

**Regularly Scheduled Village of Little Valley Board Meeting
Held at the Municipal Building**

February 28, 2023

PRESENT: Mayor James Bowen, Trustee Jillian Crouse, Trustee Raymond Hughes, Trustee Rory Mosher, Clerk Treasurer JoElla Emborsky, Public Works Superintendent Robert Young, and Building & Zoning Code Officer John Helgager

ABSENT: Trustee Todd Palmatier

Mayor James Bowen called the regularly scheduled meeting to order at 7:00 PM

Approval of Minutes:

MOTION #146, 2022-2023

Motion made by Trustee Hughes, seconded by Trustee Mosher, to approve minutes of February 14, 2023, meeting. **SO MOVED, RESOLVED.**

AYES: Mayor Bowen, Trustee Hughes, Trustee Mosher, Trustee Crouse

NAYS: NONE

ABSENT: Trustee Palmatier

VISITORS: Sue Koch, Joyce Bedell, Nancy Shinnars, Anita Williams, Jamie Baran, and Flossie Steinbroner

GUEST: The Beautification Committee Members.

MAYOR:

OLD BUSINESS: BCEO Helgager will need board approval to allow the Town of Little Valley Code Enforcement Officer to complete building permits for him since they are BCEO Helgager property within the Village.

MOTION #147, 2022-2023

Motion made by Trustee Crouse, seconded by Trustee Hughes, to approve the Town CEO to complete all building permits for BCEO Helgager's property within the Village. **SO MOVED, RESOLVED.**

AYES: Mayor Bowen, Trustee Hughes, Trustee Mosher, Trustee Crouse

NAYS: NONE

ABSENT: Trustee Palmatier

NEW BUSINESS:

Employee Contracts will need to be worked on.

Sewer Operator Watson would like to attend the Annual Technical Training Workshop and Exhibition from May 22-24, 2023, in Lake Placid, NY.

MOTION #148, 2022-2023

Motion made by Trustee Crouse, seconded by Trustee Hughes, to approve Sewer Operator Watson to attend the Annual Technical Training Workshop and Exhibition in May 2023. **SO MOVED, RESOLVED.**

AYES: Mayor Bowen, Trustee Hughes, Trustee Mosher, Trustee Crouse

NAYS: NONE

ABSENT: Trustee Palmatier

BOND RESOLUTION DATED FEBRUARY 28, 2023.

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF AN ADDITIONAL \$2,900,000 BONDS OF THE VILLAGE OF LITTLE VALLEY, CATTARAUGUS COUNTY, NEW YORK, TO PAY PART OF THE COST OF WATER SUPPLY AND DISTRIBUTION SYSTEM IMPROVEMENTS, IN AND FOR SAID VILLAGE.

WHEREAS, the capital project hereinafter described, as proposed, have been determined to be a Type I Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which it has been determined will not have any significant adverse effect on the environment; and

WHEREAS, the Board of Trustees of the Village of Little Valley, Cattaraugus County, New York, on October 26, 2021, duly adopted a bond resolution authorizing the issuance of \$4,300,000 bonds of said Village to pay the cost of construction of improvements to and reconstruction of the Village water supply and distribution system, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, in and for Village of Little Valley, Cattaraugus County, New York, and

WHEREAS, it has now been determined that the maximum estimated cost of such class of objects or purposes is \$7,200,000, an increase of \$2,900,000 over that previously authorized; and

WHEREAS, it is now desired to authorize the issuance of an additional \$2,900,000 bonds of said Village for such class of objects or purposes to pay a portion of the cost thereof; NOW, THEREFORE,

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Little Valley, Cattaraugus County, New York, as follows:

Section 1. For the class of objects or purposes of paying additional costs of construction of improvements to and reconstruction of the Village water supply and distribution system, in and for the Village of Little Valley, Cattaraugus County, New York, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, there are hereby authorized to be issued an additional \$2,900,000 bonds of the Village of Little Valley, Cattaraugus County, New York, pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of such class of objects or purposes is now determined to be \$7,200,000, which class of objects or purposes is hereby authorized at said maximum estimated cost, and that the plan for the financing thereof is as follows:

- a) by the issuance of the \$4,300,000 bonds of said Village authorized to be issued pursuant to bond resolution dated and duly adopted October 26, 2021; and
- b) by the issuance of the additional \$2,900,000 bonds of said Village authorized to be issued pursuant to this bond resolution.

PROVIDED, HOWEVER, that to the extent that any Federal or State grants-in-aid are received for such class of objects or purposes, the amount of bonds to be issued pursuant to this resolution shall be reduced dollar for dollar.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty (40) years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the

Local Finance Law, calculated from the date of the first obligations issued against said October 26, 2021 bond resolution.

Section 4. The faith and credit of said Village of Little Valley, Cattaraugus County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations 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. There shall annually be levied on all the taxable real property in said Village a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions 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 serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Village Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the Village Treasurer shall deem best for the interests of said Village, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Village Treasurer shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Village Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Village Treasurer is hereby further authorized, at her sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Health 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 class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Village in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes for said class of objects or purposes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to 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 the Local Finance Law.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) 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 days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this 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 object or purpose described herein.

Section 12. Upon this resolution taking effect, a summary thereof shall be published in the official newspaper, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 13. This resolution is adopted subject to permissive referendum.

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

<u>JAMES BOWEN</u>	<u>VOTING</u>	<u>AYE</u>
<u>RAYMOND HUGHES</u>	<u>VOTING</u>	<u>AYE</u>
<u>RORY MOSHER</u>	<u>VOTING</u>	<u>AYE</u>
<u>JILLIAN CROUSE</u>	<u>VOTING</u>	<u>AYE</u>
<u>TODD PALMATIER</u>	<u>VOTING</u>	<u>ABSENT</u>

The resolution was thereupon declared duly adopted.

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MOTION #149, 2022-2023

Motion made by Trustee Hughes, seconded by Trustee Crouse, to approve the Bond Resolution to cover the additional work added to the water improvements project. **SO MOVED, RESOLVED.**

AYES: Mayor Bowen, Trustee Hughes, Trustee Mosher, Trustee Crouse

NAYS: NONE

ABSENT: Trustee Palmatier

PUBLIC WORKS SUPERINTENDENT:

Public Works Superintendent Young has received 3 quotes for the transformers. They will be coming from 2 different locations. The cost for a total of 46 transformers will be \$67,178.

MOTION #150, 2022-2023

Motion made by Trustee Crouse, seconded by Trustee Hughes, to approve the purchase of the 46 transformers at the cost of \$67,178. **SO MOVED, RESOLVED.**

AYES: Mayor Bowen, Trustee Hughes, Trustee Mosher, Trustee Crouse

NAYS: NONE

ABSENT: Trustee Palmatier

Public Works Superintendent Young stated he should know about the Poles sometime within the next week.

The Street Department would like to invest in a new rollover.

The Dodge Caravan is no longer being used and is taking up storage space. We would like to try and sell the van with sealed bids.

MOTION #151, 2022-2023

Motion made by Trustee Crouse, seconded by Trustee Mosher, to approve selling the Dodge Caravan with sealed bids. **SO MOVED, RESOLVED.**

AYES: Mayor Bowen, Trustee Hughes, Trustee Mosher, Trustee Crouse

NAYS: NONE

ABSENT: Trustee Palmatier

TRUSTEES:

Trustee Jillian Crouse: Updated the board on the Beautification Committee. A list of committee members has been distributed as well. Waterman's Nursery has suggested we should get bigger pots, 24"x 30", to have a bigger bloom. These pots cost \$112 each. Trustee Crouse also received 2 other quotes for pots. Trustee Crouse also mentioned that instead of having the mounds of mulch and dirt at each of the welcome signs, the committee would like to see a cement pad poured there, since weeding cannot be kept up. The committee would like the summer help to water the plants daily up until October. If summer help can't water them, maybe we could budget for someone to strictly water the planters.

Trustee Ray Hughes:

Trustee Rory Mosher: Asked about plans for sidewalks. Streets Superintendent Gross is planning on working on 7th to 9th St and another portion on Fair Oak St. They are also working on the sidewalk on 7th Street from Court to Erie. Trustee Mosher asked again about adding a sidewalk on N. 9th St. along the fairgrounds. Asked about repair to Second St. The Street Department is planning on paving that this summer. Was curious about building permits at the dealership for construction. BCEO Helgager stated that permits are all good and have been extended.

Trustee Todd Palmatier: ABSENT

CLERK TREASURER: Clerk Treasurer Emborsky is currently working on the Youth Bureau grant that is due by March 31, 2023. Also, ACME Business was down on February 23, 2023, and got the phones at both Streets and Electric shops back up and working. Those shops have been without phones since June of 2022.

BUILDING & ZONING CODE ENFORCEMENT:

BCEO Helgager presented his bimonthly report. The FOIL request that was submitted on February 8th has been prepared and ready for review. The Attorney requests they review them prior to the public review. There are currently 3 building permits and applications open for review. One for an illegal roof covering installations, one for an illegal deck replacement and another for an electrical and plumbing permit. Properties on Park Place will need Order to Remedies but will need to wait for legal counsel.

PAY BILLS AND APPROVE PAYROLL REPORTS:

Clerk Treasurer Emborsky presented the payrolls for February 22, 2023, and accounts payable printouts for the board's approval. She also had the board review the vouchers listing for each fund and sign for their approval. The vouchers to be approved for payment are as follows:

02/15/23 through 02/28/23 ACCOUNTS PAYABLE

CHECKS:

General Fund	#7212-7220	\$3,307.93
Electric Fund	#7150-7161	\$56,452.86
Sewer Fund	#5046-5051	\$1,063.95
Water Fund	#5199-5207	\$4,395.97
Trust Fund	#4072	\$760.14
Water Project Fund	#0070	\$39,185.78

CHECKS VOIDED

Payroll Ending 02/22/23

Payroll Fund		\$0.00
Direct Deposit		\$25,114.79
Trust Fund	#4069-4071	\$12,155.66

MOTION #152, 2022-2023

Motion made by Trustee Mosher, seconded by Trustee Crouse, to pay the bills and payroll as presented. **SO MOVED, RESOLVED.**

AYES: Mayor Bowen, Trustee Hughes, Trustee Mosher, Trustee Crouse

NAYS: NONE

ABSENT: Trustee Palmatier

EXECUTIVE SESSION:

ADJOURNMENT:

MOTION #153, 2022-2023

Motion made by Trustee Crouse, seconded by Trustee Mosher, to adjourn meeting at 7:38 PM. **SO MOVED, RESOLVED.**

AYES: Mayor Bowen, Trustee Hughes, Trustee Mosher, Trustee Crouse

NAYS: NONE

ABSENT: Trustee Palmatier

Respectfully Submitted,



JoElla Emborsky
Clerk/Treasurer



21.00	General Fund	CHIEF
22.00	Trustee's Office	CHIEF
23.00	Trustee's Office	CHIEF
24.00	Trustee's Office	CHIEF
25.00	Trustee's Office	CHIEF
26.00	Trustee's Office	CHIEF
27.00	Trustee's Office	CHIEF
28.00	Trustee's Office	CHIEF
29.00	Trustee's Office	CHIEF
30.00	Trustee's Office	CHIEF

31.00	Trustee's Office	CHIEF
32.00	Trustee's Office	CHIEF
33.00	Trustee's Office	CHIEF
34.00	Trustee's Office	CHIEF
35.00	Trustee's Office	CHIEF
36.00	Trustee's Office	CHIEF
37.00	Trustee's Office	CHIEF
38.00	Trustee's Office	CHIEF
39.00	Trustee's Office	CHIEF
40.00	Trustee's Office	CHIEF

ADJOURNMENT

Motion made by Trustee Hughes, seconded by Trustee Brown, to pay the bill as presented. TO
 MOVED, RESOLVED.

AYES: Mayor Brown, Trustee Hughes, Trustee Brown, Trustee Brown

NAYS: NONE

ABSENT: Trustee Palmer

EXECUTIVE SESSION

ADJOURNMENT

ADJOURNMENT

Motion made by Trustee Brown, seconded by Trustee Hughes, to adjourn meeting at 7:38 PM. SO MOVED,
 RESOLVED.

AYES: Mayor Brown, Trustee Hughes, Trustee Brown, Trustee Brown

NAYS: NONE

ABSENT: Trustee Palmer

Respectfully submitted,

