

## REGULAR MEETING

June 4, 2018

PRESENT: Mayor Robinson, Trustee Appleton, Gardner, Marsh and Wagner, Police Chief Hoffmeister, Superintendent Evans, Clerk Hoffmeister and Deputy Clerk Allen

Others Present: Natalie Muster from the Country Courier

Mayor Robinson presided.

Minutes of the previous meeting of May21, 2018 were approved as submitted by email.

WASTEWATER TREATMENT – Received a letter from WYCO Construction requesting that the rate for septage be lowered per gallon due to DEC changes for permitting for land spreading.

LEGION HALL – Received information regarding the Girl Scouts summer camping and requesting use of the Legion Hall for June 27,28 & 29, 2018.

LEGION HALL – Received a letter from Hannah Milligan, FFA Advisor requesting use of the Legion Hall September 22, 2018 for a County-wide FFA alumni Chicken Barbeque.

Received a letter from Chatfield Engineers announcing that they will be merging with MRB Group around June 29, 2018.

POLICE REPORT: Chief Hoffmeister requested that the restitution payment for damage to the patrol vehicle be transferred to the A3120.00 budget line.

RESOLUTION #70 of 2018

BUDGET TRANSFER:

Motion made by Trustee Marsh  
Seconded by Trustee Appleton

RESOLVED – That the following requested budget transfer be hereby approved:

FROM	TO	AMOUNT
A2680	A3120.400	\$47.62 – Restitution

CARRIED

PUBLIC WORKS PROGRESS REPORT: **STREETS** – Daily grounds, property maintenance of all village owned properties (Commerce Way, Liberty Way, Bldg 1, Bldg 2, Wyoming St vault), mow and trim at the 4 “Gateway Signs” as needed, empty trash receptacles in the business district as needed, collect bagged grass & leaves as scheduled, sweep streets a on 5/31 & 6/1, jet sanitary at 87 N Main St, chip brush 5/21-5/31, replaced No Parking signs on Liberty St as needed, make repairs on hopper of sweeper, install Veterans banners, participated in the Career on Wheels event at the High School and participated in the Emergency Evacuation drill at the High School, **PARK** – Daily grounds maintenance, mowing, trimming, clean and stock bathrooms and empty trash cans, mow ball fields as needed, clean and prep Legion Hall as needed for rental and continue to remove posts and rails that border road around park, fill holes, topsoil and seed. **WATER DISTRIBUTION** – Daily checks as required, daily stake outs as requested, finals read as requested, read Industrial meters, finish relocating water main around new box culvert on Wyoming St and locate water main, sanitary sewer and storm sewer on South Ave, Washington St, Jackson St for gas main replacement. **WATER TREATMENT PLANT** - Daily tests were performed and results recorded, generator ran successfully, under load, water is currently drawn from the creek intake; intake screen is cleaned off regularly as necessary, water was drawn from Reservoir May 22<sup>nd</sup> – 23<sup>rd</sup> due to rain and its runoff , Steve continues alternating weekend distribution checks with Tom Uptegrove when on weekend checks at Water Plant, Backwash Lagoons drained and sampled on May 17<sup>th</sup>, 22<sup>nd</sup>, 25<sup>th</sup> and 29<sup>th</sup> since last report, grounds mowed and trimmed as needed and disinfection-by-product results within limits for May sampling. **WASTEWATER TREATMENT PLANT** - Tests and maintenance as needed and

required, WYCO dumped 8,000 gallons of septage and Royal Flush dumped 380 gallons of septage, our second mercury test was done on 5/23/18, pour 5,000 gallons in bed #2, install new hose on influent sampler, Gary goes to Buffalo for training on First Alert and sewage right to know law on Tuesday, June 5<sup>th</sup>, moving Rotork valves around and clean edges of bed #5.

The Mayor discussed the letter from WYCO concerning the cost of septage. The DEC is not allowing as much land spreading and WYCO is forced to dump the septage at the plant which is more costly. The village is very competitive in cost comparison to other plants. The Mayor suggested that this be discussed at committee meeting.

RESOLUTION #80 of 2018

LEGION HALL USE:

Motion made by Trustee

Seconded by

RESOLVED – That the following requested use of the Legion Hall be hereby approved:

Kristen Traynor – 7/26,27,28/2019 – wedding reception w/alcohol

Girls Scouts – 6/27,28,29/18 – summer camp – waive fee

FFA – 9/22/18 – FFA alumni Chicken Barbeque – waive fee

PICNIC PAVILION w/alcohol:

Troy Rowe – 8/18 – graduation party

CARRIED

MEETINGS:

WWTP Committee – Mon 6/11 – 5:30 pm – Village office

Police Committee – Mon 6/18– 6:45 pm – Fire Hall

Fire Committee – Mon 6/25 – 6:30 pm – Fire Hall

RESOLUTION #71 of 2018

BUDGET TRANSFERS:

Motion made by Trustee Appleton

Seconded by Trustee Wagner

RESOLVED – That the following year end budget transfers be hereby approved:

FROM	TO	AMOUNT
A9950.901	Mach Reserve (DPW)	\$ 4,550.00
A9950.904	Fire Reserve	19,000.00
A9950.907	Park Reserve	10,000.00

CARRIED

RESOLUTION #72 of 2018

WASTEWATER TREATMENT PLANT: Amending Bond Resolution

A meeting of the Village Board of Trustees of the Village of Warsaw, Wyoming County, New York (the “Village”) was convened in public session at the Warsaw Fire Hall, 40 E Buffalo Street, Warsaw, New York on June 4, 2018 at 7:30 o’clock p.m., local time.

The Meeting was called to order by Mayor Robinson and, upon roll being called, the following members were:

PRESENT: Mayor Robinson  
Trustee Appleton  
Trustee Gardner  
Trustee Marsh  
Trustee Wagner

ABSENT:

ALSO PRESENT:

Linda K Hoffmeister, Village Clerk-Treasurer

The following resolution was offered by Trustee Appleton and seconded by Trustee Gardner, to wit;

**AN AMENDING AND RESTATING BOND RESOLUTION, DATED JUNE 4, 2018, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF WARSAW, WYOMING COUNTY, NEW YORK (THE “VILLAGE”), AMENDING THE BOND RESOLUTION THAT WAS ADOPTED ON JUNE 19, 2017, AND AUTHORIZING A SEWER SYSTEM CAPITAL IMPROVEMENTS PROJECT (PRIMARILY AT THE WASTEWATER TREATMENT PLANT), AT AN ESTIMATED MAXIMUM COST OF \$5,973,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$5,973,000 OF THE VILLAGE, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE VILLAGE TREASURER.**

WHEREAS, on June 19, 2017, the Village Board of Trustees of the Village of Warsaw, Wyoming County, New York (the “Village”) adopted a certain bond resolution (the “Original Bond Resolution”) entitled:

A BOND RESOLUTION, DATED JUNE 19, 2017, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF WARSAW, WYOMING COUNTY, NEW YORK (THE "VILLAGE"), AUTHORIZING A SEWER SYSTEM CAPITAL IMPROVEMENTS PROJECT (PRIMARILY AT THE WASTEWATER TREATMENT PLANT), AT AN ESTIMATED MAXIMUM COST OF \$5,446,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$5,446,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE VILLAGE TREASURER.

and

WHEREAS, the Village has not previously issued bond anticipation notes pursuant to the Original Bond Resolution, and has not yet entered into permanent financing arrangements thereunder (i.e., the issuance of long-term serial bonds); and

WHEREAS, due to construction bids coming in higher than anticipated and a modification to the scope of the project, the Village Board of Trustees wishes to modify the Original Bond Resolution for the primary purposes of increasing: a) the estimated maximum cost of the project from \$5,446,000 to \$5,973,000 and b) the amount of serial bonds authorized to be issued from \$5,446,000 to \$5,973,000, and to make other modifications to the Original Bond Resolution as may be consistent with law; and

WHEREAS, the Village Board of Trustees now wishes to amend and restate (in its entirety) the Original Bond Resolution for the reasons identified above, and to make other modifications to the Original Bond Resolution as may be consistent with law and the Original Bond Resolution is otherwise being reaffirmed and ratified in all other material respects; and

NOW THEREFORE,

BE IT RESOLVED, by the Village Board of Trustees of the Village (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Village is hereby authorized to undertake a certain sewer system capital improvements project primarily at the wastewater treatment plant, such work to generally consist of (but not be limited to) the installation of various equipment at the headworks building, installation of new baffles and valves, installation of new pumps, installation of various equipment in the clarifiers and biotowers, concrete improvements, installation of new digester and sludge processing equipment, electric equipment upgrades, disinfection system, building improvements, installation of new generator and SCADA system, lighting improvements, installation of alarm system, and the replacement and installation of approximately 2,400 linear feet of 8-inch gravity sewer main, as well as other such improvements as more fully identified in (or contemplated by) a revised engineering report prepared by Clark Patterson Lee, and including all preliminary work

and necessary equipment, materials, and related site work and any preliminary costs and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The amended estimated maximum cost of the Purpose is \$5,973,000.

SECTION 2. The Village Board of Trustees plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$5,973,000 of the Village, hereby authorized to be issued therefor pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, the cost of such improvements is to be paid by the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that the Purpose is an object or purpose described in subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the Village are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) 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 bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there shall annually be levied on all the taxable real property of the Village a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Village Board of Trustees pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village. Without in any way limiting the scope of the foregoing delegation of powers, the Village Treasurer, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Village.

SECTION 8. 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 Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Village then reasonably expects to reimburse any such expenditures (to the extent made after June 19, 2017 or within 60 days prior to the earlier of (a) June 19, 2017 or (b) the date of any earlier expression by the Village of its intent to reimburse such expenditures) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration (or reaffirmation) of the Village's original declaration of its "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Village Treasurer is 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 may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 10. The Village Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser 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 Village has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under SEQRA is necessary.

SECTION 12. To the extent applicable, the Village Treasurer is hereby authorized to execute and deliver in the name and on behalf of the Village a project financing agreement prepared by the New York State Environmental Facilities Corporation ("EFC") (the "SRF Project Financing Agreement"). To the extent applicable, the Village Treasurer and the Village Clerk and all other officers, employees and agents of the Village are hereby authorized and directed for and on behalf of the Village to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including, but not limited to, the SRF Project Financing Agreement.

SECTION 13. In the absence or unavailability of the Village Treasurer, the Deputy Treasurer is hereby specifically authorized to exercise the powers delegated to the Village Treasurer in this resolution.

SECTION 14. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Village is not authorized to expend money, or

(b) the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice, or

2. such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 15. This Resolution is subject to permissive referendum pursuant to Section 36.00 of the Local Finance Law. The Village Clerk is hereby authorized and directed to publish (one time) and post (in at least six conspicuous public places within the Village and at each polling place), this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten days after the date of adoption of this resolution.

SECTION 16. If no petitions are filed in the referendum period, the Village Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the official newspaper(s) of the Village, or if no newspaper(s) have been so designated, then in a newspaper having a general circulation in the Village, and hereby designated as the official newspaper of the Village for such publication.

SECTION 17. Nothing in this amendment shall affect the validity of the Original Bond Resolution, or any actions taken thereunder, and any such actions are hereby ratified.

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The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

AYES: Mayor Robinson  
Trustee Appleton  
Trustee Gardner  
Trustee Marsh  
Trustee Wagner

NOES: 0  
ABSENT: 0

The foregoing resolution was thereupon declared duly adopted.

CARRIED



RESOLUTION #73 of 2018

AUDIT AND PAY BILLS:

Motion by Trustee Gardner  
Seconded by Trustee Appleton

RESOLVED – That the bills be allowed as read; that checks in the payment thereof be issued, that Mayor Robinson be and hereby is authorized to sign General Abstract #25 & 1 in the amount of \$237943.60, Water Abstract #24 & 1 in the amount of \$19,409.06, Sewer Abstract #25 & 1 in the amount of \$15,608.04.

CARRIED

EXECUTIVE SESSION – 7:58 p.m. – Police Contract

Adjourn Executive Session at 8:09 p.m.  
Moved and Seconded to adjourn at 8:09 p.m.

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Linda K Hoffmeister, Clerk