed in the Office of the State Department of Audit and Control, all in accordance with the provisions of Section 195 of the Town Law.

Section 5. This Final Order shall take effect immediately.

The question of the adoption of the foregoing **Final Order** was duly put to a vote on roll call, which resulted as follows:

Lynn Chatfield	**VOTING**	Aye
Adam Ellis, Jr.	**VOTING**	Aye
Dan Youngman	**VOTING**	Aye
Julie Aldrich	**VOTING**	Aye
Jorden Brown	**VOTING**	Absent

The foregoing **Final Order** was thereupon declared duly adopted this 10th day of December 2024.

The following Resolution was offered by Councilperson Julie Aldrich, who moved its adoption, seconded by Councilperson Dan Youngman, to wit:

RESOLUTION #56-24 OF THE TOWN BOARD OF THE TOWN OF WOLCOTT, WAYNE COUNTY, NEW YORK ADOPTED ON DECEMBER 10, 2024, APPROVING THE APPLICATION TO THE OFFICE OF THE COMPTROLLER OF THE STATE OF NEW YORK TO APPROVE AN INCREASE IN THE MAXIMUM AMOUNT TO BE EXPENDED FOR THE CREATION OF TOWN OF WOLCOTT BLIND SODUS BAY WATER DISTRICT AND THE CONSTRUCTION OF THE IMPROVEMENTS THEREIN.

WHEREAS, pursuant to Article 12 of the Town Law of the State of New York (the "Town Law"), the Town of Wolcott, Wayne County, New York, upon receiving a Petition from the residents of proposed Town of Wolcott Blind Sodus Bay Water District (the "District") conforming with the requirements of Article 12 of the Town Law, approved the establishment of the proposed District for the construction and installation of certain facilities and improvements in order to effect the provision of a public water supply and distribution system to the property owners located within the boundaries of the proposed District, all as set forth in that certain Engineering Report dated July 2021 and amended August, 2024, prepared by MRB Group Engineering, Architecture & Surveying, D.P.C.; and

WHEREAS, pursuant to Article 12 of the Town Law and the regulations provided thereunder, the Town of Wolcott is required to secure the approval of the Office of the Comptroller of the State of New York (the "Comptroller") for the creation of the proposed District and construction of the improvements therein, by making written Application (the "Application") for the referenced approval; and

WHEREAS, such Application has been prepared and is ready for submission to the Comptroller and has been presented to the Town Board for its approval prior to such submission in accordance with the requirements of applicable law.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Wolcott, Wayne County, New York, as follows:

Section 1. The Application, a copy of which is attached hereto and made a part of this Resolution, was prepared at the direction of the Town Board and the Town Board has determined that the contents of the Application are accurate.

Section 2. The Town Board has further determined, and hereby does further determine, that the creation of the District, the construction and installation of the improvements therein, and the expenditure of additional sums for such purposes, for which approval of the Comptroller is hereby sought, is in the public interest and will not constitute an undue burden on the property within the proposed District which will bear the cost thereof.

Section 3. All real property which is to be assessed on a benefit basis for the cost of the proposed District improvements will be benefited by such proposed improvements, and no benefited property has been excluded from the proposed District.

Section 4. A certified copy of this Resolution shall accompany the Application to the Comptroller.

Section 5. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Lynn Chatfield	**VOTING**	Aye
Adam Ellis, Jr.	**VOTING**	Aye
Dan Youngman	**VOTING**	Aye
Julie Aldrich	**VOTING**	Aye
Jorden Brown	**VOTING**	Absent

The Resolution was thereupon declared duly adopted this 10th day of December 2024.

The next regular meeting of the Wolcott Town Board will be held December 17, 2024, at 6:00 PM at the Town Hall.

A motion was made by Dan Youngman, seconded by Julie Aldrich, to adjourn the meeting at 6:18 PM.

Respectfully submitted,

Jessica Freer,
Town Clerk