

MINUTES OF A BOARD MEETING OF THE VILLAGE OF WELLSVILLE BOARD OF TRUSTEES
HELD ON APRIL 13, 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, Mike Roeske
Treasurer: Melissa Mullen

ABSENT: Trustee: Ed Fahs
Dir. DPW: Bill Whitfield (COVID-19 regulations)
Police Chief: Tim O'Grady (COVID-19 regulations)
Fire Chief: Barney Dillie (COVID-19 regulations)

VISITORS: (none)

The meeting opened at 6:45 pm, immediately following the Public Hearing to present the tentative 2020-2021 budget. The pledge to the flag was led by Mayor Shayler prior to the Public Hearing.

Trustee Roeske requested acceptance of the minutes from the Public Hearing held on March 23, 2020; Trustee Cole seconded the motion. Carried.

Trustee Monroe requested acceptance of the minutes from the Regular Board meeting held on March 23, 2020; Trustee Roeske seconded the motion. Carried.

Trustee Monroe requested acceptance of the minutes from the Special Board meeting held on March 30, 2020; Trustee Roeske seconded the motion. Carried.

MAYOR'S BUSINESS:

1. Mayor Shayler addressed topics from the last meeting that were postponed to today.
 - a) SOE (state of emergency) curfew consideration: Mayor Shayler indicated that the SOE in the Village of Wellsville has been extended for another 30 days. Trustee Roeske had brought up the topic of possibly needing a curfew in the Village since he had observed several individuals out later at night. He now indicates that he hasn't seen that problem continue, so it can be tabled now and brought back if needed.
 - b) Horse manure clean-up responsibility: Trustee Roeske stated that Town Supervisor Alsworth said he is still trying to reach out to the Amish Bishop to address this topic. Treasurer Mullen noted that she could be of assistance as she had a lot of dealings with the Amish in her previous position with the Steuben Trust bank.
 - c) Concept of board meeting agendas final draft due one week prior to meeting: Mayor Shayler stated that we are working toward achieving this goal.
 - d) Status of Revolving Loan grant: Mayor Shayler requests to see the documentation on the grant approval process.
2. Mayor Shayler noted that we need to approve the budget at the next Board meeting on April 27, 2020.

3. Per Mayor Shayler's request, Trustee Cole made a motion to accept and approve selling for scrap the following abandoned impound vehicles, as per Chief O'Grady:
 - a) Vehicle #1 – 2004 Chevy Impala; impounded 1/14/19, owed \$1,460 as of 1/31/20; and
 - b) Vehicle #2 – 2003 Chevy Monte Carlo (totaled); impounded 12/20/18, owed \$1,535 as of 1/31/20; and
 - c) Vehicle #3 – 1999 Dodge Dakota; impounded 7/21/18, owed \$2,060 as of 1/31/20.Trustee Monroe seconded the motion. Carried.

TRUSTEES' BUSINESS:

COLE:

1. Trustee Cole made a motion to accept and approve the vouchers as listed in the Abstract of Vouchers dated April 13, 2020. Trustee Monroe seconded the motion. Carried.
2. Trustee Cole made a motion to accept and approve the deaccession of surplus furniture and equipment located at the old Municipal building, 156 North Main Street, as listed by the DPW. Trustee Monroe seconded the motion. Carried.
3. Trustee Cole made a motion to accept and approve the Treasurer's report for February 2020. Trustee Monroe seconded the motion. Carried.
4. Trustee Cole made a motion to accept and approve the Finance report for February 2020. Trustee Monroe seconded the motion. Carried.
5. Trustee Cole noted that efforts to sell the Village property at 156 North Main Street (Municipal building) will be put on hold until things get back to normal, due to COVID-19.

MONROE:

1. Trustee Monroe discussed the Fire Department budget. Treasurer Mullen verified that their budget is all included with the rest of the Village budgets. Trustee Monroe requested that the \$4,200 that is remaining in last year's Fire Department budget remain for next year, as it is to replace a garage door.

ROESKE:

1. Trustee Roeske made a motion to accept and approve authorizing the Director of Public Works to sign a two-year "Shared Services Agreement" with the NYS Department of Transportation. This agreement allows for mutual aid to both parties typically during emergency situations such as storm events. This agreement also replaces the existing agreement in place which is scheduled to expire April 26, 2020. Trustee Cole seconded the motion. Carried.

2. Trustee Roeske made a motion to accept and approve authorizing the Director of Public Works to award the 2020 paving bid to Dalrymple Gravel & Contracting, Inc. in the amount of \$136,528.00. There was one bid that was a little bit lower than this bid; however, that company had never done a road before. Trustee Monroe seconded the motion. Carried.
3. Trustee Roeske made a motion to accept and approve renewing the Allegany County Inter-Municipal Mutual Aid Agreement. Trustee Monroe seconded the motion. Carried.

FAHS:

1. Trustee Fahs was not present.
2. Trustee Monroe made a motion to accept and approve a resolution naming Ryan Stisser as voting delegate for the 2020 NYMPA annual meeting. Trustee Cole seconded the motion. Carried.
3. Trustee Monroe made a motion to accept and approve Resolution No. 19/20-9, To Authorize a Niles Hill Substation Capital Improvements Project and Issuance of a Serial Bond not to exceed \$500,000. Trustee Roeske seconded the motion. Carried.

**RESOLUTION NO 19/20-9
OF THE VILLAGE BOARD OF TRUSTEES**

**TO AUTHORIZE A NILES HILL SUBSTATION CAPITAL IMPROVEMENTS
PROJECT AND ISSUANCE OF A SERIAL BOND NOT TO EXCEED \$500,000**

At a regular meeting of the Board of Trustees of the Village of Wellsville, New York held on April 13, 2020, the following resolution was adopted:

A BOND RESOLUTION, DATED APRIL 13, 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, the Village Board of Trustees of the Village of Wellsville, in the County of Allegany, New York (the “Village”) desires to undertake an electric system capital improvements project in the Village;

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 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 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 estimated maximum cost of the Purpose is \$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 \$500,000, hereby authorized to be issued therefore pursuant to the Local Finance Law, such 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 a class of objects or purposes described in subdivision 5 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such 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 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, 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 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 Treasurer is further authorized to call in and redeem any outstanding obligations (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. 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: April 13, 2020; this resolution shall take effect immediately.

Moved by Trustee Monroe; seconded by Trustee Roeske.

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

I, Wendy Seely, do hereby certify that Resolution #19/20-9 was passed at a meeting of the Board of Trustees of the Village of Wellsville, New York held on April 13, 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 was not present.

DPW:

1. Director Whitfield was not present.

ATTORNEY:

1. Attorney Buck was not present.

TREASURER:

1. Mayor Shayler welcomed new Treasurer, Melissa Mullen, to her first Board meeting and noted that the Village is happy to have her here.

On a motion made by Trustee Cole and seconded by Trustee Monroe, the meeting adjourned at 7:29. Carried.

Respectfully submitted,

Wendy Seely
Village Clerk