

SPECIAL MEETING NO. 3/2021
SPECIAL MEETING #3

TOWN BOARD MEETING
TOWN OF ALDEN

November 19, 2021
2: 30 P.M.

The Special Meeting of the Alden Town Board was held at 3311 Wende Road on Tuesday, November 19, 2021 at 2:30 P.M.. Supervisor Adamski called the Meeting to Order and Councilwoman Waiss led in the Pledge of Allegiance. The Roll Call was taken by Deputy Town Clerk Eisensmith.

PRESENT: Dean Adamski, Supervisor
Gina Waiss, Councilwoman

RECORDING SECRETARY: Joanna Eisensmith, Deputy Town Clerk

OTHERS PRESENT: Jennifer Strong, Town Attorney
Residents

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN WAISS, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR ADAMSKI, TO WIT;

WHEREAS, the Town Board has established the Cayuga Creek Water District; and

WHEREAS, the Town Board would like to apply for a WIIA Grant to help pay for the costs of said District; and

WHEREAS the WIAA Grant Application requires that a special engineer's report be submitted with the Grant Application.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

- 1. The Town Board does hereby authorize the appropriation of the sum of no more than \$2,000.00 to provide for the cost of the WIIA Grant Engineer;s report Metzger Civil Engineers, the Town Engineers; and**
- 2. This resolution shall take effect immediately.**

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, at a special meeting on November 19, 2021, which resulted as follows:

CARRIED.

Ayes 2 Adamski , Waiss
Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR ADAMSKI, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN WAISS, TO WIT;

BOND RESOLUTION OF THE TOWN OF ALDEN, NEW YORK, ADOPTED

NOVEMBER 19, 2021, AUTHORIZING THE ESTABLISHMENT OF THE CAYUGA

CREEK WATER DISTRICT AND THE CONSTRUCTION OF A WATER SYSTEM

THEREIN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$887,600,
APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE
ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$887,600 TO FINANCE
SAID APPROPRIATION

Recitals

WHEREAS, the Town Board of the Town of Alden (herein called the "Town"), in the County of Erie, New York has received a petition, signed and acknowledged or proved as required by law and in full compliance with the requirements of Section 191 of the Town Law, for the establishment of a water district in a portion of the Town, as described therein and herein; and

WHEREAS, the Town Board of the Town of Alden (herein referred to as the "Town,"), in the County of Erie, New York, has received and reviewed a map, plan and report prepared by Metzger Civil Engineering, PLLC, competent engineers duly licensed by the State of New York, for the proposed establishment of the Cayuga Creek Water District, in the Town, and the construction of a water system therein, consisting of the construction of a water system therein, consisting of 8-inch waterlines along the streets in the new district, fire hydrants and line valves and other work required in connection therewith, including original equipment, assemblies, machinery, furnishings, valves, fittings, connections, fill, appurtenances and related site work and other ancillary work, as needed (referred to herein as the "Water Improvement"); and after a public hearing was duly called and held, the Town Board determined, pursuant to the resolution duly adopted on March 16, 2021, that the notice of such hearing was published and posted as required by law and is otherwise sufficient, that all the property and property owners included within the District are benefited thereby, that all the property and property owners benefited are included within the limits of the District, and that it is in the public interest to establish the District, and the Town Board approved the establishment of the District, and the construction of the Water Improvement at a cost not to exceed \$887,600; and

WHEREAS, following submission of an application by said Town Board, the State Comptroller granted permission to establish the District by Order dated November 17, 2021, which Order was duly filed with and presented to said Town Board at its first meeting held after said Order was so received; and

WHEREAS, said Town Board duly adopted a Final Order on November 19, 2021, establishing the District, therein designated as the Cayuga Creek Water District, in the Town of Alden, and ordered construction of a water system therein, at a cost not to exceed \$887,600;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF ALDEN, IN THE COUNTY OF ERIE, NEW YORK (by favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Town hereby appropriates the amount of \$887,600 for the establishment of the Cayuga Creek Water District and construction of the Water Improvement, as described in the Recitals hereto, all in accordance with the map, plan and report prepared by Metzger Civil Engineering, PLLC, engineers duly licensed by the State of New York, dated October 20, 2020, on file in the office of the Deputy Town Clerk and heretofore approved by the Town Board of the Town. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and to the financing thereof, is \$887,600. The plan of financing includes the issuance of \$887,600 serial bonds of the Town to finance said cost, and the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$887,600 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said object or purpose for which said serial bonds are authorized be issued, within the limitations of Section 11.00 a. 1 of the Law, 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 Town for expenditures

made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, 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

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately and the Deputy Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, in the "*Alden Advertiser*," a newspaper having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, together with the Deputy Town Clerk's statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, at a special meeting on November 19, 2021, which resulted as follows:

CARRIED.

Ayes 2 Adamski, Waiss

Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR ADAMSKI, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN WAISS, TO WIT;

WHEREAS, the Town of Alden engaged Metzger Civil Engineering, PLLC to complete an engineering report for the Town's Cayuga Creek water distribution system identifying the current system shortcomings, the proposed infrastructure improvements necessary to improve performance, and the projected costs for residents of the district: and

WHEREAS, affordability for Town residents and property owners is a significant concern in advancement of the proposed project: and

WHEREAS, the Town is eligible for Water Infrastructure Improvement Act (WIIA) funding and must now submit a competitive application to obtain WIIA funding.

NOW, THEREFORE, be it RESOLVED as follows:

- . The Town Board authorizes Municipal Solutions, Inc. to prepare an application for Water Infrastructure Improvement Act grant funds from the NYS Environmental Facilities Corporation (EFC).**
- . The Town Board authorizes Supervisor Dean Adamski and Alecia Barrett in her role as Town Clerk to execute the application for Water Infrastructure Improvement Act grant funds from the NYS Environmental Facilities Corporation (EFC).**
- . This resolution shall take effect immediately.**

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, at a special meeting on November 19, 2021, which resulted as follows:

CARRIED.

Ayes 2 Adamski, Waiss

Nays 0

ADJOURNMENT

Supervisor Adamski adjourned the meeting.

Alecia Barrett
Town Clerk