

**OFFICIAL MINUTES OF THE BOARD OF TRUSTEES
FOR THE VILLAGE OF BATH
PUBLIC HEARING/REGULAR MEETING
NOVEMBER 15, 2021**

This meeting of the Board of Trustees of the Village of Bath was held on the 15th day of November 2021 at the Village Courtroom, located at 110 Liberty Street, Bath, NY 14810. This meeting was called to order by Mayor Michael Sweet at 5:30 p.m.

Present:

Mayor:	Michael Sweet
Deputy Mayor/Trustee:	Karen Causer
Trustee:	Mark Bardeen
Trustee:	Melanie Coots
Deputy Clerk/ Treasurer:	Stephany Bartusiak
Street Supervisor:	Thomas Gutow
Code Enforcement:	Bradley Hill
BEGWS Director:	Erin Bonacci
Attorney:	Aaron Mullen

Visitors/Residents in Attendance: Kelly Fitzpatrick, Dillon Lewis

Absent:

Clerk/ Treasurer:	Jacqueline Shroyer
Chief of Police:	Colin Taft
Trustee:	Jeffrey Muller
Fire Chief:	Matt Glashauser

Public Hearing:

Charter Franchise Agreement Renewal:

Opened Public Hearing at 5:30 p.m.

There were no questions asked and no discussion on the topic.

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

Audit of Bills:

Motion made by Trustee Coots, seconded by Trustee Causer to approve the payment of the Village bills in the amount of \$581,185.16. All present were in favor and the motion was carried.

Department Head Reports:

Thomas Gutow, Street Superintendent:

Street Report was received.

Colin Taft, Police Chief:

Police Report was received.

Bradley Hill, Code Enforcement:

Code Enforcement Report was received.

Matthew Glashauser, Fire Chief:

Fire Department Report was received.

Erin Bonacci, BEGWS Director:

BEGWS Minutes were received for September and October.

Jacqueline Shroyer, Clerk/Treasurer Report:

Clerk/Treasurer Report was not received. This report will be turned in for the next meeting.

New Business:

Eastern Security:

Motion made by Trustee Coots, seconded by Trustee Bardeen to approve the Eastern Security quote for installation of panic buttons, for \$3,157.00 with a monthly cost of \$38.95 for monitoring, with the stipulation that Colin asks the Town of Bath to pay for half of the cost and the Town of Bath agrees. All present were in favor and the motion was carried.

Finger Printing

Motion made by Trustee Coots, seconded by Trustee Bardeen to raise the fingerprinting fee for non-village residents from \$10 to \$15. All present were in favor and the motion was carried.

Storage Fee:

Motion made by Trustee Causer, seconded by Trustee Coots to institute a \$25 a day storage fee on vehicles we impound. All present were in favor and the motion was carried.

Police Training:

Motion made by Trustee Coots, seconded by Trustee Bardeen to approved Dustin Johnson to attend Breath Test Operator training in Corning, NY December 14-16, 2021. All present were in favor and the motion was carried.

Parking Tickets:

Motion made by Trustee Coots, seconded by Trustee Bardeen to approve waiving of late fees on Parking tickets older than 5 years in an effort to get people to pay past due parking tickets, before January 1, 2022. All present were in favor and the motion was carried.

Food Trailer

Motion made by Trustee Bardeen, seconded by Trustee Causer to approve Biggies Burritos, Bowls, and Tacos Food trailer to set up in Pulteney Park with a Peddlers Permit. All present were in favor and the motion was carried.

Taxes Releived to County:

Motion made by Trustee Coots, seconded by Trustee Causer resolving that the village Board of Trustees authorized the County of Steuben to collect unpaid 2021/2022 taxes in the amount of \$152,543.66. All present were in favor and motion was carried.

**RESOLUTION AUTHORIZING SUBMISSION OF 2021 WATER INFRASTRUCTURE
IMPROVEMENT ACT (WIIA) GRANT APPLICATION REGARDING
VILLAGE OF BATH
WATER SYSTEM IMPROVEMENTS PROJECT – PHASE I**

WHEREAS, the Village of Bath (Village), administers the water system serving the Village; and

WHEREAS, the Village has considered the condition and reliability of its water system currently in use and has identified improvements necessary for protecting public health and improving water quality; and

WHEREAS, the Village is proposing to repair, rehabilitate and/or replace sections of water distribution infrastructure throughout the Village, and make various improvements to its water supply infrastructure, *i.e.*, well houses, (Project); and

WHEREAS, this Project is more fully described in the February 2020 Water System Study Preliminary Engineering Report and October 2021 Technical Memorandum, prepared by Larson Design Group, a professional engineering and consulting firm; and

WHEREAS, the Project proposed will address significant concerns and issues related to water quality, safety, reliability, efficiency, and security pertaining to the service and operation of the Village's water system; and

WHEREAS, the Village is seeking financial assistance through the 2021 New York State Water Infrastructure Improvement Act (WIIA) Program offered by the New York State Environmental Facilities Corporation (NYSEFC) as part of the New York State Clean Water Infrastructure Act, and additional financial assistance as available; and

WHEREAS, if awarded, the WIIA Grant will fund 60% of eligible project costs up to \$3 million; and

NOW, THEREFORE, BE IT:

RESOLVED that the Village Board of Trustees acknowledges and authorizes the Project, with a total project cost estimate of \$9 million, approves the WIIA grant application and supporting documents, and, if awarded, authorizes the Village to enter into a WIIA grant agreement with the NYSEFC, to pursue bonding or Drinking Water State Revolving Fund financing for any portion of the Project not covered by the WIIA grant, and to execute any and all other contracts, documents and instruments necessary to bring about the Project, and to fulfill the Village's obligations under the WIIA grant agreement, subject to review and approval by counsel; and, be it further

RESOLVED that the Mayor, or approved representative, be authorized to sign the WIIA Grant application and supporting documents, and, if awarded, to execute a WIIA grant agreement with the NYSEFC, and to execute any and all other contracts, documents and instruments necessary to bring about the Project, and to fulfill the Village’s obligations under the WIIA grant agreement, subject to review and approval by counsel.

This resolution shall take effect immediately.

Passed by the following vote of Village of Bath Board of Trustees:

	<u>Aye</u>	<u>Nay</u>
Mayor Michael Sweet	X	
Trustee Karen Causer	X	
Trustee Mark Bardeen	X	
Trustee Melanie Coots	X	
Trustee Jeffrey Muller		

**RESOLUTION ADDRESSING STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)
LEAD AGENCY, DETERMINATION OF NO SIGNIFICANT ADVERSE ENVIRONMENTAL
IMPACTS
VILLAGE OF BATH
WATER SYSTEM IMPROVEMENTS PROJECT – PHASE I**

WHEREAS, the Village of Bath (Village) administers the water system serving the Village; and

WHEREAS, the Village has considered the condition and reliability of its water system currently in use and has identified improvements necessary for protecting public health and improving water quality; and

WHEREAS, the Village is proposing to repair, rehabilitate and/or replace sections of water distribution infrastructure throughout the Village, and make various improvements to its water supply infrastructure. *i.e.*, well houses, (Project); and

WHEREAS, the Village is obligated under the State Environmental Quality Review Act (SEQRA) and corresponding regulations to review the Project, and if necessary, undertake a review of the potential environmental impacts associated with the Project before undertaking the same; and

WHEREAS, the Village is the appropriate agency to be the lead agency to undertake the Project review under SERA; and

WHEREAS, based upon examination of 6 NYCRR Section 617.4 and Section 617.5, the Village classified the Project as a Type 1 Action. A Full Environmental Assessment Form was prepared for the Project, and pursuant to the compliance with SERP requirement of the potential funding agency/agencies, was undertaken by the Village and no objections were received regarding the Village serving as lead agency.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Village of Bath Board of Trustees (Village Board) hereby makes the following findings:

1. The Project consists of the repair, rehabilitation and/or replacement of sections of water distribution throughout the Village, and various improvements to its water supply infrastructure, *i.e.* well houses.
2. The Village hereby designates itself lead agency pursuant to 6 NYCRR Section 617.6 with respect to the Project.
3. Based upon an examination of the components of the Project, the Full Environmental Assessment Form, and the criteria contained in 6 NYCRR Section 617.7, and based upon its knowledge of the areas including and surround the Project site, and discussions with professional retained by the Village, the Village Board, as lead agency, hereby makes the following determinations with respect to the Project pursuant to SEQRA:
 - a. The Project constitutes a "Type 1 Action."
 - b. Based upon review by the Village Board of the Full Environmental Assessment Form, any input provided by other involved agencies, and other necessary criteria set forth in SEQRA, the Village Board hereby finds and determines that the Project will result in no significant impacts and, therefore, (a) the action is not one which "may include the potential for at least one significant adverse environmental impact," (b) "there will be no significant adverse environmental impacts," and (c) no "environmental impact statement" need be prepared, as such quoted terms are defined in SEQRA. This determination constitutes a negative declaration for the purposes of SEQRA, and it has been prepared in accordance with Article 8 of the Environmental Conservation Law.
 - c. A copy of this resolution, together with notice of negative declaration, shall be placed on file in the Office of the Village Clerk, where the same shall be available for public inspection during business hours and such notice of negative declaration shall be filed in such offices, posted in such places, and published in such manner as shall be necessary to conform to the requirements of SEQRA.
4. This resolution shall take effect immediately.

Passed by the following vote of Village of Bath Board of Trustees:

	<u>Aye</u>	<u>Nay</u>
Mayor Michael Sweet	X	
Trustee Karen Causer	X	
Trustee Mark Bardeen	X	
Trustee Melanie Coots	X	

Trustee Jeffrey Muller

At a regular meeting of the Board of Trustees of the Village of Bath, Steuben County, New York, held at the Village Hall, 110 Liberty Street, Bath, New York 14180, on November 15, 2021.

PRESENT: Mayor Sweet
Trustee Causer
Trustee Coots
Trustee Bardeen

ABSENT: Trustee Muller

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

BOND RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF BATH, STEUBEN COUNTY, NEW YORK (THE “VILLAGE”), AUTHORIZING CERTAIN WATER SYSTEM IMPROVEMENTS; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$9,000,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$9,000,000 IN SERIAL BONDS OF THE VILLAGE TO FINANCE SAID APPROPRIATION

WHEREAS, the Board of Trustees (the “Village Board”) of the Village of Bath, Steuben County, New York (the “Village”) proposes to undertake water system improvements and has caused Larson Design Group, the Village’s engineers (“Larsen”), to prepare an engineering report entitled “Water System Study” dated February 2020 along with a technical memorandum, dated October 28, 2021 as prepared by Larsen, each on file in the office of the Village Clerk (collectively, the “Engineer’s Report”) incorporating certain technological changes and describing upgrades and improvements to be constructed, reconstructed and installed for the Village’s water system, including all related, ancillary and appurtenant facilities, improvements, equipment, machinery and apparatus, and all planning, design, engineering, legal and permitting costs in connection therewith and the financing thereof (the “Project”), at a total estimated maximum cost not to exceed \$9,000,000; and

WHEREAS, by resolution dated October 18, 2021, the Village Board (i) determined that the actions and improvements to be included in the Project constitute a “Type I” action pursuant to the provisions of the New York State Environmental Quality Review Act and the regulations promulgated thereunder (6 NYCRR Part 617) (collectively, “SEQRA”), and (ii) assumed lead agency status for purposes of conducting a coordinated review of the Project for purposes of SEQRA, and contacted those entities

that are potentially involved agencies under SEQRA to seek their concurrence with the Village serving as SEQRA lead agency for the proposed upgrades; and

WHEREAS, the Village Board by resolution adopted immediately prior to the adoption of this resolution, determined that (i) the Project will not result in any significant adverse environmental impacts, and (ii) a “negative declaration” has been issued and circulated, in accordance with the requirements of SEQRA; and

WHEREAS, the Village 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 the aforementioned specific object or purpose.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE VILLAGE OF BATH, STEUBEN COUNTY, NEW YORK (the “Village”) HEREBY RESOLVES (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, as described in the recitals hereof.

SECTION 2. The Village is hereby authorized to issue \$9,000,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the “Law”).

SECTION 3. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$9,000,000, said amount is hereby appropriated therefore and the plan for the financing thereof shall consist of (i) the issuance of up to \$9,000,000 in serial bonds of the Village, or bond anticipation notes issued in anticipation of such serial bonds, authorized to be issued pursuant to Section 2 of this resolution, (ii) the application of grant monies expected to be received by the Village from the State of New York Environmental Facilities Corporation including Drinking Water State Revolving Fund and Water Infrastructure Improvement Act grants, Rural Development Water and Environment Program grants from the United States Department of Agriculture, and State of New York Community Development Block Grants to either directly pay or reimburse a portion of the cost of the Project and/or to repay a portion of any such bond anticipation notes issued under the authority of this resolution, (iii) to the extent necessary, the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds or bond anticipation notes and the interest thereon as the same shall become due and payable.

SECTION 4. It is hereby determined that the period of probable usefulness of the aforementioned specific objects or purposes is forty (40) years, pursuant to subdivision 1. of paragraph (a.) of Section 11.00 of the Law.

SECTION 5. 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 Section 1

of 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 the declaration of the Village's "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and notes authorized herein, as required by the United States Treasury Regulations Section 1.150-2.

SECTION 6. 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 7. 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 8. 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 content as to the sale and issuance of the 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 Village Treasurer, as the chief fiscal officer of the Village (the "Village Treasurer"). Further, in connection with bonds and bond anticipation notes issued under the authority of Section 2 hereof, the power to issue and sell bonds or bond anticipation notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Law is hereby delegated to the Village Treasurer. Such bonds or notes shall be of such terms, form and contents as may be prescribed by said Village Treasurer consistent with the provisions of the 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 specific object or purpose 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 one or more objects or purposes authorized by other resolutions of the Village Board, then the power of the Village 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 Village Treasurer, as the chief fiscal officer of the Village.

SECTION 9. The Village Treasurer is hereby further authorized, at his sole discretion, to execute a project financing and loan agreement, and any other agreements with the Rural Development and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific objects or purposes described in Section 1 hereof, or a portion thereof, by a serial bond, a statutory installment bond and/or a bond anticipation note issue in the event of the sale of same to the New York State Environmental Facilities Corporation.

SECTION 10. The Village 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 11. The Village 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 12. The intent of this resolution is to give the Village Treasurer sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to affect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of the Village Board.

SECTION 13. 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 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 question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

	AYES:	NAYS:
Trustee Bardeen	X	
Trustee Causer	X	
Trustee Coots	X	
Trustee Muller		
Mayor Sweet	X	

The resolution was thereupon declared duly adopted by a vote of 4 ayes and nays.

Date: November 15, 2021

Adjourn Regular Meeting/Executive Session:

Motion made by Trustee Bardeen, seconded by Trustee Coots to adjourn the regular meeting of the Board of Trustees of the Village of Bath at 6:26 p.m. to go into executive session for the medical, financial, credit, or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person or corporation and potential litigation. All present were in favor and the motion was carried.

Return to Regular Session:

Motion made by Trustee Coots, seconded by Trustee Bardeen to return to regular session at 6:45 p.m. All present were in favor and the motion was carried.

Adjournment:

Motion made by Trustee Bardeen, seconded by Trustee Coots to adjourn the regular meeting at 7:05 p.m. All present were in favor and the motion was carried.

Respectfully submitted by:

Stephany Bartusiak
Deputy Clerk/Treasurer