

**OFFICIAL MINUTES OF THE BOARD OF TRUSTEES
FOR THE VILLAGE OF BATH
REGULAR MEETING
SEPTEMBER 20, 2021**

This meeting of the Board of Trustees of the Village of Bath was held on the 20th day of September 2021 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:	Mark Bardeen
Trustee:	Melanie Coots
Trustee:	Jeffrey Muller
Clerk/ Treasurer:	Jacqueline Shroyer
Street Supervisor:	Thomas Gutow
Code Enforcement:	Bradley Hill
Attorney:	Aaron Mullen
Fire Chief:	Matt Glashauser
Chief of Police:	Colin Taft

Absent:

Director of Utilities: Erin Bonacci

Visitors/Residents in Attendance:

Dylan Lewis – Resident	Kyleigh Recktenwald – Family Member PD
Cynthia Tollerup – Resident	Winston (Skip) Tollerup – Resident
Katie Moss – Resident	Greg Kulikowski – Police Sergeant
Val Schubmehl – Resident	Michael Ruggles – Police Officer
Wendy Recktenwald – Family Member PD	John Hawley – Police Sergeant
Betty Dresse – Resident	Cody Recktenwald – Police Sergeant
Lisa Daley – Resident	
Steven Daley - Resident	

Promotion:

Promote Cody Recktenwald – Police Sergeant:

RESOLUTION
VILLAGE OF BATH BOARD OF TRUSTEES
BATH, NEW YORK

DATE APPROVED: Monday, September 20, 2021 INTRO. DATE: Monday, September 20, 2021

INTRODUCED BY: Trustee Coots SECONDED BY: Trustee Causer

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 Cody Recktenwald as Police Sergeant for the Village of Bath.

WHEREAS, Police Sergeant William Baker retired from the Village of Bath effective on August 31, 2021;

WHEREAS, Chief of Police, Colin Taft, recommends Cody Recktenwald to be appointed Police Sergeant effective September 20, 2021 upon the following stipulations:

- Cody Recktenwald will be appointed Police Sergeant, consistent with Steuben County Civil Service Rules & Regulations, effective Monday, September 20, 2021. He will sign the oath of office for said appointment on Monday, September 20, 2021 before the Bath Village Clerk.
- Commencing Monday, September 20, 2021, Cody Recktenwald will be appointed as Police Sergeant and be on a probationary period for 12 weeks, consistent with Steuben County Civil Service Rules and Regulations.
- Cody Recktenwald 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 Cody Recktenwald to the position of Police Sergeant contingent on the aforementioned stipulations.

Attest hereto: _____
 Jacqueline Shroyer, Village Clerk-Treasurer

Visitors:

Cindy Tollerup – Locust Street:

They heard the village will be removing stop signs on Locust Street. They are asking the Village to reconsider. These stops sign have been there over 20 years. People are already running them all the time. There are several kids that walk that road, people walk their dogs and students run on that road. Kids don't stop their bikes for traffic there and run into the road all the time. Mayor explained this is the only intersection that has a three way stop and there are kids all over the town with a T intersection and they don't have a stop sign. Residents asked what prompted the sign removal? Village response was a complaint came in that people were rolling through the stop sign. Village put signs in 30 years ago because of the hill that goes down to the fruit loop.

Resident's state there are no sidewalks in that neighborhood at all. Stop signs also help parents teach their kids the importance of any stop signs.

Colin thinks it sounds like a need for reduced speed limit and not keeping the stop signs. More research will be done before a decision is made and a public hearing takes place.

Appointments:

Joe Dunning – Resignation Planning Board:

Motion made by Trustee Bardeen, seconded by Trustee Muller to approve the resignation of Joe Dunning for the Planning Board. All present were in favor and the motion was carried.

Audit of Bills:

Motion made by Trustee Coots, seconded by Trustee Bardeen to approve the payment of the Village bills in the amount of \$328,165.61 plus the Empire Emergency Invoice in the amount of \$12,797.36. 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.

Jacqueline Shroyer, Clerk/Treasurer Report:

Clerk/Treasurer Report was received.

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

Increase A3120.2 by \$2,300.00
Decrease A1990.4 by \$2,300.00
To increase Police Equipment for holsters.

Increase A1289 by \$10,012.96
Increase A1990.4 by \$10,012.96
To increase budget for back revenue for traffic light fees.

New Business:

Field Training Officer School – Jackson:

Motion made by Trustee Muller, seconded by Trustee Bardeen to approve Police Officer, Michael Jackson Jr., to attend Field Training Officer School in Big Flats on September 13, 23, and 24th of 2021. Cost is \$25. All present were in favor and the motion was carried.

ALERRT Level 2 School – Recktenwald & Kulikowski:

Motion made by Trustee Muller, seconded by Trustee Causer to approve Sgt. Recktenwald and Sgt. Kulikowski to attend ALERRT Level 2 school September 15 – 16, 2021 in Hornell from 8-4 p.m. The only cost will be for meals. All present were in favor and the motion was carried.

Supervisor’s school – Sgt. Recktenwald:

Motion made by Trustee Muller, seconded by Trustee Causer to approve Sgt. Recktenwald to attend Supervisor’s school, which is a mandatory training within 1 year of promotion, for 3 weeks in Rochester, NY. The cost is \$1,304.25 plus room and meals. All present were in favor and the motion was carried.

Resignation of School Crossing Guard – Kimberly Conrad:

Motion made by Trustee Bardeen, seconded by Trustee Muller to approve the resignation of School Crossin Guard, Kimberly Conrad, effective immediately. All present were in favor and the motion was carried.

Approve Ford to Auction with Towing:

Motion made by Trustee Muller, seconded by Trustee Bardeen to declare the 2016 Ford Explorer for the Police Department surplus and to approve the vehicle to go to auction. All present were in favor and the motion was carried.

Resignation of Part Time Police Officer – Thomas Nybeck:

Motion made by Trustee Coots, seconded by Trustee Causer to approve the resignation of Part Time Police Officer, Thomas Nybeck, effective September 3, 2021. All present were in favor and the motion was carried.

Approve Village Auction for Bicycles & advertising:

Motion made by Trustee Coots, seconded by Trustee Bardeen to declare the bicycles in the garage as surplus and to approve the Village Police Department to conduct an auction and to advertise said auction for these bicycles. All present were in favor and the motion was carried.

WWTP Upgrades:

Negative Declaration:

RESOLUTION
VILLAGE OF BATH BOARD OF TRUSTEES
BATH, NEW YORK

DATE APPROVED: Monday, September 20, 2021 INTRO. DATE: Monday, September 20, 2021

INTRODUCED BY: Trustee Muller 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

**State Environmental Quality Review Act
Negative Declaration Resolution**

Name of Action: Village of Bath Wastewater Treatment Plant Upgrades

WHEREAS: The Village of Bath is undertaking the Village of Bath Wastewater Treatment Plant Upgrades (Project); and

WHEREAS: The Project involves various upgrades to the Village of Bath Wastewater Treatment Plant (WWTP) to meet new discharge permit requirements, replace aging equipment and infrastructure, increase the capacity of the WWTP to treat additional wastewater. Also included is the construction of new facilities to incorporate membrane technology into the wastewater treatment and solids handling processes at the WWTP; and

WHEREAS: The Project was classified by the Village Board of Trustees of the Village of Bath (Village) as a Type 1 action; and

WHEREAS: The Village, acting as lead agency under New York State Environmental Quality Review Act (SEQRA), has undertaken a coordinated review with various public agencies in accordance with the State Environmental Review Process; and

WHEREAS: The Full Environmental Assessment Form (FEAF), which can be used to evaluate actions undergoing a coordinated review, has been completed by GHD to evaluate the Project; and

WHEREAS: The Project was reviewed by the Office of Parks, Recreation and Historic Preservation (OPRHP) and OPRHP determined that the Project will have no impact upon cultural resources in or eligible for inclusion in the State and National Register of Historic Places; and

WHEREAS: The Village have considered the Project and reviewed Part 1, Part 2 and Part 3 of the FEAF in order to determine whether the Project will have a significant adverse impact on the environment.

NOW THEREFORE

BE IT RESOLVED: Based upon the thorough and careful review of the project under SEQRA, the Village hereby determines that the Project will not result in any significant adverse environmental impacts and hereby issues a negative declaration for the Project pursuant to SEQRA.

**WWTP Upgrades:
Bond Resolution:**

BOND RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF BATH, STEUBEN COUNTY, NEW YORK (THE "VILLAGE"), AUTHORIZING THE CONSTRUCTION, RECONSTRUCTION AND INSTALLATION OF UPGRADES AND IMPROVEMENTS TO THE VILLAGE'S EXISTING WASTEWATER TREATMENT FACILITY; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$26,900,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$26,900,000 IN SERIAL BONDS OF THE VILLAGE TO FINANCE A PORTION OF 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 January 6, 2014 (the "2014 Bond Resolution") authorized the issuance of serial bonds and bond anticipation notes of the Village in the principal amount of \$15,500,000 to undertake a project consisting of the construction, reconstruction and installation of upgrades and improvements to the Village's existing wastewater treatment facility (the "2014 Project");

WHEREAS, by resolution adopted on January 6, 2014, the Board determined that the 2014 Project constituted a "Type II" action under the State Environmental Quality Review Act, and the regulations promulgated hereunder (collectively, "SEQRA"), and that no further action was required of the Board under SEQRA in connection with the 2014 Project; and

WHEREAS, as a result of the expansion of the improvements to be undertaken from what was included in the 2014 Project, the Village Board, acting as lead agency under SEQRA, by resolution adopted January 19, 2016, determined (i) this was a substantial change within the meaning of SEQRA necessitating a revised determination under SEQRA as to the 2014 Project's environmental impact, (ii) that the actions included in the 2014 Project as expanded constitute an "Unlisted" action within the meaning of SEQRA, (iii) that the Village had conducted a coordinated review of such expanded 2014 Project in accordance with SEQRA, and (iv) that the expanded 2014 Project will not have a significant adverse impact on the environment and adopted a negative declaration under SEQRA to such affect; and

WHEREAS, as a result of the expansion of the improvements undertaken from what was included in the 2016 Project, the Village Board, acting as lead agency under SEQRA, by resolution adopted January 16, 2018, determined (i) this was a substantial change within the meaning of SEQRA necessitating a revised determination under SEQRA as to the 2016 Project's environmental impact, (ii)

that the actions included in the 2016 Project as expanded constitute an “Unlisted” action within the meaning of SEQRA, (iii) that the Village had conducted a coordinated review of such expanded 2016 Project in accordance with SEQRA, and (iv) that the expanded 2016 Project will not have a significant adverse impact on the environment and adopted a negative declaration under SEQRA to such affect; and

WHEREAS, the Board, by its Amended and Restated Bond Resolution, adopted on April 2, 2018 (the “First Amended and Restated Bond Resolution”), amended and restated the 2014 Bond Resolution in its entirety for the purpose of (A) revising and expanding the specific objects or purposes for which the Village’s bonds are authorized to be issued; and (B) increasing the maximum estimated cost of the improvements authorized to be undertaken and the maximum authorized principal amount of serial bonds to be issued from \$15,500,000 to \$23,600,000; and

WHEREAS, the Board, by its Second Amended and Restated Bond Resolution, adopted on June 21, 2021 (the “Second Amended and Restated Bond Resolution”), amended and restated in its entirety the 2014 Bond Resolution, as previously amended and restated by First Amended and Restated Bond Resolution, for the purpose of (A) further revising and expanding the specific objects or purposes for which the Village’s bonds are authorized to be issued; and (B) increasing the maximum estimated cost of the improvements authorized to be undertaken and the maximum authorized principal amount of serial bonds to be issued from \$23,600,000 to \$26,900,000; and

WHEREAS, to date, the Village has borrowed an aggregate amount of \$4,538,757 through New York State Environmental Facilities Corporation (“EFC”) in order to finance portions of the 2014 Project, has determined (i) that the Village will no longer proceed to complete the 2014 Project or undertake further financing of the 2014 Project as authorized pursuant to the 2014 Bond Resolution as amended and restated on April 2, 2018 and June 21, 2021, (ii) has caused GHD, the Village’s engineers, to prepare a revised engineering report entitled “Village of Bath Wastewater Treatment Plant Upgrades” dated March 2, 2021, and on file in the office of the Village Clerk (the “2021 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 “2021 Project”), at a total estimated maximum cost not to exceed \$26,900,000; and

WHEREAS, the Village Board by resolution adopted on September 21, 2020, determined that (i) the actions and improvements to be included in the 2021 Project constitute 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 2021 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 immediately prior to the adoption of this resolution, determined that (i) the 2021 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 Board of Trustees now wishes to rescind the 2014 Bond Resolution as amended and restated, appropriate funds for the 2021 Project and authorize the issuance of the Village's serial bonds and bond anticipation notes to be issued to finance such appropriation;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Village of Bath, Steuben County, New York (by the favorable vote of not less than two-thirds of all the members of such body), 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 2021 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 \$26,900,000 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, Rural Development Water and Environment Program grants from the United States Department of Agriculture, and State of New York Community Development Block 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 2014 Bond Resolution, as amended and restated on April 2, 2018 and June 21, 2021 is hereby repealed, except to the extent that the Village has contracted indebtedness in the amount of \$4,538,757 and advanced funds in the amount of \$300,000 pursuant to such resolution.

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. 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.

PUBLIC NOTICE
VILLAGE OF BATH, STEUBEN COUNTY, NEW YORK

PLEASE TAKE NOTICE that on September 20, 2021, the Board of Trustees of the Village of Bath, Steuben County, New York, adopted a bond resolution entitled:

"BOND RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF BATH, STEUBEN COUNTY, NEW YORK (THE "VILLAGE"), AUTHORIZING THE CONSTRUCTION, RECONSTRUCTION AND INSTALLATION OF UPGRADES AND IMPROVEMENTS TO THE VILLAGE'S EXISTING WASTEWATER TREATMENT FACILITY; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$26,900,000; APPROPRIATING SAID AMOUNT THEREFOR;

AND AUTHORIZING THE ISSUANCE OF UP TO \$26,900,000 IN SERIAL BONDS OF THE VILLAGE TO FINANCE A PORTION OF SAID APPROPRIATION”

an abstract of which bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: STATING object or purpose (hereinafter referred to as the “purpose”) to be financed pursuant to this resolution is cost of certain improvements to the Village’s wastewater treatment plant (“WWTP”) as outlined in a certain engineering report as prepared by GHD, the Village engineers, entitled “Village of Bath Wastewater Treatment Plant Upgrades” dated March 2, 2021, and on file in the office of the Village Clerk, 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 “2021 Project”); STATING the total estimated maximum cost of the purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$26,900,000; APPROPRIATING said amount for such purposes; and STATING 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, Rural Development Water and Environment Program grants from the United States Department of Agriculture, and State of New York Community Development Block 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;

SECOND: AUTHORIZING the issuance of bonds in the principal amount of \$26,900,000 pursuant to the Local Finance Law of the State of New York to finance said appropriation for the purpose described in Section 1 of said bond resolution;

THIRD: DETERMINING and STATING 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;

FOURTH: STATING that current funds are not required to be provided prior to the issuance of said bonds or any notes issued in anticipation of the sale of said bonds;

FIFTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Village; and PLEDGING to their payment the faith and credit of the Village;

SIXTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof, the power to contract with and issue bonds and bond anticipation notes to the New York State Environmental Facilities Corporation and to

approve the terms, form and content of such bonds and bond anticipation notes, and in the event that bonds to be issued for the object or purpose authorized by the resolution are combined for sale, the power to determine the "weighted average period of probable usefulness" for such combined objects or purposes;

SEVENTH: DELEGATING to the Village Treasurer the authority 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, in order to effect the financing or refinancing of the specific object or purpose described in the resolution;

EIGHTH: STATING that the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Village for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and

NINTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: September 20, 2021

Jacqueline Shroyer, Village Clerk

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 a vote on roll call, which resulted as follows:

	AYES:	NAYS:
Trustee Bardeen	X	
Trustee Causer	X	
Trustee Coots	X	
Trustee Muller	X	
Mayor Sweet	X	

The resolution was thereupon declared duly adopted by a vote of 5 ayes and 0 nays.

Adjourn Regular Meeting/Executive Session:

Motion made by Trustee Bardeen, seconded by Trustee Coots to adjourn the regular meeting of the Board of Trustees of the Village of Bath at 6:31 p.m. to go into executive session for contract purposes, and 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. 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 6:43 p.m. All present were in favor and the motion was carried.

Memorandum of Agreement with PBA:

RESOLUTION
VILLAGE OF BATH BOARD OF TRUSTEES
BATH, NEW YORK

DATE APPROVED: Monday, September 20, 2021 INTRO. DATE: Monday, September 20, 2021

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

**APPROVING MEMORANDUM OF AGREEMENT WITH PBA
REGARDING VILLAGE'S PROCEDURES FOR CERTAIN FOIL REQUESTS**

WHEREAS, counsel for the Village of Bath ("Village") and the Bath Police Benevolent Association, Inc. ("PBA") have conferred regarding the Village's procedures for processing requests under the New York State Freedom of Information Law ("FOIL") for access to police officer disciplinary/personnel records; and

WHEREAS, the Village and the PBA have negotiated a written Memorandum of Agreement ("MOA") regarding same; and

WHEREAS, the Village has been advised that the PBA's members have ratified said MOA;

NOW, THEREFORE BE IT RESOLVED that this Board of Trustees hereby approves the terms of said MOA, and also hereby authorizes the Mayor to execute the MOA on behalf of the Village.

Adjournment:

Motion made by Trustee Bardeen, seconded by Trustee Muller to adjourn the regular meeting at 6:44 p.m. All present were in favor and the motion was carried.

Respectfully submitted by:

Jacqueline Shroyer
Clerk/Treasurer