

MINUTES OF A BOARD MEETING OF THE VILLAGE OF WELLSVILLE BOARD OF TRUSTEES  
HELD ON APRIL 26, 2021, AT 6:00 PM AT THE TRUSTEE BOARD ROOM, 23 NORTH MAIN  
STREET, ALLEGANY COUNTY, WELLSVILLE, NEW YORK.

PRESENT: Mayor: Randy Shayler  
Deputy Mayor: Jeff Monroe  
Trustees: Ed Fahs, Gary Pearson (via telephone), Mike Roeske  
Dir. DPW: Bill Whitfield  
Police Chief: Tim O'Grady  
Fire Chief: Kevin Fleischman  
Treasurer: Melissa Mullen  
Attorney: Rich Buck  
Code Officer: Rich Wenslow

ABSENT: none

VISITORS: Greg Elliott; Barney Dillie; 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 Mayor Shayler.

Trustee Roeske requested acceptance of the minutes from the Regular Board meeting held on April 12, 2021; Trustee Fahs seconded the motion. Carried.

Trustee Roeske requested acceptance of the minutes from the Unsafe Property Hearing held on April 14, 2021; Trustee Pearson seconded the motion. Carried.

Trustee Fahs requested acceptance of the minutes from the Public Hearing held on April 19, 2021; Trustee Monroe seconded the motion. Carried.

Mayor Shayler welcomed everyone to the meeting, asking if anyone had anything to discuss. After no response, Mayor Shayler asked Barney Dillie to come forward to accept a plaque from the Village. The Mayor noted that it's good to look out and see the new Fire Chief present, Kevin Fleischman. He continued that the Village hasn't done a great job of recognizing hard work and desires to do a better job in the future, following this first award to Barney Dillie for all of his hard work and dedication to the Fire Department. Mr. Dillie expressed his thanks to the Village.

**MAYOR'S BUSINESS:**

1. Mayor Shayler requested acceptance and approval of the Peddling and Soliciting Application received from Greg Elliott for Max's Pizza Plus LLC for the period of May 1, 2021 through November 1, 2021, selling pizza, breadsticks, cookies, water and soda. A police background check was completed. Mr. Elliott was present and gave a synopsis of his plan to use his food trailer at home parties mostly, but also in areas of the Village. Special note was made that he intends to steer clear of any present pizza establishments so as not to cause any conflicts of interest. He suggests locations such as the American Legion parking lot. He also added that he is fully licensed and insured. Mayor Shayler made a motion to grant acceptance of this application, with the modification of location being anywhere other than the public streets in the business district and also to extend the expiration to one year, April 30, 2022. Trustee Fahs seconded the motion. Carried.

2. Mayor Shayler discussed the 2021 Main Street Flower Planter proposal from the WDC (Wellsville Development Corporation), noting their intention is to place planters in the same places as last year. They will continue to water and tend to the flowers/plants, possibly using summer crew from Otis to assist like in the past. They have also already accepted donations. The Mayor stated that the Board thanks the WDC for this project and made a motion to continue this next year as planned. Trustee Fahs seconded the motion. Carried.
3. Mayor Shayler next discussed the annual write-off request from the Department of Public Utilities for those balances they have not been able to collect, after their attempts to locate and/or collect for a minimum of 12 months. The Mayor made a motion to accept the request to write-off an amount of \$10,987.52, noting that recent efforts were able to collect \$8,269.11. Trustee Fahs seconded the motion. Carried.
4. Mayor Shayler requested acceptance and approval of the Application for a Special Event Permit from Gildner & Associates Wealth Management for a "Shred-It" Event, as held in previous years. The event will take place on Saturday, May 1, 2021 from 10:00 am to 1:00 pm with a shred truck made available to the public, located in the Municipal Lot. Donations will be accepted and made to charity. The Mayor indicated approval, contingent on receipt of a statement from Gildner's that they'll comply with COVID-19 restrictions of limiting to less than 200 participants. Trustee Fahs seconded the motion. Carried.
5. Mayor Shayler noted that the Board of Elections intend to use the Trustee Board Room as an early polling location in June and October of this year. There is no fee paid for this use. The Mayor made a motion for the Board to authorize him to allow the Allegany County Board of Elections to use the Village board room, provided that the Village is indemnified completely in this lease-type arrangement and receive all insurance documents stating such. Trustee Fahs seconded the motion. Carried.
6. Mayor Shayler indicated that the Jones Memorial Hospital Expansion Project has been held up due to a zoning issue with the parking lot portion of the project. Attorney Rich Buck shared that there is a need for a change to the zoning law and map, which would allow for avoiding multiple properties having to apply for use. Attorney Buck continued that this will not negatively impact the residential area since they are already living among offices, etc. The Mayor made a motion to pass the introductory Local Law today and schedule a Public Hearing for May 10 at 5:30 pm, just before the regular Board meeting, to establish the final form to present to the County Planning Board on May 19, 2021. Trustee Monroe seconded the motion. Carried.

#### TRUSTEES' BUSINESS:

##### PEARSON:

1. Trustee Pearson (via telephone) thanked the Board for affording him the opportunity to participate in today's meeting remotely as he had to travel to Hershey, PA to assist his daughter. He thanked the Village Clerk for providing the meeting paperwork for him to follow along.

2. Trustee Pearson made a motion to accept and approve the vouchers as listed in the Abstract of Vouchers dated today, April 26, 2021. Trustee Fahs seconded the motion. Carried.
3. Trustee Pearson made a motion to accept and approve the Treasurer's Report, Bank Reconciliations, Financial Reports and Journal Entry Report for March 2021. Trustee Fahs seconded the motion. Carried.
4. Trustee Pearson made a motion to accept and approve – after a Public Hearing was held on April 19, 2021, as required by NYS law, where comments were considered with no concerns noted and no adjustments made – the Tentative Budget and Capital Plan for 2021-2022, in order to submit an approved budget by April 30, 2021 per NYS law. Trustee Roeske seconded the motion. Carried unanimously.

MONROE:

1. Trustee Monroe made a motion to accept and approve new fire department member, Evan Perry, tag# 079, who resides at 275 S. Main Street, Wellsville, and whose application has been signed off by Fire Chief Fleischman. Trustee Roeske seconded the motion. Carried.

ROESKE:

1. Trustee Roeske made a motion to accept and approve authorizing the award for Supply of Unleaded and Diesel Fuels to the low bidders as follows:
  - a) supply of Unleaded Fuel at a price of \$2.0855 per gallon to low bidder, NOCO Energy Corp.
  - b) supply of Ultra Low Sulfur Diesel Fuel at a price of \$2.0580 per gallon to low bidder, NOCO Energy Corp.
  - c) supply of Ultra Low Sulfur Diesel Fuel Winter Blend at a price of \$2.0799 per gallon to low bidder, NOCO Energy Corp.Trustee Fahs seconded the motion. Carried.

FAHS:

1. Trustee Fahs made a motion to accept and approve Resolution No. 21/22-01, To Purchase Aquaritrol WTP Software and Hardware. Trustee Monroe seconded the motion. Carried.

**RESOLUTION NO 21/22-01  
OF THE VILLAGE BOARD OF TRUSTEES**

**TO PURCHASE AQUARITROL WTP SOFTWARE & HARDWARE**

At a regular meeting of the Board of Trustees of the Village of Wellsville, New York held on April 26, 2021, the following resolution was adopted:

**WHEREAS**, the Village of Wellsville Trustees have approved the 2021-2022 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 Aquaritol Software and Hardware for the Water Treatment Plant which helps control PH and coagulation rate; and

**WHEREAS**, the price of this equipment will be an amount that shall not exceed Thirty Thousand Dollars (\$30,000), which shall be appropriated from the Water 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 WTP Computer Software & Hardware.

Dated: April 26, 2021; 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 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 #21/22-01 was passed at a meeting of the Board of Trustees of the Village of Wellsville, New York held on April 26, 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.

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Certified by the Village Clerk

- Trustee Fahs made a motion to accept and approve Resolution No. 20/21-22, An Amending and Restating Bond Resolution, 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 \$17,000,000 and delegating the power to issue Bond Anticipation Notes in anticipation of the sale of such Bonds to the Village Treasurer. Trustee Roeske seconded the motion. Carried.

**RESOLUTION NO. #20/21-22  
OF THE VILLAGE BOARD OF TRUSTEES**

TO BOND WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECT

**AN AMENDING AND RESTATING BOND RESOLUTION,  
DATED APRIL 26, 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 JANUARY 16, 2017, AND AUTHORIZING A  
SEWER SYSTEM CAPITAL IMPROVEMENTS PROJECT**

**(PRIMARILY AT THE WASTEWATER TREATMENT PLANT), AT AN ESTIMATED MAXIMUM COST OF \$17,000,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$17,000,000 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 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**, on October 12, 2020, the Village considered a certain amending bond resolution increasing the scope and estimated the cost at \$24,117,750, but due to technical requirements related to publication, additional action by the Village Board would now be appropriate; and

**WHEREAS**, subsequent to such October 12, 2020 meeting, the Village received higher than anticipated bids for the October 12, 2020 project; and

**WHEREAS**, in light of the higher than anticipated bids received, the Village determined that a further modified project scope (and cost) would be appropriate; and

**WHEREAS**, due to a modification to the scope and cost 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 \$17,000,000 and b) the amount of serial bonds authorized to be issued from \$10,500,000 to \$17,000,000, 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 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 one existing trickling filter media and equipment with one new bio-tower and associated media, equipment, and tankage; installing a new bio-tower cover; replacing recirculation pumps and systems; rehabilitation of existing final clarifiers 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; 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 Amendment 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 \$17,000,000.

**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 \$17,000,000 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 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.** To the extent not previously authorized, 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 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 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.

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Dated: April 26, 2021; this resolution shall take effect immediately.



Moved by Trustee Fahs; seconded by Trustee Roeske.

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 #20/21-22 was passed at a meeting of the Board of Trustees of the Village of Wellsville, New York held on April 26, 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.

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Certified by the Village Clerk

3. *(Inadvertently omitted from meeting April 12, 2021 minutes)* Trustee Fahs made a motion to accept and approve the Board authorizing the Mayor to sign an agreement to authorize payment of any related costs with National Grid covering the 115 kV Switcher Project. Trustee Monroe seconded the motion. Carried.

POLICE DEPT:

1. Chief O'Grady had nothing to discuss.

FIRE DEPT:

1. Fire Chief Fleischman had nothing to discuss.

DPW:

1. Director Whitfield wished to remind the Board of Village-wide power outages scheduled due to the Niles Hill project, the first of which occurring Sunday, May 16, 2021, between the hours of 2:00 am and 6:00 am. More public notice will occur via Facebook, radio and newspapers. The rain date will be the following Sunday, May 23, at the same time. Mayor Shayler noted his thanks to the electric department for working at these hours and attempting to keep the rest of us inconvenienced.

CODE OFFICER:

1. Code Enforcement Officer Wenslow had nothing to discuss.

ATTORNEY:

1. Attorney Buck had nothing to discuss.

TREASURER:

1. Treasurer Mullen had nothing to discuss.

On a motion made by Trustee Fahs and seconded by Trustee Monroe, the meeting adjourned at 6:59 pm. Carried.

Respectfully submitted,

Wendy Seely,  
Village Clerk

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.wellsvilleny.com](http://www.wellsvilleny.com).