

MINUTES OF A BOARD MEETING OF THE VILLAGE OF WELLSVILLE BOARD OF TRUSTEES
HELD ON MARCH 8, 2021, 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: Ed Fahs, Gary Pearson, Mike Roeske
Dir. DPW: Bill Whitfield
Police Chief: Tim O'Grady
Fire Chief: Barney Dillie
Treasurer: Melissa Mullen

ABSENT: Attorney: Rich Buck

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

The regular board meeting opened at 6:00 pm with the pledge to the flag led by Police
Chief Tim O'Grady.

Mayor Shayler welcomed everyone to the meeting, asking if anyone had anything they
wished to discuss. There was no response.

Trustee Roeske requested acceptance of the minutes from the Regular Board meeting
held on February 22, 2021; Trustee Fahs seconded the motion. Carried.

MAYOR'S BUSINESS:

1. Mayor Shayler made a motion to accept and approve Resolution No. 20/21-20 for
the NYS Police Reform & Reinvention Plan to be sent to Albany. Trustee Fahs
seconded the motion. Carried.

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

**NEW YORK STATE POLICE REFORM AND REINVENTION
COLLABORATIVE PLAN CERTIFICATION**

At a regular meeting of the Village Board of Trustees of the Village of Wellsville, New
York, held on Monday, March 8, 2021, at 6:00 pm held at 23 North Main Street,
Wellsville, New York 14895, the following resolution was adopted:

Pursuant to Executive Order No. 203 issued by Governor Andrew M. Cuomo on June 12,
2020:

WHEREAS, the Local Government has performed a comprehensive review of current
police force deployments, strategies, policies, procedures, and practices; and

WHEREAS, the Local Government has developed a plan, attached hereto, to improve
such deployments, strategies, policies, procedures, and practices (the "Plan"); and

WHEREAS, the Local Government has consulted with stakeholders (including but not limited to: membership and leadership of the local police force; members of the community, with emphasis in areas with high numbers of police and community interactions; interested non-profit and faith-based community groups; the local office of the district attorney; the local public defender; and local elected officials) regarding the Plan;

WHEREAS, the Local Government has offered the Plan in draft form for public comment to all citizens in the locality and, prior to adoption of the Plan by the local legislative body, has considered the comments submitted; and

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Wellsville hereby agrees that the legislative body of the Local Government has ratified or adopted the Plan by local law or resolution.

Dated: March 8, 2021; this resolution shall take effect immediately.

Moved by Mayor Shayler; seconded by Trustee Fahs.

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

by roll call:	Trustee Fahs	<u>AYE</u>	Trustee Pearson	<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 #20/21-20 was adopted by the Board of Trustees of the Village of Wellsville, New York the 8th day of March 2021.

Certified by the Village Clerk

TRUSTEES' BUSINESS:

PEARSON:

1. Trustee Pearson made a motion to accept and approve the vouchers as listed in the Abstract of Vouchers dated today, March 8, 2021. Trustee Monroe seconded the motion. Carried.
2. Trustee Pearson made a motion to accept and approve, in consideration of Allegany County Tax Exemption for Persons over 65 years of age with limited incomes currently at a sliding scale maximum of \$16,000, to keep at the current \$16,000 rate. Trustee Roeske seconded the motion. Carried.

MONROE:

1. Trustee Monroe had nothing to discuss.

ROESKE:

1. Trustee Roeske distributed a handout with information regarding the NYS Open Meetings Law to the Board. He stated that questions could be directed to his email or at the next meeting.

2. Trustee Roeske made a motion to accept and approve awarding the 2021 paving bid to Dalrymple Gravel & Construction Co., Inc. in the amount of \$87.75/ton. The projected cost, with a project amount of 1,165 tons, is \$102,228.75. Trustee Pearson seconded the motion. Carried.
3. Trustee Roeske made a motion to accept and approve the purchase of a new Ford 550 XL dump body truck totally equipped with plow, wing, spreader, brine tank, and distribution computer using reimbursed CHIPs monies, not to exceed \$120,000. Trustee Fahs seconded the motion. Carried.

FAHS:

1. Trustee Fahs made a motion to accept and approve the purchase of a new Ford 550 XL hybrid bucket truck with a 40' boom using the NYPA MAP Program with a cost not to exceed \$200,000. Trustee Monroe seconded the motion. Carried.
2. Trustee Fahs made a motion to accept and approve Resolution No. 20/21-19, To Authorize the Niles Hill Substation Capital Improvements Project and Issuance of a Serial Bond not to exceed \$625,000. (Re-adoption of Resolution 20/21-13 will correct a technical requirement related to publication.)

**RESOLUTION NO 20/21-19
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 MARCH 8, 2021, 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, on October 26, 2020, the Village considered and approved a certain bond resolution for this project, but due to technical requirements related to publication, has concluded that it is best to readopt the bond resolution considered at the October 26, 2020 Board meeting;

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 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 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 this resolution.

SECTION 9. This resolution shall constitute the declaration (or reaffirmation) of the Village's "official intent" to reimburse the expenditures authorized in this resolution with the proceeds of the bonds, notes or other obligations authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 10. 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 11. 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 12. 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 13. 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 14. 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 15. 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 16. 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 17. 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 18. 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 19. 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: March 8, 2021; this resolution shall take effect immediately.

Moved by Trustee Fahs; seconded by Trustee Pearson.

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

by roll call:	Trustee Pearson	<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 #20/21-19 was passed at a meeting of the Board of Trustees of the Village of Wellsville, New York held on March 8, 2021, 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 had nothing to discuss.

FIRE DEPT:

1. Fire Chief Dillie noted that Fire Chief applications are presently under review.

DPW:

1. Director Whitfield had nothing to discuss.

CODE OFFICER:

1. Code Enforcement Officer Wenslow was not present.

ATTORNEY:

1. Attorney Buck was not present.

TREASURER:

1. Treasurer Mullen gave a big thanks to Village Clerk Wendy Seely for hanging Village historic photos here at the 23 North Main Street Board Room that were on the walls at the previous municipal building.

On a motion made by Trustee Monroe and seconded by Trustee Roeske, the meeting adjourned at 6:08. Carried.

Respectfully submitted,

Wendy Seely
Village Clerk