

**OFFICIAL MINUTES OF THE BOARD OF TRUSTEES
FOR THE VILLAGE OF BATH
SPECIAL MEETING / YEAR END ABSTRACT MEETING
MAY 30, 2023**

This meeting of the Board of Trustees of the Village of Bath was held on the 30th day of May 2023 at 110 Liberty Street, Bath, NY 14810. This meeting was called to order by Mayor Michael Sweet at 5:15 p.m.

Present:

Mayor:	Michael Sweet
Deputy Mayor/Trustee:	Karen Causer
Trustee:	Mark Bardeen
Trustee:	Melanie Coots
Trustee:	Jeffrey Muller
Clerk/Treasurer:	Jacqueline Shroyer
Director of Utilities:	Erin Bonacci
Code Enforcement:	Bradley Hill
Chief of Police:	Colin Taft
Street Superintendent:	Thomas Gutow
Deputy St. Superintendent:	Jason Causer
Fire Chief:	Matt Glashauser

Public Meeting:

Erin Bonacci elaborated on the Village's Intent to File Application with USDA RD Rural Utilities Services Program. She explained that the Village's utility department, Bath Electric, Gas and Water Systems (BEGWS), has responded to several water main breaks on State routes in the Village of Bath, for instance State Route 415 and State Route 54. The Village has evaluated different financing options, one being a financial assistance with USDA. The purpose of this meeting is to communicate to the public the Village's intent to file an application with USDA, and field any questions, comments, or concerns from the public.

The Project will address the highest priority distribution system needs. These needs include replacing approximately 19,000 linear feet of troublesome, leak-prone water mains with 12-inch ductile iron main along various state highways/roads within the Village. These distribution system improvements will include replacing existing water mains, valves, hydrants, and services. The installation of backup generators and automatic transfer switches at two of the Village's well houses is also currently included. The Project will improve water quality, safety, reliability, efficiency, and security pertaining to the service and operation of the Village's water system that serves approximately 2,600 users. The estimated project cost of the Project is \$12,200,000. The Village was awarded a \$3,000,000 Water Infrastructure Improvement Act (WIIA) grant in 2021 for the Project.

Audit of Bills:

Motion made by Trustee Bardeen, seconded by Trustee Coots to approve the payment of the Village bills in the amount of \$133,324.80. All present were in favor and the motion was carried.

Correspondence:

Bath Lodge – Pulteney Park Request:

Motion made by Trustee Coots, seconded by Trustee Causer to approve the Pulteney Park Request for Bath Elks Lodge for their flag day ceremony on June 11, 2023 at 1:00 p.m. All present were in favor and the motion was carried.

New Business:

DCJS Agreement:

Motion made by Trustee Bardeen, seconded by Trustee Causer to approve the New York State Division of Criminal Justice Services (DCJS) agreement between the Village of Bath and Monroe Crime Analysis Center. All present were in favor and the motion was carried.

Accept Resignation – Hutches:

Motion made by Trustee Muller, seconded by Trustee Causer to accept the resignation of Street Department Village Maintenance Worker, Conner Hutches, effective June 2, 2023. All present were in favor and the motion was carried.

Part Time Police Officer Resolution:

RESOLUTION
VILLAGE OF BATH BOARD OF TRUSTEES
BATH, NEW YORK

DATE APPROVED: Tuesday May 30, 2023 INTRO. DATE: Tuesday May 30, 2023

INTRODUCED BY: Trustee Bardeen SECONDED BY: Trustee Causer

VOTE:	Mayor Sweet	Aye	Nay	Abstain	Absent
	Trustee Causer	Aye	Nay	Abstain	Absent
	Trustee Bardeen	Aye	Nay	Abstain	Absent
	Trustee Coots	Aye	Nay	Abstain	Absent
	Trustee Muller	Aye	Nay	Abstain	Absent

TITLE: Appointment of David Dubois as Part-time Police Officer for the Village of Bath.

WHEREAS, the Bath Village Police Officer in Charge had previously announced the need to hire part-time police officers in an effort of having sufficient personnel to cover vacations and sick leave in order to keep police department over-time to manageable levels.

WHEREAS, the Bath Village Chief of Police, Colin Taft, with approval of the Village Board, is authorized to maintain up to nine (9) part-time police officer positions, and is recommending that the Bath Village Board of Trustees appoint David Dubois effective June 1, 2023, to the position of Part-time Police Officer contingent upon the following:

- The Village will compensate, pursuant to the collective bargaining agreement with the Bath Police Benevolent Association, only those hours worked during Supervised Field Training and hours assigned to him after successfully completing the Basic Course for Police Officers.
- David Dubois will remain on a probationary period not to exceed 18 months from the date of appointment.

BE IT RESOLVED, that the Village of Bath Board of Trustees is hereby appointing David Dubois to the position of Part-time Police Officer, contingent on the aforementioned stipulations and said appointment shall be effective June 1, 2023.

Updated Conference/Travel Expense Policy:

Motion made by Trustee Coots, seconded by Trustee Bardeen to approve the updates to the Conference/Travel Expense Policy. All present were in favor and the motion was carried.

BST Agreement Letter for Village/BEGWS Audits:

Motion made by Trustee Coots, seconded by Trustee Muller to approve the BST Agreement Letter regarding Village/BEGWS Audits. All present were in favor and the motion was carried.

Amended and Restated Bond Resolution for WWTP:

SECOND AMENDED AND RESTATED BOND RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF BATH, STEUBEN COUNTY, NEW YORK (THE "VILLAGE"), AMENDING AND RESTATING IN ITS ENTIRETY A BOND RESOLUTION OF THE VILLAGE DATED SEPTEMBER 20, 2021, AS PREVIOUSLY AMENDED BY A RESOLUTION DATED FEBRUARY 21, 2023, AUTHORIZING THE CONSTRUCTION, RECONSTRUCTION AND INSTALLATION OF UPGRADES AND IMPROVEMENTS TO THE VILLAGE'S EXISTING WASTEWATER TREATMENT FACILITY; ESTIMATING THAT THE TOTAL COST THEREOF IS \$49,970,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF \$26,900,000 IN SERIAL BONDS OF THE VILLAGE TO FINANCE SAID APPROPRIATION

WHEREAS, the Board of Trustees (the “Board”) of the Village of Bath, Steuben County, New York (the “Village”), by a bond resolution adopted on September 20, 2021 (the “Original Bond Resolution”), authorized the issuance of serial bonds and bond anticipation notes of the Village in the principal amount of \$26,900,000 to undertake certain improvements to the Village’s wastewater treatment facility as outlined in a certain engineering report prepared by GHD Consulting Services Inc. entitled “Village of Bath Wastewater Treatment Plant Upgrades” dated March 2, 2021, and on file in the office of the Village Clerk (the “Engineer’s Report”) incorporating certain technological changes and describing upgrades and improvements to be constructed, reconstructed and installed at the Village’s wastewater treatment facility, 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”);

WHEREAS, the Village Board by resolution adopted on September 21, 2020, determined that (i) the actions and improvements to be included in the Project constitutes 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”), (ii) the Village Board assumed lead agency status for purposes of conducting a coordinated review of the Project for purposes of SEQRA, and (iii) the Village authorized its utility department, Bath Electric, Gas and Water Systems, and its consultant, GHD Consulting Services Inc., 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 proposed upgrades; and

WHEREAS, the Village Board by resolution adopted on September 20, 2021 determined that (i) the Project will not result in any significant adverse environmental impacts, and (ii) a “negative declaration” was issued and circulated, in accordance with the requirements of SEQRA; and

WHEREAS, on February 21, 2023, the Village Board adopted a resolution amending the Original Resolution (the “Amended Resolution”, and together with the “Original Resolution”, the “Resolution”) for the purpose of (i) increasing the maximum estimated cost of the Project from \$26,900,000 to \$42,000,000 (but not the amount of bonds authorized in connection therewith); (ii) appropriating said increased amount; and (iii) restating the plan of finance set forth therein.

WHEREAS, the Village has learned that, due to increases in costs of materials and labor, and certain construction costs, the estimated maximum cost of the Project has increased from \$42,000,000 to \$49,970,000, with such additional costs to be paid with grant monies expected to be received by the Village; and

WHEREAS, the Village Board now intends to amend and restate the Resolution in its entirety pursuant to the terms of this resolution for the purpose of (i) increasing the maximum estimated cost of the Project from \$42,000,000 to \$49,970,000 (but not the amount of bonds authorized in connection therewith); (ii) appropriating said increase amount; and (iii) restating the plan of finance set forth therein.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE VILLAGE OF BATH, STEUBEN COUNTY, NEW YORK (the "Village") HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), TO AMEND AND RESTATE THE ORIGINAL BOND RESOLUTION IN ITS ENTIRETY, TO READ AS FOLLOWS:

SECTION 1. The object or purpose (hereinafter referred to as the "purpose") to be financed pursuant to this resolution is the cost of the Project as described in the recitals hereof. The total estimated maximum cost of such improvements, including preliminary costs and costs incidental thereto and the financing thereof, is \$49,970,000 and said amount is hereby appropriated therefor. The plan of financing shall consist of (i) the issuance of up to \$26,900,000 in serial bonds of the Village authorized to be issued pursuant to Section 1 of this resolution, or bond anticipation notes issued in anticipation of such serial bonds, (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, Water Quality Improvement Project grants, federal Community Development Block Grants, and federal Infrastructure Investment and Jobs grants, and (iii) unless paid from other sources, the levy and collection of taxes on all taxable real property of the Village to pay the principal of such bonds or notes and the interest thereon as the same become due and payable.

SECTION 2. Bonds of the Village in the principal amount of \$26,900,000 are hereby authorized to be issued pursuant to the provisions of Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the cost of the purpose described in Section 1 above.

SECTION 3.

- (a) It is hereby determined that the object or purpose referenced in Section 1 hereof is described in subdivision 1 of paragraph (a) of Section 11.00 of the Law, and that the period of probable usefulness of said object or purpose pursuant to subdivision 4. of paragraph (a) of Section 11.00 of the Law is 40 years.
- (b) The proposed maturity of the bonds authorized by this resolution will exceed five (5) 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 said bonds.

SECTION 5. The expected source of funds to be used initially to pay for the expenditures authorized to be financed by Section 1 of this resolution on an interim basis shall be from moneys held in various accounts of the Village. The Village then reasonably expects to reimburse such expenditure with the proceeds of the bonds or bond anticipation notes authorized by Section 1 of 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/or notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 6. Each of the serial bonds authorized by this resolution and any 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 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. The faith and credit of said Village are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and/or notes 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 and/or notes becoming 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 21.00 of the Law relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Sections 50.00, 56.00 to 60.00, 62.10, 63.00 and 168.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, or the renewals thereof, and relative to executing agreements for credit enhancement, are hereby delegated to the Village Treasurer, 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 1 hereof, the power to contract with and sell bonds and bond anticipation notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Law and to approve the terms, form and content of such bonds and bond anticipation notes, consistent with the provisions of the Law, is hereby delegated to the Village Treasurer. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for the object or purpose authorized by this resolution are combined for sale, pursuant to subdivision 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 this Board of Trustees, then the power of the Board of Trustees to determine the "weighted average period of probable usefulness" (within the meaning of subdivision 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 8. The Village Treasurer is hereby further authorized, at her sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation 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 object or purpose described in Section 1 hereof, or a portion thereof, by a serial 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 9. Such bonds or notes shall be in fully registered form and shall be signed in the name of the Village of Bath, Steuben County, New York, by the manual or facsimile signature of the Village Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Village Clerk.

SECTION 10. The Village Treasurer is hereby 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, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(I) of the Code.

SECTION 11. The Village Treasurer is hereby further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchasers of the bonds or notes authorized by this resolution 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 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. 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 15. 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 16. 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 vote on a roll call, which resulted as follows.

	<u>AYES</u>	<u>NAYS</u>
Michael Sweet	X	
Karen Causer	X	
Jeffrey Muller	X	
Mark Bardeen	X	
Melanie Coots	X	

The resolution was thereupon declared duly adopted by a vote of 5 ayes and _____ nays.

Award Construction Contracts for WWTP Upgrades:

Motion made by Trustee Muller, seconded by Trustee Bardeen to award General, Electric, HVAC and Plumbing prime construction contracts for the Village of Bath WWTP upgrades to the following bidders, contingent upon successful completion of the Permissive Referendum and Estoppel Notice periods.

<i>Contract No. 1 - General</i>	<i>Performance Construction Company</i>	<i>\$ 30,028,200</i>
<i>Contract No. 2 - Electrical</i>	<i>Matco Electric Co.</i>	<i>\$ 6,389,746</i>
<i>Contract No. 3 - HVAC</i>	<i>Michael A Ferrauilo Plbg & Htg Inc.</i>	<i>\$ 2,157,000</i>
<i>Contract No. 4 - Plumbing</i>	<i>Frey & Campbell, Inc.</i>	<i>\$ 765,000</i>

All present were in favor and the motion was carried.

Motion Supporting Village of Bath Water System Improvements – Phase I (Water Main Replacement on State Roads):

Motion made by Trustee Muller, seconded by Trustee Bardeen supporting the Village of Bath's Water System Improvements – Phase 1 to include replacing water mains on State Roads (State Route 415 and State Route 54) in the Village of Bath. All present were in favor and the motion was carried.

Fire Department Agreement:

Motion made by Trustee Muller, seconded by Trustee Causer to approve the 2023-2024 Bath Volunteer Fire Department Agreement with the Village of Bath for the amount of \$348,010 and authorize the Mayor to sign the agreement. All present were in favor and the motion was carried.

Budget Amendments:

Motion made by Trustee Coots, seconded by Trustee Bardeen to approve the following budget amendments. All present were in favor and the motion was carried.

Increase A1110.4 – Judicial Contractual by \$700.00

Decrease A1460.1 – Records Management – Personnel Services by \$700.00
To Cover Court Expenses

Increase A3120.12 – Police Dept – Anticipated Retirement by \$11,070.00

Decrease A3120.1 – Police Dept – Personal Services by \$11,070.00
To Cover Costs for Anticipated Retirement.

Increase A8510.4 – Community Development – Contractual by \$20,000.00

Increase A3989 – State Aid, Other Home and Comm Service by \$20,000.00
To Record the Revenue/Expense of Main Street Grant

Increase A5110.1 – Street Dept Personal Services by \$43,800.00

Decrease A3120.1 – Police Dept Personal Services by \$43,800.00
To Cover Anticipated Retirement Costs

Increase A3120.48 – Police Dept Repairs by \$1,460.25

Increase A2680 – Insurance Recoveries by \$1,460.25
To cover repair costs paid by insurance.

Increase A3120.418 – Police Dept Educations by \$1,200.00

Decrease A3120.412 – Police Dept Supplies by \$1,200.00
To cover costs of training.

Increase A3120.47 Police Dept Uniforms by \$200.00

Decrease A3120.412 Police Dept Supplies by \$200.00
To Cover costs of uniforms.

Increase A3120.48 Police Dept Repairs by \$2,500.00

Decrease A3120.1 Police Dept Personal Services by \$2,500.00
To cover repairs costs for vehicles.

Increase A5410.41 Street Expense – Sidewalk Replacement by \$2,290.05
Decrease A5110.49 Street Dept – Blacktop by \$2,290.05
To Cover Costs of Sidewalks

Encumbrances:

Motion made by Trustee Coots, seconded by Trustee Bardeen to approve the following encumbrances. All present were in favor and the motion was carried.

A3120.2	69,882.33	Police Vehicle
A3120.2	46,484.48	Police Vehicle
A3120.2	4,000.00	Body Worn Camera Grant
A3120.2	12,541.92	Police Dept Toughbooks
A5110.2	35,849.52	Street - John Deere Backhoe
A3120.12	16,702.00	Anticipated Retirement
A5110.1	43,800.00	Anticipated Retirement

Executive Session:

Motion made by Trustee Bardeen, seconded by Trustee Muller to adjourn the regular Year End meeting of the Board of Trustees of the Village of Bath at 5:32 p.m. to go into executive session for potential litigation and potential property acquisition. All present were in favor and the motion was carried.

Chief Taft asked to stay in executive session.

Return to Regular Session:

Motion made by Trustee Coots, seconded by Trustee Causer to return to regular session at 5:53 p.m. All present were in favor and the motion was carried.

Adjournment:

Motion made by Trustee Muller, seconded by Trustee Coots to adjourn the year end abstract meeting at 5:53 p.m. All present were in favor and the motion was carried.

Respectfully submitted by:

Jacqueline Shroyer
Clerk/Treasurer