

**OFFICIAL MINUTES OF THE BOARD OF TRUSTEES
FOR THE VILLAGE OF BATH
PUBLIC HEARING/REGULAR MEETING
DECEMBER 21, 2020**

This meeting of the Board of Trustees of the Village of Bath was held on the 21st day of December 2020 at the conference room at Bath Electric Gas and Water Systems, 7 South Avenue, Bath, NY 14810 and through videoconference. 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
Trustee:	Jeffrey Muller
Clerk/ Treasurer:	Jacqueline Shroyer
Street Supervisor:	Thomas Gutow
Code Enforcement:	Bradley Hill
BEGWS Director:	Erin Bonacci
Police Chief:	Chad Mullen
Attorney:	Aaron Mullen – via videoconference
Fire Chief:	Matt Glashauser

Visitors/Residents in Attendance:

Keith Becken – Utility Commission
Mark Conrad – Resident
Nathan Conrad – Resident
Tim Steed – Hunt Engineers – via videoconference, left at 6:41 p.m.
Jennifer Vaughn – Hunt Engineers, left at 6:41 p.m.
Marty Muggleton – Hunt Engineers, left at 6:41 p.m.
Susan Payne – Strategic Planning & Economic Development Consultant – via videoconference, left at 6:41 p.m.
William Freitag – BST – via videoconference, left at 6:00 p.m.
Brian Fleet – Resident, left at 6:41 p.m.
Dylan Lewis – Resident
Bob Plaskov – Utility Commission – via videoconference, left at 6:41 p.m.
Mark Alger – Utility Commission – via videoconference, left at 6:41 p.m.
N/A – did not announce themselves

Public Hearing

Local Law Best Value:

Opened public hearing at 5:30 p.m.

Discussed Best Value Competitive Bidding and Procurement. The intent of this law is to allow the Village the option to award certain purchase contracts subject to competitive bidding

under law 103 of the General Municipal Law on the basis of a low bid or “best value” as defined in section 163 of the New York State Finance Law.

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

Consolidate of Sewer Repair and Capital Reserves:

Opened public hearing at 5:31 p.m.

Currently have two reserves fund for sewer utility. Purpose is the same, and proposing to consolidate those for easier tracking for financial purposes.

Motion made by Trustee Muller, seconded by Trustee Causer to close the public hearing at 5:32 p.m. All present were in favor and the motion was carried.

Appointments:

Keith Becken – Utility Commission:

Motion made by Trustee Coots, seconded by Trustee Bardeen to reappoint Keith Becken to the Utility Commission, for a 5 year term. All present were in favor and the motion was carried.

Visitors:

Brian Fleet – 2 hour parking on South Ave. He would like for the board to consider it.

BST – 2019-2020 Audit:

Bill Freitag discussed the 2019-2020 fiscal year annual audit. No findings were found. Only entries made were GASB 68 entries, those are yearly entries. A clean opinion and no material weaknesses and deficiencies were noted. Only one management letter for BEGWS was written for cash reserves and the accounting for the cash reserves. The Village of Bath’s Financial Statements are available upon request in the village’s clerk’s office.

Hunt Engineers – Economic Development Study:

Sponsors – NY Empire State Development, Appalachian Regional Commission and the Village of Bath.

Leveraging economic development, implementing an economic development strategy, and promoting growth.

In economic development study, it suggests action steps such as village support for equitable tax assessments, continue high level of code enforcement and create destination based on local food and beverages.

This plan is based on taking effect over the next 3 years. It may take up to 5 years.

The economic development strategy plan may be reviewed in the village clerk’s office.

Mark Conrad – Police Dept FOIL Procedures:

Foil request was sent to the PD. Foil was responded to, it was denied. All further information was to go through the attorney through the appeal process. Potential litigation issues will not be discussed in the meeting as this is not for a public meeting. This will be discussed in executive session.

Audit of Bills:

Motion made by Trustee Muller, seconded by Trustee Causer to approve the payment of the Village bills in the amount of \$141,256.89. All present were in favor and the motion was carried.

Department Head Reports:

Thomas Gutow, Street Superintendent:

Street Report was received.

Chad Mullen, 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.

Jacqueline Shroyer, Clerk/Treasurer Report:

Clerk/Treasurer Report was received.

Committee:

Trustee Bardeen:

Election Results for the Fire Department:

President – Harry Keen

Vice President – Jeff Robinson

Secretary – Chris Kincella

Treasurer – Robin Havens

Chief – Matt Glashauser

1st Assistant – Mike Fiordo

2nd Assistant – Sean Walruth

3rd Assistant – Matt Morse

4th Assistant – Dave Dowdle

New Business:

Proposed Local Law – Best Value Competitive Bidding and Procurement”

Motion made by Trustee Muller, seconded by Trustee Bardeen to approve local law #3 of 2020 to authorize best value competitive bidding and procurement. All present were in favor and the motion was carried.

Bond Resolution for Consolidation of Sewer Repair and Capital Reserves:

RESOLUTION
VILLAGE OF BATH BOARD OF TRUSTEES

BATH, NEW YORK

DATE APPROVED: Monday, December 21, 2020 INTRO. DATE: Monday, December 21, 2020

INTRODUCED BY: Trustee Coots SECONDED BY: Trustee Bardeen

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: RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF BATH, STEUBEN COUNTY, NEW YORK (THE “VILLAGE”), AUTHORIZING CONSOLIDATION OF THE VILLAGE’S SEWER REPAIR RESERVE FUND WITH AND INTO THE VILLAGE’S SEWER CAPITAL FUND, RENAMING AFOREMENTIONED FUND “SEWER CAPITAL RESERVE FUND”

WHEREAS, the Village of Bath (the “Village”) has established and maintains a Sewer Repair Reserve Fund, governed by New York General Municipal Law (“GML”) Section 6-d; and

WHEREAS, the Village also has established and maintains a Sewer Capital Fund, which is operated as a capital reserve fund governed by GML Section 6-c; and

WHEREAS, the Village Board of Trustees (the “Board”), at the request to the Village’s Municipal Utility Commission, is now considering whether to authorize the consolidation of such two funds, whereby (i) the Board would ratify and confirm the status of the Sewer Capital Fund as a capital reserve fund governed by GML Section 6-c, renaming aforementioned fund “Sewer Capital Reserve Fund,” and (ii) authorize the transfer of the remaining unexpended balance in the Sewer Repair Reserve Fund to the Sewer Capital Reserve Fund;

WHEREAS, in accordance with GML Section 6-d, prior to approving such transfer of the balance in the Sewer Reserve Fund to the Sewer Capital Reserve Fund, the Board is required to hold a public hearing on such matter;

WHEREAS, the Board adopted a Resolution describing in general terms the proposed consolidation of such funds, and stating the Board would meet to hear all persons interested in said consolidation on December 21, 2020 at 5:30 o’clock P.M. (Prevailing Time) at the Commercial Office of Bath Electric, Gas and Water Systems, 7 South Avenue, Bath, New York; and

WHEREAS, a Notice of such public hearing was duly published and posted pursuant to the provisions of GML Section 6-c ; and

WHEREAS, such public hearing was duly held by the Board on the 21st day of December, 2020 at 5:30 o'clock P.M. (Prevailing Time) at the Commercial Office of Bath Electric, Gas and Water Systems, 7 South Avenue, Bath, New York, with considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said consolidation of such funds;

NOW, THEREFORE, BE IT RESOLVED that the Village Board of Trustees of the Village of Bath hereby ratifies and confirms the status of the Sewer Capital Fund as a capital reserve fund governed by GML Section 6-, renaming the aforementioned fund "Sewer Capital Reserve Fund" and it is further

RESOLVED, that the Board hereby authorizes the transfer of the remaining unexpended balance in the Sewer Repair Reserve Fund to the Sewer Capital Reserve Fund.

This resolution shall take effect immediately.

December 21, 2020

Jacqueline Shroyer, Village Clerk/Treasurer

Approve 2019 – 2020 Audit:

Motion made by Trustee Bardeen, seconded by Trustee Muller to approve the 2019 – 2020 financial statements from BST. All present were in favor and the motion was carried.

Approve 2019 – 2020 Court Audit:

Motion made by Trustee Coots, seconded by Trustee Causer to approve the court audit that was completed by BST & Co. CPAs, LLP for the May 31, 2020 fiscal year end. All present were in favor and the motion was carried.

Updated Travel Policy Discussion/Approval:

Motion made by Trustee Bardeen, seconded by Trustee Causer to approve the updated travel policy to follow NYS guidelines. All present were in favor and the motion was carried.

Main Street Grant TA Resolution for application:

Motion By: Trustee Bardeen

Seconded By: Trustee Coots

Resolution by the Village of Bath approving and endorsing the Village of Bath in its application to NYS Homes and Community Renewal for funding under the New York Main Street Program for the Village of Bath Technical Assistance Project.

WHEREAS, the Village of Bath desires to apply for \$80,000 in financial assistance through the 2020 Consolidated Funding Application (CFA) under the New York Main Street Program; and

WHEREAS, the application proposes funding to assist property owners to complete a Building Reuse or Feasibility Analysis to downtown “main street” buildings within the Village of Bath Liberty Street Historic District; and

WHEREAS, the proposed funding will contribute to ongoing community revitalization efforts; and

WHEREAS, the grant application requires that the applicant obtain the approval and endorsement of the governing body of the municipality in which the project will be located.

NOW, THEREFORE, BE IT RESOLVED that the Village of Bath Board of Trustees approves and endorses the application to the 2020 New York Main Street Program for assistance prepared and to be submitted by the Village of Bath.

December 21, 2020

Passed by the following vote of all Village of Bath Board Members voting in favor thereof:

Affirmative Village of Bath Board Members:

Affirmative: # 5

Negative: # 0

Abstain: # 0

Resolution for County to Collect Unpaid Taxes:

Motion made by Trustee Muller, seconded by Trustee Causer resolving that the Village Board of Trustees authorizes the County of Steuben to collect unpaid 2020/2021 taxes in the amount of \$140,642.50. All present were in favor and the motion was carried.

Approval of NYPA Host Site Agreement (HSA) for DC Fast Charging Stations in Municipal Parking Lot and Authorization for Mayor to Sign HSA:

Motion made by Trustee Coots, seconded by Trustee Bardeen to approve the NYPA Host Site Agreement (HSA) for DC Fast Charging Stations in the Municipal Parking Lot and to authorize the Mayor to sign the HSA. All present were in favor and the motion was carried.

Adjourn Regular Meeting/Executive Session:

Motion made by Trustee Coots, seconded by Trustee Bardeen to adjourn the regular meeting of the Board of Trustees of the Village of Bath at 7:47 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 Bardeen, seconded by Trustee Coots to return to regular session at 8:42 p.m. All present were in favor and the motion was carried.

Settlement Agreement:

Motion made by Trustee Bardeen, seconded by Trustee Muller to approve the settlement agreement between the Village of Bath and Police Officer, Stephen Hawken, subject to final approval of language between attorneys and recommendation by Attorney Mullen. 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 8:44 p.m. All present were in favor and the motion was carried.

Respectfully submitted by:

Jacqueline Shroyer
Clerk/Treasurer