

Village of South Dayton Regular Meeting

January 13, 2020

7:00 P.M.

PRESENT: Scott Kerr, Lisa Rizzo, Lynn Rupp, Rob Killock, Jon Mosher, Linda Fredrickson, Jim Pryll

CALL TO ORDER:

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

DPW: Not much plowing or sanding as of yet. Have been doing a lot of maintenance on the water end of things. 1 load of cold patch done. Shut off the water meter on Main St, the old Baker house, it had been leaking. Still needing plates for the Village Trucks.

MINUTES:

Copies of the minutes from the last regular meeting November 11, 2020 were given to the Board. Motion to accept minutes made by Trustee Mosher and seconded by Trustee Fredrickson. Carried.

TREASURER'S REPORT / ABSTRACT REPORT:

Copies of the monthly report for December 2020 were handed out to the Board members, the abstracts for December,2020 were presented to the board to be signed. Trustee Rupp made a motion to accept the abstracts, Trustee Mosher second and the motion was carried, 4-yay and 0-nay. Outstanding bills paid were to the Retirement System for \$15,000. The AUD Report ending 5/31/20 was finalized from the State. There was \$6,000 in late water/sewer bills, there will be a late notice going out to these customers. There was also a anonymous donation given to the Playground fund it was made at CCB.

CLERKS REPORT:

All bank statements are reconciled for the month of December,2020.

Mayor Kerr made a motion to allow the assessors to be able to act on the executive order signed by the Governor of New York. The resolution is as follows:

1. WHEREAS, on March7, 2020, Governor Andrew M. Cuomo issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York, and
2. WHEREAS, ON December 18, 2020 said declaration was extended to include: Subdivisions7, 7-a and 8 of section 459-c of the Real Property Tax Law, which permits the governing body of an assessing unit to adopt a resolution directing the assessor to grant exemptions pursuant to such section of the 2021 assessment roll to all property owners who received exemption of the 2020 assessment roll, thereby dispensing with the need

for renewal applications from such persons, and further dispensing with the requirement for assessors to mail renewal applications to such persons, and

3. WHEREAS, the Village is desirous in adopting such resolution while also allowing the assessor to require a renewal application to be filed when he or she has reason to believe that an owner who qualifies for the exemption in the 2020 assessment roll may have since changed his or her primary residence, added another owner on the deed, transferred the property to a new owner, or died, now, therefore, it be
4. RESOLVED, that the Village Board is authorized to pass such resolution, and that the assessor is instructed to take any such necessary action in the above-described directives.

Mayor Kerr made a motion to allow the assessors to be able to act on the executive order signed by the Governor of New York. It was put to a vote of 5 -aye and 5- nay. The foregoing resolution was duly adopted on 01/13/21.

Lisa C. Rizzo
Clerk of Board

SUSPENDED ORDER FOR A WATER AND SEWER BOND RESOLUTIONS

WATER BOND RESOLUTION

The Board of Trustees of the Village of South Dayton, Cattaraugus County, New York, held a meeting at the Village Office in South Dayton, New York, on the 13th day of January, 2021:

PRESENT: Mayor Scott Kerr, Trustee Lynn Rupp, Trustee Rob Killock, Trustee Linda Fredrickson, Trustee Jon Mosher

ABSENT: 0

Mayor Scott Kerr presented the following resolution and duly moved that it be adopted and was seconded by Trustee Jon Mosher:

**BOND RESOLUTION DATED JANUARY 13, 2021 OF THE VILLAGE BOARD
OF TRUSTEES OF THE VILLAGE OF SOUTH DAYTON, NEW YORK
AUTHORIZING GENERAL OBLIGATION SERIEL BONDS TO FINANCE WATER
SYSTEM CAPITAL IMPROVEMENTS WITHIN THE VILLAGE, AUTHORIZING THE
ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE
EXPENDITUREOF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER
MATTERS INCONNECTION THEREWITH.**

1. WHEREAS, the purpose hereinafter described consists of water system capital improvements authorized to be undertaken by the Village Board of Trustees pursuant to the Village Law;

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 January 13, 2021, has duly adopted a negative declaration with respect to the Type I action and has determined that the implementation of the actions proposed will not result in any significant adverse environmental impacts; now therefore, 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 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 limitations, 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 require in connection therewith for such construction and Village use (hereinafter referred to as "purpose") and general obligation serial bonds in an aggregate principal amount not to exceed \$3,100,000 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 financing thereof, is estimated to be \$3,100,000. The plan for refinancing of said purpose is to provide all of such maximum cost by issuance of obligations as herein authorized, to be offset and reduced dollar for dollar by the amount of grants received, if any.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects of purposed 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 purposed 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 the bonds for an assessable improvement, and, (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sales 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 limitations 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, for 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 to further authorize the sale , issuance and delivery of said bonds and to prescribe the terms, form and contents of said bonds and notes, including, without limitations, 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 bid in an electric 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 an 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.

Section 9 This resolution is subject to a permissive referendum of the qualified electors of the Village of South Dayton, pursuant on Section 36.00 of the Local Finance Law.

The motion having been duly seconded, it was adopted and the following votes were cast:

AYES – 5

NAYS – 0

Village Clerk-Village of South Dayton

SEWER BOND RESOLUTION

The Board of Trustees of the Village of South Dayton, Cattaraugus County, New York, held a meeting at the Village Office in South Dayton, New York, on the 13th day of January, 2021:

PRESENT: Mayor Scott Kerr, Trustee Lynn Rupp, Trustee Rob Killock, Trustee Linda Fredrickson, Trustee Jon Mosher

ABSENT: 0

Mayor Scott Kerr presented the following resolution and duly moved that it be adopted and was seconded by Trustee Jon Mosher:

**BOND RESOLUTION DATED JANUARY 13, 2021 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, the purpose hereinafter described consists of water system capital improvements authorized to be undertaken by the Village Board of Trustees pursuant to the Village Law;

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 January 13, 2021, has duly adopted a negative declaration with respect to the Type I action and has determined that the implementation of the actions proposed will not result in any significant adverse environmental impacts; now therefore, 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 the members of such Board, as follows:

Section 1. The Village of South Dayton shall undertake the construction of sewer system improvements, to include, without limitations, wastewater treatment plant improvements, the installation of a new effluent liquid chlorine disinfection and dichlorination system, Improvements to the collection system pump station and infrastructure, and the acquisition of original furnishings, equipment, machinery or apparatus, or the replacement of such equipment, machinery or apparatus, and other incidental improvements that may be required in connection therewith for such construction and Village use (hereinafter referred to as "purpose"), and general obligation serial bonds in an aggregate principal amount not to exceed \$2,000,000 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 financing thereof, is estimated to be \$2,000,000. The plan for refinancing of said purpose is to provide all of such maximum cost by issuance of obligations as herein authorized, to be offset and reduced dollar for dollar by the amount of grants received, if any.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects of purposed 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 purposed 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 the bonds for an assessable improvement, and, (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sales 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 limitations 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, for 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 to further authorize the sale , issuance and delivery of said bonds and to prescribe the terms, form and contents of said bonds and notes, including, without limitations, 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 bid in an electric 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 of 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 an 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 compiled with, at the date of publication of this resolution are not substantially compiled 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.

Section 9 This resolution is subject to a permissive referendum of the qualified electors of the Village of South Dayton, pursuant on Section 36.00 of the Local Finance Law.

The motion having been duly seconded, it was adopted and the following votes were cast:

AYES – 5 NAYS – 0

Village Clerk -Village of South Dayton

TRUSTEE FREDRICKSON:

There has been some vandalism in the gazebo with the spindles and also on the sleigh that was in the gazebo. There are 4 bands that are booked for Music in the park.

TRUSTEE MOSHER:

I'm waiting on a quote for the gate for the depot.

TRUSTEE RUPP:

I got with Larry Zollinger about the Republican Caucus, its in the library on January 25 at 7:00 pm.

TRUSTEE KILLOCK:

Have had a few DPW complaints. Also, residents of the Village wanting to know about getting the new trailer for the Red 1 ton for garbage.

MAYORS REPORT:

The Village has received 4 quotes for the hiring of a bond council. They are as follows for the Water Project.

1. Orrick, Herrington & Sutcliffe, LLP - \$11,665.00
2. Trepsz & Marquardt, LLP - \$10,860.00
3. Harris Beach PLLC - \$15,250.00
4. Timothy McGill, Esq. - \$7425.00

The Village has gotten 4 quotes for the hiring of a bond council. They are as follows for the Sewer Project.

1. Orrick, Herrington & Sutcliffe, LLP - \$7,920.75
2. Trepsz & Marquardt, LLP - \$,9021.13
3. Harris Beach PLLC - \$13,015.63
4. Timothy McGill, Esq. - \$5,880.31

RESOLUTION:

To hire a Bond Council for the Water and Sewer Projects.

WHEREAS, on January 13th 2021 the Village of South Dayton have gotten 4 quotes for the hire of Bond Council for the Water and Sewer Projects.

WHEREAS, the Board of Trustees have reviewed these quotes and have chosen the Bond Council of Timothy McGill, Esq.

BE IT RESOLVED, By the board of Trustees of the Village of South Dayton on December 16, 2021 have chosen Timothy McGill Esq. to be the bond Council for the Water and Sewer Projects.

Trustee Fredrickson moved to adopt this Resolution. Trustee Mosher seconded the motion. Carried. This Resolution was adopted by the Board of Trustees of the Village of South Dayton on January 13, 2021.

Lisa C. Rizzo ~ Village Clerk

EXECUTIVE SESSION:

Trustee Rupp moved that the Board go into Executive Session to discuss matters pertaining to personnel of the Village. Trustee Killock seconded the motion. The Board went into Executive Session at 9:10 p.m.

END OF EXECUTIVE SESSION:

The Boards Executive Session ended at 9:30 p.m. and was reconvened to regular meeting.

NEXT MEETING:

The next regular meeting will be Wednesday February 10th, 2021 at 7:00 P.M. in the Library.

ADJOURNMENT:

Trustee Mosher moved to adjourn the meeting. Trustee Fredrickson seconded the motion, Carried. The meeting adjourned at 9:30 PM.

Respectfully Submitted,

Lisa C. Rizzo
Clerk of the Board