

**Village of South Dayton Regular Meeting**  
**May 11, 2022**  
**7:00 pm**

**CALL TO ORDER**

Mayor Killock called the meeting to order at 7:00 pm. The Pledge of Allegiance was recited.

**ROLL CALL**

Mayor Robert Killock	Present
Trustee Melinda Frederickson	Present
Trustee Jonathan Mosher	Present
Trustee Lynn Rupp	Present
Clerk/Treasurer Barbara Scott	Present

Guest: Karen Wutz

**MEETING MINUTES**

Board members reviewed the Board Meeting Minutes from April 13, 2022. Mayor Killock asked for a motion to approve the minutes. Trustee Mosher made a motion to approve the Minutes. Trustee Frederickson seconded the motion. AYE 4. NAY 0. Carried.

**TRUSTEE FREDERICKSON**

Trustee Frederickson reported:

- Jeff Stoltenberg has been roping off the Railroad Street. Ed Wilkey has been cutting the rope. There is a danger if emergency vehicles do not have access to that road.
- Lonnie Eklund needed help moving an old tv so they moved it to the transfer station.
- Put up patriotic decorations on the gazebo. Colored bulbs purchased through Amazon. Will submit receipt for \$69.54 to be reimbursed.

**TRUSTEE MOSHER**

- No report

**TRUSTEE RUPP**

Trustee Rupp reported:

- Keys for water tank gate will be purchased.

**MAYOR KILLOCK**

Mayor Killock reported:

- Railroad Street is an ongoing problem. The needs improvement and drainage. Mayor Killock said he scraped the dirt so water had a place to go. Want to plan a meeting with the railroad, Jeff Stoltenberg, IDA and Village to discuss a compact with the railroad. The Village has water and sewer lines in that area so we need access.
- We received a letter from Ed and Judy Wilkey regarding the situation with Jeff Stoltenberg closing Railroad Street. Mayor Killock read the letter.

**PUBLIC COMMENT PERIOD**

Karen Wutz

- Construction is still continuing at the end of Second Avenue. Wutz asked if building permits had been issued. Mayor Killock said the Village had not issued any building permits.
- If Railroad Street will be closed, will the railroad tracks be fixed? Mayor Killock said we will contact the Building Inspector to determine what the code is for closing the road.

**DPW**

Mayor Killock read the DPW report.

- Swept streets, mowing, painting, sewer pump station, large bulk trash, filled in pot holes, 2022 inventory, sand for baseball fields, partition in the boys bathroom at playground, brush pick up.
- DPW needs to be diligent in maintaining fuel logs.
- Trustee Frederickson stated the dump trailer needs painting.
- Clerk/Treasurer Scott stated the recycle bins had been emptied.
- Kirk Smuda was hired as a part time seasonal employee.
- Tim Wilkey will be on vacation the week of June 13.

## **OLD BUSINESS**

Mayor Killock reviewed items discussed at the previous Board Meeting.

- Starting in June, the Trustees and Mayor will be paid monthly instead of semi-annually.
- We will continue to have elections every 2 years. Changing to 4-year terms would be a complicated process.

## **NEW BUSINESS**

Mayor Killock reported:

- Memorial Day – DPW will clean the park, scrape curbs, put up flags. Mayor Killock suggested we have temporary no parking on 5/31/22 from 11:00 am to 1:00 pm for the parade. Trustee Mosher made a motion to have temporary parking on 5/31/22 from 11:00 am to 1:00 pm on First Street to Park Street. Trustee Frederickson seconded the motion. AYE 4. NAY 0. Carried.
- Thank you to Stephen and Joetta Pollock for donating an American flag for Memorial Day. The flag will be given to the Legion Commander.
- Sue Saye Johnson complained about an uprooted sidewalk on Oak Street at the end of First. Trustee Rupp will tell Tim Wilkey.
- Angela Pilon was hired as an Assistant Clerk. She will be paid \$16.00 per hour, and typically work 20 – 25 hours per week. She may work more hours during busy times. Angela will start work on Tuesday, May 18<sup>th</sup>.
- According to the Public Meeting on 3/6/21, water and sewer rates can increase 3% every year, as needed. The rate increase that took place in January 2022, should have been done in June 2021. Mayor Killock suggested water and sewer rates increase in June 2022. Trustee Mosher made a motion to increase water and sewer rates 3% in June 2022. Trustee Frederickson seconded the motion. AYE 4. NAY 0. Carried.

## **RESOLUTION NO. 5-1 of 2022 for the Village of South Dayton**

### **RESOLUTION AUTHORIZING THE ADOPTION OF A SUPPLEMENTAL BOND RESOLUTION**

At a meeting of the Board of Trustees of the Village of South Dayton, Cattaraugus County, New York, held at the Village Offices in South Dayton, New York, on the 11<sup>th</sup> day of May, 2022:

PRESENT:        Robert Killock, Mayor  
                     Melinda Frederickson, Trustee  
                     Jonathan Mosher, Trustee  
                     Lynn Rupp, Trustee

Mayor Killock presented the following resolution and duly moved that it be adopted and was seconded by Trustee Mosher.

SUPPLEMENTAL BOND RESOLUTION DATED MAY 11, 2022 OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF SOUTH DAYTON, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE WATER SYSTEM CAPITAL IMPROVEMENTS WITHIN THE VILLAGE, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, pursuant to a bond resolution dated January 13, 2021 (the "Original Bond Resolution") the Board of Trustees of the Village of South Dayton, New York (hereinafter referred to as the "Village") approved expenditures for, and the issuance and sale of, up to \$3,100,000 aggregate principal amount of general obligation bonds and bond anticipation notes relative to the construction of water system capital improvements; and

WHEREAS, actual project costs have proved to be approximately \$150,000 higher than the maximum estimated project costs and the Village desires to provide for the financing thereof by supplementing the Original Bond Resolution by the adoption of this Supplemental Bond Resolution; and

WHEREAS, the Village, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder ("SEQRA"), has completed its environmental review and, on December 16, 2020, has duly adopted a negative declaration with respect to the type I action and has determined that the implementation of the action as proposed will not result in any significant adverse environmental impacts; now therefor, be it

RESOLVED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF SOUTH DAYTON, NEW YORK (hereinafter referred to as the "Village"), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Village of South Dayton shall undertake the construction of water system improvements, to include, without limitation, replacement of existing water main, improvements to the water storage tank, improvements to the groundwater treatment building and equipment, the installation of controls and emergency power, water meter replacement, the reinstatement/replacement of groundwater wells, and the acquisition of original furnishings, equipment, machinery or apparatus, and other incidental improvements that may be required in connection therewith for such construction and Village use as set forth in the Original Bond Resolution (hereinafter referred to as "purpose") in an additional amount not to exceed \$150,000, and additional general obligation serial bonds in an aggregate principal amount not to exceed \$150,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Village are hereby authorized to be issued to finance said purpose, and said amount is hereby appropriated therefor.

Section 2. The estimated aggregate maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is now estimated to be \$3,250,000. The plan for financing of said purpose is to provide up to \$3,100,000 of such maximum cost by the issuance of bonds or bond anticipation notes as authorized under the Original Bond Resolution, to be offset and reduced dollar for dollar by the amount of grants received, if any, and to provide up to \$150,000 of such maximum cost by the issuance of bonds or bond anticipation notes as herein authorized, to be offset and reduced dollar by dollar by EFC grant funds or EFC principal forgiveness, presently estimated to be \$150,000.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 1 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty (40) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Village and all the taxable real property in the Village is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to statutory limitations, if any.

Section 5. It is hereby determined and declared that the Village reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the power to contract and issue indebtedness pursuant to §169.00 of the Local Finance Law, if applicable, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, whether to authorize the receipt of bids in an electronic format, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, is hereby delegated to the Village Treasurer, the Village's chief fiscal officer. The Village Treasurer and the Village Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Village of South Dayton.

Section 7. The faith and credit of the Village of South Dayton, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and 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 obligations becoming due and payable in such year.

Section 8. After compliance with Section 9 hereof, this resolution shall be published in full by the Village Clerk of the Village of South Dayton together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Village, in the manner prescribed by law. The validity of said bonds and bond anticipation notes issued in anticipation of the sale of said serial bonds, may be contested only if such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this 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 if said obligations are authorized in violation of the provisions of the Constitution.



**RESOLUTION NO. 5-2 of 2022 for the Village of South Dayton**

**RESOLUTION AUTHORIZING TO STANDARDIZE WATER SYSTEM COMPONENTS**

WHEREAS, the Village of South Dayton owns and operates a water system containing a significant number of gate valves and fire hydrants;

WHEREAS, the gate valves and fire hydrants are specific models and produced by the specific manufacturers;

WHEREAS, utilizing the same model gate valves and fire hydrants is essential for system continuity, reducing required spare parts, and ease of operation and maintenance;

WHEREAS, standardizing on specific makes/models of gate valves and fire hydrants will provide significant benefit and is deemed to be in the public interest; and now therefore,

BE IT RESOLVED, that the Village Board of the Village of South Dayton authorizes the standardization on the following products: Gate Valve: Kennedy C509 or C515, or Mueller A2362 or A2361; and Fire Hydrants: Kennedy K81D Guardian or Mueller Super Centurion 250.

WHEREFORE, the foregoing Resolution was put to a vote of the members of the Board of Trustees of the Village of South Dayton by a motion from Trustee Rupp and seconded by Trustee Mosher on May 11, 2022, the result of which vote was as follows:

	Aye	Nay
Robert Killock, Mayor	X	___
Melinda Frederickson, Trustee	X	___
Jonathan Mosher, Trustee	X	___
Lynn Rupp, Trustee	X	___

DATED: May 11, 2022

I hereby certify that this resolution was adopted on May 11, 2022 and is recorded in the Meeting Minutes of the Village of South Dayton Board of Trustees.

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Barbara L. Scott Clerk/Treasurer

**CLERK/TREASURER**

Clerk Scott reported:

- Abstracts for the month of April 2022 were presented to the Board for review and signatures.
- Water sewer payments are due 5/13/22 and they have been coming in.
- We have collected about \$13,000.00 of the \$16,000.00 we had in past due water and sewer accounts.
- Office hours will change on June 1<sup>st</sup>. Monday, Tuesday, Thursday, Friday 10:00 am – 2:00 pm, Wednesday Noon – 5:00 pm, Saturday 8:00 am – Noon.

**NEXT BOARD MEETING**

Mayor Killock stated the next regular Board Meeting will be Wednesday, June 8, 2022 at 7:00 pm, in the Village Library.

**ADJOURNMENT**

Mayor Killock asked for a motion to adjourn the meeting. Trustee Mosher made a motion to adjourn. Trustee Rupp seconded the motion. AYE 4. NAY 0. Carried. The meeting adjourned at 8:37 pm.

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Barbara L. Scott  
Clerk of Board