

Village of Afton
Board of Trustees Meeting
Jack D. Bolster Community Center, Afton, NY
October 11, 2021

Minutes of the meeting of the Board of Trustees held October 11, 2021 in the Susquehanna Room, 105 Main Street, Afton, NY

Meeting called to order at 7:00 pm, by Mayor Janice Nickerson.

Present: Mayor Nickerson, Trustee Simonds, Trustee Humphrey, Trustee Lawrence, Trustee Dedman, Clerk/Treasurer Palmatier and Code Enforcement Officer, Jeffrey Butler.

Absent: DPW Supervisor Bailey DeBetta and Officer in Charge, Anjelica Stanko.

- **Visitors:** Jeffrey Mewhorter, Patricia Wenner, Maryann Palmetier, Joyce Humphrey, Brendon Becker, Lamont Engineers, P.C. and John Redente via Phone Conference.
- A motion was made by Trustee Lawrence authorizing Clerk/Treasurer to pay the following audited vouchers, Seconded by Trustee Dedman. All in favor, motion passed.
General Fund Vouchers # 111 - 128, Totaling \$4,634.18.
Water Fund Vouchers # 46 – 53, Totaling \$11,885.64.
- Motion to accept previous minutes with no additions or correction, made by Trustee Lawrence. Seconded by Trustee Humphrey. All in favor, motion passed.

Monthly Report:

- **DPW/ Water:** No report distributed. Trustee Dedman questioned the placement of fence posting being installed on Spring & Blowers. It appears to be too close to the street curb, which may be a hazard, especially come winter when plowing will be done. Trustee Lawrence agreed. DPW Supervisor Bailey DeBetta will be asked to look into the placement, to ensure there will be no issues once plowing begins.
- **Police Department.** Report distributed.
- **Code Enforcement:** Report distributed, read aloud by Code Enforcement Officer Jeffrey Butler. There were discussions among the Village Board of Trustees with Code Enforcement Officer, Jeffrey Butler about the Sidewalk Day Banner placement over Main Street, long after the event has been held. It was decided going forward that no banners shall be placed without the proper permits in place, fines and fees will be enforced without such. The Village Board of Trustees also asked Code Enforcement Officer Jeffrey Butler about other concerns, such as the unlicensed, unregistered motor vehicles' within the Village. Are we enforcing the most current adopted law? The un-mowed properties within the village limits, and the purpose of the permit issued for the food truck.

- Planning Board: Trustee Humphrey informed the Village Board of Trustees that the Planning Board held their Public Hearing on Monday, October 4, 2021 at 7:10 pm. The company NEXUS Renewable Inc. did not attend this meeting to hold further discussions on the site plan review on the proposed solar project at 151 Caswell Street. There were 10 area residents, who attended this Public Meeting to voice their concerns and questions on the placement of proposed solar project. This Public Meeting was not closed at this time, to allow for more information to be shared with the public as it is received by the Planning Board. The Attorney representing the Village Planning Board stated that there are areas where there are questions and correction needing to be made by NEXUS before moving forward. Nexus Renewable Inc. will need to resubmit to Chenango County a 239 review plan, as well as a final plan to the Department of Transportation. There were many discussions among the Village Board of Trustees about this requirements of the proposed solar project.
- Finance/Insurance: Remains the same.
- Christmas Parade Committee: Remains the same. Trustee Simonds stated that she would need to contact Brenda James to gather more information on the Christmas Parade Celebrations.
- Parks Committee: Trustee Simonds informed the Village Board of Trustees that the Afton Parks Association will be hosting a Halloween Party on Saturday, October 30, 2021 at the River Club from 7:00 pm until 11:00 pm. Doors open at 6:00 pm, tickets are available at the door only, with a \$5.00 per person cover charge. There will be prizes awarded to the 1st & 2nd best dressed costumes. The Short Change Band will provide entertainment.
- Historian Report: Report distributed.
- Dog Control Officer: - No report distributed.
- Afton Central School – Mayor Nickerson asked visitor Maryann Palmetier if she had any news to share about the school. Ms. Palmetier stated that the building project is moving forward. That there were some concerns about the fencing around the athletic fields having just one entry-way gate. More gates have been added, now there are a total of three entry way gates along the fields to ensure the safety of the children. The school will be hosting Open House this week.

Old Business:

- A letter of request was received from Sally Muller asking the Village Board of Trustees to rescind the motion made during the September 13, 2021 Board Meeting, naming the park on East Main Street, Muller Park.
- A motion made by Trustee Lawrence to rescind the motion made on September 13, 2021, naming the park on East Main Street, Muller Park. Seconded by Trustee Simonds. All in favor, motion passed.
- It was decided by the Village Board of Trustees that the Park will not be named at this time.

New Business:

- Visitor Brendon Becker, Lamont Engineers, P.C. discussed with the Village Board of Trustees and the area businesses in attendance the benefits for the Village applying for the Office of Community Renewal Community Development Block Grant Care Act Funds. This grant is a covid relief funding for housing, economic development, public facilities, public infrastructure and planning activities, with the principal purpose of benefitting low to moderate income persons.
- A motion was made by Trustee Simonds to hold a Public Hearing on Monday, October 25, 2021 at 6:00 pm at the Jack D. Bolster Community Center, 105 Main Street, Afton, NY., to hear public comments on the Village of Afton's community development needs and to discuss the possible submission of one or more Community Development Block Grant (CDBG) – CV Cares Act for the Fiscal Year 2020 Funding. Seconded by Trustee Humphrey. All in favor, motion passed.
- Visitor Brendon Becker, Lamont Engineers, P.C. informed the Village Board of Trustees that we received two water tank bids, which are on track with the proposed budget for the project. The bidding was designed to allow the village to make a decision by December 2021.
- Mr. Becker explained the availability of funding for water and sewer projects through the NYSEFC WIIA Grant Program. Mr. Becker indicated that grant funding is available for potentially 25% grant for sewer projects and 60% grant for water projects. Mr. Becker provided an updated cost estimate for the 2019 sewer project budget. Mr. Becker asked the Village Board of Trustees to make a motion to update the already passed Bonding Resolution to increase the total project costs to \$15.1 to match the current budget. There were a few questions about this process by Trustee Dedman. Mr. Becker stated that this does not lock the village into moving forward, that the village is not obligated in any way.
- A motion made by Trustee Simonds to update the already passed Bond Resolution from 2019 and increase the total project cost. Seconded by Trustee Lawrence. All in favor, motion passed.

Update Bond Resolution as follows:

BOND RESOLUTION OCTOBER 11, 2021

BOND RESOLUTION OF THE VILLAGE OF AFTON, CHENANGO COUNTY, NEW YORK, AMENDING A CERTAIN PRIOR BOND RESOLUTION RELATING TO THE CONSTRUCTION AND IMPROVEMENT OF THE VILLAGE SEWER SYSTEM.

WHEREAS, the Board of Trustees (the "Board of Trustees") of the Village of Afton, Chenango County, New York (the "Village"), on September 9, 2019 adopted a Bond Resolution entitled "BOND RESOLUTION OF THE VILLAGE OF AFTON, CHENANGO COUNTY, NEW YORK AUTHORIZING THE CONSTRUCTION AND

IMPROVEMENT OF THE VILLAGE SEWER SYSTEM AT A MAXIMUM ESTIMATED COST OF \$10,700,000 AND AUTHORIZING THE ISSUANCE OF \$2,670,000 SERIAL BONDS TO FINANCE THE COSTS THEREOF" (the "Original Resolution"); and

WHEREAS, the Board of Trustees wishes (i) to authorize the expenditure and appropriation of additional funds for the construction and improvement of the Village Sewer System Project authorized in the Original Resolution, and (ii) to amend the Original Bond Resolution to increase the maximum estimated cost of the Project;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village as follows:

Section 1. The Village is hereby authorized to undertake the construction and improvement of the Village sewer system, including original furnishings, equipment, machinery or apparatus required in connection therewith, at an estimated maximum cost not to exceed \$15,100,000, constituting an increase of \$4,400,000 over the maximum estimated cost authorized in the Original Resolution.

Section 2. The plan for financing such new maximum authorized cost of \$15,100,000 for the foregoing object or purpose shall be as follows:

(a) by the issuance of up to \$2,670,000 of serial bonds of the Village or bond anticipation notes heretofore authorized to be issued pursuant to the Original Resolution; and

(b) by the appropriation of grant proceeds from the NYS DEC WQIP-Waste Water Treatment fund; by the appropriation of grant proceeds from the Empire State Development Fund; by the appropriation of grant proceeds from the Environmental Facilities Corporation Water Infrastructure Improvement Act Grant; and by the appropriation of additional grant proceeds, including a potential Community Development Block Grant from the New York State Office of Community Renewal, in the aggregate estimated amount of \$12,430,000 authorized pursuant to the Original Resolution and this Resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific objects or purposes is forty (40) years, pursuant to subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law. The proposed maturity of the Bonds will be in excess of five years provided that the maximum maturity of the Bonds authorized shall be computed from the date of the first bond anticipation note issued in anticipation of the Bonds or the serial bonds or bond anticipation notes authorized pursuant to the Original Resolution, whichever date is earlier.

Section 4. Pursuant to Section 107.00(d)(3)(a) of the Local Finance Law, current funds are not required to be provided prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

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 Local Finance Law, for the capital purposes described in Section 1 of this Bond Resolution.

Section 6. The Bonds and any bond anticipation notes issued in anticipation of the Bonds shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any bond anticipation notes issued in anticipation of the 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 without legal or constitutional limitation as to rate or amount. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, and provision 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 Bond Resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00, 30.00, 50.00 and 56.00 to 63.00 inclusive of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to sell and deliver Bonds providing for substantially level or declining annual debt service, is hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 8. This Bond Resolution is intended to constitute the declaration of the Village's "official intent" to reimburse the expenditures authorized by this Bond Resolution with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by Treasury Regulation Section 1.150-2. Other than as specified in this Bond Resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 9. The serial bonds and bond anticipation notes authorized to be issued by this resolution are hereby authorized to be consolidated, at the option of the Village Treasurer, the Chief Fiscal Officer, with the serial bonds and bond anticipation notes authorized by other bond resolutions previously or hereafter adopted by the Board of Trustees for purposes of sale in to one or more bond or note issues aggregating an amount not to exceed the amount authorized in such resolutions. All matters regarding the sale of the bonds, including the dated date of the bonds, the use of electronic bidding, the consolidation of the serial bonds and the bond anticipation notes with other issues of the Village and the serial maturities of the bonds are hereby delegated to the Village Treasurer, the Chief Fiscal Officer of the Village.

Section 10. The Village Treasurer, as Chief Fiscal Officer of the Village, is hereby authorized to file an application with the New York State Treasurer pursuant to Section 124.10 of the Local Finance Law to exclude the proposed indebtedness authorized herein from the constitutional and statutory debt limits of the Village.

Section 11. The Village Treasurer, as Chief Fiscal Officer of the Village, is hereby authorized to enter into an undertaking for the benefit of the holders of the Bonds from time to time, and any bond anticipation notes issued in anticipation of the sale of the Bonds, requiring the Village to provide secondary market disclosure as required by Securities and Exchange Commission Rule 15c2-12.

Section 12. The validity of the Bonds authorized by this Bond Resolution and of any bond anticipation notes issued in anticipation of the 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 this Bond 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 of New York.

Section 13. This Bond Resolution, or a summary hereof, shall be published in the official newspaper of the Village, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 14. The Board of Trustees hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this resolution.

Section 15. This Bond Resolution is adopted subject to permissive referendum in accordance with Section 36.00 of the Local Finance Law. This resolution shall take effect thirty (30) days after its adoption or if a petition is filed pursuant to Article 5-A of the Village Law, upon the affirmative vote of a majority of the qualified electors of the Village voting on the referendum.

The Resolution was declared adopted.

- A motion made by Trustee Lawrence to resubmit for funding through the NYSEFC WIIA program for the sewer project for the previously submitted in 2019 to supplement the previously July 2021 WQIP Application and to submit the July 2021 water project previously submitted for NYSEFC DWSRF Program. Seconded by Trustee Simonds. All in favor, motion passed.
- Discussion – Vehicle Charging Station Placement. – Mayor Nickerson informed the Village Board of Trustees that the 4 Towns Moving Forward has obtain funding for each village to receive a vehicle charging station. The village will need to decide where the best placement would be for the charging station unit. There were questions by the Village Board of Trustees as to the up keep, internet connection, insurance policy on unit and installation cost. Mayor Nickerson contacted John Redente via Phone - Conference to see if he could help answer some questions. At this time the decision for placement has been tabled, until more information can be gathered.
- Mayor Nickerson informed the Village Board of Trustees, the Village has received notification from the County about the Senior Citizen and Disability Income Levels for the Village of Afton. The decision was that the income level would remain the same.

- A motion made by Trustee Simonds to keep the Senior Citizens and Disability Income Levels for the 2022 Assessment Roll form Chenango County as is. Seconded by Trustee Dedman. All in favor, motion passed.
- A motion by Trustee Lawrence to honor the request made by Officer Kyle Hinman, to hold his position as a Village of Afton Police Officer until he returns from the call of duty with the Army. Seconded by Trustee Simonds. All in favor, motion passed.
- A motion by Trustee Lawrence to accept the resignation from Krista Baxter, as a Village of Afton Police Officer, effective September 28, 2021. Seconded by Trustee Simonds.
- A motion by Trustee Lawrence to move \$10,647.43, from Capital Reserves Water Improvement Savings Fund for the payment to F. W. Webb Company, as follows: (8320.40 – Well Source Supply Contractual Expense – for \$10,647.43). Seconded by Trustee Humphrey. All in favor, motion passed.

Recognition of Visitors:

- Visitor Jeffrey Mewhorter addressed his questions and concerns to Village Board of Trustees as well as Brendon Becker from Lamont Engineers about the grant awarding process.
- A motion made by Trustee Lawrence to adjourn our regular meeting at 8:50 pm. Seconded by Trustee Simonds. All in favor, motion passed.

Respectfully Submitted

Ann Palmatier
Clerk / Treasurer