

MINUTES OF A SPECIAL MEETING OF THE VILLAGE OF WELLSVILLE BOARD OF TRUSTEES
HELD ON JANUARY 16, 2017 AT 7:00 PM IN THE MUNICIPAL BUILDING TRUSTEE ROOM,
156 NORTH MAIN STREET, ALLEGANY COUNTY, WELLSVILLE, NEW YORK.

PRESENT: Mayor: Randy Shayler
Trustees: Jeremy Cole, Jamie Herman, Dawn Ketchner, Ed Fahs
Treasurer: Earl Johnson
Dir. DPW: Bill Whitfield.

ABSENT: Dan Synakowski

VISITORS: Bill Davis, MRB, Brad Mattison, Asst. Dir. DPW

The meeting opened with the pledge to the flag led by Trustee Cole.

Mayor Shayler announced the first order of business was the acceptance and approval of the minutes from the regular meeting held January 09, 2017. Trustee Herman made a motion to accept the minutes and Trustee Fahs seconded the motion. Carried.

Mayor Shayler introduced Mr. Bill Davis of the MRB and opened the floor to Mr. Davis. Mr. Davis reviewed the Bond Resolution for the \$10,500,000 Sewer System Capital Improvement Project. Mr. Davis explained the potential environmental impacts that have been identified related to the Wellsville Wastewater Treatment Plant Improvements. Mr. Davis also identified the importance of the Village of Wellsville becoming the lead agency on the project.

MAYOR'S BUSINESS:

1. Mayor Shayler spoke to the Trustees regarding the consideration of the Bond Resolution for a \$10,500,000 sewer System Capital Improvement Project.
(Wastewater Treatment Plant Improvements)

TRUSTEES' BUSINESS:

Trustee Cole, Trustee Herman, Trustee Ketchner and Trustee Fahs all took turns reading the following Resolutions which were voted on and approved as noted:



Village of Wellsville

Office of the Clerk

*156 North Main Street * Wellsville, New York 14895*

*Phone: (585) 593-1121 * FAX: (585) 593-7260*

711(TDD)

RESOLUTION NO. #17-14 OF THE VILLAGE BOARD OF TRUSTEES

SEQR RESOLUTION DESIGNATING LEAD AGENCY

WHEREAS, the Village of Wellsville Village Board of Trustees (hereinafter referred to as Village Board) on Monday, December 12, 2016 declared its intent to be designated the Lead Agency for the Village of Wellsville Wastewater Treatment Plant Improvement Project under the provisions of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Village Board has provided written notices to this effect to the involved and interested agencies; and

WHEREAS, the Village Board has not received any written objections from the involved agencies to the Board's being designated as the lead agency under the SEQR Regulations; and

WHEREAS, the Village Board has previously determined that it is the most appropriate agency to insure the coordination of this Action and for making the determination of significance thereon under the SEQR Regulations.

NOW, THEREFORE BE IT RESOLVED that the Village Board does hereby designate itself as the lead agency for the Action identified above herein;

Dated: January 16, 2017; this resolution shall take effect immediately.

Moved by Trustee Herman , seconded by Trustee Ketchner .

The foregoing resolution was adopted by the Board of Trustees of the Village of Wellsville by roll call:

Trustee Cole	<u>Aye</u>	Trustee Fahs	<u>Aye</u>
Trustee Herman	<u>Aye</u>	Trustee Ketchner	<u>Aye</u>
Mayor Shayler	<u>Aye</u>		

I, Kathy Kinder, do hereby certify that resolution #17-14 was passed at a meeting of the Board of Trustees of the Village of Wellsville, New York held on January 16, 2017, and is incorporated in the original minutes of that said meeting, and that said resolution has not been altered, amended or revoked and is in full force and effect.

Certified by the Village Clerk



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711(TDD)

**RESOLUTION NO. #17-15
OF THE VILLAGE BOARD OF TRUSTEES**

SEQR RESOLUTION DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE

WHEREAS, the Village of Wellsville Village Board of Trustees (hereinafter referred to as Village Board) has determined the above referenced Action to be an Unlisted Action pursuant to Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Village Board has reviewed and accepted the completed Full Environmental Assessment Form Parts 1, 2, and 3 on the Action prepared by the MRB Group; and

WHEREAS, the Village Board has completed the coordinated review and public comment period provided for under the SEQR Regulations; and

WHEREAS, the Village Board has designated itself as lead agency under the SEQR Regulations for making the determination of significance upon said action; and

WHEREAS, the Village Board has given consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in Full Environmental Assessment Form Parts 1, 2, and 3.

NOW THEREFORE BE IT RESOLVED, that said Action **WILL NOT** result in any significant adverse environmental impacts based on the review of the Full Environmental Assessment Form; and

BE IT FINALLY RESOLVED that the Village Board does hereby make a Determination of Non-Significance on said Action, and the Mayor is hereby directed issue the Negative Declaration as evidence of the Village Board determination of environmental non-significance.

Dated: January 16, 2017; this resolution shall take effect immediately.

Moved by Trustee Herman, seconded by Trustee Cole.

The foregoing resolution was adopted by the Board of Trustees of the Village of Wellsville by roll call:

Trustee Cole	<u>Aye</u>	Trustee Fahs	<u>Aye</u>
Trustee Herman	<u>Aye</u>	Trustee Ketchner	<u>Aye</u>
Mayor Shayler	<u>Aye</u>		

I, Kathy Kinder, do hereby certify that resolution #17-15 was passed at a meeting of the Board of Trustees of the Village of Wellsville, New York held on January 16, 2017, and is incorporated in the original minutes of that said meeting, and that said resolution has not been altered, amended or revoked and is in full force and effect.

Certified by the Village Clerk



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**RESOLUTION NO. #17-16
OF THE VILLAGE BOARD OF TRUSTEES**

TO BOND WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECT

A BOND RESOLUTION, DATED JANUARY 16, 2017, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF WELLSVILLE, ALLEGANY COUNTY, NEW YORK (THE “VILLAGE”), AUTHORIZING A SEWER SYSTEM CAPITAL IMPROVEMENTS PROJECT (PRIMARILY AT THE WASTEWATER TREATMENT PLANT), AT AN ESTIMATED MAXIMUM COST OF \$10,500,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$10,500,000, 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 VILLAGE TREASURER.

WHEREAS, the Village Board of Trustees of the Village of Wellsville, in the County of Allegany, New York (the “Village”) desires to undertake a capital improvements project for the reconstruction of and construction of improvements to the Village Sewer System primarily at the Wastewater Treatment Plant.

NOW THEREFORE,

BE IT RESOLVED, by the Village Board of Trustees (by the favorable vote of not less than two-thirds of all the members of the Board of Trustees) as follows:

SECTION 1. The Village is hereby authorized to undertake a certain sewer system capital improvements project primarily at the wastewater treatment plant, such work to generally consist of the installation of a new storage tank and final clarifier concrete tank, relining of approximately 7,500 linear feet of sewer main, installation of various equipment such as trickling filter feed pumps, influent screen and compactor, UV disinfection equipment, chemical piping and mixers, and the installation of a new SCADA system, as well as other improvements more fully identified in (or contemplated by) a preliminary engineering report prepared by MRB Group, and including all preliminary work and necessary equipment, materials, and site work and all preliminary costs and costs incidental thereto and in connection with the financing thereof (collectively, the “Purpose”). The estimated maximum cost of the Purpose is \$10,500,000.

SECTION 2. The Village Board of Trustees plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds of the Village in an aggregate principal amount not to exceed \$10,500,000, hereby authorized to be issued therefor pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, the cost of such improvements is to be paid by the levy and collection of taxes on all real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that such Purpose is a class of objects or purposes described in subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such 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 such 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 Village 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 will 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, there will annually be levied on all the taxable real property of the Village 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 Village Board of Trustees 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 details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of the sale of such bonds, and the renewals of such notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village. Without in any way limiting the scope of the foregoing delegation of powers, the Village Treasurer, 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 Village.

SECTION 8. The temporary use of available funds of the Village, 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 Village 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 Village 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 Village'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 Village Treasurer 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 Village Treasurer 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 Village 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. To the extent applicable, the Village Treasurer is hereby authorized to execute and deliver in the name and on behalf of the Village a project financing agreement prepared by the New York State Environmental Facilities Corporation ("EFC") (the "SRF Project Financing Agreement"). To the extent applicable, the Village Treasurer and the Village Clerk and all other officers, employees and agents of the Village are hereby authorized and directed for and on behalf of the Village to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including, but not limited to, the SRF Project Financing Agreement.

SECTION 13. In the absence or unavailability of the Village Treasurer, the Deputy Treasurer is hereby specifically authorized to exercise the powers delegated to the Village Treasurer in this resolution.

SECTION 14. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Village is not authorized to expend money, or

(b) the provisions of the law which should be 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 such publication of this notice, or

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

SECTION 15. This Resolution is subject to permissive referendum pursuant to Section 36.00 of the Local Finance Law. The Village Clerk is hereby authorized and directed to publish (one time) and post (in at least six conspicuous public places within the Village and at each polling place), this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten days after the date of adoption of this resolution.

SECTION 16. If no petitions are filed in the permissive referendum period, the Village 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 the Village and hereby designated as the official newspaper of the Village for such publication.

Dated: January 16, 2017.

Moved by Trustee Herman , seconded by Trustee Cole .

The foregoing resolution was adopted by the Board of Trustees of the Village of Wellsville by roll call:

Trustee Cole	<u>Aye</u>	Trustee Fahs	<u>Aye</u>
Trustee Herman	<u>Aye</u>	Trustee Ketchner	<u>Aye</u>
Mayor Shayler	<u>Aye</u>		

I, Kathy Kinder, do hereby certify that resolution #17-16 was passed at a meeting of the Board of Trustees of the Village of Wellsville, New York held on January 16, 2017, and is incorporated in the original minutes of that said meeting, and that said resolution has not been altered, amended or revoked and is in full force and effect.

Certified by the Village Clerk

TRUSTEES:

COLE:

1. None

HERMAN:

1. None

KETCHNER:

1. None

FAHS:

1. Trustee Fahs noted the request for the Fire Department member to be able to attend classes to do Fire Safety Inspections in the Village of Wellsville. Trustee Fahs stated the Fire Board was meeting the same night (Monday, January 16th). No decision will be made by the Village Board until the Fire Board reviews the request.
2. Trustee Fahs requested executive session.

TREASURER:

1. None to report.

On a motion made by Trustee Herman and seconded by Trustee Cole the Board moved out of regular session and into executive session at 7:35 pm.

On a motion made by Trustee Fahs and seconded by Trustee Cole the Board moved out of executive session and back into regular session at 8:15 pm.

Trustee Herman made a motion to adjourn the meeting at 8:15 pm. Trustee Ketchner seconded the motion.

Respectfully submitted,

Kathy Kinder
Village Clerk

Per NYS Amendment to the State's Open Meeting Law, public records already available under FOIL, in addition to any resolution, law, rule, regulation, policy or any amendment, that is scheduled to be the topic of discussion at an open meeting, are available upon request to the extent practicable as determined by the Village of Wellsville. The Village of Wellsville will post board meeting agenda and minutes on its web site at www.wellsvilleny.com.