

Minutes

Village Board of Trustees

September 5th, 2019

A **Special Meeting** of the Village of Horseheads Board of Trustees was held on the above date at 7:00 p.m. in Village Hall.

Present were:

<u>Village Board and Staff</u>	
Mayor Rob Maloney Trustee Bill Goodwin Trustee Mark Cronin Trustee Mike Skroskznik <u>Absent</u> Trustee Pat Gross	Village Manager Nate Nagle Village Atty. John Groff Clerk-Treasurer Donna Dawson Manager's Asst. Rachel Baer
<u>Others Present.</u>	
Jamie Gensel, Fagan Engineers David Pallone, Third St.	Kelley Maloney, Westlake St.

Village Manager Nagle - tonight's meeting is regarding resolutions needed for the water system infrastructure grant program.

Atty. Groff - regarding the SEQR review, this project is exempted under SEQR as it is a Type 2 action. Because it is repair, rehab and improvement of an existing structure in place, without new extensions it doesn't require the usual review where we ask all the questions.

SEQR Resolution

Resolution by Trustee Skroskznik, seconded by Trustee Cronin

WHEREAS, the Village of Horseheads has owned and operated a water system for over 100 years providing potable water to individuals, businesses and industries located in the Village of Horseheads and Town of Horseheads, and

WHEREAS, in October 2018 the Village issued a Request For Proposals (RFP) to complete a study and preliminary engineering report for the water system, including evaluation of existing

water infrastructure, asset management and identification of critical needs of the system, both in terms of potable use and fire protection, and

WHEREAS, on December 13, 2018 the Village accepted a proposal from Fagan Engineers and Land Surveyors, PC (“Fagan”) dated 11/26/18 for water system evaluation and improvements, and

WHEREAS, on June 27, 2019 Fagan presented its written report regarding the Village water system analysis and mapping identifying 9 potential projects to insure water quantity and quality for the entire water system, followed by a public presentation of same to the Board of Trustees by James B. Gensel, PE and Karl M. Schwesinger, PE, including but not limited to an analysis of pipe material, pipe diameter, static pressure, fire flow rates, hydrant conditions, potential improvements with rank, and potential funding sources for recommended improvements, etc., and

WHEREAS, on August 8, 2019, by resolution, this Board directed Village Manager Nathan Nagle to investigate and report to this Board regarding Village water system upgrades, repairs and replacements identified as 7 of the potential projects, Projects 1-4, 6, 7, and 9 of the Village of Horseheads Water System Construction Costs Estimate and Project Budget 2019 prepared by Fagan, the availability of grants for the funding of construction of such projects, and funding, via bonding and otherwise, of project costs not covered by grants, etc., which report was presented to the Village Board of Trustees on August 22, 2019, and

WHEREAS, pursuant to Article 8 of the NYS Environmental Conservation Law as amended (the SEQRA Act), and the Regulations adopted pursuant thereto by DEC, being 6 NYCRR Part 617, as amended (the Regulations) (collectively SEQRA) the Village must satisfy requirements contained in SEQRA and the Regulations prior to making any final determination whether to undertake, fund or approve an Action, and

WHEREAS, to aid the Village in determining whether the project may have a significant effect on the environment Village Manager Nagle has caused the preparation of and has submitted to this Board a Full Environmental Assessment Form (FEAF), and

WHEREAS, pursuant to the Regulations the Village Board has examined the FEAF in order to make an initial determination as to the potential environmental significance of the project, and

WHEREAS, the project consists of the following upgrades, repairs and replacements of existing water system infrastructure, in kind and on the same site to constitute a “Type II Action”, and therefore it appears that no further determination or procedure under SEQRA is required with respect to the project:

1. Upgrade/Replacement of 2” Undersized Watermain in the Ridge Road Area,
2. Replacement of Inoperable Watermain Gate Valves throughout the System,
3. Looping of Various Dead-End Watermains,
4. Replacement of Lead Gooseneck Residential Water Laterals,
5. Replacement of Inoperable Fire Hydrants throughout the System,
6. Upgrade/Replacement of 4” Undersized Watermain in the “Number Street” Area, and
7. Upgrade/Replacement of 4” Undersized Watermain on Center Street from Sayre Street to John Street, and

WHEREAS, the Village intends to apply for a NYS Water Grant Through the NYS Environmental Facilities Corporation, and

WHEREAS, the 7 projects are now collectively known and referred to as “Horseheads Water System Improvements 2020”.

NOW THEREFORE BE IT RESOLVED, by the Village of Horseheads Board of Trustees as follows:

1. The Village has received copies of and has reviewed the above-noted reports, materials and information and the FEAF (the reviewed documents), and based upon said reviewed documents and representations made by others on behalf of Village Manager Nagle at this meeting, and further based upon the Board’s knowledge of the area impacted by the Project, and such further investigation of the Project and its environmental effects as the Board has determined appropriate, this Board makes the following findings and determinations with respect to the project:
 - A) The Project is known as Horseheads Water System Improvements 2020 and consists of the 7 sub-projects note above.
 - B) The Project consists of the upgrade, replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site and the purchase of materials and equipment, and the labor and installation of same.
2. Based upon the foregoing, the Board makes the following findings and determinations with respect to the project:
 - A) Pursuant to Section 617.5(c)(1) and 617.5(c)(2) of the Regulations, the Project is a “Type II Action”.
 - B) Therefore the Village hereby determines that no environmental impact statement or any other determination or procedure is required under the Regulations.
3. James B. Gensel of Fagan is authorized to sign the FEAF on behalf of the Village of Horseheads, and Village Manager Nagle is hereby directed to file a copy of this resolution with respect to the Project with the Village Clerk-Treasurer.
4. This resolution shall take effect immediately.

Roll Call Vote:

Mayor Maloney	Aye
Trustee Goodwin	Aye
Trustee Skroskznik	Aye
Trustee Cronin	Aye

Bonding Resolution

Atty. Groff - resolution on bonding was drafted by Orrick and Assoc., bond counsel for the Village in the past. It calls for potential funding not to exceed \$5,000,000 - doesn't mean you have to bond that much, depending on what you get in grants. Your not approving the bond at this point, you just authorizing moving forward. You will have the ability in the future to cancel the whole thing if you desire.

On the basis of prior submittal to this Board of this resolution, the reading of same is waived and this Board takes the following action regarding adoption:

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE CONSTRUCTION OF IMPROVEMENTS TO AND RECONSTRUCTION OF THE WATER DISTRIBUTION SYSTEM (*HORSEHEADS WATER SYSTEM IMPROVEMENTS 2020*), IN AND FOR THE VILLAGE OF HORSEHEADS, CHEMUNG COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$5,000,000 AND AUTHORIZING THE ISSUANCE OF \$5,000,000 SERIAL BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

Resolution by Trustee Cronin, seconded by Trustee Goodwin

WHEREAS, said capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to 6 NYCRR Part 617.5(c)(1) and (2) of the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which regulations state that Type II Actions will not have any significant adverse effect on the environment; and

WHEREAS, it is now desired to authorize the financing thereof,

NOW, THEREFORE, BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Horseheads, Chemung County, New York (the "Village"), as follows:

Section 1. The construction of improvements to and reconstruction of the water distribution system, in and for the Village of Horseheads, Chemung County, New York, (*Horseheads Water System Improvements 2020*) including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$5,000,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$5,000,000 serial bonds of said Village, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is 40 years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Village of Horseheads, Chemung County, New York, are hereby irrevocably 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 bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

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

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Village Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the Village Treasurer shall deem best for the interests of said Village, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Village Treasurer shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Village Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. 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 Treasurer, the chief fiscal officer of such 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 Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Village Treasurer is hereby further authorized, at her sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Health and/or the New York State Environmental Facilities Corporation, 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 said Village in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Village Treasurer. Such notes shall be of such terms, form and contents as may be prescribed by said Village Treasurer consistent with the provisions of the Local Finance Law.

Section 10. 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 11. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. 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 12. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 13. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

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

Mayor Robert Maloney	VOTING AYE
Trustee Mike Skroszchnik	VOTING AYE
Trustee Bill Goodwin	VOTING AYE
Trustee Mark Cronin	VOTING AYE

The resolution was thereupon declared duly adopted.

Atty. Groff - now the electors of the Village have 30 days to file a petition on this, if they do so we would have a special election for this resolution. At this point Village staff will publish the notice in the Star-Gazette, also post in at least 6 other places informing the public of the adoption of this resolution which starts the clock ticking.

AUTHORIZE GRANT APPLICATION

Atty. Groff - this authorizes Fagan Engineers to proceed with grant application and submission to see if they will award the requested grant, and if they do that would potentially fund part of the project. It would still require you to accept the grant. And if you do you would accept with conditions. This resolution also specifies that in the event of an award, then it becomes the Manager's responsibility to oversee administration of the grant during the construction period, and any post grant requirements.

Resolution by Trustee Goodwin, seconded by Trustee Cronin

WHEREAS, the Village Board of Trustees commissioned a study from Fagan Engineers and Land Surveyors, PC on December 13, 2018 regarding Village Water System Evaluation and Improvements, and

WHEREAS, the report was reviewed and analyzed by this Board, prioritizing 7 of the identified potential projects as necessary to insure water quantity and quality for the entire water system, and

WHEREAS, Village Manager Nathan Nagle and others have researched and identified potential sources of grant funding and bonding to finance the costs of the water system upgrades, repairs and replacements in-kind and on the same site, constituting a project now known as the Horseheads Water System Improvements 2020 with an estimated cost of \$5,000,000.00, and

WHEREAS, the Village of Horseheads has a Grant Application and Administration Policy which has been followed by Village Manager Nagle and Water System Operator Chris Lawrick as indicated below :

- a. Grant research - outside sources for funding opportunities relative to the Project were researched.
- b. Departmental decision-making - potential grant and other funding opportunities were identified including but not limited to NYS Water Infrastructure Improvement Act and NYS Intermunicipal Water Infrastructure Grants Program through the NYS Environmental Facilities Corporation and bond financing.
- c. Internal review and grant submission - Village Manager Nathan Nagle reviewed the merit of the proposed project, departmental research regarding grants and other outside funding opportunities, and has recommended to this Board that the Village proceed with both the Project and pursuit of grant and other outside funding opportunities.
- d. Village Manager Nathan Nagle, Village staff and representatives of Fagan Engineers have drafted a Full Environmental Assessment Form relative to the Project.

NOW THEREFORE BE IT RESOLVED, that this Board does hereby direct Village Manager Nathan Nagle and Jamie Gensel of Fagan Engineers to apply for such federal, state and private grants as this Project may be eligible for, and to report back to this Board as soon as practical regarding the results of such applications, including but not limited to grant award letters, and be it further

RESOLVED, that should grant award letters be received and accepted, post award and grant administration, per the above-noted Policy, shall be overseen by the Village Manager and such staff and others as determined by the Manager, including grant closeout procedures.

Roll Call Vote:

Mayor Maloney	Aye
Trustee Goodwin	Aye
Trustee Skrosznik	Aye
Trustee Cronin	Aye

As there was nothing further to come before the Board, the meeting was adjourned at 7:19 p.m.

/rmb