

**OFFICIAL MINUTES OF THE BOARD OF TRUSTEES
FOR THE VILLAGE OF BATH
PUBLIC HEARING/REGULAR MEETING
MAY 18, 2015**

This meeting of the Board of Trustees of the Village of Bath was held on the 18th day of May 2015 at the Village of Bath, Village Hall, located at 110 Liberty St., Bath, NY 14810. This meeting was called to order by Deputy Mayor Jeanne Glass at 5:30 p.m.

Present:

Deputy Mayor/Trustee:	Jeanne Glass	Police Chief:	Chad Mullen
Trustee:	Melanie Coots	Clerk/Treasurer:	Jacqueline Shroyer
Trustee:	Mark Bardeen	Attorney:	Patrick McAllister
Trustee:	Mike Sweet	Fire Chief:	Joe Washburn
Street Superintendent:	Jeff Muller	BEGWS Director:	Guy Hallgren

Absent:

Mayor:	William von Hagn
Code Enforcement:	Ralph Senese

Public Hearing:

Hearing was opened at 5:30 p.m.

No discussion was made.

Motion made by Trustee Bardeen, seconded by Trustee Sweet to close the public hearing at 5:31 p.m. All present were in favor and the motion was carried.

Regular Meeting:

Appointments:

Taylor Crowe/Amy Bizup:

Motion made by Trustee Sweet, seconded by Trustee Coots to appoint Taylor Crowe and Amy Bizup to the Mossy Bank Committee. All present were in favor and the motion was carried.

Visitors:

Joe Rumsey/John Stranges – Chamber:

Motion made by Trustee Bardeen, seconded by Trustee Coots to support the chamber Hometown Hero Banner Proposal. All present were in favor and the motion was carried.

John Condon – Travelers Insurance:

John discussed with the board all the different insurances that the village currently has and optional insurances offered. The new quote that was given for the new fiscal year will be \$216,302 for the village and BEGWS. This is up by 2.8% from last year, which was at \$210,391.

Audit of Bills:

Motion made by Trustee Bardeen, seconded by Trustee Sweet to approve the payment of the Village bills in the amount of \$127,914.45. All present were in favor and the motion was carried.

New Business:

Proposal for Bond Counsel for Vehicle Grant:

Motion made by Trustee Sweet, seconded by Trustee Bardeen to approve the proposal for bond counsel services with Harris Beach and allow Deputy Mayor, Jeanne Glass, to sign the proposal. All present were in favor and the motion was carried.

Bond Resolution for Vehicles:

At a regular meeting of the Board of Trustees of the Village of Bath, Steuben County, New York, held at the Village of Bath, 110 Liberty Street, Bath, New York, on May 18, 2015.

PRESENT: Deputy Mayor/Trustee Glass
 Trustee Bardeen
 Trustee Coots
 Trustee Sweet

ABSENT: Mayor von Hagn

The following resolution was offered by Trustee Sweet, who moved its adoption, seconded by Trustee Bardeen, to-wit:

BOND RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF BATH, STEUBEN COUNTY, NEW YORK (THE "VILLAGE"), AUTHORIZING THE PURCHASE OF ONE DUMP TRUCK WITH SNOW PLOW; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$188,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$188,000 IN SERIAL BONDS OF THE VILLAGE TO FINANCE SAID APPROPRIATION

WHEREAS, the Board of Trustees (the "Board") of the Village of Bath, Steuben County (the "Village") proposes to authorize the issuance of \$188,000 in serial bonds of the Village to finance the estimated cost of the acquisition of one dump truck with snow plow (the "Project"); and

WHEREAS, the Board now wishes to appropriate funds for the Project and to authorize the issuance of the Village's serial bonds and bond anticipation notes to be issued to finance said appropriation.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees (the "Board of Trustees") of the Village of Bath, Steuben County, New York (the "Issuer" or the "Village") (by the favorable vote of not less than two-thirds of all the members of such body), as follows:

SECTION 1. The Village is hereby authorized to undertake the Project, consisting of the acquisition of one dump truck with snow plow. The estimated maximum cost of the aforementioned specific object or purpose, including all costs incidental thereto or in connection with the financing thereof, is \$188,000 and said amount is hereby appropriated therefor. The plan for the financing thereof shall consist of (i) the issuance of up to \$188,000 in serial bonds of the Village, or bond anticipation notes issued in anticipation thereof, to finance said appropriation, (ii) the partial repayment of such bonds or bond anticipation notes with, or the direct expenditure on the Project of, \$20,000 in grant monies to be received by the Village from the United States Department of Agriculture Office of Rural Development and \$45,000 in current funds of the Village, and (iii) the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

SECTION 2. Serial bonds of the Village in the principal amount of \$188,000 are hereby authorized to be issued pursuant to provisions of Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance said appropriation.

SECTION 3. It is hereby determined that the period of probable usefulness of the aforementioned specific object or purpose is fifteen (15) years, pursuant to subdivision 28. of paragraph a. of Section 11.00 of the Law.

SECTION 4. 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 Law, for the capital purposes described in this resolution. The Village shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 5. The final maturity of the bonds herein authorized to be issued shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued pursuant to this resolution.

SECTION 6. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Village, payable as to both principal and interest by a general tax upon all the real property within the Village subject to applicable statutory limits, if any. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 7. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of serial bonds and bond anticipation notes or the renewals of said obligations and of Sections 21.00, 50.00, 54.90, 56.00 through 60.00, 62.10 and 63.00 of the Law, the powers and duties of the Village Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and

issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Treasurer, as the chief fiscal officer of the Village (the "Treasurer"). Such notes shall be of such terms, form and contents as may be prescribed by said Treasurer consistent with the provisions of Local Finance Law. Further, pursuant to paragraph b. of Section 11.00 of the Law, in the event that bonds to be issued for any of the objects or purposes authorized by this resolution are combined for sale, pursuant to paragraph c. of Section 57.00 of the Law, with bonds to be issued for any of the other objects or purposes authorized by this resolution and/or with bonds to be issued for one or more objects or purposes authorized by other resolutions of the Board, then the power of the Board to determine the "weighted average period of probable usefulness" (within the meaning of paragraph a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Treasurer, as the chief fiscal officer of the Village.

SECTION 8. The Treasurer is hereby 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 to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 9. The Treasurer is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchasers of the bonds or notes 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 10. The intent of this resolution is to give the Treasurer sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of the Board.

SECTION 11. The Board hereby determines that the Project constitutes a "Type II" action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (collectively, "SEQRA") and therefore no further action under SEQRA is required with respect to the Project or the financing thereof.

SECTION 12. In accordance with Section 36.00 of the Law, this resolution is subject to a permissive referendum in the manner prescribed by Article Nine of the Village Law of the State of New York (the "Village Law"). The Village Clerk is authorized and directed, within ten (10) days after the date of adoption of this resolution by the Board of Trustees, to post and publish a notice with respect to this resolution satisfying the requirements of Section 9-900 of the Village Law, which shall set forth the date of adoption of this resolution, shall contain an abstract hereof, and shall specify that this resolution was adopted subject to a permissive referendum. Such notice shall be published in the official newspaper of the Village for such purposes.

SECTION 13. In accordance with the Village Law, this resolution will take effect thirty (30) days after the date of its adoption, unless prior to the close of such thirty-day period there is filed with

the Village Clerk a petition, subscribed and acknowledged by at least twenty percent (20%) of the qualified electors of the Village, as shown on the Village's register of electors for the last general Village election, protesting against this resolution and requesting that it be submitted for approval or disapproval by the qualified electors of the Village. If such a qualifying petition is filed, a proposition for approval of this resolution shall be submitted at a regular election held not less than ten (10) and not more than sixty (60) days after the filing of such petition.

SECTION 14. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the constitution.

SECTION 15. As soon as reasonably possible after the date that this resolution takes effect, the Village Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published in full in the official newspaper of the Village for such purposes, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Law.

The following vote was taken and recorded in the public or open session of said meeting:

	<u>AYE</u>	<u>NAY</u>
Deputy Mayor/Trustee Glass	X	
Trustee Bardeen	X	
Trustee Coots	X	
Trustee Sweet	X	

Date: May 18, 2015

STATE OF NEW YORK)
COUNTY OF STEUBEN) ss.:

I, the undersigned Clerk of the Village of Bath, DO HEREBY CERTIFY as follows:

1. I am the duly qualified and acting Clerk of the Village of Bath, Steuben County, New York (the "Village") and the custodian of the records of the Village, including the minutes of the proceedings of the Board of Trustees, and am duly authorized to execute this certificate.

2. A regular meeting of the Board of Trustees of the Village of Bath, Steuben County, State of New York, was held on May 18, 2015, and Minutes of said meeting have been duly recorded in the Minute Book kept by me in accordance with law for the purpose of recording the minutes of meetings of said Board.

3. Attached hereto is a true and correct copy of a Bond Resolution duly adopted at a meeting of the Board of Trustees held on May 18, 2015 and entitled:

BOND RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF BATH, STEUBEN COUNTY, NEW YORK (THE "VILLAGE"), AUTHORIZING THE PURCHASE OF ONE DUMP TRUCK WITH SNOW PLOW; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$188,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$188,000 IN SERIAL BONDS OF THE VILLAGE TO FINANCE SAID APPROPRIATION

4. That said meeting was duly convened and held and that said resolution was duly adopted in all respects in accordance with the law and regulations of the Village. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Board of Trustees was present throughout said meeting, and a legally sufficient number of members (2/3's of the Board of Trustees) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under the law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including the publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

5. Public Notice of the time and place of said Meeting was duly posted and duly given to the public and the news media in accordance with the Open Meetings Law, constituting Chapter 511 of the Laws of 1976 of the State of New York, and that all members of said Board had due notice of said Meeting and that the Meeting was in all respects duly held and a quorum was present and acted throughout.

6. The seal appearing below constitutes the official seal of the Village and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of the Village of Bath this 18th day of May, 2015.

Jacqueline Shroyer, Village Clerk

[SEAL]

Steuben County – DWI Agreement:

Motion made by Trustee Sweet, seconded by Trustee Bardeen to authorize the Chief of Police, Chad Mullen, to sign the Steuben County DWI Agreement for 2015. All present were in favor and the motion was carried.

Approve Part-Time Meter Repair Specialist Resignation:

Motion made by Trustee Bardeen, seconded by Trustee Coots to approve the resignation of Part-Time Meter Repair Specialist, Timothy Dunning. All present were in favor and the motion was carried.

Approve Part-Time Meter Repair Specialist:

Motion made by Trustee Sweet, seconded by Trustee Coots to approve McKenna McCraig as the Part-Time Meter Repair Specialist effective May 1, 2015. All present were in favor and the motion was carried.

Schedule Public Hearing for Sewer Rate Increase of 6%:

Motion made by Trustee Sweet, seconded by Trustee Bardeen to schedule a public hearing for June 15, 2015 at 5:30 p.m. for the sewer rate increase of 6%. All present were in favor and the motion was carried.

Schedule Public Hearing for Local Law for BEGWS:

Motion made by Trustee Bardeen, seconded by Trustee Sweet to schedule a public hearing for June 15, 2015 at 5:30 p.m. for the local law on best value procurement standards. All present were in favor and the motion was carried.

Schedule Public Hearing for Local Law on Amending Zoning:

Motion made by Trustee Sweet, seconded by Trustee Coots to schedule a public hearing for June 15, 2015 at 5:30 p.m. for the local law on amending zoning. All present were in favor and the motion was carried.

Hunt Engineers Agreement for Grant Writing Services:

Motion made by Trustee Sweet, seconded by Trustee Bardeen to approve the grant writing services agreement with Hunt Engineers contingent upon Attorney McAllister's approval. All present were in favor and the motion was carried.

CFA – Fairgrounds Main Street Grant:

Motion made by Trustee Sweet, seconded by Trustee Bardeen to allow the village to reapply for the Main Street Grant and to support the grant being used for the fairgrounds as a whole. All present were in favor and the motion was carried.

Award Bid for 7 Exchange Street:

Motion made by Trustee Coots, seconded by Trustee Sweet to award the bid for \$4,389 to the Bath Elks Club for property on 7 Exchange Street. All present were in favor and the motion was carried.

BEGWS SEQR Resolution:

Motion made by Trustee Bardeen, seconded by Trustee Coots to approve the SEQR resolution for the Village of Bath Waste Water Treatment Plant Upgrades. All present were in favor and the motion was carried.

State Environmental Quality Review (SEQR)

Resolution - Unlisted Action Undergoing Coordinated Review

Name of Action: Village of Bath Waste Water Treatment Plant Upgrades

WHEREAS, the Village of Bath (“Village”) and Bath Electric Gas and Water System (“BEGWS”) is considering various improvements at the Waste Water Treatment Plant; and

WHEREAS, the Village intends to finance the proposed improvements with funding from the State Environmental Facilities Corporation (“EFC”); and

WHEREAS, the Full Environmental Assessment Form (“FEAF”) dated May 14, 2015 prepared by CRA Infrastructure & Engineering has been submitted by BEGWS for the Village’s consideration; and

WHEREAS, after comparing the thresholds in 6 NYCRR 617.4 and 5, the Village has determined that the proposed project is an “Unlisted” action, and

WHEREAS, the Village has determined the proposed project is not within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6 (a) (6) do not apply, and

WHEREAS, in accordance with EFC guidelines and the State Environmental Review Process the Village intends to coordinate the environmental review; and

WHEREAS, the Village wishes to serve as lead agency under the State Environmental Quality Review Act (“SEQRA”) for the environmental review of the Action.

NOW THEREFORE BE IT RESOLVED, that the Village authorizes BEGWS to contact those entities that are potentially involved agencies under SEQRA and seek their concurrence with the Village serving as SEQRA lead agency for the Action.

Fire Agreement for 2015-2016:

Motion made by Trustee Sweet, seconded by Trustee Bardeen to approve the fire agreement between the fire department and the village for fiscal year 2015-2016. All present were in favor and the motion was carried.

Old Business:

Approve BEGWS Budget 2015-2016:

Motion made by Trustee Bardeen, seconded by Trustee Coots to approve the budget for BEGWS for fiscal year 2015-2016. All present were in favor and the motion was carried.

Adjournment:

Motion made by Trustee Bardeen, seconded by Trustee Sweet to adjourn the regular meeting at 7:45 p.m. All present were in favor and the motion was carried.

Respectfully submitted by:

Jacqueline Shroyer
Clerk/Treasurer