

**OFFICIAL MINUTES OF THE BOARD OF TRUSTEES
FOR THE VILLAGE OF BATH
REGULAR MEETING
FEBRUARY 21, 2023**

This meeting of the Board of Trustees of the Village of Bath was held on the 21st day of February 2023 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:	Jeffrey Muller
Trustee:	Melanie Coots
Trustee:	Mark Bardeen
Clerk/ Treasurer:	Jacqueline Shroyer
Street Supervisor:	Thomas Gutow
Chief of Police:	Colin Taft
Attorney:	Aaron Mullen
Deputy St. Superintendent:	Jason Causer

Visitors/Residents in Attendance:

Dillon Lewis – Resident
Kelly Fitzpatrick – Business Owner/County Legislator
Patricia Ingraham – Resident

Absent:

Director of Utilities:	Erin Bonacci
Code Enforcement:	Bradley Hill
Fire Chief:	Matt Glashauser

Public Hearing:

Local Law #1 – Amend Parking Chapter 112:

No comments on local law changes, Clerk brought up that we should look at making the holidays in the law as the same as the Village personnel holidays. Will look at this for next month.

Motion made by Trustee Coots, seconded by Trustee Bardeen to close the public hearing at 5:30 p.m. All present were in favor and the motion was carried.

Restore NY Grant Application:

Public Hearing has been cancelled.

Award – Investigator Jackson:

An award was presented to Investigator Jackson for Officer of the Year for 2022.

Correspondence:

Haverling Class of 1973 Proclamation:

Motion made by Trustee Muller, seconded by Trustee Coots to acknowledge the proclamation for the Class of 1973. All present were in favor and the motion was carried.

John Southard Pulteney Park Request:

Motion made by Trustee Causer, seconded by Trustee Bardeen to approve the Pulteney Park Request for the John Southard Youth Program for April 1, 2023 (rain date April 2, 2023). All present were in favor and the motion was carried.

Audit of Bills:

Motion made by Trustee Muller, seconded by Trustee Causer approve the payment of the Village bills in the amount of \$212,625.80 plus the Firstnet invoice for \$211.46. All present were in favor and the motion was carried.

Department Head Reports:

Thomas Gutow, Street Superintendent:

Street Report was received.

Colin Taft, Chief of Police:

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. Monthly report was received.

Jacqueline Shroyer, Clerk/Treasurer Report:

Clerk/Treasurer Report was received.

New Business:

Approve Local Law #1 – Amend Parking Chapter 112:

Motion made by Trustee Muller, seconded by Trustee Coots to approve the local law #1 of 2023 to amend the Parking Chapter 112. All present were in favor and the motion was carried.

Local Roads Matter Conference March 7-8 – Causer:

Motion made by Trustee Muller, seconded by Trustee Coots to approve Deputy Street Superintendent, Jason Causer, to attend the Local Roads Matter Conference on March 7-8, 2023. All present were in favor and the motion was carried.

Southern Tier Regional Conference April 6 – Causer:

Motion made by Trustee Muller, seconded by Trustee Coots to approve Deputy Street Superintendent, Jason Causer, to attend the Southern Tier Regional Conference on April 6, 2023. All present were in favor and the motion was carried.

Approve Provisional Sergeant – Johnson:

RESOLUTION
VILLAGE OF BATH BOARD OF TRUSTEES
BATH, NEW YORK

DATE APPROVED: Tuesday, February 21, 2023 INTRO. DATE: Tuesday, February 21, 2023

INTRODUCED BY: Trustee Coots SECONDED BY: Trustee Bardeen

VOTE:	Mayor Sweet	Aye	Nay	Abstain	Not Present
	Trustee Causer	Aye	Nay	Abstain	Not Present
	Trustee Bardeen	Aye	Nay	Abstain	Not Present
	Trustee Coots	Aye	Nay	Abstain	Not Present
	Trustee Muller	Aye	Nay	Abstain	Not Present

TITLE: Appointment of Dustin Johnson as Provisional Police Sergeant for the Village of Bath.

WHEREAS, Police Sergeant John Hawley resigned from the Village of Bath effective on October 30, 2022;

WHEREAS, Chief of Police, Colin Taft, recommends Dustin Johnson to be appointed as Provisional Police Sergeant effective Tuesday February 21, 2023 contingent upon the following stipulations:

- Dustin Johnson will be appointed Police Sergeant, consistent with Steuben County Civil Service Rules & Regulations, effective Tuesday, February 21, 2023. He will sign the oath of office for said appointment before Tuesday, February 28, 2023 before the Bath Village Clerk.

- Commencing Tuesday, February 21, 2023, Dustin Johnson will be appointed as Provisional Police Sergeant and will not be on a probationary period as it is a provisional appointment, consistent with Steuben County Civil Service Rules and Regulations.
- Dustin Johnson will receive compensation and benefits pursuant to the collective bargaining agreement between the Village of Bath Board of Trustees and the Bath Police Benevolent Association.

BE IT RESOLVED, that the Village of Bath Board of Trustees is hereby appointing Dustin Johnson to the position of Police Sergeant contingent on the aforementioned stipulations.

Instructor Development Course March – Jackson:

Motion made by Trustee Bardeen, seconded by Trustee Causer to approve Investigator Jackson to attend Instructor Development Course in March 2023. All present were in favor and the motion was carried.

Drug Identification School March – Jackson:

Motion made by Trustee Causer, seconded by Trustee Bardeen to approve Investigator Jackson to attend Drug Identification School March 27-28, 2023. All present were in favor and the motion was carried.

Field Training School March – Ruggles & Johnson:

Motion made by Trustee Coots, seconded by Trustee Bardeen to approve the Field Training School in March for Officer Ruggles and Officer Johnson. All present were in favor and the motion was carried.

VA Agreement Discussion:

Motion made by Trustee Coots, seconded by Trustee Causer to decline the approval of the VA Agreement. All present were in favor and the motion was carried.

Full Time Police Officer Resolution – Hughes:

RESOLUTION
 VILLAGE OF BATH BOARD OF TRUSTEES
 BATH, NEW YORK

DATE APPROVED: Tuesday February 21, 2023 INTRO. DATE: Tuesday, February 21, 2023

INTRODUCED BY: Trustee Coots SECONDED BY: Trustee Bardeen

VOTE:	Mayor Sweet	Aye	Nay	Abstain	Not Present
	Trustee Causer	Aye	Nay	Abstain	Not Present
	Trustee Bardeen	Aye	Nay	Abstain	Not Present
	Trustee Coots	Aye	Nay	Abstain	Not Present
	Trustee Muller	Aye	Nay	Abstain	Not Present

TITLE: Appointment of Noah Hughes as Police Officer for the Village of Bath.

WHEREAS, Police Officer Noah Hughes has been employed with the Village of Bath Part Time since October 29, 2022;

WHEREAS, The Village of Bath has a Full Time Police Officer Position vacancy;

WHEREAS, Chief of Police made the recommendation for Police Officer and recommended Noah Hughes to be appointed Police Officer effective February 1, 2023 contingent upon the following stipulations:

- Noah Hughes will be appointed Police Officer, consistent with Steuben County Civil Service Rules & Regulations, effective Wednesday, February 1, 2023. He will sign the oath of office for said appointment before Wednesday, March 1, 2023 before the Bath Village Clerk.
- Commencing Wednesday, February 1, 2023, Noah Hughes will be appointed as Police Officer and be on a probationary period for 78 weeks, consistent with Steuben County Civil Service Rules and Regulations.
- Noah Hughes will receive compensation and benefits pursuant to the collective bargaining agreement between the Village of Bath Board of Trustees and the Bath Police Benevolent Association.

BE IT RESOLVED, that the Village of Bath Board of Trustees is hereby appointing Noah Hughes to the position of Police Officer contingent on the aforementioned stipulations.

Approve Mowing Bid – JB Stopka:

Motion made by Trustee Muller, seconded by Trustee Bardeen to approve the mowing bid for JB Stopka for \$11,263. All present were in favor and the motion was carried.

Amended Bond Resolution for WWTP Project:

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, 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 \$42,000,000; 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" has been issued and circulated, in accordance with the requirements of SEQRA; and

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 \$26,900,000 to \$42,000,000, 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 Original Bond 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 \$26,900,000 to \$42,000,000; (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 \$42,000,000 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 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 13. In accordance with Section 36.00 of the Law, this Resolution is subject to permissive referendum in the manner prescribed by Article 9 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, 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, shall specify that this resolution was adopted subject to a permissive referendum, and shall be in the form below. 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%) 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 special election held not less than ten (10) and not more than sixty (60) days after the filing of such petition. 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 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 0 nays.

Date: February 21, 2023

Resolution for Part Time Police Officer:

RESOLUTION
VILLAGE OF BATH BOARD OF TRUSTEES
BATH, NEW YORK

DATE APPROVED: Tuesday, February 21, 2023 INTRO. DATE: Tuesday, February 21, 2023

INTRODUCED BY: Trustee Coots SECONDED BY: Trustee Bardeen

VOTE:	Mayor Sweet	<u>Aye</u>	Nay	Abstain	Absent
	Trustee Causer	<u>Aye</u>	Nay	Abstain	Absent
	Trustee Bardeen	<u>Aye</u>	Nay	Abstain	Absent
	Trustee Coots	<u>Aye</u>	Nay	Abstain	Absent
	Trustee Muller	<u>Aye</u>	Nay	Abstain	Absent

TITLE: Appointment of William Michalko as Part-time Police Officer for the Village of Bath.

WHEREAS, the Bath Village Chief of Police 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 William Michalko effective February 13, 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.
- William Michalko 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 William Michalko to the position of Part-time Police Officer, contingent on the aforementioned stipulations and said appointment shall be effective February 13, 2023.

Set First Budget Meeting:

First Budget Meeting set for Monday March 6, 2023 at 5:00 p.m.

Adjourn Regular Meeting/Executive Session:

Motion made by Trustee Bardeen, seconded by Trustee Causer to adjourn the regular meeting of the Board of Trustees of the Village of Bath at 6:23 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 Village Policies. All present were in favor and the motion was carried.

Street Superintendent, Thomas Gutow, and Deputy Street Superintendent, Jason Causer, asked to stay in executive session. Left at 6:28 p.m.

Chief of Police, Colin Taft, asked to stay in executive session. Left at 7:08 p.m.

Trustee Coots left room at 7:19 p.m. Returned 7:37 p.m.

Return to Regular Session:

Motion made by Trustee Muller, seconded by Trustee Causer to return to regular session at 7:38 p.m. All present were in favor and the motion was carried.

Termination of Police Officer:

Motion made by Trustee Bardeen, seconded by Trustee Muller to approve the removal of Part Time Police Officer, Eric Morris, effective February 15, 2023 during his probationary period. All present were in favor and the motion was carried.

Adjournment:

Motion made by Trustee Bardeen, seconded by Trustee Causer to adjourn the regular meeting at 7:43 p.m. All present were in favor and the motion was carried.

Respectfully submitted by:

Jacqueline Shroyer
Clerk/Treasurer