

**Webster Town Board**

July 27, 2023

A workshop meeting of the Webster Town Board was called to order by Supervisor Flaherty at 6:30 p.m. at the Webster Town Board Meeting Room, 1002 Ridge Road, Webster, New York, with the following officials present:

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| Supervisor .....       | Thomas J. Flaherty  |
| Councilman .....       | William G. Abbott   |
| Councilman .....       | John J. Cahill      |
| Councilwoman .....     | Patricia T. Cataldi |
| Councilwoman .....     | Ginny L. Nguyen     |
| Town Attorney .....    | Charles J. Genese   |
| Deputy Town Clerk..... | Ann Marie Champagne |

Department Heads Present:

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| Deputy Commissioner of Public Works-Sewer ..... | Art Petrone |
| Finance Director .....                          | Paul Adams  |

Also in attendance:

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| Wastewater Treatment Plant Chief Operator ..... | Rick Kenealy |
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Supervisor Flaherty announced a Public Hearing to consider amending the Bond Resolution for the Water Pollution Control Facility Asset Renewal Project and Water Resource Recovery Facility Improvements.

Supervisor Flaherty: Before I put the gavel down to start the Public Hearing, I just felt that for the people watching at home live or if they watch this in the future on tape and certainly for the people in attendance tonight that a couple of things that might help. First, and Charlie [Town Attorney], I hope you will help me on this from a law standpoint, three weeks ago the Town Board did a Resolution to advertise this Public Hearing and per the Law it was in the *Webster Herald's* July 12th edition which that was fifteen days ago, no less than ten days no more than twenty days, to advertise legally such a thing. I also want to make sure anybody who plans on speaking tonight or at home who has read the published Public Hearing that initially three weeks ago we had it from \$44 million to \$90 million. Over the last three weeks through our Bond Counsel, Charlie [Town Attorney], through Municipal Solutions our Bond Consultant, we have reduced it down to \$81.5 million. Simply said, the items of the collection system, pump station Vosburg, and all the conveyance pipes and collection pipes were dropped out of this Project to keep it isolated down to the Sewer Plant and the treatment alone.

Now some rules of engagement on the Public Hearing. When I put the hammer down, we will open it and then the speakers will be able to take the podium in the order that they have signed in tonight. I really would hope that we have some acumen from a standpoint why the speaker is at the podium that anybody in attendance, there would not be any talking or when they are done any cheering or booing or any of that type of thing. Each speaker will be given a five-minute maximum up on the podium. I will give a thirty second warning that you are getting close to that five minutes. Once all the speakers that have signed in have been heard from, I will put the gavel down and close the Public Hearing. At that point the Board Members can talk about this

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potential Resolution, questions, answers but the public comment period at that time is closed. I really want to make sure people in attendance understand that. The two Resolutions that are potentially going to be voted on tonight, one is the 202-b Approval Resolution which in layman terms, Charlie [Town Attorney], I think is a Resolution that says that the increase is for the public improvement.

Town Attorney Genese: Yes, it is being done by the Town Board. The Town Board is doing it on its own motion; it is not doing it as a result of petition.

Supervisor Flaherty: The second one is actual amendatory bonding of the Project from its current \$44 million to \$81.5 million. Last but not least, we will get going. If we move on those two Resolutions tonight and are approved by the Town Board, which by Law has to be two thirds of the Board for this type of Resolution which when you have a Board of five, a super majority per se is a four to one or a five nothing vote. At that point, the CFA deadline for grant applications in New York this year with WIIA and some others was scheduled as July 28<sup>th</sup>. We have tried to communicate why the timing of this being Thursday July 27<sup>th</sup> there probably will never be a better time to get the attention of the various grant agencies in New York State than right now with what is going on in Webster. The plan is to apply for three grants; Water Quality Improvement (WQIP) for the maximum \$10 million, Empire State Development (ESD) which is for \$5 million and then the one that is most commensurate with sewer plants and the one that we got for Phase I a few years ago when we did the \$12 million Secondary Clarifier Asset Renewal Project is the WIIA Grant. The WIIA Grant is very interesting because back when it was awarded to the Town on Phase I, the \$12 million secondary clarifiers, the parameters of that grant were 25% of the Project with a maximum of \$5 million. A couple of years ago WIIA expanded it from being a twenty-five percent maximum but no cap at \$5 million. So, one of the things that if this is an \$81 million bonding proposal, the Project in essence is \$81 million, WIIA can consider us for the max of twenty-five percent at what is essentially \$20.5 million. One last thing on that, last September 9<sup>th</sup> was the deadline for last year's WIIA Grant application. We made that grant application. We were not awarded, and it did not really surprise us because it is the same thing that happened on Phase I. This is often you do not get the award at the first run because you got to get closer and closer to shovel ready and groundbreaking. A little premature but you got to get in line for those things. When we applied last September 9<sup>th</sup>, we had eleven letters of support from various local politicians, and I will say muckety-mucks. Right now, as we get ready for tomorrow's deadline, we are at about forty-seven letters of support. Now some of those letters of support for this Project are coming from Senator Schumer's office, hopefully Senator Gillibrand's office, Congressman Morelle's office, Adam Bello, some people that we would not have even approached last year for letters of support because the Project last year did not have the aspects that are going on in Webster right now where those people of those high categories would make letters of support. So, I think that is very important to also note. Last but not least, if these two Resolutions pass tonight, I think both, Charlie [Town Attorney], are subject to permissive referendum. Without getting into too much detail, the way our government works, we are a representative republic; the citizens vote for their leadership; they voted for us; we make five Town Board member vote on things like this. This is a great country. There is a lever per se for the citizens to rise up and say, you know what we do not like that vote. So, they can go out and get approximately twelve hundred signatures of Webster residents who are registered voters within thirty days to essentially say we disagree with that Town Board's decision. We would like it to go to a Town-wide vote and that is always something that citizens

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[inaudible] for now. They do not happen too often I guess, and really the parameters around we are better to be vetted through the Board of Elections. I said twelve hundred signatures, I think it is an equation based on the last gubernatorial election and all that stuff. So, that and I apologize is a very long preface but I'm hoping that for people watching at home, people watching the tape, people in the audience tonight, it may affect what they were or were not going to say at the Public Hearing.

At 6:39 p.m. Supervisor Flaherty opened the Public Hearing.

Greg Chambery: Good evening, ladies and gentlemen. Thanks for the opportunity to comment on the Town Sewer Plant situation. I own and operate Maplewood Nursing Home located here in Webster. I have served for a number of years as advisor to the Board of Webster Economic Development Alliance. I have also had some appreciation and understanding for the Sewer Plant situation having served on both former committees that looked at the factors involved in the possibility of combining the Town and Village Sewer Plants. There have been a variety of articles and opinion pieces written about this topic. I believe they have been and can be much more effective in describing some of the technical aspects of this decision than I can so, I will stay away from that. As we all know this is a very unusual situation. Most towns a long time ago connected to Pure Waters and got rid of their sewage treatment plants. By doing so they not only got rid of the headache of owning and running a plant but also paved the way for avoiding a community growth capacity limitation due to the sewer. I sympathize with our situation in the unenviable decision we now face, nonetheless a decision is at hand. Webster will be making the choice between severely limiting its ability to grow the commercial and residential tax base or accepting a much higher bonding amount to support capacity and anticipated additional revenue to offset increasing tax bills. In my mind this is not a hard decision. We must take the risk and move ahead with bonding the increased amount. Although none of our doing, like it or not Webster is in the sewage treatment business. The simple fact is that being in the sewer business requires a capacity that is scaled to existing and future needs of a given community. If we have limited or no capacity, we no longer have community growth opportunities to sell. It not only affects the actual revenue stream that will come from the Sewer Plant but also affects the ability to obtain revenue from community growth. Limited sewer capacity means that Webster will not be able to consider a large slice of industrial and commercial growth moving forward. In the worst case, it will affect future residential growth as well. Some look at this situation exclusively as being about the Coca-Cola Company coming to Town and needing this capacity. It is true that if we vote this expansion down, we lose the fairlife® Project. Beyond this current Project that has brought the issue to a head there is a lot more at stake here than just the fairlife® Coca-Cola Project. This latest Project will be the first of many opportunities and challenges ahead as we deal with potential new uses at the Xerox property and other situations. In conclusion, I am in favor of upgrading the Webster Sewer Plant capacity. It is said that perfection is the enemy of success. We will never have all the payback data and information that will make everyone comfortable. There will always be risk and uncertainty in any business venture including this one. It is the nature of the beast. I recommend this path for the sake of this pending fairlife® Project, and more importantly to give the opportunity for our community to be able to entertain future commercial and residential offsets. Payback of any bonding that would be shouldered strictly by the existing commercial and residential taxpayers creates a static pool of payers and thus an ever-increasing hardship for them. I think it is important to make the right choice here and leave the door open for the future of Webster. Thank you.

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Matt Chatfield, Webster Village Resident: Thank you for the opportunity. I am also the Executive Director of the Webster's Economic Development Alliance. I have had the benefit over the past several years of being educated on the proposed Sewer Treatment Facility and the proposed Project and the improvements that are going to be made. It has been contemplated for several years and based upon all the information that I have that has been relayed to me the improvements are much needed. My perspective is that this Project will not only improve the performance of the Plant but will also improve the Plant's ability to support and serve commercial, industrial and agricultural businesses both within and outside of the Town. The benefit to that is, by serving businesses outside of the Town it brings/generates additional revenue to help support and offset some of that debt service. These improvements will make our Webster Facility unique within our region and not only a great benefit to our citizens but a true economic development asset to our community. In particular, the future plan's ability to accept and treat biosolids will also create a beneficial fertilizer product that will generate revenue and support our agricultural community. Lastly, the proposed Project and its anticipated benefits have already borne fruit with the selection of Webster by Coca-Cola as a future location of its newest fairlife® Dairy Production Facility. It was because of the proposed improvements that are a part of this facility that Webster was selected. We are basically selected to be host of this generational investment of \$650 million. It is my opinion that the Town must approve the bonding associated with this Project to ensure that our community has the infrastructure available to support future growth and continued prosperity in Webster. Thank you.

Dave Wohrab, Webster Resident: Before I start let me say that I am in favor of the fairlife® Coke Project. I have nothing against them, but I have some concerns. The first concern is the amount of the bond, \$81.5 million, to be borne by the taxpayers of the Town of Webster that are on the Townwide Sewer District. The Village does not pay for any of this. I understand the Sewer Plant needed upgrades. We started out with a bond for \$33 million that was revised upwards to \$44 million and now the Board is asking for \$81.5 million, another increase of \$37.5 million; \$14 million of which is due to the increase in capacity to support the fairlife® Project. Through past correspondence with the Supervisor, I understand that fairlife® has agreed in principle to cover this \$14 million. Does the Town have anything in writing at this point, any contract signed, any agreements in place to pay this \$14 million? How will fairlife® pay for this \$14 million? Will they pay before the bond is taken out, thereby reducing the cost of the bond? If I subtract the \$14 million from \$81.5 million the result is \$67.5 million which is \$23.5 million higher than the first provision and \$34.5 million higher than the original Bond Resolution, more than two times that of the original Bond Resolution. How do you explain the second increase of \$23.5 million that is not due to the fairlife® Project? I want to know where is this \$23.5 million going? My second concern is how the Board plans to pay for the bond. Absent to fairlife® Project the cost to every taxpayer on Webster Sewer System would be well over an additional \$300 a year on top of the present O&M that is approximately \$232 a year. The Supervisor in one of his columns stated that with the fairlife® Project, increase could be held to \$70 a year for the next twenty years or so bringing the total cost to taxpayers to around \$300 a year. He is combining the O&M, which covers operating costs, labor, maintenance, chemicals and other incidentals with the capital portion of the bill; capital being used to pay for equipment upgrades, new equipment, etcetera. So, how is this possible? Two primary ways; first to reduction in operating costs, all well and good, efficiencies in energy and second, the elimination of landfill costs associated with trucking, saving trucking costs and landfill costs by selling dried sewage as fertilizer. That portion of the technology is or was somewhere around \$11 million in the first

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bond issue. The revenue from the discharge from the fairlife® Project that should properly go towards O&M and not capital. This is the revenue that is gained from the discharge to the Sewer System based on the water intake into the Plant. I believe these are dangerous assumptions that could place taxpayers approximately 16,000 of us on the hook for up to \$67.5 million assuming fairlife® picks up the remainder of the \$81.5 million. What if the flow used to calculate sewer charges for fairlife® does not materialize. I understand they will have a pretreatment system, what is to say that in the future a portion of that pretreatment will allow reuse of water or efficiency in the process reduces the demand for water. After some research on the internet, I found several articles discussing the contaminants that are found in sewage PFOS and PFOAs. They are the most concerning because they are showing up in dried sewage sold as commercial fertilizers. Should we be contaminating our farmland and home gardens with these dangerous and forever chemicals. These chemicals have been banned in the United States, but they are imported from other countries.

Bill Clicquennoi, Webster Resident: My background here is as a school principal in Greece for thirty years and to be part of a discussion like you folks are having about whether you build a school or not. I was there during the time of rapid growth in the community, and these are the kinds of decisions that were part of our future look that what it was that we were going to have to provide. The details that have been shared and when I looked at the *Webster Herald* and read what was written this last week. Unfortunately, there have been other editorials that are pretty damning to the community and don't help residents at all. There are several concepts that I think are most important and one of them is making sure that we are not shortsighted. Whenever we are going to grow, the only way we can grow is to put something in place as a foundation for growth to occur. Webster is growing, it will continue to grow. There will be other industries, manufacturing plants, etcetera. We have lots of land and there is no question that those lands will be used by industries in the future that will probably draw on the system that may have a little bit of a margin of surplus from the bond that is proposed. I am in favor of the bond. I am in favor of your vote to approve. fairlife® is really secondary to the issue because I went on the tour of the Plant. I do not know how many of you have but it is patched together. Other than the fact that I could not breathe for three days but it is patched together. I cannot imagine how the team there is able to manage with how things are placed, the inefficiency of the Project as it currently exists, and the efficiency aspect alone is definitely required. The revenue that will come in and the last gentleman spoke about fertilizer and all, there are ways around all of that. There is no reason to get into that here but there are income streams and taxes and all of the other benefits that come from valuing an industry in our area. We have done it with others, we can do it with fairlife® and more importantly we can do it for the residents of the community who require good service and good equipment to keep that service operating at full steam. Thank you.

Laurie Reynolds: I am the Chair of Webster Citizen Action League, also known as WCAL. I am representing them tonight. Our organization was formed ten years ago to be the eyes and ears advocating for Webster residents. We do this by attending all local government meetings and videotaping them and making them available to Webster residents on our Facebook page and website. We favor open transparent government and have tried to keep our local leaders accountable to the people they serve. We know that with all the monies that are being bonded in the Town at this time, current taxpayers and future taxpayers of Webster will bear the burden. Because of this, their voices should be heard. Our Town government needs to be very open

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about how the massive fairlife® Project will benefit Webster. In other words, how will this improve life for us here in Webster? We need much more transparency from our leaders and how this Project will affect us. With all the risk Webster is taking, what will be the cost and the benefits to Webster residents? I am talking about all the monies you know you have been allowing to go out for this and that, and this and that, you know what I am talking about. You know all the different projects that are going on. You are considering the Hamlet West Webster, where is the money going to come from? As residents, the people you are serving. As always residents are free to check out our Facebook page and see what Webster Citizen Action League is all about. Please email us, which you will find on our Facebook page, if you would like to join our effort and keep Webster where life is worth living. Thank you.

Supervisor Flaherty closed the Public Hearing at 7:00 p.m.

Councilman Abbott: I have done a lot of research on the Project. Our Sewage Treatment Plant is sixty some years old at this point. It is beyond repair in a lot of places. We needed Phase I, we need Phase II. You have to look at the future. Where are we going to be ten or twenty years from now? Do we have to do another addition? Let us try to get everything accomplished we can now, and plan for the future in that process.

Councilwoman Cataldi: As Liaison to the Sewer Department, I certainly know the challenges that they have faced in the past few years, and we all saw photos and video of the challenges that they face just today. As Councilman Abbott said we are beyond the point where we can really replace and repair. It is so old that we cannot get parts for it anymore. I really appreciate the speakers tonight and talking about the future of Webster because that is really what we are looking at. We are looking at an investment in our Town. I think that it is a very important Project. I won't shy away from the fact that we have all on this Board lost a little sleep on a night or two when we have looked at some of these numbers. Believe me, we understand the gravity of this but as I said, I do think that it is important, and we are making a good investment here.

Councilwoman Nguyen: I understand that this is a colossal project and is an investment for everyone. I had an opportunity to meet on a zoom meeting with Ana Liss. This may be a little bit outside of the scope, but I just want to say about COMIDA, Jeff and Scott from Harris Beach and they explained all the answers. We do not make a decision slightly, we do a lot of research so that we can get the best solution and terms for our community, for our constituents. This Project will put Webster back on the map and open the door for future economic and industrial development. It will be a win-win situation for everyone. We are trying to be transparent as much as we can. If you have any questions we are here, so, please come and ask. I know that Supervisor Flaherty would have most of the answers.

Councilwoman Cataldi: But we are transparent enough to tell people when we do not have the answers.

Councilman Cahill: You are right and that is paramount. There is not a doubt in anyone's mind on this Board that upgrades to the Sewer Treatment Plant are badly needed. I was out there today, the ingenuity of the team out there to repair things is incredible. They have old parts that break, and they keep part of the old parts. That is a situation that this Sewage Treatment Plant is in and that they deal with on a weekly basis, So, kudos to your team Art and what you have had to deal with for years now. With respect to the Phase II upgrades, absolutely needed. I work in

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construction, so I see the price escalation in the last two years. It is incredible. We bid a job two years ago we are still not done with. We did a material cost analysis, some of these materials have doubled in cost, so I see that end of it. Then fairlife® comes in and we go from \$40 million to \$81 million, and people are right to be concerned. How are we going to pay for this, how involved is fairlife® going to be in this. I have had these questions. I have sat with the Supervisor, with the Director of Finance just two days ago to talk about these things and there is so many moving parts right now, but we are at the stage where we need to bond this money which does not mean we have to spend it, but we need to do this to apply for our grants. I am completely in favor of doing these bonds because we need to do the repairs and upgrades and expansion of the Sewage Treatment Plant. This literally happened. I was up there today, and Art was showing me the auger area that they replaced and repaired the auger. The auger goes through a pipe like this, and the underneath of the pipe was literally a piece of gum holding it from leaking. I am not kidding, that is the condition that they have been dealing with for years because in my mind strategic planning was not done twenty years ago and ten years ago. You cannot run a Sewage Treatment Plant with so many moving parts and have the knowledge of the life of a pump or auger and not put money aside because if you do not, you are in a situation that we are in right now.

Supervisor Flaherty: I appreciate everybody that spoke tonight, especially the people that have questions and concerns. I would say three things really quick. One, I want to make sure everybody understands the last three big projects in Town that had Bonding Resolutions. Back in 2017 Phase I of the asset renewal of the Sewer Plant got bonded for \$12 million. To John's point, that does not mean you are going to go into debt for \$12 million because we got a \$3 million WIIA Grant. So, I think we did not end up going into that for \$9 million the way it all worked with the reserves and all that, came in under budget and came in on time. Then about a year or two ago, we did the \$9.5 million bonding of Sandbar Park. I had a lesson taught to me about Municipal Law. Why are we bonding for \$9.5 million when we already got \$5 million in grants. We know we are not going to spend \$9.5 million, and I was taught that is the way the system works. You have to bond it to the estimated total cost of the project, doesn't matter what kind of funding you have already in the bank in grants. Last but not least, it was in the paper today or yesterday was that back in February of this year just five months ago, there was a lot of you know hand wringing and whatever, but I cannot believe this Board that we are going get \$28 million for bonding the new Highway Garage. We said at that point, that does not mean we are going to go into debt for \$28 million. Here we are five months out and the Project's actual contracts and what we are going to accept next week, we are \$5.5 million better than that \$28 million. We are already starting from that point. So, we have a track record of these Bonding Resolutions, which are part of Municipal Law, to move things along and show that we as a Town Board have skin in the game and show the world that we are serious about moving this Project along. I think the Town has done a very good job of managing those projects and maximizing grants. I am going to say it again, I just told you earlier, we are applying for \$35 million in grants on this Project and we will never ever be in a position to have this much attention from the State to award us the maximum. I will make the other two things very quick. I realize my sin is verbosity. The only person that said something tonight that hurt me was Laurie Reynolds. Transparency, transparency, well I really pride myself on over communicating to the community, trying to find ways to communicate, being transparent. So, I did a little research today, well the last couple days, I took the last one hundred *Webster Herald*s; since June of 2021 when the Village Board, where Laurie lives in the Village, decided to not regionalize with the Town Sewer

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Plant. Since the Village decided to go their separate way, which is their prerogative, there has been one Village Board Agenda that has been published in the *Webster Herald* that has addressed what they are doing on their Sewer Plant. There were sixty-one out of one hundred of our Board Agendas and Workshops dedicated to this, to the Sewer Plant, not fairlife®, to the Sewer Plant. I do not know how much more transparent we could be. I do not know how much more robust you can be than that because today Dave Wohlrab's point, and we can have fun with numbers all day long, how did we get from \$31 million, which by the way it was \$31 million when Barton & Loguidice stood up there two years ago on a PER [Preliminary Engineering Report] and they told us at that time in more words or less, your asset renewal, just fixing the assets, no revenue; a cost of \$31 million. We said "wow that is a problem". We looked into energy performance contracts and all of a sudden, well if we get that technology that can help pay for itself and kick off cash flow to cover some of the asset renewal. Now as John said that the moving target the last two years has been inflation, this and that, and where did we end up at, we ended up with \$38 million asset renewal up from the \$31 million, \$29 million is technology and has nothing to do with fairlife®. We have talked about that technology ad nauseam sixty-one out of one hundred meetings. We have proven and shown all of the revenues and the guarantees that energy performance does. You want to do the \$38 million asset renewal and take the gum off the auger, we can do that; your EDU is going to be \$500 no doubt, O&M and capital however you want to slice and dice it. Now we do the technology and then serendipitously but I do believe luck is the residue of design, I think Coke picked us because thankfully we had the foresight two years ago to take a look at energy performance contracts, to take a look at that technology that could help us offset costs, build revenue, take us out of the risk of landfills that might be five states away that our sludge hauling at a \$500,000 a year right now might go to \$3 million. Thankfully we had the foresight to look at that and research it and be the doubting Thomases and put our fingers in sixty-one out of hundred meetings. Because of that, when Coca-Cola fairlife® came along and was picking forty different sites from Indiana and Pennsylvania, they looked and said, and I don't know if you know this or not, but a dairy product really looks at sewer and they said well wait a minute, you guys are down the road on this technology thing and we would be two miles away from that. If there is one hundred reasons why Coke picked us and we have to do a regression equation to weigh what was one of the biggest reasons they picked us, no doubt it is the sewer and not because we fixed the secondary clarifiers for \$12 million and not because of \$38 million of asset renewal, that is not going to do it for them. So yes, they come along two and a half months ago and say that and we got to run back and say, hey what do we do, do we just go with the asset renewal of \$38 million and the \$29 million of technology which ad nauseam we have shown everybody under the sun transparency if they have been paying attention. We decided to take a look at how we could do it. It is \$14 million to go from 5 million gallons a day to 7 million. Dave to your question, no we do not have something in writing that irrefutably says they are paying the \$14 million because Charlie [Town Attorney] and our Bond Counsel at Harris Beach and their Counsel at Coca-Cola, Barclay Damon, are trying to paper this up so that it is a legal document where we can get that money because we cannot just give them municipal bonds because that is illegal. You cannot give a private company your municipal bonds.

Dave Wohlrab: [Inaudible]



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Supervisor Flaherty: Dave you do not get to talk. You know what, if people watch this and say it is rude, you are done. So, we have vetted this and from that standpoint I asked you about acumen.

So here we are at \$38 million asset renewal, \$29 million technology and \$14 million to upsize, to have Coca-Cola. Here we are in an opportunity with almost fifty letters of support, which heretofore we would get ten, and in the position possibly to get the most grants we will ever be in a position to. I say that all because it is kind of a no brainer because once we do this there is no guarantee that Coca-Cola fairlife® ever comes to Town because there is a lot of things that could happen after this that have nothing to do with this Town Board that could squirrel that deal and I assure you if it does, then we will back off on the \$14 million because they are not coming to Town. I mean based on the construction time frame and all that, we are not bound to this \$81 million with Coca Cola. I mean we want to put ourselves in a position to keep the process going with them. I apologize, I probably over spoke it. I chased Dave Wohlrab out of the room. One thing he didn't get a chance to tell you is the guy emails me three times a week and you know what I do three times a week, I answer him. I share it with the Board. He has said he has never had a Supervisor that is as responsive to his questions. I just told him out there, Dave you are a godsend to me because you ask good questions, and you give me the opportunity to give good answers as best I can. Then I can share it with the Board saying, hey if Dave Wohlrab is asking these questions maybe constituents are going to talk to you at the doorstep about these, here is the Q&A for you.

Councilwoman Cataldi: I also just want to add because I think to those who are watching or may have tuned in after you explained how this Public Hearing would go, that perhaps you did look rude to Dave but the fact is that a Public Hearing you have an opportunity to speak and once the Public Hearing is closed, there is not an opportunity for the people who are in attendance to speak anymore. So that is really where that was from.

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The Town Board considered the following two (2) Resolutions:

**Resolution No. 263:** MOTION by Supervisor Flaherty, seconded by Councilman Cahill, to determine that it is in the public interest to undertake certain improvements to the Town of Webster Consolidated Sewer District.

WHEREAS, by Resolution No. 259 of 2021 adopted on September 16, 2021, the Town Board of the Town of Webster, Monroe County, New York (the "Town"), adopted an order determining that it was in the Town's public interest to authorize certain improvements to the Town of Webster Consolidated Sewer District that encompasses the Town of Webster (the "Town") exclusive of the Village of Webster (the "District"), such improvements consisting of the Water Pollution Control Facility Asset Renewal Project and Water Resource Recovery Facility Improvements, as set forth and described in a certain engineering report as prepared by Barton & Loguidice (the "Engineer"), dated July 2021, and on file in the office of the Town Clerk (the "Project"), at an estimated maximum cost of \$30,998,000, all in accordance with Section 202-b of the Town Law; and

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WHEREAS, prior thereto, by Resolution No. 249 of 2021 adopted on September 2, 2021, the Town Board determined pursuant to the State Environmental Quality Review Act and the regulations of the Department of Environmental Conservation promulgated thereunder (6 NYCRR Part 617.5(c)) (collectively, “SEQRA”), that the Project constitutes a “Type I” action under the New York State Environmental Quality Review Act and the regulations promulgated thereunder (6 NYCRR Part 617.5(c)) (collectively, “SEQRA”) and based on its coordinated review determined that the Project will result in no significant impacts and, therefore, (a) the action is not one which “may include the potential for at least one significant adverse environmental impact”, (b) “there will be no significant adverse environmental impacts”, (c) no “environmental impact statement” need be prepared, as such quoted terms are defined in SEQRA, and (d) such determination constitutes a negative declaration for purposes of SEQRA; and

WHEREAS, by Resolution dated September 16, 2021, the Town Board adopted a bond resolution authorizing the issuance of up to \$30,998,000 in serial bonds of the Town to finance the Project (the “Original Bond Resolution”); and

WHEREAS, in 2022 the Engineer informed the Town that due to a significant rise in the costs of materials and labor, the estimated maximum cost of the Project shall need to be increased by \$13,342,000 to a total of \$44,340,000, all as is more particularly described in a certain report prepared by the Engineer entitled “Basis of Design Report – Walter W. Bradley Water Pollution Control Facility Improvements Project – Phase 2”, dated July 2022, said report being on file and available for review at the Town Clerk’s Office; and

WHEREAS, by Resolution No. 263 of 2022 adopted on September 8, 2022, immediately following a public hearing, the Town Board adopted an order determining that it was in the Town’s public interest to undertake the Project at the increased maximum cost of \$44,340,000; and

WHEREAS, by Resolution No. 264 of 2022, its Amendatory Bond Resolution adopted on September 8, 2022 (the “2022 Amending Bond Resolution”), the Town Board amended and restated the Original Bond Resolution in its entirety so as to (i) increase the maximum estimated cost of the Project from \$30,998,000 to \$44,340,000; (ii) appropriate said increased amount; (iii) increase the amount of bonds authorized thereunder to finance the cost of the Project from \$30,998,000 to \$44,340,000; and (iv) restated the plan of finance set forth therein; and

WHEREAS, since adoption of the 2022 Amending Resolution, there have been some additional revisions to the Project and, along with a significant rise in the costs of materials and labor, the estimated maximum cost of the Project shall need to be increased by \$37,160,000 to a total of \$81,500,000, all as is more particularly described in a certain report prepared by Engineer entitled “Preliminary Engineering Report Addendum #2 – Webster Water Resource Recovery Facility Improvements Project”, dated June 2023, said report being on file and available for review at the Town Clerk’s Office; and

**Webster Town Board**

WHEREAS, by Resolution No. 253 of 2023, adopted on July 20, 2023, the Town Board adopted a SEQRA resolution in connection with such additional revisions to the Project and determined that the Project, as revised, constitutes a “Type I” action under SEQRA, and based on its coordinated review determined that the Project, as revised, will result in no significant impacts and, therefore, (a) the action is not one which “may include the potential for at least one significant adverse environmental impact”, (b) “there will be no significant adverse environmental impacts”, (c) no “environmental impact statement” need be prepared, as such quoted terms are defined in SEQRA, and (d) such determination constitutes a negative declaration for purposes of SEQRA; and

WHEREAS, by Resolution No. 241 of 2023 adopted on July 6, 2023, a public hearing was called be held on July 27, 2023 at 6:30 p.m. at the Town of Webster Town Board Meeting Room, 1002 Ridge Road, Webster, New York 14580, to consider whether it was in the public interest to increase the estimated maximum cost of the Project by \$37,160,000 to a total of \$81,500,000, and to hear all persons interested in the subject matter thereof; and

WHEREAS, notice of said public hearing certified by the Town Clerk was duly published and posted as required by law, to wit: a duly certified copy thereof was published in the *Webster Herald*, the official newspaper of the Town, on July 12, 2023 and a copy of such notice was posted on July 12, 2023 on the signboard maintained by the Town Clerk, and on the Town’s website, pursuant to Town Law Section 30(6); and

WHEREAS, said public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; and

**NOW THEREFORE, THE TOWN BOARD OF THE TOWN OF WEBSTER, MONROE COUNTY, NEW YORK HEREBY RESOLVES, AS FOLLOWS:**

SECTION 1. Based in part upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to undertake the Project as hereinabove described at the estimated maximum cost of \$81,500,000. The Town is hereby authorized to undertake the Project at such estimated maximum cost.

SECTION 2. The Town Clerk is hereby authorized and directed to cause a certified copy of this resolution to be duly recorded in the Office of the County Clerk, County of Monroe, New York within ten (10) days after the adoption hereof, in accordance with Section 195 of the Town Law.

SECTION 3. This resolution shall take effect immediately.

Vote on motion:

|                           |     |                            |     |
|---------------------------|-----|----------------------------|-----|
| Supervisor Flaherty ..... | Aye | Councilman Abbott .....    | Aye |
| Councilman Cahill .....   | Aye | Councilwoman Cataldi ..... | Aye |
| Councilwoman Nguyen ..... | Aye | Motion carried .....       | 5-0 |

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**Resolution No. 264:** MOTION by Councilwoman Cataldi, seconded by Councilman Cahill, to amend and restate the Bond Resolution dated September 16, 2021 as previously amended by a Resolution dated September 8, 2022 relating to the authorization of the issuance of up to \$81,500,000 in Serial Bonds of the Town to undertake certain improvements to the Town of Webster Consolidated Sewer District.

## Webster Town Board

WHEREAS, by Resolution No. 259 of 2021 adopted on September 16, 2021, the Town Board of the Town of Webster, Monroe County, New York (the “Town”), adopted an order determining that it was in the Town’s public interest to authorize certain improvements to the Town of Webster Consolidated Sewer District that encompasses the Town of Webster (the “Town”) exclusive of the Village of Webster (the “District”), such improvements consisting of the Water Pollution Control Facility Asset Renewal Project and Water Resource Recovery Facility Improvements, as set forth and described in a certain engineering report as prepared by Barton & Loguidice (the “Engineer”), dated July 2021, and on file in the Office of the Town Clerk (the “Project”), at an estimated maximum cost of \$30,998,000, all in accordance with Section 202-b of the Town Law; and

WHEREAS, prior thereto, by Resolution No. 249 of 2021 adopted on September 2, 2021, the Town Board determined pursuant to the State Environmental Quality Review Act and the regulations of the Department of Environmental Conservation promulgated thereunder (6 NYCRR Part 617.5(c)) (collectively, “SEQRA”), that the Project constitutes a “Type I” action under SEQRA, and based on its coordinated review determined that the Project will result in no significant impacts and, therefore, (a) the action is not one which “may include the potential for at least one significant adverse environmental impact”, (b) “there will be no significant adverse environmental impacts”, (c) no “environmental impact statement” need be prepared, as such quoted terms are defined in SEQRA, and (d) such determination constitutes a negative declaration for purposes of SEQRA; and

WHEREAS, on September 16, 2021, at a regular meeting of the Town Board held on such date, the Town Board adopted a bond resolution authorizing the issuance of \$30,998,000 in serial bonds of the Town to finance the cost of the Project with a maximum cost not to exceed \$30,998,000 (the “Original Bond Resolution”); and

WHEREAS, in 2022 the Engineer informed the Town that due to a significant rise in the costs of materials and labor, the estimated maximum cost of the Project shall need to be increased, along with the amount of any serial bonds authorized to be issued in connection therewith, by \$13,342,000 to a total of \$44,340,000, all as is more particularly described in a certain report prepared by Engineer entitled “Basis of Design Report – Walter W. Bradley Water Pollution Control Facility Improvements Project – Phase 2”, dated July 2022, said report being on file and available for review at the Town Clerk’s Office; and

WHEREAS, by Resolution No. 263 of 2022 adopted on September 8, 2022, immediately following a public hearing, the Town Board adopted an order determining that it was in the Town’s public interest to undertake the Project at the increased maximum cost of \$44,340,000; and

WHEREAS, by Resolution No. 264 of 2022, its Amending Bond Resolution adopted on September 8, 2022 (the “2022 Amending Bond Resolution”), the Town Board amended and restated the Original Bond Resolution in its entirety so as to (i) increase the maximum estimated cost of the Project from \$30,998,000 to \$44,340,000; (ii) appropriate said increased amount; (iii) increase the amount of bonds authorized thereunder to finance the cost of the Project from \$30,998,000 to \$44,340,000; and (iv) restated the plan of finance set forth therein; and

## Webster Town Board

WHEREAS, since adoption of the 2022 Amending Resolution, there have been some additional revisions to the Project and, along with a significant rise in the costs of materials and labor, the estimated maximum cost of the Project shall need to be increased by \$37,160,000 to a total of \$81,500,000, all as is more particularly described in a certain report prepared by Engineer entitled “Preliminary Engineering Report Addendum #2 – Webster Water Resource Recovery Facility Improvements Project”, dated June 2023, said report being on file and available for review at the Town Clerk’s Office; and

WHEREAS, by Resolution No. 253 of 2023, adopted on July 20, 2023, the Town Board adopted a SEQR resolution in connection with such additional revisions to the Project and determined that the Project, as revised, constitutes a “Type I” action under SEQRA, and based on its coordinated review determined that the Project, as revised, will result in no significant impacts and, therefore, (a) the action is not one which “may include the potential for at least one significant adverse environmental impact”, (b) “there will be no significant adverse environmental impacts”, (c) no “environmental impact statement” need be prepared, as such quoted terms are defined in SEQRA, and (d) such determination constitutes a negative declaration for purposes of SEQRA; and

WHEREAS, on July 27, 2023, immediately following a duly called public hearing held on July 27, 2023, the Town adopted an order which determined that it was in the Town’s public interest to undertake the Project at a maximum cost of \$81,500,000; and

WHEREAS, the Town Board of the Town now wishes to amend and restate (in its entirety) the Original Bond Resolution as amended by the 2022 Amending Resolution, for the reasons identified above, and to make other modifications to the Original Bond Resolution, as may be consistent with law; and

**NOW THEREFORE, THE TOWN BOARD OF THE TOWN OF WEBSTER, MONROE COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), TO AMEND AND RESTATE THE ORIGINAL BOND RESOLUTION, IN ITS ENTIRETY TO READ AS FOLLOWS:**

**BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WEBSTER, MONROE COUNTY, NEW YORK (THE “TOWN”), AUTHORIZING THE ISSUANCE OF UP TO \$81,500,000 IN SERIAL BONDS OF THE TOWN TO FINANCE CERTAIN IMPROVEMENTS TO THE TOWN OF WEBSTER CONSOLIDATED SEWER DISTRICT CONSISTING OF THE WATER POLLUTION CONTROL FACILITY ASSET RENEWAL PROJECT AND WATER RESOURCE RECOVERY FACILITY IMPROVEMENTS**

**THE TOWN BOARD OF THE TOWN OF WEBSTER, MONROE COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:**

SECTION 1. The Town is hereby authorized to issue up to \$81,500,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law of the State of New York, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the “Law”) to finance the Project, as hereinabove described.

## Webster Town Board

SECTION 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$81,500,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$81,500,000 in serial bonds of the Town authorized to be issued pursuant to Section 1 of this resolution, or bond anticipation notes issued in anticipation of such serial bonds, (ii) the application of any grant monies received by the Town from the United States of America or the State of New York with respect to the Project, and (iii) the assessment, levy and collection of assessments upon the benefited properties within the District; and, to the extent necessary, the levy and collection of taxes on all taxable real property of the Town to pay the principal of such bonds or notes and the interest thereon as the same become due and payable.

SECTION 3. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is forty (40) years, pursuant to subdivision 4 of paragraph a. of Section 11.00 of the Law.

SECTION 4. The final maturity of the bonds herein authorized to be issued pursuant to Section 1 of this resolution shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued.

SECTION 5. 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 Law, for the capital purposes described in this resolution. The Town shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by Section 1 of this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 6. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 7. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00 and Sections 62.10 and 63.00 of the Law, the powers and duties of the Town Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters relating thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby

## Webster Town Board

delegated to the Supervisor of the Town, the chief fiscal officer of the Town (the “Supervisor”). Further, in connection with bonds and bond anticipation notes issued under the authority of Section 1 hereof, the power to contract with and sell bonds and bond anticipation notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Law and to approve the terms, form and content of such bonds and bond anticipation notes, consistent with the provisions of the Law, is hereby delegated to the Town Supervisor. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for the object or purpose authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other resolutions of this Town Board, then the power of the Town Board to determine the “weighted average period of probable usefulness” (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Supervisor, as the chief fiscal officer of the Town.

SECTION 8. The Town Supervisor is hereby further authorized, at his sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation 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 serial bond, and, or a bond anticipation note issue in the event of the sale of same to the New York State Environmental Facilities Corporation.

SECTION 9. The Supervisor of the Town is hereby 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 to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as “qualified tax-exempt obligations” in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Supervisor is further authorized to enter into continuing disclosure undertakings with or for the benefit of the initial purchaser of the bonds or notes 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 intent of this resolution is to give the Supervisor sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to affect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this Town Board.

SECTION 12. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

**Webster Town Board**

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

SECTION 13. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published in full, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the Town for such purpose.

Vote on motion:

|                           |     |                            |     |
|---------------------------|-----|----------------------------|-----|
| Supervisor Flaherty ..... | Aye | Councilman Abbott .....    | Aye |
| Councilman Cahill .....   | Aye | Councilwoman Cataldi ..... | Aye |
| Councilwoman Nguyen ..... | Aye | Motion carried .....       | 5-0 |

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There being no further business to come before the Board, the meeting was adjourned at 7:28 p.m.

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Ann Marie Champagne, Deputy Town Clerk