

**OFFICIAL MINUTES OF THE BOARD OF TRUSTEES
FOR THE VILLAGE OF BATH
PUBLIC HEARING/REGULAR MEETING
OCTOBER 22, 2014**

This meeting of the Board of Trustees of the Village of Bath was held on the 22nd day of October 2014 at the Village of Bath, Village Hall, located at 110 Liberty St., Bath, NY 14810. This meeting was called to order by Mayor William von Hagn at 5:32 p.m.

Present:

Mayor:	William von Hagn	BEGWS Director:	Guy Hallgren
Deputy Mayor/Trustee:	Jeanne Glass	Street Superintendent:	Jeff Muller
Trustee:	Mike McNally	Clerk/Treasurer:	Jacqueline Shroyer
Trustee:	Mark Bardeen	Attorney:	Patrick McAllister
Trustee:	Mike Sweet	Fire Chief:	Dave Dowdle
Police Chief:	David Rouse	Temp Police Chief:	Chad Mullen

Absent:

Code Enforcement: Ralph Senese

Public Hearing:

Local Law #9 - Zoning:

It was discussed to table this public hearing until the next month as the Zoning/Planning Boards have not reviewed the final law. We will have another hearing next month on this local law.

Regular Meeting:

Visitors:

Neighborhood Watch:

Melanie Coots spoke for the Bath Neighborhood Watch. The committee will meet every first Thursday of the month at 7:00 p.m. at the school. They have started an action plan. They have asked us to provide them a copy of the village's Procurement Policy. We will also provide a tax exempt form. The Committee has temporarily appointed Betty Green as the point of contact. Sergeant Hawley will be the liaison for the Bath Neighborhood Watch.

Motion made by Trustee Sweet, seconded by Trustee McNally to recognize Betty Green as the temporary point of contact for the Bath Neighborhood Watch. All present were in favor and the motion was carried.

Introduction of New Police Chief:

The Mayor introduced the new Police Chief Chad Mullen.

Correspondence:

Raven Luis Emmet – Vending Permit Authorization:

Motion made by Trustee Sweet, seconded by Trustee Glass to approve the request for a vending permit to Raven Luis Emmet as long as he is off the sidewalk and not on Liberty Street. All present were in favor and the motion was carried.

Audit of Bills:

Motion made by Trustee Sweet, seconded by Trustee Glass to approve the payment of the Village bills in the amount of \$205,237.26. All present were in favor and the motion was carried.

New Business:

Local Law 9 – Zoning Mixed Use:

Motion made by Trustee Bardeen, seconded by Trustee McNally to table the local law until next month’s meeting on November 17, 2014 at 5:30 p.m. All present were in favor and the motion was carried.

Resolution for Village Election March 18, 2014:

Motion made by Trustee Bardeen, seconded by Trustee Sweet resolving that the annual village election will be held on Wednesday, March 18, 2014 from 12:00 noon until 9:00 p.m. to fill the vacancies of two trustees for the terms of April 1, 2015 through March 31, 2017. All present were in favor and the motion was carried.

Disposal of Bicycles:

Motion made by Trustee Sweet, seconded by Trustee Glass to approve the disposal of the bicycles to the county auction. All present were in favor and the motion was carried.

Tractor Purchase:

Motion made by Trustee Bardeen, seconded by Trustee Sweet to approve Street Superintendent, Jeff Muller, to go out to bid for a new Tractor. All present were in favor and the motion was carried.

SEQR Resolution for Parking Lot:

At a regular meeting of the Board of Trustees of the Village of Bath, Steuben County, New York, held in the Village Hall, 110 Liberty Street, Bath, New York, at 5:30 p.m., prevailing time, on October 22, 2014.

PRESENT: Mayor von Hagn
Trustee Glass
Trustee Bardeen
Trustee Sweet
Trustee McNally

ABSENT: _____

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

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF BATH, STEUBEN COUNTY, NEW YORK (THE “VILLAGE”) CLASSIFYING CERTAIN IMPROVEMENTS TO THE VILLAGE OF BATH MUNICIPAL PARKING LOT AS A “TYPE II” ACTION PURSUANT THE STATE ENVIRONMENTAL QUALITY REVIEW ACT

WHEREAS, the Village of Bath (the “Village”) has proposed the undertaking of improvements to the Village of Bath Municipal Parking Lot behind the store fronts on Liberty Street between Liberty Street and Gansevoort Street and between Steuben Street and William Street within said Village consisting of repaving of the parking lot, drainage repairs and improvements, improvements to the existing bus stop, lighting and access improvements, and any ancillary or related work required in connection therewith, and any engineering and other preliminary costs, legal expenses and other costs incidental to the financing thereof (collectively, the “Project”); and

WHEREAS, the Board now intends to determine as to the classification of the Project as a “Type II” action under Article 8 of the New York State Environmental Conservation Law and 6 NYCRR, Part 617 (collectively, “SEQRA”).

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE VILLAGE OF BATH, STEUBEN COUNTY, NEW YORK, HEREBY RESOLVES (by the favorable vote of at least two-thirds of all the members of such Board), AS FOLLOWS:

SECTION 1. Based upon its review of the materials and records of the Village, the Board hereby determines that the proposed Project constitutes a “Type II” action under SEQRA (6 NYCRR 617.5(c)(2) and (8)), and that no further actions or proceedings by the Village are required to be taken under SEQRA with respect to such Project or the financing thereof.

SECTION 2. This resolution shall take effect immediately upon its adoption.

The following vote was taken and recorded in the public or open session of said meeting, which resulted as follows:

	AYES:	NAYS:
Mayor von Hagn	X	
Trustee Glass	X	
Trustee Bardeen	X	
Trustee Sweet	X	
Trustee McNally	X	

Bond Resolution for Parking Lot:

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 October 22, 2014

PRESENT: Mayor von Hagn
Trustee Glass
Trustee Bardeen
Trustee Sweet
Trustee McNally

ABSENT: _____

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 ISSUANCE OF UP TO \$800,000 IN SERIAL BONDS OF THE VILLAGE TO FINANCE THE COST OF CERTAIN IMPROVEMENTS TO THE VILLAGE OF BATH MUNICIPAL PARKING LOT; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$1,110,000; AND APPROPRIATING SAID AMOUNT THEREFOR

WHEREAS, the Board of Trustees (the "Board") the Village of Bath, Steuben County, New York (the "Village") proposes to authorize the issuance of \$800,000 in serial bonds of the Village to finance the estimated cost of certain improvements to the Village's municipal parking lot; and

WHEREAS, the Board, acting as lead agency under the State Environmental Quality Review Act and the regulations thereunder ("SEQRA"), by resolution adopted October 22, 2014 immediately prior to the adoption of this resolution, determined that the actions to be undertaken as part of the Project constitute a "Type II" action within the meaning of SEQRA, and that no further actions need to be undertaken under SEQRA in connection with 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, THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF BATH, STEUBEN COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative 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 estimated cost of certain improvements to the Village of Bath's Municipal Parking Lot behind the store fronts on Liberty Street between Liberty Street and Gansevoort Street and between Steuben Street and

William Street within said Village consisting of repaving of the parking lot, drainage repairs and improvements, improvements to the existing bus stop, lighting and access improvements, and any ancillary or related work required in connection therewith, and any engineering and other preliminary costs, legal expenses and other costs incidental to the financing thereof (collectively, the "Project"). It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$1,110,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of the \$800,000 in serial bonds of the Village authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds, (ii) the expenditure of \$150,000 in grant monies to be received by the Village from the Appalachian Regional Commission, (iii) the application of \$160,000 in current funds of the Village, and (iv) 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. Serial bonds of the Village in the principal amount of \$800,000 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 for the aforementioned specific objects or purposes is ten (10) years, pursuant to subdivision 20(f). 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. 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 12. 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 13. 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 14. 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:

	AYES:	NAYS:
Mayor von Hagn	X	
Trustee Glass	X	
Trustee Bardeen	X	
Trustee Sweet	X	
Trustee McNally		X

Date: October 22, 2014

Letter from Mayor supporting Historical Property:

Motion made by Trustee Bardeen, seconded by Trustee Glass authorizing the Mayor to sign a letter supporting a property to be placed on the historical registry. All present were in favor and the motion was carried.

Letter regarding Engineer Review for Mossy Bank Pond:

Motion made by Trustee Glass, seconded by Trustee Bardeen authorizing the Mayor to sign a letter regarding an engineer review for Mossy Bank Pond. All present were in favor and the motion was carried.

Steuben County Agreement – Hotel/Motel Visits:

Motion made by Trustee Glass, seconded by Trustee McNally to approve the Steuben County Agreements for Hotel/Motel visits for September 1, 2014 through August 31, 2015. All present were in favor and the motion was carried.

Steuben County Agreement – Grant Monies:

Motion made by Trustee Sweet, seconded by Trustee Bardeen to approve the Steuben County Agreements for grant money for January 1, 2014 through December 31, 2014 for Youth Development funding, to include Bath Community Child Day Care, Bath Police Youth Intervention, and John B. Southard Recreation. All present were in favor and the motion was carried.

Old Business:

Cohen Law Group:

The Board of Trustees have decided to pass on this opportunity for a franchise fee audit. At a cost of 4500.00 there was no guarantee that the audit would produce a benefit to the Village.

Budget Discussion:

A budget suggestion was made to add to code enforcement to do more inspections to keep all buildings in the village up to date.

Adjourn Regular Meeting/Executive Session:

Motion made by Trustee Glass, seconded by Trustee Bardeen to adjourn the regular meeting of the Board of Trustees of the Village of Bath at 7:30 p.m. to go into executive session to update the board on PBA negotiations and to discuss a contract to hire Dave Rouse on an as needed basis to aid Chief Mullen All present were in favor and the motion was carried.

Return to Regular Session:

Motion made by Trustee Glass, seconded by Trustee Bardeen to return to regular session at 7:40 p.m. All present were in favor and the motion was carried.

Police Chief Consulting:

Motion made by Trustee Bardeen, seconded by Trustee Sweet to approve up to 20 hours per week from October 29, 2014 through December 1, 2014 at a rate of pay of \$45.00 per hour

for Chief David Rouse to be appointed temporary Chief of Police. Trustee McNally opposed and the motion was carried.

Adjournment:

Motion made by Trustee Bardeen, seconded by Trustee Sweet to adjourn the regular meeting at 7:42 p.m. All present were in favor and the motion was carried.

Respectfully submitted by:

Jacqueline Shroyer
Clerk/Treasurer