

MINUTES OF A BOARD MEETING OF THE VILLAGE OF WELLSVILLE BOARD OF TRUSTEES  
HELD ON JUNE 8, 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, Mike Roeske  
Dir. DPW: Bill Whitfield (via teleconference)  
Police Chief: Tim O'Grady  
Fire Chief: Barney Dillie  
Treasurer: Melissa Mullen

ABSENT: Attorney: Rich Buck  
VISITORS: Patty Graves, Town Liaison; Mike Raptis

The meeting opened at 6:00 pm with the pledge to the flag led by Trustee Jeremy Cole.  
Mayor Shayler welcomed everyone to the meeting.

Mayor Shayler requested acceptance of the minutes from the Regular Board meeting held  
on May 26, 2020; Trustee Roeske seconded the motion. Carried.

MAYOR'S BUSINESS:

1. Mayor Shayler noted that the Morrison Hayes American Legion Post 702, by  
notifying the Village Board of Trustees, intend to renew their liquor license,  
Serial #3105209, which expires on August 31, 2020.
2. Mayor Shayler discussed that the U.S. Census Bureau recently contacted the  
Village Clerk requesting a place for their upcoming training of enumerators  
for a few days next month (7/16, 8/4-8/7, and 8/10/20). The Mayor made a  
motion to allow the Census Bureau to use our Board room for their training,  
with the stipulation that they provide us with indemnification/insurance  
rider. Trustee Fahs seconded the motion. Carried.
3. Mayor Shayler requested executive session for a personnel issue.
4. Mayor Shayler discussed allowing outside dining for Village restaurants as  
COVID-19 restrictions are being lifted. This dining option would allow for  
patrons to visit restaurants while indoor dining is not yet allowed, while  
adhering to local municipality law. Mike Raptis discussed the concept for  
recommendations, to include looking at the local law, as well as how much  
sidewalk restaurants have available for their use while adhering to ADA  
compliance standards. Mayor Shayler noted that due to the State of  
Emergency, an Executive Order can be issued to adjust the local law if  
necessary. He also noted that the ordinary \$25 annual fee will be waived for  
the remainder of the calendar year. Restaurants will need to list the Village of  
Wellsville as a certificate holder on their liability insurance. Mike Raptis  
stated that he would be happy to be the Village liaison to the restaurants.

TRUSTEES' BUSINESS:

COLE:

1. Trustee Cole made a motion to accept and approve the vouchers as listed in the Abstract of Vouchers dated June 8, 2020. Trustee Fahs seconded the motion. Carried.

MONROE:

1. Trustee Monroe requested executive session to discuss the Town Fire Contract.
2. Trustee Monroe made a motion to accept and approve adding Cody Armstrong to the rolls of Dyke Street Engine Company #2. Trustee Fahs seconded the motion, upon receipt of arson check, criminal background and other requests. Carried.
3. Per the results of Delegates to elect Fire Chief meeting on June 4, 2020:
  - a. Trustee Monroe made a motion to appoint Barney Dillie as Fire Department Chief. Trustee Cole seconded the motion. Carried.
  - b. Trustee Monroe made a motion to appoint Kevin Fleischman as 1<sup>st</sup> Assistant Chief. Trustee Fahs seconded the motion. Carried.
  - c. Trustee Monroe made a motion to appoint Rod Wynans as 2<sup>nd</sup> Assistant Chief. Trustee Roeske seconded the motion. Carried.

ROESKE:

1. Trustee Roeske requested executive session to discuss a personnel issue.

FAHS:

1. Trustee Fahs made a motion to accept and approve authorizing the Mayor to sign the Historic Fixed Price Transmission Congestion Contract (HFPTCC) with the New York Independent System Operator (NYISO) covering a one-year period of November 1, 2020 through October 31, 2021. The HFPTCC also notifies the NYISO that the Village of Wellsville's Load Serving Entity (LSE) and is requesting four (4) MW to be extended for this period at the cost of \$42,365.93 per MW and total annual cost of \$169,463.72. Trustee Monroe seconded the motion. Carried.
2. Trustee Fahs made a motion to accept and approve Resolution No. 20/21-01, Establishment of Refuse Rates June 1, 2020. Trustee Monroe seconded the motion. Approved by roll call; Trustee Cole abstained. Carried.

**RESOLUTION NO 20/21-01  
OF THE VILLAGE BOARD OF TRUSTEES**

ESTABLISHMENT OF REFUSE RATES JUNE 8, 2020

**WHEREAS**, The Village of Wellsville Local Law #3 of 2016 allows the Village Board of Trustees to set rates through Board resolution; and

**WHEREAS**, the approved Village of Wellsville Budget for 2020-21 calls for an overall increase in refuse rates of \$1.00; and

**WHEREAS**, user fees for the collection of garbage and solid waste are based on the costs incurred by the Village of Wellsville for providing the services; and

**WHEREAS**, the Board of Trustees of the Village of Wellsville, after due deliberation, and consideration of the 2020-21 Approved Budget, find it in the best interest of the Village of Wellsville to raise the garbage and refuse collection fee.

**NOW THEREFORE, BE IT RESOLVED**, that hereafter, the garbage and solid waste fee shall be as follows and the local law will be updated accordingly:

Garbage and Solid Waste Collection - \$16.00 monthly per dwelling unit

Dated: June 8, 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>Abstain</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 #20/21-01 was passed at a meeting of the Board of Trustees of the Village of Wellsville, New York held on June 8, 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.

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Certified by the Village Clerk

- Trustee Fahs made a motion to accept and approve Resolution No. 20/21-02, To Authorize a Niles Hill Substation Capital Improvements Project and Issuance of a Serial Bond not to exceed \$500,000. Trustee Fahs seconded the motion. Approved by roll call. Carried.

**RESOLUTION NO 20/21-02  
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 June 8, 2020, the following resolution was adopted:

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**, the Village Board of Trustees of the Village of Wellsville, in the County of Allegany, New York (the “Village”) adopted, on April 13, 2020, a bond resolution for the purpose of authorizing (a) an electric system capital improvement project 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 “Project”) and (b) the plan of financing for the Project (the “Original Bond Resolution”): and

**WHEREAS**, for reasons relating to the COVID-19 pandemic, the Village Board now wishes to readopt the Original Bond Resolution so that it may become effective in due course in light of various Executive Orders that have been promulgated by New York State Governor Andrew Cuomo in response to the pandemic;

**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 therefor 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: June 8, 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 #20/21-02 was passed at a meeting of the Board of Trustees of the Village of Wellsville, New York held on June 8, 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.

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Certified by the Village Clerk

POLICE DEPT:

1. Chief O'Grady had nothing to discuss.

FIRE DEPT:

1. Chief Dillie had nothing to discuss.

DPW:

1. Director Whitfield had nothing to discuss.

ATTORNEY:

1. Attorney Buck was not present.

TREASURER:

1. Treasurer Mullen had nothing to discuss.

On a motion made by Trustee Fahs and seconded by Trustee Monroe, the Board moved out of regular session and into executive session at 8:23 pm. Carried.

On a motion made by Trustee Cole and seconded by Trustee Fahs, the Board moved out of executive session and back into regular session at 8:55 pm. Carried.

On a motion made by Trustee Cole and seconded by Trustee Fahs, the meeting adjourned at 8:55. Carried.

Respectfully submitted,

Melissa Mullen  
Village Treasurer  
*(notes taken in Village Clerk's absence)*

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 website at [www.wellsvillenyc.com](http://www.wellsvillenyc.com).