

September 9, 2024

The Regular Meeting of the Nunda Village Board of Trustees was held on September 9, 2024 at the Nunda Trinity Church with the following present:

Mayor: Jack Morgan

Deputy Mayor: Darren Snyder

Trustees: James Mann

William Davis

Patty Piper

Water and Streets Superintendent: Troy Bennett

Planning Board Chairperson: Alex Pierce

Code/Zoning Officer: Quinn Golden

Clerk-Treasurer: Kimberly Wester

Mayor Morgan - called the meeting to order at 6:01 PM.

Roll Call: Deputy Mayor Snyder arrived at 6:40 PM

Pledge of Allegiance: Led by Mayor Morgan

MOTION made by Mayor Morgan to adjourn the Village of Nunda Board Meeting at 8:00 PM unless, there is a motion, and a majority vote of the board, to extend for each and every 15 minutes. Seconded by Trustee Davis. Carried 4-0.

Open Forum

- A. KCS Superintendent Powers – provided a detailed report to the Board as to the status of KCS and projects associated with the school.
- B. Introduction of Quinn Golden – New Village of Nunda Code Enforcement Officer.
- C. Brian Emke – Request to carry 88 hours of unused vacation time.

MOTION to approve 88 hours of unused vacation time, contingent upon approval of surgery for Brian Emke, was made by Mayor Morgan, Seconded by Trustee Piper. Carried 4-0.

Approval of Minutes

A. August 19, 2024

MOTION was made by Trustee Davis to accept the minutes as presented, discussed, and reviewed, seconded by Trustee Mann. Carried 4-0.

Approval of Invoices

A. Abstract No. 005

The Nunda Village Board of Trustees has reviewed and approve invoices for payment on Abstract no. 004 as follows:

GENERAL	(A)	- \$ 37,175.95
WATER	(F)	- \$ 37,284.97
SEWER	(G)	- \$ 2,413.29
WWTP CIP	(H)	- \$ 4,860.50
YOUTH	(J)	- \$ 0.00
	TOTAL	- \$ 81,734.71

MOTION to approve was made by Trustee Davis, seconded by Trustee Mann. Carried 4-0.

Reports

A. Police

1. Staffing
2. Budget Increase/Raises
3. Speeding in School Zone and other Village Areas

B. Code Enforcement/Zoning

1. Property Maintenance Law – to be reviewed

2. State Property Law – to be reviewed
3. Public Nuisance Law – to be reviewed

C. Sewer

1. Generator planned to be completed in November
2. Bi-annual land spreading

D. DPW/Water

1. Water Main breaks/repairs
2. Dismantle and Sale of Wash Plant at Lawson Property

MOTION to approve the dismantle and sale of the wash plant for \$1,000.00 was made by Deputy Mayor Snyder, Seconded by Trustee Mann. Carried 5-0.

3. Purchase of a Snow Pusher – use CHIPS Funds

MOTION to approve the purchase of a 12-foot CAT snow pusher for the amount of \$10,211.90 was made by Deputy Mayor Snyder, Seconded by Trustee Davis. Carried 5-0.

4. NYCOM Public Works Training School

MOTION to approve Troy Bennett, Chief Water Operator, to attend the NYCOM Public Works Training School in Saratoga Springs from October 21-23, 2024 was made by Trustee Davis, Seconded by Trustee Mann. Carried 5-0.

5. Double telephone poles (32 Total) in the Village have been removed.

E. Justice

F. Treasurer's Report's

1. Monthly Bank Statement Account - August 2024
2. Collateralization Report - August 2024
3. Treasurer's Report - August 2024
4. Payroll – 17 & 18 - Certification Review

MOTION was made by Trustee Piper after review and discussion to approve and Certify Payrolls #17 and #18, seconded by Trustee Mann. Carried 5-0.

G. ZBA/Planning Board

1. Campground Update

H. Youth Recreation

MOTION was made by Trustee Piper to accept all departmental reports as reviewed, presented, and discussed, seconded by Deputy Mayor Snyder. Carried 5-0.

New Business

A. Return of Village Taxes to the County Treasurer

Resolution No. 2024-29

BE IT RESOLVED, that the Nunda Village Board of Trustees approve sending all delinquent Village Taxes that remain unpaid on October 1, 2024 to the Livingston County Treasurer for re-levy.

MOTION to approve was made by Deputy Mayor Snyder, seconded by Trustee Davis. Carried 5-0.

B. Wire Transfer to pay Debt \$10,284.38

Resolution No. 2024-29

BE IT RESOLVED, that the Nunda Village Board of Trustees approve Clerk-Treasurer Kimberly Wester to process and pay down municipal debt, via a wire transfer, in the amount of \$10,284.38, due October 1, 2024 to Chase Manhattan Bank through the Depository Trust Company.

MOTION to approve was made by Trustee Piper, seconded by Trustee Mann. Carried 5-0.

C. Third Amended and Restated Bond Resolution

Resolution No. 2024-30

THIRD 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, AS AMENDED AND RESTATED BY RESOLUTIONS DATED SEPTEMBER 13, 2021 AND AUGUST 14, 2023, AUTHORIZING IMPROVEMENTS TO BE UNDERTAKEN TO THE VILLAGE’S WASTEWATER TREATMENT FACILITY; ESTIMATING THAT THE TOTAL COST THEREOF IS \$4,265,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$4,265,000 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 undertake certain improvements to the Village’s existing wastewater treatment 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 a 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, on September 13, 2021, the Village Board adopted a resolution amending and restating the Original Resolution for the purpose of (i) increasing the maximum estimated cost of the Project from \$2,900,000 to \$3,600,000; (ii) appropriating said increased amount; and (iii) restating the plan of finance set forth therein.

WHEREAS, on August 14, 2023, the Village Board adopted a resolution further amending and restating the Original Resolution (the “Amended Resolution” and, together with the “Original Resolution”, the “Resolution”) for the purpose of (i) increasing the maximum estimated cost of the Project from \$3,600,000 to \$3,900,000; (ii) appropriating said increased amount; and (iii) restating the plan of finance set forth therein.

WHEREAS, the Village has learned that, due to increases in costs of materials and labor, and certain construction costs, the estimated maximum cost of the Project has increased from \$3,900,000 to \$4,625,000; and

WHEREAS, the Village Board now intends to amend and restate the Resolution in its entirety pursuant to the terms of this resolution for the purpose of (i) increasing the maximum estimated cost of the Project from \$3,900,000 to \$4,625,000; (ii) appropriating said increase amount; and (iii) restating the plan of finance set forth therein.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE VILLAGE OF NUNDA, LIVINGSTON COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), **TO AMEND AND RESTATE THE 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 \$4,625,000 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 \$4,625,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$4,625,000 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 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. In accordance with Section 36.00 of the Law, this resolution is subject to a permissive referendum in the manner prescribed by Article Nine 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 of Trustees, 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, and shall specify that this resolution was adopted subject to a permissive referendum. Such notice shall be published in the official newspaper of the Village for such purposes.

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%) of the 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 regular election held not less than ten (10) and not more than sixty (60) days after the filing of such petition.

SECTION 15. 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 16. 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 full 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 vote on a roll call, which resulted as follows.

	<u>AYES</u>	<u>NAYS</u>
Mayor Jack Morgan	X	
Deputy Mayor Darren Snyder	X	
Trustee William Davis	X	
Trustee James R. Mann, Jr.	X	
Trustee Patti Piper	X	

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

MOTION to adopt was made by Trustee Mann, seconded by Trustee Davis. Carried 5-0.

C. Pro-Housing Communities Certification

MOTION was made by Deputy Mayor Snyder, seconded by Trustee Piper to move forward with the Pro-Housing Communities certification to apply to key discretionary funding programs, including New York Main Street, Downtown Revitalization Initiative, New York Forward, and the Regional Council Capital Fund. Carried 5-0.

D. Review of Tobacco Free" policy

1. New/Updated Signs (25-30 Signs)
2. Include Village, Town, School, Kiwanis, Be Well In Nunda
3. Policy to include cigarettes, vaping, and cannabis

F. Budget Modifications

Resolution No. 2024-31

BE IT RESOLVED, that the Nunda Village Board of Trustees approve Clerk-Treasurer Wester to post budget modifications as needed and develop the 2024-2025 Capital Projects (H-fund) budget.

MOTION to approve was made by Trustee Davis, Seconded by Trustee Mann. Carried 5-0.

9. Old Business

- A. Municipal Lot
 1. Electric Charging Station Options/Requirements
- B. Review of Action Item List and Update
- C. Genesee Valley Town Grant – Purchase of Signs

MOTION to approve the purchase of four new Village of Nunda Signs was made by Deputy Mayor Snyder, Seconded by Trustee Piper. Carried 4-1.

10. Other Business

A. Amend motion from 8/19/24 in regards to financial account to be used for the purposes of moving and preserving a Nunda historical artifact, 'José Iturbi Piano', donated by Keshequa Central School District, to now be charged to Mayoral Contractual account.

MOTION to approve amendment was made by Mayor Morgan, Seconded by Trustee Davis. Carried 5-0.

MOTION to extend the Village Board Meeting fifteen minutes was made by Trustee Piper, Seconded by Trustee Davis. Carried 5-0.

B. Water/Sewer Bill Account #1301-adjust last quarters water/sewer charges due to software issues.

MOTION to approve the adjustment of Water/Sewer Account #1301 for the period of 5/1/24-7/31/24 was made by Trustee Piper, seconded by Trustee Mann. Carried 5-0.

11. Communications/Information Items

A. UPWP Active Transportation Plan Grant application for the Town and Village of Nunda - Preliminary Meeting.

12. Adjournment

MOTION to adjourn was made by Mayor Morgan at 8:11 PM.

Respectfully Submitted,

Kimberly A. Wester
Village Clerk-Treasurer