

**BOARD OF TRUSTEES
OF THE VILLAGE OF FREDONIA
SPECIAL MEETING
9-11 Church Street
Fredonia, NY 14063
September 10, 2025
6 P.M.**

A. CALL TO ORDER-MAYOR FERGUSON

I call this meeting to order on Wednesday September 10, 2025 at PM

Roll Call of the Trustees:

B. PLEDGE OF ALLEGIANCE-

C. APPROVAL OF MINUTES

D. PUBLIC PORTION-

This portion of the meeting is for public comment. Any member of the public wishing to speak, once recognized, shall stand at the microphone, and state their name. Speakers will be allowed three (3) minutes if speaking for themselves or five (5) minutes if speaking on behalf of a group. I will ask the speakers to refrain from remarks that are in poor taste, slanderous, or not germane to any action taken or contemplated by the Board

E. CORRESPONDENCE

F. RESOLUTIONS

ESPERSEN/SIRACUSE

WHEREAS, the Village of Fredonia developed the May 2025 Engineering Evaluation of the Village of Fredonia Public Water System that identified deficiencies and feasible alternatives to allow the Village to continue to provide reliable, safe drinking water for service area residents, and

WHEREAS, the Village has been reviewing and investigating improvements, herein the "Project" to include: installation of distribution system pressure reducing valves, targeted modification of distribution system piping, interconnection structures along the border between Town of Pomfret and Village of Fredonia, the construction of a new water storage tank, decommissioning and demolition of the Village's existing water treatment plant, and utilization of the proposed Town of Pomfret water storage tank, as more fully detailed in the Engineering Evaluation, and

WHEREAS, the Village acting as Lead Agency for the Project has determined that the Project is Type I Activity and has completed coordinated review with involved and interested

agencies and after reviewing Parts 2 and 3 of the Full EAF have declared that no significant adverse environmental impact will occur as a result of the project and that no Environmental Impact Statement is required, and

WHEREAS, the Town of Pomfret, acting as Lead Agency for the North End Water District Project – has determined that the proposed North End Water District – Phase 3 will not have a significant adverse environmental impact. The action involves the improvement of the facilities in the North End Water District – No. 7, Phase 3 calls for the installation of approximately 74,000 linear foot of water main and two water storage tanks, including the proposed storage tank that will serve the Village of Fredonia. The project is located in the Town of Pomfret. The findings were published in the NYS DEC Environmental Notice Bulletin on February 19, 2025, and

WHEREAS, the proposed interconnections between the Town of Pomfret and the Village of Fredonia will benefit both municipalities and will enable purchase of water by the Village of Fredonia from the North Chautauqua County Water District and the parties have entered into an Inter-municipal Agreement, and

WHEREAS, NYS Environmental Facilities Corporation is offering grants for clean and drinking water projects during the 2025-2026 state fiscal year to selected municipalities with infrastructure projects that protect public health and/or improve water quality, and

WHEREAS, the Village of Fredonia, acting as lead applicant is seeking funding through the NYS Water Infrastructure Improvement (WIIA) Grant and Intermunicipal Grant Program (IMG);

WHEREAS, NYS Environmental Facilities Corporation requires a resolution authorizing the undertaking of the project and the total funding appropriated for the project. The resolution must also designate a representative of the applicant who is authorized to sign the funding agreement with EFC and any associated documents.

NOW THEREFORE, IT IS RESOLVED, that the Village authorizes the undertaking and approval of the Project as outlined above and as further detailed in the Engineering Evaluation and prior Resolutions of this Board, and the estimated project cost is \$17,500,000; and it is

FURTHER RESOLVED that the Mayor of the Village of Fredonia, Michael J. Ferguson, and his designees and assigns, is authorized to investigate, negotiate and enter into further agreements as may be necessary to undertake the Project in accordance with all laws and regulations; and it is

FURTHER RESOLVED, that the Village of Fredonia as lead applicant authorizes and empowers Mayor Michael J. Ferguson to sign and submit a grant application and sign the funding agreement with Environmental Facilities Corporation and any associated documents; and it is

FURTHER RESOLVED, that this Resolution shall take effect immediately.

SIRACUSE/WANDEL

WHEREAS,

1. In accordance with the New York State Environmental Quality Review regulations (SEQR), the Board of Trustees of the Village of Fredonia announced its intent to serve as Lead Agency on August 4, 2025, to conduct an environmental review of the Village of Fredonia Water System Improvements Project. A recently completed engineering evaluation of the Village of Fredonia Public Water System (PWS) identified deficiencies and feasible alternatives to allow the Village PWS to continue providing reliable, safe drinking water for service area residents. In accordance with Chautauqua County Health Department requirements, the Village has been reviewing and investigating a suite of improvements for the PWS that include but are not limited to: the installation of distribution system pressure reducing valves (PRVs), targeted modification of distribution system piping (to 24", 12" and 10" diameter piping along Water Street) as necessary to support proposed infrastructure, the installation of three (3) interconnection structures along the border between the Town of Pomfret and Village of Fredonia, the construction of a new water storage tank*, and the decommissioning and demolition of the Village's existing water treatment plant (WTP) as more fully detailed in the engineering evaluation and prior Resolutions of this Board. The engineering analysis also identified deficiencies with the existing dam that impounds the Village's reservoir. Included in the PWS improvements recommended by the Village's engineers are modifications to the dam and reservoir to comply with NYS Dam Safety regulations. These modifications include dewatering the reservoir to a level that reduces the hydraulic load on the existing spillway structure, improving the low-level outlet system to maintain the water elevation and anchoring of the spillway to meet structural requirements as more fully detailed in the engineering evaluation and prior Resolutions of this Board. Overall ground disturbance is estimated to be ± 5.1 acres.

*The Village of Fredonia is investigating and contemplating use of the proposed Town of Pomfret storage tank in its PWS. That project has completed a separate SEQR review with the Town of Pomfret serving as lead agency for that review for which a negative declaration has been issued and reviewed and considered by the Village.

2. The Village Board has determined that the proposed action is a "Type I" as defined under SEQR.
3. The Village Board, in its capacity of Lead Agency, has caused to be prepared an environmental assessment of the significance of and potential environmental impact of the action described above.

4. On August 5, 2025, the Village Board notified the Involved and Interested Agencies of its intention to act as Lead Agency for this project and circulated Part 1 of the long Environmental Assessment Form.
5. Comments received on the project have been addressed in Part 2 of the Environmental Assessment Form. The Village will continue to work with Federal, State and local agencies until all necessary permits and approvals have been obtained.
6. The Village Board has considered the Environmental Record prepared for this action, including any comments received from the Involved Agencies, and the proposed Negative Declaration.

NOW THEREFORE BE IT RESOLVED,

The Village Board declares that it will serve as Lead Agency for the Village of Fredonia Water System Improvements Project; and,

The Village Board declares that, based on the Environmental Record which has been prepared, and is incorporated herein by reference, the project will result in no major impacts and, therefore, will not cause significant damage to the environment. A Negative Declaration under SEQRA is therefore issued for this project.

ESPERSEN/BRAUCHLER

BOND RESOLUTION DATED SEPTEMBER 10, 2025.

A RESOLUTION AUTHORIZING IMPROVEMENTS TO THE WATER DISTRIBUTION SYSTEM (PHASE 1) IN AND FOR THE VILLAGE OF FREDONIA, CHAUTAUQUA COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$17,500,000 AND AUTHORIZING, **SUBJECT TO PERMISSIVE REFERENDUM**, THE ISSUANCE OF \$17,500,000 SERIAL BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed and it has been determined that said capital project is a Type I Action as to which a negative declaration has been made; and

WHEREAS, it is now desired to authorize the financing of said capital project; now, therefore, BE IT

RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Fredonia, Chautauqua County, New York, as follows:

Section 1. Improvements to the water distribution system (Phase 1) in and for the Village of Fredonia, Chautauqua County, New York, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, are hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$17,500,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$17,500,000 serial bonds of said Village, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; provided, however, that the amount of bonds to be issued shall be reduced to the extent of grants received in connection therewith.

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

Section 4. The faith and credit of said Village of Fredonia, Chautauqua County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

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

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

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Village Treasurer is hereby further authorized, at the Village Treasurer's sole discretion, to execute a project finance agreement, and any other agreements with the New York State Department of Health and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Village in the event of the sale of same to the New York State Environmental Facilities Corporation.

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

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,
and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 12. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

BRAUCHLER/WANDEL

WHEREAS, the Village continues to review ways to improve its water system in order to maintain safe and reliable drinking water for its residents; and

WHEREAS, the Village is aware that the Town of Pomfret is exploring improvements to its water systems and water storage facilities, and

WHEREAS, both the Village and the Town of Pomfret's professional engineers have recommended increased and updated water storage tank and associated pumping facilities; and

WHEREAS, it appears to be in the best interest of the Village, and as a way to reduce costs and expenses, and as a way to qualify for additional intermunicipal grants to explore an intermunicipal agreement with the Town of Pomfret to share the cost, use, operation and maintenance of a shared water tank and associated pumping facilities, and

WHEREAS, the Village has reviewed a proposed Intermunicipal Agreement with the Town of Pomfret memorializing an intent to explore and negotiate terms of sharing the anticipated water tank and associated pumping facilities.

NOW THEREFORE, BE IT RESOLVED, that as further planning and investigation into available alternatives to improve the Village's water system, and specifically reserving the right to investigate and ultimately choose any viable alternative, the Village hereby authorizes the Mayor to execute and enter into an Intermunicipal Agreement with the Town of Pomfret to explore and further negotiate shared use, expense, operation and maintenance of a shared water storage tank and associated pumping facilities.