

MINUTES OF A BOARD MEETING OF THE VILLAGE OF WELLSVILLE BOARD OF TRUSTEES
HELD ON OCTOBER 12, 2020, AT 6:00 PM IN THE TRUSTEES' BOARD ROOM, 23 NORTH
MAIN STREET, ALLEGANY COUNTY, WELLSVILLE, NEW YORK.

PRESENT: Mayor: Randy Shayler
Deputy Mayor: Jeff Monroe
Trustees: Jeremy Cole, Ed Fahs (via teleconference), Mike Roeske
Dir. DPW: Bill Whitfield
Fire Chief: Barney Dillie
Treasurer: Melissa Mullen (via teleconference)

ABSENT: Police Chief: Tim O'Grady
Attorney: Rich Buck

VISITORS: Rich Wenslow, Village Code Officer; Chris Potter, The Spectator

The meeting opened at 6:00 pm with the pledge to the flag led by Mayor Shayler.

Trustee Cole requested acceptance of the minutes from the Regular Board meeting held on September 28, 2020; Trustee Monroe seconded the motion. Carried.

Mayor Shayler welcomed the visitors to the meeting.

MAYOR'S BUSINESS:

1. Mayor Shayler requested executive session for a personnel matter.

TRUSTEES' BUSINESS:

COLE:

1. Trustee Cole made a motion to accept and approve the vouchers as listed in the Abstract of Vouchers dated October 12, 2020. Trustee Fahs seconded the motion. Carried.

MONROE:

1. Trustee Monroe made a motion to accept and approve the Application for a Special Event Permit: Grant Duke Hose Company's 5th Annual Holiday Extravaganza fundraiser, November 28, 2020, 10:00 am – 4:00 pm, at 80 Stevens Street. Trustee Cole seconded the motion. Carried, pending approval from the Department of Health.
2. Trustee Monroe made a motion to accept and approve the Application for a Special Event Permit: Dyke Street Engine Company Chicken BBQ fundraiser, November 12, 2020, 4:00 – 6:00 pm, at 89 E. Hanover Street. Trustee Roeske seconded the motion. Carried, pending approval from the Department of Health.

ROESKE:

1. Trustee Roeske noted that the Village Planning Board needs another member, as well as a secretary for the Board. Their member, Eric Welninski, is moving out of the area. The next meeting will be held on Wednesday after Election, November 4th beginning at 4:30 pm. Brenda Szabo will be attending that day and the Town Planning Board is invited to attend as well.

FAHS:

1. Trustee Fahs made a motion to accept and approve SEQR Resolution No. 20/21-10, Confirming prior determination of no significant environmental impact. Trustee Cole seconded the motion. Carried.

**RESOLUTION NO. #20/21-10
OF THE VILLAGE BOARD OF TRUSTEES**

**SEQR RESOLUTION - CONFIRMING PRIOR DETERMINATION
OF NO SIGNIFICANT ENVIRONMENTAL IMPACT**

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 said Action was previously approved by the Village Board at the January 16, 2017 Village Board meeting and said Action was issued a SEQR Negative Declaration; and

WHEREAS, the project has been modified, but all such modifications are consistent with the scope and character of the Action as described in the reviewed and accepted Full Environmental Assessment Form Parts 1, 2, and 3 on the Action prepared by the MRB Group; and

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

WHEREAS, the Village Board previously 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 as prepared by the MRB Group; and

BE IT FINALLY RESOLVED that the Village Board does hereby Confirm its Determination of No Significant Environmental Impact of the said Action issued January 16, 2017, and the Mayor is hereby directed to execute any instruments necessary to document such confirmation of the Negative Declaration as evidence of the Village Board’s determination and Negative Declaration.

Dated: October 12, 2020; this resolution shall take effect immediately.
Moved by Trustee Fahs; 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 Monroe	<u>AYE</u>	Trustee Roeske	<u>AYE</u>
Mayor Shayler	<u>AYE</u>		

I, Wendy Seely, do hereby certify that Resolution #20/21-10 was passed at a meeting of the Board of Trustees of the Village of Wellsville, New York held on October 12, 2020, 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

- Trustee Roeske made a motion to accept and approve Resolution No. 20/21-11, Amending and Restating the Bond Resolution that was adopted on January 16, 2017, and authorizing a sewer system capital improvements project (primarily at the Wastewater Treatment Plant), at an estimated maximum cost of \$24,117,750 and authorizing the issuance of serial bonds in an aggregate principal amount not to exceed \$24,117,750. Trustee Fahs seconded the motion. Carried.

**RESOLUTION NO. #20/21-11
OF THE VILLAGE BOARD OF TRUSTEES**

TO BOND WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECT

AN AMENDING AND RESTATING BOND RESOLUTION, DATED OCTOBER 12, 2020, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF WELLSVILLE, ALLEGANY COUNTY, NEW YORK (THE "VILLAGE"), AMENDING THE BOND RESOLUTION THAT WAS ADOPTED ON JANUARY 16, 2017, AND AUTHORIZING A SEWER SYSTEM CAPITAL IMPROVEMENTS PROJECT (PRIMARILY AT THE WASTEWATER TREATMENT PLANT), AT AN ESTIMATED MAXIMUM COST OF \$24,117,750 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$24,117,750 OF THE VILLAGE, 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, on January 16, 2017, the Village Board of Trustees of the Village of Wellsville, Allegany County, New York (the "Village") adopted a certain bond resolution (the "Original Bond Resolution") entitled:

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, due to a modification to the scope of the project, the Village Board of Trustees wishes to modify the Original Bond Resolution for the primary purposes of increasing: a) the estimated maximum cost of the project from \$10,500,000 to \$24,117,750 and b) the amount of serial bonds authorized to be issued from \$10,500,000 to \$24,117,750, and to make other modifications to the Original Bond Resolution as may be consistent with law; and

WHEREAS, the Village Board of Trustees now wishes to amend and restate (in its entirety) the Original Bond Resolution for the reasons identified above, and to make other modifications to the Original Bond Resolution as may be consistent with law and the Original Bond Resolution is otherwise being reaffirmed and ratified in all other material respects; and

WHEREAS, the Village has previously issued a bond anticipation note pursuant to the Original Bond Resolution, but has not yet entered into permanent financing arrangements thereunder (i.e., the issuance of long-term serial bonds); and

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

SECTION 1. The Village is hereby authorized to undertake a certain sewer system capital improvements project with the majority of the work to be located primarily at the wastewater treatment plant; such work to generally consist of the relining of approximately 7,500 linear feet of sewer main within the Village; installation of a new leachate storage tank and discharge system; installation of a new influent screening and de-gritting building and systems; replacement of existing chemical feed equipment and systems; replacing existing trickling filter media and equipment with new bio-towers and associated media, equipment, and tankage; installing new bio-tower covers; replacing recirculation pumps and systems; rehabilitation of existing final clarifiers and a new final clarifier along with associated equipment and tankage; new effluent disinfection systems which may include chemical contact tanks and equipment and a chemical feed building and associated systems; solids de-watering improvements (including but not limited to new anaerobic digester covers and equipment, new digester mixing systems, new gas systems, new belt filter press and system, improvements to sludge drying facilities and associated systems); new site-work, site piping, interior process piping, and site drainage improvements; all electrical, HVAC, and plumbing systems associated with the above noted improvements; new SCADA and control systems; and other minor and ancillary improvements associated with the improvements to the wastewater treatment plant, as well as other improvements more fully identified in (or contemplated by) a revised engineering report prepared by MRB Group, and including all preliminary work and necessary

equipment, materials, and labor and all preliminary costs and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The amended estimated maximum cost of the Purpose is \$24,117,750.

SECTION 2. The Village Board of Trustees plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$24,117,750 of the Village, hereby authorized to be issued therefore 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 the taxable 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 the Purpose is an object or purpose described in subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the 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 shall 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 shall 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, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 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 said bonds, and the renewals of said 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 January 16, 2017 or within 60 days prior to the earlier of (a) January 16, 2017 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 original declaration of its "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 Treasurer is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Village officials and the Village's municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Village Clerk.

SECTION 12. 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 SEQRA is necessary.

SECTION 13. 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 14. 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 15. 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 16. 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 17. If no petitions are filed in the 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 the Local Finance Law, in the official newspaper(s) of the Village, or if no newspaper(s) have been so designated, then in a newspaper having a general circulation in the Village, and hereby designated as the official newspaper of the Village for such publication.

SECTION 18. Nothing in this amendment shall affect the validity of the Original Bond Resolution, or any actions taken thereunder, and any such actions are hereby ratified.

Dated: October 12, 2020; this resolution shall take effect immediately.

Moved by Trustee Roeske; seconded by Trustee Fahs.

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 Monroe	<u>AYE</u>	Trustee Roeske	<u>AYE</u>
Mayor Shayler	<u>AYE</u>		

I, Wendy Seely, do hereby certify that Resolution #20/21-11 was passed at a meeting of the Board of Trustees of the Village of Wellsville, New York held on October 12, 2020, 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

POLICE DEPT:

1. Chief O'Grady was not present.

FIRE DEPT:

1. Chief Dillie asked for the status of replacing the Fire Department HQ overhead doors. DPW Director Whitfield stated that he had received a second quote (as required) from Lewis Doors for \$13,350, which is \$300 less than the first quote received from Canisteo Valley's Overhead Doors. Mayor Shayler made a motion for the Board to accept and approve, assuming there's not any reason to make the quote not valid, ordering the repair of the Main Street fire department doors. Trustee Cole seconded the motion. Carried.
2. Chief Dillie asked that the Code Enforcement Officer, Rich Wenslow, copy the fire department on his annual fire inspections he completes. Officer Wenslow offered for a fire department representative to accompany him if they wish. Trustee Monroe noted his appreciation for the Code Enforcement Report supplied to the Board. Mayor Shayler added his personal thanks to Rich for all that he is doing.

DPW:

1. Director Whitfield noted that leaf collection has begun in the Village and will continue as long as the weather allows. He reminds everyone to rake leaves to the edge of the street, the tree/lawn area between the sidewalk and the curb, but not into the street. Mayor Shayler noted a citizen, Mrs. Stockman, on School Street who expressed her pleasure and appreciation to him for the leaf collecting.
2. Director Whitfield brought up discussions had at the last Finance Committee meeting regarding the Capital Plan purchase of batteries for the West State Street substation. Mayor Shayler made a motion for the \$25K that was earmarked for that to move it instead to purchase Signals Battery Backup, which will allow the traffic lights to automatically kick on backups to allow crews time to access issues. Trustee Cole seconded the motion. Carried.
3. Mayor Shayler noted that, per the DOT, CHIPS funds will be cut by 20% and carryover will be lost. We still have carryover from last year and any receipts for CHIPS eligible items need to be turned in, which will leave that money in the General Fund. Mayor Shayler made a motion to purchase a small excavator for \$70K from the CHIPS funds. Trustee Monroe seconded the motion. Carried.

ATTORNEY:

1. Attorney Buck was not present.

TREASURER:

1. Treasurer Mullen requested executive session for a contractual matter.

On a motion made by Trustee Cole and seconded by Trustee Roeske, the Board moved out of regular session and into executive session at 6:41 pm. Carried.

On a motion made by Trustee Cole and seconded by Trustee Monroe, the Board moved out of executive session and into regular session at 7:13 pm. Carried.

On a motion made by Trustee Monroe and seconded by Trustee Cole, the meeting adjourned at 7:14. Carried.

Respectfully submitted,

Wendy Seely
Village Clerk