

DRAFT MEETING MINUTES

June 14, 2021

The Regular Meeting of the Nunda Village Board of Trustees was held on June 14, 2021, at the Nunda Government Center Building with the following present:

Mayor: Jack Morgan

Deputy Mayor: Darren Snyder

Trustees: Mel Allen

William McTarnaghan

Dr. Donald Wilcox

Police Chief: Ryan Dale

Water and Streets Superintendent: Troy Bennett

Administrator/Clerk-Treasurer: LeRoy Wood

Mayor Morgan - called the meeting to order at 7:00 PM.

Roll Call: Trustee McTarnaghan was absent

Pledge of Allegiance: led by Mayor Morgan

Visitor Forum:

WWTP-CIP MRB Group

JP Schepp from MRB Group, our municipal engineer, stated the plans to move forward with our Waste Water Treatment Plant upgrades have been approved by NYSDEC. We are ready to roll out the Bid Advertisement to be published.

MOTION was made by Deputy Mayor Snyder to move forward and go to bid for the upgrades to the Village of Nunda's Waste Water Treatment Plant, seconded by Trustee Allen. Carried 4-0.

Discussion on upcoming grants that would be beneficial to the municipality through the WQIP Grant should be explored. Submission of grants is mid-July 2021. Mayor Morgan asked the administrator to reach out to the County to see if they could assist.

Jeremy Blair

Discussion on accessing water services outside the Village in the Town of Nunda. Mr. Blair stated he would like to hoop into the municipal water system on Creek Road. Currently, the connection to the trailer park on Creek Road is where the last customer on that road is. Infrastructure would need to travel several hundred feet to accommodate this request. Permission from the Town of Nunda would need to be ascertained prior to exploring the possibilities of expansion.

Water/Sewer Account #1945

A representative from Hillside Apartments asked to discuss the most recent water/sewer bill totaling \$14,029.82. An audit of this account shows the major consumption of water use was between May 1, 2020 and October 31, 2020 with more than 3,000,000 gallons used. This account had been estimated twice before to allow the site manager to correct leakage problems.

Current water meter reads show normal quarterly use of approximately 125,000 to be consumed this quarter. Hillside stated they have inspected all apartments (24) and found no leaks. Chief Water Operator Bennett stated that when a Hi-Lo Water Use Report is printed after all meters have been read, this account showed high usage. Chief Water Operator Bennett stated he did inform the building manager of the concerns at the time the meters were read last year.

Hillside has stated they believe there was a failure of equipment. Mayor Morgan did state that at the time the leaks were present and now there appears to not be a leak and that leaks just do not fix themselves. A request to put a stay on payment of this bill was granted by the Board with a two-week time frame to rectify the situation.

MOTION was made by Deputy Mayor Snyder to allow Hillside Apartments two weeks to ascertain a direction to move forward in correcting this current water bill to include the waiving of any penalties during this process, seconded by Trustee Wilcox. Carried 4-0.

Approval of Minutes

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A. May 10, 2021

MOTION was made by Trustee Wilcox to accept the minutes as presented, discussed, and reviewed, seconded by Deputy Mayor Snyder. Carried 5-0.

B. May 24, 2021

MOTION was made by Deputy Mayor Snyder to accept the minutes as presented, discussed, and reviewed, seconded by Trustee Allen. Carried 4-0.

Reports

A. Police

1. Monthly Reports-May 2021

2. Sgt. Rapp official retirement date June 5, 2021.

MOTION was made by Trustee Allen to accept Sgt. Rapp's retirement request effective June 5, 2021 with thanks and graciousness, seconded by Deputy Mayor Snyder. Carried 4-0.

3. Officer Brock Allen resignation

MOTION was made by Deputy Mayor Snyder to accept Officer Brock Allen's Letter of Resignation dated May 17, 2021 with thanks and regrets, seconded by Trustee Allen. Carried 4-0.

B. Code Enforcement/Zoning

1. Monthly Report-May 2021

C. Waste Water Treatment Plant

1. Departmental Activity Log-May 2021

D. Water/DPW

1. Departmental Activity Log-May 2021

Multiple locations throughout the village have received sidewalk replacement due to overgrown trees creating safety concerns.

Paving should begin in July 2021

Mayor Morgan stated the DPW keeps the village looking great and thank them for the work they continue to do for our community with sidewalk replacement, benches installed and many other initiatives.

Mayor Morgan read a card from a resident thanking the DPW crew for their sidewalk and the making the village look great.

Water Department identified two of the three dehumidifiers were out-of-commission at the Water Plant and provided several quotes to replace the defective equipment. The current dehumidifiers are more than 15 years old and just stopped working with no ability to get parts to repair because of the age of the equipment.

MOTION was made by Trustee Allen to allow the Water Department to purchase two Dayton Industrial Portable Dehumidifiers from Nunda Lumber & Hardware with a not-to-exceed price of \$1,580.25, a local business, seconded by Deputy Mayor Snyder. Carried 4-0.

E. Justice

1. Monthly Reports-May 2021

F. Treasurer's Reports

1. Monthly Bank Statement Account-May 2021-to be discussed

2. Collateralization Report-May 2021-within parameters-ample coverage

3. Monthly Treasurer's Reports-May 2021-completed, working on 2021 AUD

4. Payroll - #9 & 10-Certification Review

5. Departmental Activity Log-May 2021

The Monthly Treasurer's Report was not provided as the end of year closeout is now in progress. A more up-to-date brief will be provided at the July 2021 Regularly Scheduled Board Meeting that will provide each Board Member with a copy of the 2020-2021 Annual Updated Document.

G. ZBA/Planning Board

Planning Board Chairperson Alex Pierce mentioned the possible new business opportunity in the Town of Nunda near Shop N Save. The new hybrid store would be a

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Family Dollar/Dollar Tree model. Continued community discussion has taken place as a Public Hearing on this matter took place June 9, 2021. More to come with this project.

H. Youth Recreation

Calendar of events was provided for the upcoming Youth Recreation Program

MOTION was made by Trustee Wilcox to accept the departmental reports as given, seconded by Trustee Allen. Carried 4-0.

Approval of Invoices

A. Abstract No. 001

The Nunda Village Board of Trustees has reviewed and approve invoices for payment on Abstract no. 001 as follows:

GENERAL	(A)	- \$ 251,038.84
WATER	(F)	- \$ 15,670.18
SEWER	(G)	- \$ 7,776.43
WWTP CIP	(H)	- \$.00
YOUTH	(J)	- \$.00
TOTAL		- \$ 274,485.45

The **motion** was made by Trustee Allen, seconded by Deputy Mayor Snyder. Carried 4-0.

New Business

A. Bond Resolution – Lawson Properties

BOND RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF NUNDA, LIVINGSTON COUNTY, NEW YORK (THE “VILLAGE”), AUTHORIZING THE VILLAGE TO UNDERTAKE A WATER QUALITY IMPROVEMENT PROJECT; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$300,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$300,000 IN SERIAL BONDS OF THE VILLAGE TO FINANCE SAID APPROPRIATION

Resolution No. 2021-020

WHEREAS, the Board of Trustees (the “Board of Trustees”) of the Village of Nunda, Livingston County, New York (the “Village”) is planning to undertake a water quality improvement project consisting of the acquisition of three (3) parcels of land constituting approximately 173.80 acres in the Town of Nunda located at 2419 Route 70, Gilbert Road, and Route 70 (landlocked) (identified by tax parcel identification numbers: 208.-1.20.123; 208.-1-11.1; and 209-1-10) as further described in an “Appraisal Report of Lawson Properties, 2419 Route 70, Town of Nunda” said report dated June 3, 2020 and on file in the office of the Village Clerk’s office (the “Project”), all at a total estimated cost not to exceed \$300,000;

WHEREAS, by resolutions adopted on March 8, 2021 and April 13, 2021, the Board of Trustees (i) determined that the actions to be undertaken in connection with the Project (collectively, the “Action”) 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 Board of Trustees assumed lead agency status for purposes of conducting a coordinated review of the Action in accordance with SEQRA, and (iii) the Board of Trustees determined that the Action will not result in any significant adverse environmental impacts, adopted a “Negative Declaration” pursuant to SEQRA with respect thereto, and directed that a notice of Negative Declaration be filed and published, to the extent required under SEQRA; 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 and bond anticipation notes to be issued to finance the aforementioned specific object or purpose.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Village of Nunda, Livingston 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 Village is hereby authorized to undertake the Project, as hereinabove described, at a total estimated cost not to exceed \$300,000, and to issue up to \$300,000 principal

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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 such bonds.

SECTION 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$300,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$300,000 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 grants expected to be received by the Village from the State of New York consisting of a Water Quality Improvement Project (WQIP) Grant in the amount of up to \$236,250 to either directly pay or reimburse a portion of the cost of the Project and/or to repay a portion of any such bond anticipation notes issued under the authority of this resolution, (iii) the expenditure of \$63,750 in current funds of the Village, and (iv) unless paid from other sources or to the extent necessary, 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 for the aforementioned specific object or purpose is thirty (30) years, pursuant to subdivisions 21(a). of paragraph a. of Section 11.00 of the Law.

SECTION 4. The final maturity of the bonds herein authorized to be issued pursuant to Section 1 of this resolution 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.

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 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 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 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 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 Village Treasurer, as the chief fiscal officer of the Village (the "Village Treasurer"). Such notes shall be of such terms, form and contents as may be prescribed by said Village Treasurer consistent with the provisions of Local Finance Law. 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

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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 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 Village 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 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 the Board of Trustees.

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 resolution was presented by Mayor Morgan with a **motion** to adopt made by Deputy Mayor Snyder, seconded by Trustee Wilcox where thereupon declared duly adopted by a vote of 4 ayes and 0 nays.

Old Business

- A. Sidewalks/Bench placement
- B. Land Acquisition Grant Status
- C. Tax Abatement
- D. Local Law on Marihuana Regulation & Taxation Act

MOTION was made by Mayor Morgan to adopt Local Law #1 of 2021 Opting-Out of Marihuana Regulation & Taxation Act for the Village of Nunda, seconded by Trustee Allen. Carried 4-0.

Other Business

- A. Americana Days
- B. Mural Initiative
- C. Executive Session

MOTION was made by Trustee Allen to enter into Executive Session at 9:02 PM to discuss personnel issues related to manning issues and employment, seconded by Trustee Wilcox. Carried 4-0.

MOTION was made to exit Executive Session by Trustee Allen at 9:26 PM, seconded by Deputy Mayor Snyder. Carried 4-0.

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Policy Review

A. None

Communications / Informational / Discussion Items

A. Meeting with Dept Heads to discuss Pay Equity

Mayor Morgan asked the administrator to schedule a date and time for this meeting.

B. Municipal Trash Dumpsters

Mayor Morgan stated that dumpsters on municipal property are not to be used for private use dumping.

Adjournment

MOTION was made to adjourn by Trustee Allen, seconded by Mayor Morgan at 9:33 PM.

Respectfully submitted,

LeRoy J. Wood
Administrator/
Clerk-Treasurer