

**OFFICIAL MINUTES OF THE BOARD OF TRUSTEES
FOR THE VILLAGE OF BATH
SPECIAL MEETING
JUNE 24, 2019**

This meeting of the Board of Trustees of the Village of Bath was held on the 24th day of June 2019 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 4:11 p.m.

Present:

Mayor:	William von Hagn
Deputy Mayor/Trustee:	Jeanne Glass
Trustee:	Melanie Coots Arrived @4:18 p.m.
Trustee:	Mike Sweet
Code Enforcement:	Bradley Hill
Clerk/ Treasurer:	Jacqueline Shroyer
Police Chief:	Chad Mullen
BEGWS Director:	Erin Bonacci

Absent:

Trustee:	Mark Bardeen
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New Business:

Fire Department Contract Payment:

Motion made by Trustee Glass, seconded by Trustee Sweet to approve the payment of \$44,520.00 to the Bath Volunteer Fire Department for the first payment of their agreement for fiscal year 2019-2020. All present were in favor and the motion was carried.

Police Department Policy Implementation:

Motion made by Trustee Glass, seconded by Trustee Sweet to approve the purchase of the policy implementation from Lexipol for \$5,200 to be paid out of asset forfeiture funds for one year only. Trustee Sweet would like updates on the process. All present were in favor and the motion was carried.

NYSDOT Curb Agreement:

**Resolution of the Governing Body of the
Village of Bath
Ratifying an Agreement for Advance Payment
And
Authorizing William von Hagn to execute
Closing Papers on Behalf of the Village of Bath**

Whereas, the State of New York has taken or is in the process of taking a portion of the land owned by the Village of Bath through the process of eminent domain for the purposes of improving the corners of Liberty and Washington Streets;

Whereas, the State has offered to pay the Village of Bath the sum of \$500.00 for a portion of the Village of Bath's property along the corners of Liberty and Washington Streets as depicted on Map(s) 49, as Parcel(s) 54; 55;

Whereas, an agreement to accept said money (an Agreement for Advance Payment) has been signed on behalf of the Village of Bath by William von Hagn;

Whereas, the Board of Trustees of the Village of Bath is the governing body of the Village of Bath; and

Whereas, the Board of Trustees of the Village of Bath is meeting on this 24th day of June, 2019, after proper notice to consider this matter; and

Whereas, the Village of Bath wishes to ratify the Agreement for Advance Payment and to appoint William von Hagn as Mayor, as the person to execute closing papers on behalf of the Village of Bath;

**It is, upon Motion Duly Made by Trustee Sweet and Seconded by Trustee Glass,
Resolved this 24th Day of June, 2019;**

That, the Agreement for Advance payment is hereby accepted and ratified;

That, William von Hagn is hereby designated as the person to execute any and all closing papers with regard to this transfer to the State of New York.

Trustee Coots arrived at the meeting at 4:18 p.m.

Crosswalk on W. Morris Street:

Motion made by Trustee Coots, seconded by Trustee Sweet to put a crosswalk in by the Library on W. Morris Street. There was discussion about where the crosswalk should be. The board asked Chief of Police, Chad Mullen, to look closer into the safest place to have the crosswalk.

The Trustees would like to rescind the motion until next month's meetings once they have more details.

Municipal Solutions, Inc.:

Motion made by Trustee Coots, seconded by Trustee Glass to authorize the Mayor to sign all three agreements from Municipal Solutions, Inc. for financial advisor services. All present were in favor and the motion was carried.

Gas Funding Bond Resolution:

At a regular meeting of the Board of Trustees of the Village of Bath, Steuben County, New York, duly held at the Village Hall, 110 Liberty Street, Bath, New York 14810, on June 24, 2019.

PRESENT: Mayor William von Hagn
Trustee Jeanne Glass
Trustee Melanie Coots
Trustee Michael Sweet

ABSENT: Trustee Mark Bardeen

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

BOND RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF BATH, STEUBEN COUNTY, NEW YORK (THE “VILLAGE”), AUTHORIZING THE VILLAGE TO UNDERTAKE IMPROVEMENTS TO THE VILLAGE’S GAS DISTRIBUTION SYSTEM; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$995,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$995,000 IN SERIAL BONDS OF THE VILLAGE TO FINANCE SAID APPROPRIATION

WHEREAS, the Board of Trustees (the “Board”) the Village of Bath, Steuben County, New York (the “Village”) is considering undertaking improvements to Bath Electric, Gas and Water System’s (“BEGWS”) gas distribution system, consisting of the replacement of leak-prone pipes and non-temperature compensated gas meters throughout the Village and other areas of service located in the Town of Bath, including all vehicles, equipment, machinery and all other incidental and appurtenant improvements and expenses in connection therewith (collectively, the “Project”), all at a total maximum estimated cost not to exceed \$995,000; and

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

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), AS FOLLOWS:

SECTION 1. The Village is hereby authorized to undertake Project consisting of improvements to Bath Electric, Gas and Water System’s (“BEGWS”) gas distribution system, consisting of the replacement of leak-prone pipes and non-temperature compensated gas meters throughout the Village and other areas of service located in the Town of Bath, including all vehicles, equipment, machinery and all other incidental and appurtenant improvements and expenses in connection therewith, at a total estimated cost of \$995,000; and to issue up to

\$995,000 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") to finance the estimated cost of said specific object or purpose, or bond anticipation notes in anticipation of the such bonds.

SECTION 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$995,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$995,000 in serial bonds of the Village authorized to be issued pursuant to this resolution, or bond anticipation notes issued in anticipation of such serial bonds, and (ii) 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 3. It is hereby determined that the period of probable usefulness of the aforementioned specific object or purpose is five (5) years, pursuant to subdivisions 5., 28. and 89. of paragraph a. of Section 11.00 of the Law.

SECTION 4. The final maturity of the bonds herein authorized to be issued shall not 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 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 Section 1 of this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

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 without legal or constitutional limitation as to rate or amount. 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 bond anticipation notes or the renewals of said obligations and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00 and Sections 62.10 and 63.00 of the Law, the powers and duties of the Board of Trustees 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 relating 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 of the Village, the chief fiscal officer of the Village (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 the Village, 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 of the Village 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 anticipating thereof, if applicable, as "qualified tax-exempt obligations" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 9. 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 this Board of Trustees.

SECTION 10. The Board of Trustees hereby determines that the Project constitutes a "Type II" action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (6 N.Y.C.R.R. 617.5(b)(2)) (collectively, "SEQRA") and that no further action under SEQRA with respect to the Project need be taken by the Board of Trustees as a condition precedent to the adoption of this resolution.

SECTION 11. 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 12. The Village Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the Village for such purpose.

SECTION 13. This resolution shall take effect immediately

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

AYES:	NAYS:
4	

Dated: June 24, 2019

Adjournment:

Motion made by Trustee Sweet, seconded by Trustee Coots to adjourn the special meeting at 4:35 p.m. All present were in favor and the motion was carried.

Respectfully submitted by:

Jacqueline Shroyer
Clerk/Treasurer