

REGULAR TOWN BOARD MEETING

JANUARY 12, 2017

7PM

Present: Sup Granger
Coun Hurst
Coun Klein
Coun Barber

Also present: J. Koch, D. Kelly, C. Centola, R. Uptegrove, M. Hotchkiss, D. Nourse, B. Bark, J. Smith

Sup Granger called the meeting to order at 7PM

The following vouchers were audited:

GENERAL FUND – TOWNWIDE	\$5,552.77
GENERAL FUND – OUTSIDE VILLAGE	225.76
HIGHWAY FUND – TOWNWIDE	10,164.98
HIGHWAY FUND – OUTSIDE VILLAGE	2,121.60
SILVER LAKE SEWER DISTRICT	1,908.88
GARDEAU WATER DISTRICT	13,467.04
SILVER LAKE INSTITUTE WATER DISTRICT	15,958.60

REGULAR TOWN BOARD MEETING, CONT'D

JANUARY 12, 2017

7PM

SILVER LAKE LIGHTING DISTRICT	626.22
TOTAL	\$50,025.85

A motion was made by Coun Barber, seconded by Coun Klein to approve the vouchers totaling \$50,025.85.

Polled: Ayes: Hurst, Klein, Barber, Granger
Noes: None Carried

C. Centola of Mobilitie presented to the Board information (and a sample contract) of a proposed cell tower on Camp Road in the Town of Castile's Right of Way, he stated that they are a nationwide utility company that leases the towers to companies such as Sprint Cellular. He stated that he went to the Town of Castile's Planning Board and they recommended that he seek approval from the Town Board prior to them making a

determination.

Coun Klein asked how many towers do they anticipate putting up in our area.

C. Centola stated that as of now they only plan on 1 but maybe down the road they will put up more. He stated that in the next several years they do anticipate putting upwards of 50,000-60,000 across the country.

Coun Klein also stated that technology moves along rather quickly and what would happen if this pole becomes obsolete, who would be responsible for the removal of it?

C. Centola stated that if this were a concern then the Town would have to make sure that it is in the contract that Mobilitie would be responsible for the removal.

Atty. D. Kelly stated that he will review the contract and contact other Towns that they are in negotiation with prior to going further with this.

A motion was made by Coun Klein, seconded by Coun Hurst to approve the minutes from the 12/29/16 meeting.

Polled: Ayes: Hurst, Klein, Barber, Granger
Noes: None Carried

A motion was made by Coun Barber, seconded by Coun Klein to approve the Sup Report.

Polled: Ayes: Hurst, Klein, Barber, Granger
Noes: None Carried

REGULAR TOWN BOARD MEETING, CONT'D JANUARY 12, 2017 7PM

The Water/Sewer Report was reviewed.

The Highway Report was reviewed. D. Nourse stated that he received 3 quotes for his

new Ford F350 Crew Cab. Conroy Motors-\$36,422, Kelly Motors-\$36,535, Pioneer-\$37,367.

After a short discussion, a motion was made by Coun Klein, seconded by Coun Hurst to approve the quote by Kelly Motors although Conroy Motors is \$113 cheaper as Kelly Motors is closer if any repairs/recalls need to be done.

Polled: Ayes: Hurst, Klein, Barber, Granger
Noes: None Carried

The Zoning Report was reviewed.

The Assessor's Report was reviewed.

A motion was made by Sup Granger, seconded by Coun Hurst to allow J. Koch to attend training in Batavia on 2/15/17.

Polled: Ayes: Hurst, Klein, Barber, Granger
Noes: None Carried

J. Smith of Municipal Solutions explained to the Board that we had to start the process of the BAN over again as the bids for the Silver Lake Water Project all came in too high. He stated that the Town will need to have a BAN in the amount of \$1,085,000, this will increase the cost to each customer in the Silver Lake Water District approximately \$177 more annually.

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Castile, in the

County of Wyoming, New York

January 12, 2017

* * *

A meeting of the Town Board of the Town of Castile, in the County of Wyoming, New York, was held at the Town Hall, in said Town, on January 12, 2017.

There were present: J. Koch, D. Kelly, C. Centola, R. Uptegrove, M. Hotchkiss, D. Nourse,
B. Bark, J. Smith

Town Supervisor: Keith Granger

Councilpersons: Coun Klein, Coun Barber, Coun Hurst

There were absent: Coun Vitagliano

Also present: Vickie Draper, Town Clerk

* * *

The following resolution was offered by Coun Hurst, and seconded by Coun Klein, to wit;

A meeting of the Town Board of the
Town of Castile, in the County of
Wyoming, New York, was held at the
Town Hall, in said Town, on January 12,
2017.

PRESENT:

Hon. Keith Granger, Supervisor

Stanley Klein , Councilperson

Mark Barber , Councilperson

John Hurst , Councilperson

, Councilperson

-----X

In the Matter

of the

Increase and Improvement of Facilities of the

Town of Castile Silver Lake Institute – Castile Water
District No. 1, in the Town of Castile, County of Wyoming,
New York, pursuant to Section 202-b of the Town Law.

-----X

**ORDER CALLING
PUBLIC HEARING TO BE HELD ON**

FEBRUARY 2, 2017 at 10AM

WHEREAS, the Town Board of the Town of Castile (herein called “Town Board” and “Town”, respectively), in the County of Wyoming, New York, has, pursuant to Town Law, created the Town of Castile Water District No. 1 (commonly known as the Town of Castile Silver Lake Institute – Castile Water District No. 1) (the “District”); and

WHEREAS, the Town Board has directed Clark Patterson Lee, competent engineers licensed in New York, to prepare a preliminary map, plan and report for a water system capital improvements project within the District; and

WHEREAS, on November 10, 2016 the Town Board approved an Order Calling for Public Hearing to be held on December 29, 2016; and

WHEREAS, the Town became aware prior to the December 29, 2016 public hearing that bids for the project came in higher than expected; therefore, the estimated maximum cost of the project has increased; and

WHEREAS, the Town has directed Clark Patterson Lee, competent engineers licensed in New York, to prepare a revised map, plan and report (dated January 2017) to clarify the project and include the increase in the estimated maximum cost of the project; and

WHEREAS, such revised map, plan and report amends a certain prior map, plan and report (dated September 2015 and July 2016) for the purposes of (a) clarifying the scope of the project, (b) increasing the estimated maximum cost of such project and (c) increasing the amount of bonds (and notes) for such project; and

WHEREAS, the Town Board would now like to adopt a revised Order Calling for Public Hearing increasing the estimated maximum cost and amount of bonds authorized from \$985,000 to \$1,085,000; and

WHEREAS, such water system capital improvements project will generally consist of the installation of approximately 6,520 linear feet of 8-inch water main along various roads in the Town including, but not limited to, Standpipe Road, South Main Street (NYS Route 39), NYS Route 39, Chapman Avenue, Locust Lane and Camp Road, along with the installation of a new booster pump station, and the installation of hydrants, pressure reducing valves and meter vaults, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report referred to above, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection

with the financing thereof (collectively, the “District Improvement”); and

WHEREAS, the revised Order Calling Public Hearing (a) clarifies the scope of the project, (b) increases the estimated maximum cost from \$985,000 to \$1,085,000 and (c) increases the aggregate principal amount of bonds authorized from \$985,000 to \$1,085,000; and

WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such revised map, plan and report for such increase and improvement of facilities of the District and has estimated the total cost thereof to be an estimated maximum amount of \$1,085,000; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$1,085,000, offset by any federal, state, county and/or local funds received;

NOW, THEREFORE, BE IT

ORDERED that a meeting of the Town Board of the Town of Castile will be held at the Town Hall, 53 North Main Street, Castile, New York, on February 2, 2017 at 10 o'clock AM or shortly thereafter (prevailing Time) to consider said increase and improvement of facilities 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 be it

FURTHER ORDERED, that the expense of said increase and improvement of the facilities shall be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$1,085,000, said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources, charges or fees, the costs of said increase and improvement of facilities shall be paid by 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, except as provided by law; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in each newspaper designated as the 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

TOWN BOARD OF THE
TOWN OF CASTILE

The adoption of the foregoing Order Calling for Public Hearing was duly put to a vote on roll call, which resulted as follows:

AYES: Supervisor Granger, Councilman Klein, Councilman Hurst, Councilman Barber

NOES: None

ABSENT: Councilman Vitagliano

The Order Calling for Public Hearing was declared adopted.

CLERK'S CERTIFICATE

(Town of Castile Silver Lake Institute – Castile Water District No. 1)

STATE OF NEW YORK)

:SS:

COUNTY OF WYOMING)

I, the undersigned Town Clerk of the Town of Castile, in the County of Wyoming, New York, DO HEREBY CERTIFY that I have compared the preceding Order Calling public Hearing with the original thereof filed in my office on January 12, 2017, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town on January 12, 2017.

(SEAL)

Town Clerk

AFFIDAVIT OF POSTING

(Town of Castile Silver Lake Institute – Castile Water District No. 1)

STATE OF NEW YORK)

:SS:

COUNTY OF WYOMING)

Vickie Draper, being duly sworn upon her oath deposes and says:

That she is and at all the times hereinafter mentioned she was the duly qualified and acting Town Clerk of the Town of Castile, in the County of Wyoming, New York; that on January 12, 2017, she caused to be conspicuously posted and fastened up a certified copy of the Order Calling public Hearing, a true copy of which is annexed hereto and made a part hereof, on the sign board of said Town maintained pursuant to Section 30, subdivision 6, of the Town Law.

Town Clerk

Subscribed and sworn to before me

this _____ day of _____, 2017.

Notary Public, State of New York

REGULAR TOWN BOARD MEETING, CONT'D

JANUARY 12, 2017

7PM

At 8:05PM a motion was made by Sup Granger, seconded by Coun Hurst to go into Executive Session with T. Carpenter of Clark Patterson Lee regarding a contract.

Polled: Ayes: Hurst, Klein, Barber, Granger
Noes: None Carried

At 9:07PM a motion was made by Sup Granger, seconded by Coun Klein to come out of Executive Session.

Polled: Ayes: Hurst, Klein, Barber, Granger
Noes: None Carried

No Action Taken

At 9:07PM a motion was made by Sup Granger, seconded by Coun Hurst to adjourn the meeting.

Polled: Ayes: Hurst, Klein, Barber, Granger
Noes: None Carried

AUDIT MEETING

JANUARY 14, 2017

9AM

Present: Justice Milillo, Justice McClurg, V. Miller, Coun. Hurst, Coun. Barber, Supervisor Granger, Coun. Klein, Clerk Draper

Sup Granger called the meeting to order at 9AM

An Audit was conducted on Justice Milillo, Justice McClurg, Supervisor Granger and Clerk Draper's books and found them to be satisfactory.

At 11AM a motion was made by Coun Klein, seconded by Coun Hurst to adjourn the meeting.

Polled: Ayes: Hurst, Klein, Barber, Granger
 Noes: None Carried

Respectfully Submitted,

January 23rd, 2017

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**JOINT RESOLUTION
 OF THE BOARD OF THE VILLAGE OF CASTILE
 AND THE TOWN OF CASTILE TOWN BOARD
 REGARDING THE ANNEXATION
 OF LANDS IN THE TOWN OF CASTILE**

In the Matter of the Petition
 of the State of New York
 Annexation of Certain Lands
 Located within the Town and Village of Castile

**RESOLUTION AND
 ORDER**

At a special joint meeting of the Village Board of the Village of Castile, Wyoming County, New York, and the Town Board of the Village of Castile held at the Town Offices, in said Town, on the 23rd of January, 2017 at 6:30p.m. prevailing time.

At 6:30p.m. the meeting was called to order, the pledge of allegiance was led by Mayor Keith Washburn, and upon roll being called the following were:

PRESENT:

VILLAGE BOARD OF TRUSTEE'S	TOWN BOARD OF TRUSTEE'S	ALSO PRESENT
Mayor Keith Washburn Dennis Miller David Reed Jenifer Bannister Supt. George T. Wright Clerk Johanna Gozelski	John Hurst Stanley Klein Mark Barber Frank Vitagliano Clerk Vickie Draper	David DiMatteo Scott Sydelnik Adam Fischel Roger Uptegrove Mary Hotchkiss

ABSENT:

VILLAGE BOARD OF TRUSTEE'S	TOWN BORAD OF TRUSTEE'S
Jane Eliasz	Supervisor Keith Granger

At 6:35pm, Mayor Washburn opened the Joint Public Hearing to discuss Tax Map Parcel Number 147.00-1-14,15.

After the discussion the Public Hearing was closed and the following Resolution was offered by John Hurst who moved its adoption, seconded by Frank Vitagliano, to wit:

WHEREAS, The Town of Castile is the owner of certain real property located in the Town of Castile outside of the Village limits known as Town of Castile Tax Map Parcel Number 147.00-1-14,15 and

WHEREAS, the Village Board and the Town Board of the Town of Castile has determined and adopted resolutions approving that the annexation of this property to the Village would be in the best interest of its residents,

NOW, THEREFORE, BE IT RESOLVED, that the Village Board finds as follows:

(1) That the aforesaid petition for annexation substantially complies in form and content with General Municipal Law Article 17.

(2) There is no Town debt related to the annexation territory which is to be assumed by the Village, and there is no agreement for the assumption of the debt by the Village.

(3) That the proposed annexation of certain territory in the Town to the Village as described in the aforesaid petition is in the overall public interest because of the following:

(a) Municipal utilities such as sanitary sewer and water can best serve the territory through the Village utility system; and

(b) The public safety considerations for the annexed territory can be enhanced by the addition of fire protection provided by the Village Fire Department, which would otherwise not be available.

RESOLVED, that the Board of Trustees of the Village of Castile does accept the annexation of the Town of Castile Tax Map Parcel Number 147.00-1-14, 147.00-1-15 to the Village of Castile, and it is further

RESOLVED, that the annexed Parcel shall be zoned by the Village of Castile as C2 General Business District.

RESOLVED, that the Village Clerk of the Village of Castile shall file the resolutions adopted by the Town and the Village with the Wyoming County Clerk's Office.

The question of the adoption of the foregoing resolution was duly put to vote as follows:

_____	John Hurst	_____	AYE
_____	Frank Vitagliano	_____	AYE
_____	Mark Barber	_____	AYE
_____	Stanley Klein	_____	AYE

The following Resolution was offered by Mayor Washburn who moved its adoption, seconded by David Reed, to wit:

WHEREAS, The Town of Castile is the owner of certain real property located in the Town of Castile outside of the Village limits known as Town of Castile Tax Map Parcel Number 147.00-1-14,15 and

WHEREAS, the Village Board and the Town Board of the Town of Castile has determined and adopted resolutions approving that the annexation of this property to the Village would be in the best interest of its residents,

NOW, THEREFORE, BE IT RESOLVED, that the Village Board finds as follows:

(1) That the aforesaid petition for annexation substantially complies in form and content with General Municipal Law Article 17.

(2) There is no Town debt related to the annexation territory which is to be assumed by the Village, and there is no agreement for the assumption of the debt by the Village.

(3) That the proposed annexation of certain territory in the Town to the Village as described in the aforesaid petition is in the overall public interest because of the following:

(a) Municipal utilities such as sanitary sewer and water can best serve the territory through the Village utility system; and

(b) The public safety considerations for the annexed territory can be enhanced by the addition of fire protection provided by the Village Fire Department, which would otherwise not be available.

RESOLVED, that the Board of Trustees of the Village of Castile does accept the annexation of the Town of Castile Tax Map Parcel Number 147.00-1-14, 147.00-1-15 to the Village of Castile, and it is further

RESOLVED, that the annexed Parcel shall be zoned by the Village of Castile as C2 General Business District.

RESOLVED, that the Village Clerk of the Village of Castile shall file the resolutions adopted by the Town and the Village with the Wyoming County Clerk's Office.

The question of the adoption of the foregoing resolution was duly put to vote as follows:

<u>Mayor Keith Washburn</u>	<u>AYE</u>
<u>Jenifer Bannister</u>	<u>AYE</u>
<u>David Reed</u>	<u>AYE</u>
<u>Dennis Miller</u>	<u>AYE</u>

The resolution was thereupon declared and duly adopted.

DATED: January 23rd, 2017

Castile, New York

**BY ORDER OF THE BOARD OF TRUSTEES OF THE VILLAGE OF
CASTILE**

Johanna Gozelski, Village Clerk

NOW, THEREFORE, IT IS ORDERED that the consent and approval of the Town Council is hereby given to the annexation of the territory now situated in the Town and described in the foresaid petition "Exhibit A," to the Village.

**Exhibit A
PETITION TO ANNEX ADJOINING TERRITORY**

- At 6:45pm, Mayor Washburn opened the Joint Public Hearing to discuss Tax Map Parcel Number 135.-1-25.

After the discussion the Public Hearing was closed and the following Resolution was offered by Mayor Washburn who moved its adoption, seconded by Dennis Miller, to wit:

WHEREAS, The Town of Castile is the owner of certain real property located in the Town of Castile outside of the Village limits known as Town of Castile Tax Map Parcel Number 135.-1-25 and

WHEREAS, the Village Board and the Town Board of the Town of Castile has determined and adopted resolutions approving that the annexation of this property to the Village would be in the best interest of its residents,

NOW, THEREFORE, BE IT RESOLVED, that the Village Board finds as follows:

(4) That the aforesaid petition for annexation substantially complies in form and content with General Municipal Law Article 17.

(5) There is no Town debt related to the annexation territory which is to be assumed by the Village, and there is no agreement for the assumption of the debt by the Village.

(6) That the proposed annexation of certain territory in the Town to the Village as described in the aforesaid petition is in the overall public interest because of the following:

(a) Municipal utilities such as sanitary sewer and water can best serve the territory through the Village utility system; and

(b) The public safety considerations for the annexed territory can be enhanced by the addition of fire protection provided by the Village Fire Department, which would otherwise not be available.

RESOLVED, that the Board of Trustees of the Village of Castile does accept the

annexation of the Town of Castile Tax Map Parcel Number 135.-1-25 to the Village of Castile, and it is further.

RESOLVED, that the annexed Parcel shall be zoned by the Village of Castile as R2 Residential District.

RESOLVED, that the Village Clerk of the Village of Castile shall file the resolutions adopted by the Town and the Village with the Wyoming County Clerk's Office.

The question of the adoption of the foregoing resolution was duly put to vote as follows: _____ Mayor Washburn _____ AYE

Jenifer Bannister _____ AYE

Dennis Miller _____ AYE

David Reed _____ AYE

The following Resolution was offered by John Hurst who moved its adoption, seconded by Mark Barber, to wit:

WHEREAS, The Town of Castile is the owner of certain real property located in the Town of Castile outside of the Village limits known as Town of Castile Tax Map Parcel Number 135.1-1-25 and

WHEREAS, the Village Board and the Town Board of the Town of Castile has determined and adopted resolutions approving that the annexation of this property to the Village would be in the best interest of its residents,

NOW, THEREFORE, BE IT RESOLVED, that the Village Board finds as follows:

(4) That the aforesaid petition for annexation substantially complies in form and content with General Municipal Law Article 17.

(5) There is no Town debt related to the annexation territory which is to be assumed by the Village, and there is no agreement for the assumption of the debt by the Village.

(6) That the proposed annexation of certain territory in the Town to the Village as described in the aforesaid petition is in the overall public interest because of the following:

(a) Municipal utilities such as sanitary sewer and water can best serve the territory through the Village utility system; and

(b) The public safety considerations for the annexed territory can be enhanced by the addition of fire protection provided by the Village Fire Department, which would otherwise not be available.

RESOLVED, that the Board of Trustees of the Village of Castile does accept the annexation of the Town of Castile Tax Map Parcel Number 135.-1-25 to the Village of Castile, and it is further.

RESOLVED, that the annexed Parcel shall be zoned by the Village of Castile as R2 Residential District.

RESOLVED, that the Village Clerk of the Village of Castile shall file the resolutions adopted by the Town and the Village with the Wyoming County Clerk's Office.

The question of the adoption of the foregoing resolution was duly put to vote as follows:

<u>John Hurst</u>	<u>AYE</u>
<u>Mark Barber</u>	<u>AYE</u>
<u>Stanley Klein</u>	<u>NAY</u>
<u>Frank Vitagliano</u>	<u>AYE</u>

The resolution was denied.

DATED: January 23rd, 2017
Castile, New York

At 7:00pm, a motion was made by Mayor Washburn, seconded by Jenifer Bannister, to that the meeting be adjourned.

Polled: Ayes: Mayor Keith Washburn, Jenifer Bannister, Dennis Miller, David Reed, John Hurst, Mark Barber, Stanley Klein, and Frank Vitagliano

Noes: None Carried

PUBLIC HEARING

FEBRUARY 2, 2017

10AM

Present: Sup Granger
 Coun Hurst
 Coun Vitagliano
 Coun Barber

Also present: J. Koch, M. Hotchkiss, R. Eliazs, J. Leathersich, D. Nourse, J. DeLyser

Sup Granger Opened the Public Hearing at 10AM

J. DeLyser gave a short description of the project.

EXTRACT OF MINUTES

Meeting of the Town Board of the
Town of Castile, in the
County of Wyoming, New York

February 2, 2017

* * *

A meeting of the Town Board of the Town of Castile, in the County of Wyoming, New York, was held at the Town Hall, in said Town, on February 2, 2017.

There were present: Keith Granger, Supervisor

Councilpersons: John Hurst, Frank Vitagliano, Mark Barber

There were absent: Jason Koch, Mary Hotchkiss, Rich Eliaz, Joe Leathersich,
Darryl Nourse, Jeremy DeLyser

Also present: Vickie Draper, Town Clerk

At 10AM (Prevailing Time) or shortly thereafter, the Town Clerk stated that a Public Hearing had been called for this meeting at the Town Hall, in said Town, in the County of Wyoming, New York to consider the Increase and Improvement of facilities of the Town of Castile Water District No. 1 (commonly known as the Town of Castile Silver Lake Institute Water District) (the "District"), in said Town.

The Supervisor stated that the Public Hearing on the Increase and Improvement of the facilities of the District, was now open and asked if there was any interested person who desired to be heard.

The following persons appeared in favor of the Increase and Improvement of the District: None

The following persons appeared in opposition to the Increase and Improvement of the District: None

The Town Clerk reported that the following pertinent written communications had been received: None

The Supervisor inquired as to whether there were any other persons present who wished to be heard. No one appeared, whereupon the Supervisor declared the public hearing closed.

* * *

EXTRACT OF MINUTES

Meeting of the Town Board of the
Town of Castile, in the
County of Wyoming, New York

February 2, 2017

* * *

A meeting of the Town Board of the Town of Castile, in the County of Wyoming, New York, was held at the Town Hall, Castile, New York, on February 2, 2017.

There were present: Keith Granger, Supervisor

Councilpersons: John Hurst, Mark Barber, Frank Vitagliano

There were absent: Stan Klein

Also present: Vickie Draper, Town Clerk

* * *

The following resolution was offered by Mark Barber and seconded by John Hurst to wit;

A meeting of the Town Board of the Town of Castile, in the County of Wyoming, New York, was held at the Town Hall, in said Town, on February 2, 2017.

PRESENT:

Hon. Keith Granger, Supervisor

Frank Vitalgiano, Councilperson

John Hurst , Councilperson

Mark Barber , Councilperson

, Councilperson

-----X

In the Matter

of the

Increase and Improvement of Facilities of the Town of Castile Water District No. 1 (Silver Lake Water District), in the Town of Castile, in the County of Wyoming, New York, pursuant to Section 202-b of the Town Law.

-----X

**RESOLUTION AND ORDER
AFTER PUBLIC HEARING APPROVING**

**THE INCREASE AND IMPROVEMENT OF FACILITIES
OF THE TOWN OF CASTILE WATER DISTRICT NO. 1
(SILVER LAKE WATER DISTRICT)**

WHEREAS, the Town Board of the Town of Castile (herein called “Town Board” and “Town”, respectively), in the County of Wyoming, New York, has, pursuant to Town Law, created the Town of Castile Water District No. 1 (commonly known as the Town of Castile Silver Lake Water District) (the “District”); and

WHEREAS, the Town Board has directed Clark Patterson Lee, competent engineers licensed in New York, to prepare a preliminary map, plan and report for a water system capital improvements project within the District; and

WHEREAS, on November 10, 2016 the Town Board approved an Order Calling for Public Hearing that was scheduled to be held on December 29, 2016; and

WHEREAS, the Town became aware prior to the December 29, 2016 public hearing that bids for the project came in higher than expected; and

WHEREAS, in light of such information, the Town directed Clark Patterson Lee, competent engineers licensed in New York, to prepare a revised map, plan and report (dated

January 2017) to clarify the project and include the increase in the estimated maximum cost of the project; and

WHEREAS, such revised map, plan and report amends a certain prior map, plan and report (dated September 2015 and July 2016) for the purposes of (a) clarifying the scope of the project, (b) increasing the estimated maximum cost of such project and (c) increasing the amount of bonds (and notes) for such project; and

WHEREAS, the Town Board adopted a revised Order Calling Public Hearing to (a) clarify the scope of the project, (b) increase the estimated maximum cost from \$985,000 to \$1,085,000 and (c) increase the aggregate principal amount of bonds authorized from \$985,000 to \$1,085,000; and

WHEREAS, such water system capital improvements project will generally consist of the installation of approximately 6,520 linear feet of 8-inch water main along various roads in the Town including, but not limited to, Standpipe Road, South Main Street (NYS Route 39), NYS Route 39, Chapman Avenue, Locust Lane and Camp Road, along with the installation of a new booster pump station, and the installation of hydrants, pressure reducing valves and meter vaults, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report referred to above, all of the forgoing to include all necessary site work,

equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “District Improvement”); and

WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such revised map, plan and report for such increase and improvement of facilities of the District and has estimated the total cost thereof to be an estimated maximum amount of \$1,085,000; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$1,085,000, offset by any federal, state, county and/or local funds received; and

WHEREAS, The Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act (“SEQRA”), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary; and

WHEREAS, the Town Board issued an Order at its January 12, 2017 meeting calling for a public hearing to be held at the Town Hall, Castile, New York, on February 2, 2017 at 10AM (prevailing time) or shortly thereafter to consider said increase and improvement of facilities 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, such 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 CASTILE, based on the information provided at the public hearing, as follows:

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described and referred to at the estimated maximum cost of \$1,085,000; and it is hereby

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

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

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of the facilities, and with the assistance of the Town Attorney, prepare a proposed contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of the facilities shall be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$1,085,000, 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 said increase and improvement of facilities shall be paid by 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, except as provided by law; and it is hereby

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

DATED: February 2, 2017

TOWN BOARD OF THE
TOWN OF CASTILE

The adoption of the foregoing Resolution Approving the Increase and Improvement of Facilities of the District was duly put to a vote on roll call, which resulted as follows:

AYES: Granger, Barber, Vitagliano, Hurst

NOES: None

ABSENT: Klein

The Resolution approving the increase and improvement of facilities of the District was declared adopted.

CLERK'S CERTIFICATE

(Town of Castile Water District No. 1 (Silver Lake Water District) – 2017)

STATE OF NEW YORK)
 :ss:
COUNTY OF WYOMING)

I, the undersigned Clerk of the Town of Castile, in the County of Wyoming, New York, DO HEREBY CERTIFY that I have compared the preceding Resolution and Order After Public Hearing Approving the Increase and Improvement of Facilities of the Town of Castile Water District No. 1 (Silver Lake Water District) with the original thereof filed in my office on February 2, 2017, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town on February 2, 2017.

(SEAL)

Town Clerk

**AFFIDAVIT OF RECORDING THE RESOLUTION AND ORDER
IN THE OFFICE OF THE COUNTY CLERK**

STATE OF NEW YORK)
 :SS.
COUNTY OF WYOMING)

VICKIE DRAPER, being duly sworn, deposes and says:

That she is now and at all times hereinafter mentioned has been the duly qualified and acting Town Clerk of the Town of Castile, in the County of Wyoming, New York;

That on _____, 2017, on behalf of the Town Board of said Town, she caused a certified copy of a Resolution and Order after Public Hearing Approving the Increase and Improvement of Facilities of the Town of Castile Water District No. 1 (Silver Lake Water District), dated February 2, 2017, a certified copy of which is annexed hereto and made a part hereof, for the increase and improvements in the Town of Castile, a proceeding entitled:

**“INCREASE AND IMPROVEMENT OF FACILITIES OF
THE TOWN OF CASTILE WATER DISTRICT NO. 1
(SILVER LAKE WATER DISTRICT), IN THE TOWN OF
CASTILE, IN THE COUNTY OF WYOMING, NEW YORK,
PURSUANT TO SECTION 202-B OF THE TOWN LAW”**

to be recorded in the office of the County Clerk, Wyoming County, New York, which Resolution and Order has been adopted by said Town Board at a meeting held February 2, 2017, and that said recording was done either personally or by mail in accordance with the provisions of Article 12 of the Town Law, constituting Chapter 64 of the Consolidated Laws of the State of New York.

Town Clerk

Subscribed and sworn to before
me

this ____ day of
_____, 2017

Notary Public, State of New York

EXTRACT OF MINUTES

Meeting of the Town Board of the
Town of Castile, in the
County of Wyoming, New York

February 2, 2017

* * *

A meeting of the Town Board of the Town of Castile, in the County of Wyoming, New York, was held at the Town Hall, Castile, New York, on February 2, 2017.

There were present: Keith Granger, Supervisor

Councilpersons: John Hurst, Frank Vitagliano, Mark Barber

There were absent: Stan Klein

Also present: Vickie Draper, Town Clerk

* * *

The following resolution was offered by Mark Barber and seconded by John Hurst to wit;

A BOND RESOLUTION, DATED FEBRUARY 2, 2017, OF THE TOWN BOARD OF THE TOWN OF CASTILE, WYOMING COUNTY, NEW YORK (THE “TOWN”), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT (2017) WITHIN THE TOWN OF CASTILE WATER DISTRICT NO. 1 AT AN ESTIMATED MAXIMUM COST OF \$1,085,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,085,000 OF THE TOWN, 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.

WHEREAS, the Town Board of the Town of Castile, Wyoming County, New York (the “Town”), has determined to proceed with a certain capital improvements project in the Town of Castile Water District No. 1 (Silver Lake Water District) within the Town (the “District”); and

WHEREAS, the Town Board has determined by resolution to undertake the construction of a certain water system capital improvements project within the District, such improvements will generally consist of the installation of approximately 6,520 linear feet of 8-inch water main along various roads in the Town including, but not limited to, Standpipe Road, South Main Street (NYS Route 39), NYS Route 39, Chapman Avenue, Locust Lane and Camp Road, along with the installation of a new booster pump station, and the installation of hydrants, pressure reducing valves and meter vaults, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report prepared in connection with such project, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “Project”); and

WHEREAS, the Town Board has determined to proceed with the Project; and

WHEREAS, the Town Board desires to issue obligations of the Town to finance the costs of the 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 Board) as follows:

SECTION 1. The Town Board is hereby authorized to undertake a certain water system capital improvements project, generally consisting of the installation of approximately

6,520 linear feet of 8-inch water main along various roads in the Town including, but not limited to, Standpipe Road, South Main Street (NYS Route 39), NYS Route 39, Chapman Avenue, Locust Lane and Camp Road, along with the installation of a new booster pump station, and the installation of hydrants, pressure reducing valves and meter vaults, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report prepared in connection with such project, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of the Purpose is \$1,085,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$1,085,000 of the Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received. Unless paid by other sources or charges, the costs of said increase and improvement of facilities shall be paid by 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, except as provided by law.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of 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 or notes becoming due and payable in such year. Unless paid from other sources or charges, the costs of said increase and improvement of facilities shall be paid by 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, except as provided by law. Should the assessments upon benefited real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on all taxable real property of the Town a tax sufficient to pay the

principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of such notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited 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 of any bond anticipation notes issued in anticipation of such bonds, and the renewals of such notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the earlier of (a) the date hereof or (b) the date of any earlier expression by the Town of its intent to reimburse such expenditures) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration (or reaffirmation) of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission

pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act (“SEQRA”), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary.

SECTION 12. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 13. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(b) 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 20 days after the date of such publication; or

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 14. 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 said Local Finance Law, in a newspaper having a general circulation in said Town and designated as the official newspaper of said Town for such publication.

SECTION 15. This Resolution is effective immediately.

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

AYES: Granger, Barber, Vitagliano, Hurst

NOES:None

ABSENT: Klein

The foregoing resolution was thereupon declared duly adopted.

CERTIFICATE OF RECORDING OFFICER

(Town of Castile Water District No. 1 (Silver Lake Water District) – 2017)

The undersigned hereby certifies that:

(1) She is the duly qualified and acting Clerk of the Town of Castile, New York (hereinafter called the “Town”) and the custodian of the records of the Town, including the minutes of the proceedings of the Town Board; and is duly authorized to execute this certificate.

(2) Attached hereto is a true and correct copy of a resolution duly adopted at a meeting of the Town Board held on February 2, 2017 and entitled:

A BOND RESOLUTION, DATED FEBRUARY 2, 2017, OF THE TOWN BOARD OF THE TOWN OF CASTILE, WYOMING COUNTY, NEW YORK (THE “TOWN”), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT (2017) WITHIN THE TOWN OF CASTILE WATER DISTRICT NO. 1 AT AN ESTIMATED MAXIMUM COST OF \$1,085,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,085,000 OF THE TOWN, 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.

(3) Said meeting was duly convened and held and said resolution was duly adopted in all respects in accordance with law and the regulations of the Town. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Town Board was present throughout said meeting, and a legally sufficient number of members (2/3 of the Town Board) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

(4) The seal appearing below constitutes the official seal of the Town and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand on February 2, 2017.

(SEAL)

Town Clerk

NOTICE OF BOND RESOLUTION

TOWN OF CASTILE

NOTICE IS HEREBY GIVEN that a bond resolution, a summary of which is published herewith, has been adopted by the Town Board of the Town of Castile, County of Wyoming, on February 2, 2017 and the validity of the obligations authorized by such resolution may be hereafter contested only if:

(1) (a) such obligations were authorized for an object or purpose for which the Town of Castile is not authorized to expend money or

(b) the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of publication of this notice; or

(2) such obligations were authorized in violation of the provisions of the Constitution of New York.

SUMMARY OF BOND RESOLUTION

IF * DOCVARIABLE "SWDocIDLocation" 3" = "3" * DOCPROPERTY "SWDocID" 084544.00000 Business 15639107v3" "" 084544.00000
Business 15639107v3

The following is a summary of a bond resolution adopted by the Town Board of the Town of Castile on February 2, 2017. The proceeds from the sale of the obligations authorized in such bond resolution will be used to finance a certain water system capital improvements project within the Town of Castile Water District No. 1 (Silver Lake Water District), such improvements will generally consist of the installation of approximately 6,520 linear feet of 8-inch water main along various roads in the Town including, but not limited to, Standpipe Road, South Main Street (NYS Route 39), NYS Route 39, Chapman Avenue, Locust Lane and Camp Road, along with the installation of a new booster pump station, and the installation of hydrants, pressure reducing valves and meter vaults, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report prepared in connection with such project, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof, at an estimated maximum amount of \$1,085,000. Such bond resolution authorizes the issuance and sale of a serial bond or

bonds and a bond anticipation note or notes in anticipation of the issuance and sale of such serial bonds, in an aggregate principal amount not to exceed \$1,085,000, said amount to be offset by any federal, state, county and/or local funds received. The period of probable usefulness for said purpose is 40 years. A copy of the resolution summarized herein is available for public inspection during normal business hours at the Office of the Town Clerk, located in the Town Hall, 53 North Main Street, Castile, New York.

At 10:07AM a motion was made by Sup Granger, seconded by Coun Vitagliano to adjourn the Public Hearing.

Polled: Ayes: Granger, Barber, Vitagliano, Hurst
Noes: None Carried

At 10:07AM Sup Granger opened the Special Meeting regarding the results of the bids for the Silver Lake Water District Project.

A motion was made by Coun Hurst, seconded by Coun Vitagliano to accept the Base Bid A-Booster Pump Station by Dakota Pumps, Inc. received from Randsco Pipeline, Inc. for a total amount of \$879,450.00, and awarding the Contract to them contingent upon no objections raised during the Estoppel period.

Polled: Ayes: Granger, Barber, Vitagliano, Hurst
Noes: None Carried

A motion was made by Coun Vitagliano, seconded by Coun Barber allowing Sup Granger to sign into the agreement for the bids.

Polled: Ayes: Granger, Barber, Vitagliano, Hurst
Noes: None Carried

Sup Granger signed the Notice of Award.

At 10:15AM a motion was made by Sup Granger, seconded by Coun Hurst to adjourn the meeting.

Polled: Ayes: Granger, Barber, Vitagliano, Hurst
Noes: None Carried