

Minutes of the Special Meeting

NORTH CHAUTAUQUA COUNTY WATER DISTRICT BOARD

Monday, May 15, 2017, 2:15 p.m.

Portland Town Hall

87 West Main St., Brocton, NY 14716

Vice-Chairman Schrantz called the meeting to order at 2:15 p.m.

The roll was called and a quorum was present.

Members Present: Richard Frost, Richard Purol, Dave Hazelton, Dan Schrantz, Terry Niebel, Don Steger

Members Absent: Louis Delmonte, Brian Purol, Jay Warren

Others: Kathy Tampio, Nicole Gugino (Observer), Eric Wies (CPL), Paul Snyder (Chaut. County DPF/DOH), Peter Clark (Village of Brocton Attorney)

Resolution

- Approval of Inter-Municipal Agreement between the North Chautauqua County Water District and the Village of Brocton

Roll Call Vote: 6 yes, 3 absent (Warren, B. Purol, Delmonte)

Unanimously Adopted

Discussion

- Water Project Update – Eric Wies

MOVED to Adjourn by Dick Purol, SECONDED by Dan Schrantz

Unanimously Carried

The meeting ended at 2:44 p.m.

Respectfully Submitted,
Kathy Tampio, Recording Secretary – Clerk, Chautauqua County Legislature

NORTH CHAUTAUQUA COUNTY WATER DISTRICT
Resolution of May 15, 2017

TITLE: Approval of Inter-Municipal Agreement between the North Chautauqua County Water District and the Village of Brocton

WHEREAS, pursuant to Resolutions 39-16 and 81-16, the Chautauqua County Legislature established the North Chautauqua County Water District (the "District"), to comprise an area in Chautauqua County consisting of parts of the towns of Portland, Pomfret, Sheridan and Hanover and all of the town of Dunkirk, and authorized bonding in a maximum amount of \$11,750,000 for the cost of the initial capital improvements for the District; and

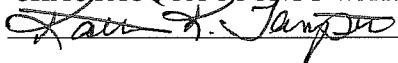
WHEREAS, the Village of Brocton (the "Village"), which will be one of the six (6) municipal purchasers of water from the District, has been offered a \$2,000,000 grant and a \$5,575,500 interest free loan from the New York State Environmental Facilities Corporation (NYSEFC) to pay for a portion of the proposed capital improvements for the District, to include the construction of a new 500,000 gallon water storage tank on the site of the Village water treatment plant, a new water booster pump station on the site of the Town of Portland water storage tank on NYS Route 5, and the installation of 10,000 linear feet of 8-inch PVC and 28,000 linear feet of 16-inch PVC along NYS Route 5 and Willow Road, along with valves, fire hydrants, and appurtenances (the "Capital Improvements"); and

WHEREAS, in order for the Village and the District to take advantage of the aforementioned NYSEFC grant and financing, it is necessary for the Village to own the Capital Improvements during the term of the NYSEFC loan, and enter into an inter-municipal agreement ("IMA") with the District for the use, operation, maintenance, and payment of the debt service on the loan; therefore be it

RESOLVED, that the Chairman of the District is hereby authorized to enter into an IMA with the Village relating to the Capital Improvements to be financed by the grant and interest free loan from NYSEFC, on substantially the following terms and conditions:

1. Use, Operation, and Maintenance. During the term of the IMA, the District shall have exclusive use of the Capital Improvements for District purposes, and be solely responsible for the operation and maintenance of the Capital Improvements.
2. Term. The term of the IMA shall extend to the end of the term of the loan between NYSEFC and the Village, being thirty (30) years after the date the Village closes on the long-term financing with NYSEFC.
3. Payment. The District will make an annual payment to the Village equal to the amount of the Village's NYSEFC debt service payment obligation.
4. State Reimbursement. In the event the Village receives partial reimbursement for the Capital Improvements from the New York State Department of Corrections and Community Supervision (DOCCS), the reimbursement funds shall be transferred to the District.
5. Transfer of Capital Improvements Upon Termination of IMA. After the last loan payment is made by the Village to NYSEFC, the ownership of the Capital Improvements will be transferred by the Village to the District.
6. Other. As negotiated by the Chairman of the District, subject to approval as to legal form by the County Attorney.

I, THE UNDERSIGNED CLERK OF THE CHAUTAUQUA COUNTY LEGISLATURE HEREBY CERTIFY THIS TO BE A TRUE AND COMPLETE COPY OF A RESOLUTION DULY ADOPTED BY THE NORTH CHAUTAUQUA COUNTY WATER DISTRICT ON May 15, 2017

 Clerk of the Legislature