

TOWN OF RIDGEWAY
TOWN BOARD MEETING
TUESDAY, MAY 12, 2015

The regular board meeting was called to order by Supervisor Napoli at 7:10 P.M. at the Ridgeway Town Hall, Medina, NY.

Those Officers Present:	Brian Napoli	Supervisor
	Jeffrey Toussaint	Councilman(Absent Exc.)
	Paul Blajszczak	Councilman
	David Stalker	Councilman
	Mary Woodruff	Councilwoman
Others:	Mark Goheen	Hwy Superintendent
	Barbara J. Klatt	Town Clerk
	Willard C. Mesler	
	Paul A. Bacon	

PLEDGE OF ALLEGIANCE

RESOLUTION NO. 52 – 5/12/15

RESOLUTION TO ACCEPT AGENDA

Offered by Councilman Blajszczak, who moved its adoption.
Seconded by Councilwoman Woodruff.

Resolved to accept agenda as presented.

Adopted: 4 ayes 0 nays

RESOLUTION NO. 53 – 5/12/15

RESOLUTION TO APPROVE
CONTRACTOR AGREEMENT FOR
WATER DISTRICT#12 AND
AUTHORIZE SUPERVISOR TO SIGN
ALL DOCUMENTS RELATIVE TO
WATER DISTRICT#12 AND WATER
DISTRICT #13

Offered by Councilwoman Woodruff, who moved its adoption.
Seconded by Councilman Stalker.

Resolved to approve contractor agreement with Highlander Construction, Inc. for Water District #12 and authorize Supervisor to sign all documents relative to Water District #12 and Water District #13.

Adopted: 4 ayes 0 nays

RESOLUTION AND ORDER AFTER A
SUPPLEMENTAL PUBLIC HEARING TO
APPROVE THE INCREASE IN THE
COST OF WATER DISTRICT NO. 12 IN
THE TOWN OF RIDGEWAY

Offered by Councilman Stalker, who moved its adoption.

Seconded by Councilman Blajszczak.

WHEREAS, the Town Board of the Town of Ridgeway (herein called “Town Board” and “Town”, respectively), in the County of Orleans, New York, has, pursuant to Town Law, created the Town of Ridgeway Water District No. 12 (the “District”); and

WHEREAS, in connection with the establishment of the District, the Town Board directed Chatfield Engineers, P.C., competent engineers licensed in New York, to prepare a map, plan and report for certain capital construction improvements within the District (collectively, the “Project”); and

WHEREAS, the Town Board took the following specific actions with respect to the Project: (a) adopted on June 17, 2013 a certain order calling for a public hearing, (b) on July 15, 2013 held such public hearing, (c) on July 15, 2013 adopted a certain resolution establishing the District, and (d) on August 19, 2013 adopted a bond resolution; and

WHEREAS, the plan of financing for the Project identified an estimated maximum cost of \$850,000, with the issuance of bonds in an aggregate amount not to exceed \$850,000; and

WHEREAS, due to construction bids coming in higher than anticipated, the estimated maximum cost of the Project has increased from \$850,000 to \$905,000; and

WHEREAS, the Town has secured additional grant funding (in the amount of \$55,000) from the United States Department of Agriculture - Rural Development Agency (“Rural Development”) to cover such increased costs for the Project; and

WHEREAS, the scope of the Project is substantially the same as originally presented and identified in such original map, plan and report; and

WHEREAS, the Town wishes to proceed with the Project at a revised estimated maximum cost of \$905,000; and

WHEREAS, the Town has kept the amount of bonds authorized the same as identified in the earlier proceedings, since Rural Development is providing grant funds to cover such additional costs; and

WHEREAS, the Town Board has determined that they want to hold a supplemental public hearing to advise members of the District of the proposed increase in total cost of the Project; and

WHEREAS, all other terms, conditions and estimated costs, as set forth in the earlier proceedings, will remain substantially the same.

WHEREAS, the Town Board has given due consideration to the impact that the Project may have on the environment and on the basis of such consideration, the Town Board found that neither the establishment nor the increase in cost of the Project will have a substantial adverse impact on the environment; and

WHEREAS, the Town Board issued an Order at its April 20, 2015 meeting calling for a supplemental public hearing to be held at the Town Hall, 410 West Avenue, Medina, New York, on May 12, 2015 at 7:00 o'clock P.M. (prevailing time) to consider said increase in the cost of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law, and further ordered the Town Clerk to publish at least once in a newspaper designated as an official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing; and

WHEREAS, said notices of the public hearing were properly published and posted and the public hearing duly held at the time and place stated in the notices.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED BY THE TOWN BOARD OF THE TOWN OF RIDGEWAY, based on the information provided at the supplemental public hearing, as follows:

DETERMINED, that it is in the public interest to increase the cost of the District, as hereinabove described and referred to, at the increased estimated maximum cost of \$905,000; and it is hereby

DETERMINED, that the parcels and lots of the District shall be benefited by said increase in the cost of the District; and it is hereby

DETERMINED, that all parcels and lots benefited by said increase in the cost of the District are included in the District; and it is hereby

ORDERED, the method of apportioning costs of such improvement is on a benefit basis to the benefited properties in the District; and

FURTHER ORDERED, that the expense of the Project shall be financed by up to \$55,000 of grant funds from the United States Department of Agriculture – Rural Development Agency and by the issuance of serial bonds of the Town in an aggregate amount not to exceed \$850,000, said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges, the costs of the Project will be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the area benefited by said improvements, 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, except as provided by law; and be it

FURTHER ORDERED, that within ten days after adoption of this Resolution and Order, the Town Clerk shall record with the Clerk of the County of Orleans a copy of this Resolution and Order, certified by said Town Clerk.

DATED: May 12, 2015

TOWN BOARD OF THE
TOWN OF RIDGEWAY

Adopted:

4 ayes

0 nays

RESOLUTION DATED MAY 12, 2015 TO AMEND AND RESTATE A BOND RESOLUTION OF THE TOWN OF RIDGEWAY, ORLEANS COUNTY, NEW YORK, ADOPTED ON AUGUST 19, 2013, AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT WITHIN THE TOWN OF RIDGEWAY WD#12 AT AN ESTIMATED MAXIMUM COST OF \$905,000, AND AUTHORIZING (A) THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$850,000, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND (B) THE USE OF UP TO \$55,000 OF ADDITIONAL GRANT FUNDS MADE AVAILABLE TO THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR

Offered by Councilwoman Woodruff, who moved its adoption.
Seconded by Councilman Stalker.

A RESOLUTION, DATED MAY 12, 2015, AMENDING AND RESTATING A BOND RESOLUTION OF THE TOWN OF RIDGEWAY, ORLEANS COUNTY, NEW YORK (THE "TOWN") ADOPTED ON AUGUST 19, 2013, IN ORDER TO INCREASE THE ESTIMATED MAXIMUM COST AUTHORIZED FOR A CERTAIN CAPITAL IMPROVEMENTS PROJECT IN WATER DISTRICT NO. 12 FROM \$850,000 TO \$905,000 AND TO MAKE OTHER DETERMINATIONS IN CONNECTION THEREWITH.

WHEREAS, on August 19, 2013, the Town Board of the Town of Ridgeway, Orleans County, New York (the "Town") adopted a bond resolution (the "Original Bond Resolution") entitled:

A BOND RESOLUTION, DATED AUGUST 19, 2013, OF THE TOWN BOARD OF THE TOWN OF RIDGEWAY, ORLEANS COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT WITHIN THE TOWN OF RIDGEWAY WATER DISTRICT NO. 12, AT AN ESTIMATED MAXIMUM COST OF \$850,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$850,000, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR

and

WHEREAS, due to construction bids coming in higher than expected, the Town Board now wishes to modify the Original Bond Resolution for the purposes of: a) increasing the estimated maximum cost of the project from \$850,000 to \$905,000 and b) authorizing the use of up to \$55,000 of additional grant funds from the United States Department of Agriculture – Rural Development Agency (“Rural Development”) to cover such increased costs of such Project; and

WHEREAS, the Town Board now wishes to amend and restate (in its entirety) the Original Bond Resolution for the purposes identified above, and to make other modifications in the Original Bond Resolution as may be consistent with law;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF RIDGEWAY AS FOLLOWS:

AN AMENDING AND RESTATING BOND RESOLUTION, DATED MAY 12, 2015, OF THE TOWN BOARD OF THE TOWN OF RIDGEWAY, ORLEANS COUNTY, NEW YORK (THE “TOWN”), AMENDING THE BOND RESOLUTION ADOPTED AUGUST 19, 2013, AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT WITHIN THE TOWN OF RIDGEWAY WATER DISTRICT NO. 12, AT AN ESTIMATED MAXIMUM COST OF \$905,000, AND AUTHORIZING (A) THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$850,000, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND (B) THE USE OF UP TO \$55,000 OF ADDITIONAL GRANT FUNDS MADE AVAILABLE TO THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

WHEREAS, on August 19, 2013 the Town Board of the Town of Ridgeway, Orleans County, New York (the “Town”) adopted a bond resolution (the “Original Bond Resolution”) authorizing a certain capital improvements project in the Town of Ridgeway Water District No. 12 (the “District”), in an amount not to exceed \$850,000; and

WHEREAS, the Town Board has been advised that the cost of the proposed capital improvements project has increased due to construction bids coming in higher than expected for such project; and

WHEREAS, the Town Board wishes to modify the Original Bond Resolution for the purposes of: a) increasing the estimated maximum cost of the project from \$850,000 to \$905,000 and b) authorizing the use of up to \$55,000 of additional grant funds from the United States Department of Agriculture – Rural Development Agency (“Rural Development”) to cover such increased costs of such project; and

WHEREAS, the Town Board now wishes to amend and restate the Original Bond Resolution for the purposes identified above, and to make other modifications in the Original Bond Resolution as may be consistent with law; and

WHEREAS, the Original Bond Resolution is being modified to increase the estimated maximum cost as previously described, and is otherwise being reaffirmed and ratified in all respects; and

WHEREAS, the Town Board of the Town, has determined to proceed with the such capital improvements project.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board (by the favorable vote of not less than two-thirds of all the members of the Town Board) as follows:

Section 1: That the Original Bond Resolution be, and it hereby is, amended and restated to read in its entirety as set forth in the attached Exhibit A.

Section 2. Except as set forth herein, the Original Bond Resolution has not been materially modified or amended since its adoption. The Original Bond Resolution remains in full force and effect and is hereby ratified and approved as amended and restated hereby.

Section 3. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the official newspaper(s) of the Town, or if no newspaper(s) have been so designated, then in a newspaper having general circulation in the Town, which newspaper shall be designated by the Town Board in a separate resolution.

Adopted: 4 ayes 0 nays

ADJOURNMENT

As there was no further business to discuss, a motion was made to adjourn the meeting at 7:30 P.M. by Councilman Blajszczak and seconded by Councilman Stalker.

Town of Ridgeway,

Barbara J. Klatt
Town Clerk