

SPECIAL MEETING
JULY 19, 2014

Board Members Present: Mayor David Hazelton
Trustee J. Dale Abram
Trustee Gary Planty
Trustee Dale Van Vlack Jr
Trustee Bryan Woleben

Also Present: Julie Planty, Deputy Clerk
Sam Drayo, Village Attorney

Mayor Hazelton opened the Special Meeting with a letter attached to appoint Julie Planty of Brocton, N.Y. to serve also as Deputy Village Treasurer at 8:32 A.M., with the pledge to the flag.

Resolution 64-14 was introduced:

RESOLUTION 64-14

APPOINTMENT OF JULIE PLANTY DEPUTY CLERK TREASURER

Upon motion of Trustee Gary Planty, seconded by Trustee Dale Van Vlack the following motion was unanimously adopted:

BE IT RESOLVED that Mayor's appointment of Julie Planty of 110 East Main Street, Brocton, N. Y. to serve also as Deputy Village Treasurer of the Village of Brocton is hereby approved effective immediately.

Resolution introduced by Trustee Gary Planty, second by Trustee Dale Van Vlack Jr, with vote as follows:

4 ayes 0 nays 0 absent

Dated: July 21, 2014

Sonia Luszczak

RESOLUTION 65-14

AUTHORIZATION OF JULIE PLANTY DEPUTY CLERK TREASURER SIGNATURE
ON FINANCIAL DOCUMENTS

BE IT FURTHER RESOLVED that Julie Planty as Deputy Village Clerk-Treasurer is hereby authorized to sign on behalf of the Village of Brocton the following:

- A. The Project Financing Agreement ("PFA") dated as of July 24, 2014 issued in connection with a NYSEFC Clean Water State Revolving Fund Project No. C9-6618-01-00, \$1,401,293 Statutory Installment Bond, certifications and any other papers in connection with the Village's financing of the Project described in Exhibit A of the PFA.
- B. All documents in connection with the \$380,000 Public Improvement Serial Bonds 2014 financing that is scheduled to close with Sage Ritty & Company, Inc. on July 24, 2014.
- C. All documents in connection with the \$2,540.00 Bond Anticipation Note, 2014 financing that is scheduled to close with Roosevelt & Cross Incorporated on July 24, 2014.

BE IT FURTHER RESOLVED this Board acknowledges the letter attached from Village Clerk-Treasurer Karen M. Ardillo dated July 19, 2014 pursuant to Section 160.10 of the Local Finance Law authorizing Deputy Village Treasurer, Julie Planty, to sign all the documents referred above.

Resolution introduced by Trustee ___Bryan Woleben, _second by Trustee _J. Dale Abram_, with vote as follows:

___4___ ayes ___0___ nays ___0___ absent

Dated: July 21, 2014

Sonia Luszczak

During the last regular meeting held on July 16, 2014 Resolution 63-14 was introduced and contained several clerical errors that have been corrected along with an incorrect dollar figure. This Resolution 63-14 has been ratified and corrected.

RESOLUTION 63-14

APPROVAL TO SIGN WATER CONTRACT WITH DOCCS

WHEREAS a proposed contract between the Village of Brocton ("Village") and New York State Department of Corrections and Community Services ("DOCCS") which

provides for use by the Lakeview Shock Incarceration Correctional Facility ("Lakeview Facility") of the proposed new improvements ("Project") to the Village Water Supply System ("WSS") has been reviewed by this Board, and

WHEREAS said proposed contract provides, among other things, that the Village will provide water service to the Lakeview Prison Facility and in consideration DOCCS will pay the Village for such services in a manner briefly described as follows:

- A. DOCCS will pay the Village 32% of the Project costs incurred by the Village, estimated to be \$6 million, which will be paid by DOCCS as follows:
 - a. 25% of DOCCS' share of the Estimated Project costs as set forth above or \$480,000 shall be paid as soon as possible after the approval of this contract by the State Comptroller.
 - b. 50% of DOCCS' share of the Project costs or \$960,000 shall be paid to the Village upon written certification by the Village consulting engineer that the Project is 50 completed.
 - c. 25% of DOCCS' share of the Project costs or \$480,000 shall be paid to the Village upon written certification that the Project is substantially completed.

The above payments shall be adjusted and increased as per Sections 5B in the event bids are higher than estimated and also increased per Section 5C6 for change orders, and

The proposed agreement also provides that the Village has the option to reduce the scope and cost of the Project as it determines in the best interest of the Village. For example, the Village may proceed only with the water supply improvements at an estimated cost of \$1,984,475 and the NYS Department of Corrections will pay 32% of the cost of the water supply improvements.

- B. DOCCS pay its fair share of the operation and maintenance costs of the WSS to the Village based upon charges set by the Village of Brocton according to a formula which uses the Lakeview Facility water consumption compared to total Village water consumption.

C. DOCCS will pay the Village a surcharge if it exceeds the amount of water authorized to be sold to the Lakeview Facility which is 3.3 million gallons a month, and

WHEREAS said proposed agreement also provides that the Village may, at its option, close its water plant due to the completion of a Regional Water District or other source of water is provided for the Brocton area and that the Lakeview Facility would then receive water from a source other than from the Brocton water plant, and

WHEREAS said agreement is for a 20 year period,

NOW, THEREFORE, BE IT RESOLVED that the proposed agreement is hereby approved and the Mayor is hereby authorized to sign said agreement on behalf of the Village of Brocton.

Resolution was introduced by Trustee __Bryan Woleben____, second by

Trustee _J. Dale Abram____ with vote as follows:

__4__ ayes ____ nays ____ absent

Date: July 19, 2014

Sonia Luszcak

The Oath of Office was given to Julie Planty by Samuel Drayo Jr. Village Attorney.

A motion to adjourn the meeting was made at 8:40 A.M. by Trustee J. Dale Abram and seconded by Bryan Woleben, vote was unanimous, motion carried.

Respectfully submitted from recorded minutes by,

Sonia Luszcak