

MINUTES OF A BOARD MEETING OF THE VILLAGE OF WELLSVILLE BOARD OF TRUSTEES
HELD ON OCTOBER 26, 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 (via teleconference), Ed Fahs, Mike Roeske
Dir. DPW: Bill Whitfield
Police Chief: Tim O'Grady
Fire Chief: Barney Dillie
Treasurer: Melissa Mullen (via teleconference)

ABSENT: Attorney: Rich Buck

VISITORS: Patty Graves, Town Liaison; Chris Potter, The Spectator; Kathryn Ross,
Olean Times Herald

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

Mayor Shayler welcomed everyone to the meeting, asking if any visitors wished to speak. No one requested to.

Trustee Fahs requested acceptance of the minutes from the Regular Board meeting held on October 12, 2020; Trustee Roeske seconded the motion. Carried.

MAYOR'S BUSINESS:

1. Mayor Shayler requested a brief executive session for a contractual matter.
2. Mayor Shayler addressed a couple concerns brought up by a telephone call from a long-time Village resident to the Village Clerk's office today. The first concern included the Main Street/East State Street intersection, particularly when traveling east, appearing to be an "accident waiting to happen." Since there are no lines on the roadway to indicate the number of lanes, drivers are getting cut off. The second issue related to the excessive speed of drivers traveling on West State Street, where the caller stated she has resided for 36 years. She indicated it is at its "worst ever" with cars traveling well over the posted 35 MPH. Mayor Shayler asked Chief O'Grady and DPW Director Whitfield to look into both of these topics.
3. Mayor Shayler shared with the Board an upcoming hour-long training that the State Comptroller's office is holding this Wednesday and Thursday on preparing a budget and how to manage a budget in times of fiscal stress, as well as conflicts of interest.
4. Mayor Shayler discussed the Village's stance on Halloween participation as being completely voluntary, even more so this year than in previous years. He reiterated that residents who choose to participate, to leave your porch/outside light on. He asks that all individuals please be safe and smart and wear a mask and practice social distancing. He also reminds everyone that vandalism is a crime, on Halloween, Election Day and anytime, and that the Village Police will enforce this to the max. And lastly, sending best wishes

to those recovering from the corona virus, as well as condolences to those families who have loved ones who have perished due to the virus. Again, encouraging all residents, at all times, to wear a mask, and for those who choose not to, to please stay home.

TRUSTEES' BUSINESS:

COLE:

1. Trustee Monroe made a motion to accept and approve the vouchers as listed in the Abstract of Vouchers dated October 26, 2020. Trustee Fahs seconded the motion. Carried.
2. Trustee Monroe made a motion to accept and approve the Treasurer's Journal Voucher Reports for June through September 2020. Trustee Fahs seconded the motion. Carried.
3. Trustee Monroe made a motion to accept and approve the Treasurer's Report for August 2020. Trustee Fahs seconded the motion. Carried.
4. Trustee Monroe made a motion to accept and approve the Financial Report for June through September 2020. Trustee Fahs seconded the motion. Carried.

MONROE:

1. Trustee Monroe made a motion to accept and approve adding Andrew Dixon (WFD tag# 37) to the rolls at Grant Duke Hose Company #1. He noted that Mr. Dixon resides in the Town of Wellsville, has passed all requirements and his application has been signed off by the Fire Chief. Trustee Fahs seconded the motion. Carried.
2. Trustee Monroe made a motion to accept and approve adding William Shaw (WFD tag# 090) to the rolls at Dyke Street Engine Company #2. He noted that Mr. Shaw resides in the Village of Wellsville, has passed all requirements and his application has been signed off by the Fire Chief. Trustee Fahs seconded the motion. Carried.

ROESKE:

1. Trustee Roeske made a motion to accept and approve to allow the Department of Public Works to place the following equipment on the Teitsworth On-line Auction:
 - a) 1973 Champion Air Compressor, 2 stage, leaks oil, estimated value \$100 (highway department);
 - b) 1991 Scat-Trak, Model 1300 HD, Front Loader, estimated value \$2,000 (highway department);
 - c) 1996 Mack Dump Truck, Model RD688S with 17-20 yard dump box, estimated value \$3,000 (highway department);
 - d) 2010 Quick Snow-Away, Model 2010X, Hydraulic Snow Blower, estimated value \$3,000 (highway department);

- e) Allis Chalmers Diesel Power Generator, Model 90.0 DYC 15R/16257F, with Allis Chalmers Power Plant, Model 3500 MK11, estimated value \$2,500 (highway department);
 - f) 1985 Forklift, Model E60XL (Federal Surplus Purchase), estimated value \$500 (electric department);
 - g) 1998 Master Ton Trailer, GVWR 3,500#, estimated value \$200 (electric department);
 - h) 1992 Village-made Flat Trailer, estimated value \$100 (water department).
- Trustee Roeske asked where the estimate values came from and DPW Director Whitfield noted that Mechanic Adam Orpet provided them. Trustee Monroe seconded the motion. Carried.

FAHS:

1. Trustee Fahs made a motion to accept and approve creating the position of Line Helper in the Electric Department at a Grade 8 Entry Level and approve the Memorandum of Understanding between the Board and ASCFME Local 2574 A&B regarding the same. Trustee Monroe asked if this is to fill a position and Trustee Roeske asked if it is like an apprentice, both of which Trustee Fahs said yes, that it's a step toward becoming a Lineman. Trustee Monroe seconded the motion. Carried.

Memorandum of Understanding
Between
County and Municipal Council 66 of New York
American Federation of State, County and
Municipal Employees, AFL-CIO
Local 2574 A&B
and
The Village of Wellsville

This agreement made this 26th day of October 2020, between Randy M. Shayler, Mayor of the Village of Wellsville, on behalf of the Village Board of Trustees, hereinafter referred to as the "Board," and the New York Council 66 and Local 2574 A&B, American Federation of State, County and Municipal Employees, AFL-CIO, hereinafter referred to as the "Union."

Whereas the Board finds it necessary to create a new position within its Electric Division under the title Line Helper, adhering to the job description in Appendix A as attached,

And whereas, the Union recognizes this necessary change and agrees this position shall fall under a Grade 8 status, and furthermore follow the current levels of advancement.

This agreement will take effect October 26, 2020.

Mayor of the Village of Wellsville

Union Representative NY Council 66 and Local 2574 A&B

2. Trustee Fahs made a motion to accept and approve Resolution #20/21-12, with Permissive Referendum, To Purchase Signals Battery Backup.

**RESOLUTION NO 20/21-12
OF THE VILLAGE BOARD OF TRUSTEES**

TO PURCHASE SIGNALS BATTERY BACKUP

At a regular meeting of the Board of Trustees of the Village of Wellsville, New York held on October 26, 2020, the following resolution was adopted:

WHEREAS, the Village of Wellsville Trustees have approved the 2020-2021 Annual Budget which includes a Capital Plan, and

WHEREAS, the Village of Wellsville, in discussion with the Department of Public Works, has deemed it necessary to purchase SIGNALS BATTERY BACKUP to be utilized by the Electric department, and

WHEREAS, the price of this equipment will be an amount that shall not exceed Twenty-five Thousand Dollars (\$25,000), which shall be appropriated from the Electric Fund Capital Reserves, and

WHEREAS, this resolution is subject to permissive referendum per public notice which will be given through the official newspaper within 10 days and which would require 20% of the registered voters as of the last election to file a petition with the Village Clerk.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Wellsville does hereby authorize the purchase of SIGNALS BATTERY BACKUP.

Dated: October 26, 2020; this resolution shall take effect immediately.

Moved 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 #20/21-12 was passed at a meeting of the Board of Trustees of the Village of Wellsville, New York held on October 26, 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

3. Trustee Fahs made a motion to accept and approve Resolution #20/21-13, with Permissive Referendum, An Amending and Restating Bond Resolution, Authorizing an Electric System Capital Improvements Project (Niles Hill).

**RESOLUTION NO 20/21-13
OF THE VILLAGE BOARD OF TRUSTEES**

TO AUTHORIZE THE NILES HILL SUBSTATION CAPITAL IMPROVEMENTS
PROJECT AND ISSUANCE OF A SERIAL BOND NOT TO EXCEED \$625,000

AN AMENDING AND RESTATING BOND RESOLUTION, DATED OCTOBER 26, 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 JUNE 8, 2020, AND AUTHORIZING AN ELECTRIC SYSTEM CAPITAL IMPROVEMENTS PROJECT, AT AN ESTIMATED MAXIMUM COST OF \$625,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$625,000 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 June 8, 2020, 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 JUNE 8, 2020, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF WELLSVILLE, ALLEGANY COUNTY, NEW YORK (THE “VILLAGE”), AUTHORIZING AN ELECTRIC SYSTEM CAPITAL IMPROVEMENTS PROJECT, AT AN ESTIMATED MAXIMUM COST OF \$500,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$500,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH 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 \$500,000 to \$625,000 and b) the amount of serial bonds authorized to be issued from \$500,000 to \$625,000, 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 not previously issued bond anticipation notes pursuant to the Original Bond Resolution, and 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 an electric system capital improvements project in the Village, primarily consisting of improvements to the Niles Hill substation, such work to include, but not be limited to, the replacement and installation of circuit breakers and circuit switchers, the installation of lightning surge arrestors and associated equipment and improvements to the transformer, as well as other improvements as more fully identified in (or contemplated by) a report prepared in connection with such project, and including all preliminary work and necessary equipment, materials, and related site work and any preliminary costs and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The amended estimated maximum cost of the Purpose is \$625,000.

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 \$625,000 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 5 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is 30 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 June 8, 2020 or within 60 days prior to the earlier of (a) June 8, 2020 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 26, 2020; this resolution shall take effect immediately.

Moved by Trustee Fahs; seconded by Trustee Monroe.

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 #20/21-13 was passed at a meeting of the Board of Trustees of the Village of Wellsville, New York held on October 26, 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 stated that the overnight parking rules will commence next week, beginning November 1 for all Village streets and the Municipal lot.
2. Chief O'Grady requests an executive session for matters leading to the appointment, employment and employment history of a particular person.

FIRE DEPT:

1. Chief Dillie shared that the Florida Avenue fire last week resulted in very little water and fire damage due to the fire department's quick response.

DPW:

1. Director Whitfield had nothing to discuss.

ATTORNEY:

1. Attorney Buck was not present.

TREASURER:

1. Treasurer Mullen stated that the Village Clerk's office has received DPW Bill Whitfield's notice of intent to retire in November of 2021.
2. Treasurer Mullen noted that Village Justice candidate, Brad Thompson, has requested a candidate search as soon as possible for a replacement court clerk as Sammy Gilkey intends to retire early next year. Mayor Shayler discussed that the Village must first receive official notice from Ms. Gilkey of

her intent to retire and when, and that we will need to consult Allegany County Human Resources on the proper steps to take.

On a motion made by Trustee Fahs and seconded by Trustee Monroe, the Board moved out of regular session and into executive session at 6:35 pm. Carried.

On a motion made by Trustee Monroe and seconded by Trustee Fahs, the Board moved out of executive session and into regular session at 6:49 pm. Carried.

Trustee Roeske noted that he is working with Code Officer Wenslow on the horse manure and chickens topics at hand.

Mayor Shayler made a motion to ask Chief O'Grady to acquire the electrical fitting for the police department's new vehicle, taking the number two low bid versus the lowest bidder for the reasons of known customer service and selection of equipment. Trustee Fahs seconded the motion. Carried.

Mayor Shayler made a motion to create a Competitive Part-Time police officer position, subject to Civil Service approval, and to appoint Stephen Kear to that position effective immediately. Trustee Roeske seconded the motion. Carried.

On a motion made by Trustee Monroe and seconded by Trustee Fahs, the meeting adjourned at 6:52. Carried.

Respectfully submitted,

Wendy Seely
Village Clerk