

September 13, 2021

**The Regular Meeting of the Nunda Village Board of Trustees was held on September 13, 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

**Code Enforcement/Zoning Officer:** Mark Mullikin

**Waste Water Treatment Plant Chief Operator:** Markus Hugi arrived at 7:05 PM

**Administrator/Clerk-Treasurer:** LeRoy Wood

**Deputy Clerk-Treasurer:** Tammy McCallum

**Mayor Morgan** - called the meeting to order at 7:01 PM.

**Roll Call** All present

**Pledge of Allegiance** led by Mayor Morgan

**Visitor Forum** None

**Approval of Minutes**

A. August 9, 2021

Mayor Morgan stated in these board meeting minutes the ability to table a topic should come with a board action and as such, this did not occur when, as stated and written; “Deputy Mayor Snyder announced this would be tabled for future discussion” as the board was debating the Payroll Compensation Doctrine Policy during this meeting.

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

**Reports**

A. Police

1. Monthly Reports-August 2021

2. Fulltime Police Officer

Several meetings have taken place to discuss the cost of a fulltime police officer; to include wages, healthcare, retirement and other costs. Each municipality would need to contribute an additional \$35,000 to hire the new fulltime officer and keep coverage levels the same as they are now.

**MOTION** was made by Trustee Allen to approve the hiring of parttime police officer Catherine Mucha to the Joint Town and Village Police Department, seconded by Deputy Mayor Snyder. Carried 5-0.

B. Code Enforcement/Zoning

1. Monthly Report-August 2021

C. Waste Water Treatment Plant

1. Departmental Activity Log-August 2021

Chief Operator Hugi stated NYSDEC has been in contact with the village in regards to Once Again Nut Butter (OANB) and their discharge with high levels of PH. Chief Hugi has discussed this with OANB to pretreat their waste prior to discharge into the municipal infrastructure. A meeting has been scheduled to discuss causes and options for this concern.

D. Water/DPW

1. Departmental Activity Log-August 2021  
Pre-chlorinating water is in progress.

Sidewalk project completed correcting a public safety concern with foot traffic in the village.

Newly acquired properties have been thoroughly inspected. Markers missing at two locations near the Gilbert Road access point. Contact with municipal surveyor will take place to correct. Locks at all locations have been or will be replaced with village locks. Camera system received as a donation from Trinity Church will be installed soon.

Posting of properties newly acquired will be researched at the NYSDEC by Trustee Allen to ascertain responsibility and requirements.

E. Justice

1. Monthly Reports-August
2. Annual Justice Audit 2020-2021

**Resolution no. 2021-031**

**BE IT RESOLVED**, that the Nunda Village Board of Trustees accept the 2020-2021 Justice Audit Report as presented by Village Administrator Wood, with the next Annual Village Court Audit to be held during the regular meeting of the Nunda Village Board of Trustees in June 2022.

The **motion** was made by Trustee Allen, seconded by Deputy Mayor Snyder. Carried 5-0.

**MOTION** was made by Trustee Wilcox to accept the departmental reports (above) as presented, seconded by Deputy Mayor Snyder. Carried 5-0.

F. Treasurer's Reports

1. Administrator's Report

a. Prepared and attended **three** public meetings in August; Village Board Meeting and Police Commissioners Meeting (2).

- b. Submitted CDBG No. 2 Grant forms (6) to Office of Community Renewal. Including municipal insurance, disability insurance, and worker's compensation coverage.
  - c. Attended (4) Webinars – ARPA Funding, OSC – Understanding the Budget Process, CDBG No. 2 (2) required attendance.
  - d. Received additional American Rescue Plan Act Payment.
  - e. Processed Consolidated Highway Improvement Payment (CHIPS) forms for reimbursements back to the village (\$ 53,616.91).
  - f. Developed contract for Lorena Bennett to become a water customer. Awaiting to hear back from her as she is reviewing contract.
  - g. Lawson Properties – a Bond Anticipation Note (BAN) has been sold for \$300,000. Processed receipt of BAN monies. Made numerous calls and visits to the attorney's office working on the closing of these land acquisitions for the village.,
  - h. Continued work on the Compensation Doctrine Policy.
  - i. Finalized Tax Abatement between the village and town. Provided all resolutions and other correspondence to the town assessor.
  - j. Tax collection is still continuing; outstanding taxes to date are \$14,166.45.
  - k. Attended Letch worth Gateway Villages meeting at local establishment.
  - l. Continued work on Proposition No. 1 Cannabis Law for a September 7<sup>th</sup> referendum.
  - m. Ordered and picked-up sign for land acquisition (required component of the grant) from the Sign Shop in Perry, NY.
2. Unpaid Taxes Report
  3. Monthly Bank Statement Account-August 2021
  4. Collateralization Report-August 2021
  5. Monthly Treasurer's Reports-August 2021
  6. Payroll - #16 & 17 - Certification Review
  7. Departmental Activity Log-August 2021
- G. ZBA/Planning Board
  - H. Youth Recreation

**MOTION** was made by Deputy Mayor Snyder to accept the departmental reports as presented, seconded by Trustee Wilcox. Carried 5-0.

**Approval of Invoices**

A. Abstract No. 005

The Nunda Village Board of Trustees has reviewed and approve invoices for payment on Abstract no. 005 as follows:

GENERAL	(A)	- \$ 19,135.91
WATER	(F)	- \$ 20,455.70
SEWER	(G)	- \$ 7,725.15
WWTP CIP	(H)	- \$ 7,183.50
YOUTH	(J)	- \$ <u>1,647.10</u>
<b>TOTAL</b>		<b>- \$ 56,147.36</b>

The **motion** was made by Deputy Mayor Snyder, seconded by Trustee Allen. Carried 5-0.

**New Business**

A. Return of Village Taxes to the County Treasurer

**Resolution No. 2021-032**

**BE IT RESOLVED**, that the Nunda Village Board of Trustees approve sending all delinquent Village Taxes that remain unpaid on October 1, 2021 to the Livingston County Treasurer for re-levy.

The **motion** was made by Deputy Mayor Snyder, seconded by Trustee McTarnaghan. Carried 5-0.

B. Change of Date - October Village Board Meeting – Observance of Columbus Day

**Resolution No. 2021-033**

**BE IT RESOLVED**, that the next regular meeting of the Nunda Village Board of Trustees scheduled for October 11, 2021 be changed to October 18,2021 at 7:00 PM due to the observance of Columbus Day.

The **motion** was made by Trustee Wilcox, seconded by Deputy Mayor Snyder. Carried 5-0.

C. Wire Transfer to pay Debt \$ 12,515.62

**Resolution No. 2021-034**

**BE IT RESOLVED**, that the Nunda Village Board of Trustees approve Administrator/Clerk-Treasurer Wood to process and pay down municipal debt, via a wire transfer, in the amount of \$ 12,515.62 to Chase Manhattan Bank through the Depository Trust Company.

The **motion** was made by Trustee Allen, seconded by Trustee McTarnaghan. Carried 5-0.

D. Amend Bond Resolution for WWTP Capital Improvement Project-

**Resolution No. 2021-035**

The following resolution was offered by Trustee Allen, who moved its adoption, seconded by Deputy Mayor Snyder, to-wit:

**AMENDED AND RESTATED BOND RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF NUNDA, LIVINGSTON COUNTY, NEW YORK (THE “VILLAGE”), AMENDING AND RESTATING IN ITS ENTIRETY A BOND RESOLUTION OF THE VILLAGE DATED OCTOBER 23, 2018 RELATING TO IMPROVEMENTS TO BE UNDERTAKEN TO THE VILLAGE’S**

**WASTEWATER TREATMENT FACILITY; ESTIMATING THAT THE TOTAL COST THEREOF IS \$3,600,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$3,600,000 IN SERIAL BONDS OF THE VILLAGE TO FINANCE SAID APPROPRIATION**

**WHEREAS**, the Board of Trustees (the “Board”) of the Village of Nunda, Livingston County, New York (the “Village”), by a bond resolution adopted on October 23, 2018 (the “Original Bond Resolution”) authorized the issuance of serial bonds and bond anticipation notes of the Village in the principal amount of \$2,900,000 to finance the cost of undertaking certain improvements to the Village’s existing wastewater treatment facility (the “Facility”) consisting of (i) the construction of: a new influent pump station to replace the existing, replacement of the manual bar screens with new mechanical bar screen and related appurtenances, (ii) the reconstruction and rehabilitation of other existing facilities, including: conversion of the aeration tanks to sequencing batch reactors, tertiary sand filters repairs, Sludge Thickeners/Aerobic Digesters repairs, Sludge Pumping Station replacement, Sludge Press Repairs, Plant Supervisory Control and Data Acquisition (“SCADA”) System Improvements and miscellaneous Buildings and Grounds repairs, rehabilitate effluent disinfection system with UV system, (iii) the demolition of primary clarifiers, and (iv) all appurtenant and related improvements including related site improvements and other related and incidental costs and improvements (collectively, the “Project”); and

**WHEREAS**, by resolution adopted on October 23, 2018, the Board determined that the 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 Project; and

**WHEREAS**, the Village now intends to amend and restate the Bond Resolution in its entirety pursuant to the terms of this resolution for the purpose of 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 \$2,900,000 to \$3,600,000 and restating the plan of finance set forth therein; and

**WHEREAS**, the Project is being undertaken by the Village to protect the public health and the environment and to improve the operation of the Facility and ensure compliance with State Department of Environmental Conservation effluent discharge requirements pertaining to water quality in accordance with the Schedule of Compliance for SPDES Permit No. NY-0108421 issued to the Village by the State Department of Environmental Conservation and dated February 2, 2018 (the “Compliance Schedule”). The Compliance Schedule is on file with the Village Clerk for inspection;

**NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE VILLAGE OF NUNDA, LIVINGSTON COUNTY, NEW YORK** (the “Village”) **HEREBY RESOLVES** (by the affirmative vote of not less than two-thirds of all the members of such body), **TO AMEND AND RESTATE THE ORIGINAL BOND RESOLUTION IN ITS ENTIRETY, TO READ AS FOLLOWS:**

**SECTION 1.** The Village is hereby authorized to undertake the Project as hereinabove described, at a total estimated cost not to exceed \$3,600,000 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 \$3,600,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$3,600,000 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, (ii) the application of up to \$572,668 in monies from a Water Infrastructure Improvement Act (“WIIA”) grant expected to be received by the Village from the State of New York Environmental Facilities Corporation with respect to the Project to pay or reimburse the costs thereof, including the repayment of the obligations authorized herein; 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 3. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is forty (40) years, pursuant to subdivision 1. 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 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 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 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, in connection with bonds and bond anticipation notes issued under the authority of Section 1 hereof, the power to contract with and issue 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 one or more of the objects or purposes 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 Village Board, then the power of the Village Board 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 his sole discretion, to execute a project financing and loan agreement, and any other agreements with Rural Development and/or 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. 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 10. 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 11. 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.

SECTION 12. 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 13. 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 14. This resolution shall take effect immediately.

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

	<u>AYE:</u>	<u>NAY:</u>
Mayor Jack Morgan	X	
Deputy Mayor Darren Snyder	X	
Trustee Mel Allen	X	
Trustee William McTarnaghan	X	
Trustee Donald Wilcox	X	

E. Notice of award Review, discuss, and approve for MW Controls bid document Notice of Award for WWTP CIP

**Resolution No. 2021-036**

**BE IT RESOLVED**, that the Nunda Village Board of Trustees approve awarding MW Controls Services, Inc as the electrical contractor for the Waste Water Treatment Plant Capital Improvement Project #6485-01-00 at a cost of \$ 475,636 at this time, upon recommendation from the municipal engineer, JP Schepp, MRB Group.

The **motion** was made by Trustee McTarnaghan, seconded by Deputy Mayor Snyder. Carried 5-0.

F. Final determination on Water Account #1945

**Resolution No. 2021-037**

**WHEREAS**, the Nunda Village Board of Trustees has made final determination on past due Water/Sewer Account #1945; and

**WHEREAS**, with a balance of \$19,173.92, which includes both current usage charges, past due charges, and penalty fees; and



**WHEREAS**, the governing board has approved waiving all penalty fees associated with this account until a zero balance remains; and

**NOW, THEREFORE, BE IT RESOLVED**, the decision by the governing board is to have the customer be responsible for their regular quarterly payment and an additional \$5,000 payment per quarter until full payment has been received.

The **motion** was made by Deputy Mayor Snyder, seconded by Trustee Allen. Carried 5-0.

G. On the occasion of his 100<sup>th</sup> Birthday, Mayor Morgan declared 9/19/2021 Ellsworth Downs Day. A certificate of appreciation will be presented to him on Saturday 9/18/21 at 2:30 PM.

The **motion** to approve the official proclamation celebrating Ellsworth Downs 100<sup>th</sup> Birthday in the Village of Nunda was made by Trustee Allen, seconded by Trustee McTarnaghan. Carried 5-0.

**Old Business**

A. Compensation Doctrine Policy Discussion

After much discussion, it was decided that an additional Village Board of Trustees Meeting on employee remuneration would be scheduled for October 4, 2021 at 7:00 PM.

The **motion** was made by Deputy Mayor Snyder, seconded by Trustee Allen. Carried 5-0

B. Tax Abatement-KCS

C. Sidewalks

The Governing Board thanked Troy Bennett and the DPW staff for the excellent job on the sidewalks on North State Street.

D. Budget Modifications

From:	A2705 Donations	\$ 2,482.16	
To:	A7550.4 Celebrations		\$ 2,482.16
From:	A1990.4 Contingency	\$ 5,592.26	
To:	A1210.4 Mayoral Contractual		\$ 5,516.86
	A3120.4 Police Contractual		\$ 75.40
From:	A5650.4 Municipal Parking	\$ 4,800.00	
	A5410.4 Sidewalks		\$ 4,800.00
From:	F8310.4 Water Administration	\$ 195.72	
To:	F8310.2 Water Administration-Capital		\$ 195.72
From:	H599 Fund Balance	\$ 35,000.00	
To:	H1380.4 Financial Consultant		\$ 5,000.00
	H1440.4 Engineering		\$ 30,000.00

**MOTION** was made by Trustee McTarnaghan to approve budget modifications as presented by Administrator Wood to the Village Board of Trustees, seconded by Trustee Allen. Carried 5-0.

**Other Business**

- A. CDBG Update
- B. WWTP Update
- C. Land Acquisition Update

Deputy Mayor Snyder mentioned that he had spoken with the Town of Nunda Highway Supervisor and was told that 421 loads had been mined from the gravel pit at an average of 19 tons per load. The Town had an agreement to pay the Village \$77,000.00 for this. Deputy Mayor Snyder believes an agreement between the Town and Village Boards should be drawn up to cover mining rights and reimbursements. Also, gravel removal should pause until insurance coverage is finalized on the properties.

**Policy Review**

**Communications / Informational / Discussion Items**

A thank-you card was received from the family of Gerald Hotchkiss for his memorial.

Dana Russell will be given a card signed by the Village Board in thanks for his generous donation of Holiday lighting.

**Adjournment**

**MOTION** was made to adjourn by Trustee Allen at 9:29 PM.

Respectfully submitted,

LeRoy J. Wood  
Administrator/  
Clerk-Treasurer