



VILLAGE OF RICHFIELD SPRINGS BOARD OF TRUSTEES
MEETING MINUTES AND ORDER OF BUSINESS

February 23, 2021

Present: Elected Officers Mayor Robin Moshier, Trustees Kevin Putnam, Barbara Wahl-Shypski, Lucas VanRiper & Warren Leonard
Appointed Officers Clerk Dayle A. Barra
Also Present: Fire Chief Mark Elderkin

Mayor Moshier called the meeting to order at 7:04pm in the Public Library Memorial Room streamed live on YouTube via Zoom for public viewing.

Motion by Trustee Putnam, 2nd by Trustee Leonard to approve MES state contract quote of \$4186 for 14 masks with a 15-year useful life. All voted yes.

Motion by Trustee Leonard, 2nd by Trustee Putnam to approve ImageTrend contract for electronic patient care reporting totaling \$2000, per year, and authorize Mayor Moshier to electronically sign. All voted yes.

Mayor Moshier received correspondence regarding the Memorial Trees the Garden Club members would like to put in Spring Park.

Village Attorney, Michelle Kennedy, addressed the raw water status and what is necessary at this time.

Resolution #29

DETERMINING THE EXTENSION OF THE VILLAGE’S WATER DISTRIBUTION SYSTEM OUTSIDE OF THE VILLAGE TO BE CATEGORICALLY EXCLUDED AS DEFINED IN 24 C.F.R. 58.35(a) AND NOT AFFECTED BY FEDERAL ENVIRONMENTAL STATUTES AND EXECUTIVE ORDERS

WHEREAS, the Village of Richfield Springs Board of Trustees is considering submitting a Community Development Block Grant application for a public infrastructure project that would involve providing treated water to a number of residences in the Town of Richfield currently receiving untreated water from the Village; and

WHEREAS, the Village of Richfield Springs Board of Trustees is required in relation to the Community Development Block Grant application to review the proposed project under the National Environmental Policy Act unless the proposed project is exempt or categorically excluded from review; and

WHEREAS, the proposed project would involve the acquisition, construction, reconstruction of and addition to the Village water supply and distribution system, including, without limitation, mains, lateral lines, a new pump station and land or rights in land, original furnishings, equipment, machinery and apparatus to extend the water main and distribution system outside of the Village and provide treated water to certain residences currently receiving untreated water from the Village (the “Project”); and

WHEREAS, the Project would extend distribution of treated water to existing developed lots located in approved subdivisions that currently receive untreated water from the Village; and

WHEREAS, the new pump station as part of the Project would be constructed on the Village owned property where the Village’s water treatment plant currently is located for the purpose of feeding the extended water distribution lines; and

WHEREAS, the Village of Richfield Springs is subject to the New York State Department of Health’s Findings of Violation and Stipulation dated November 20, 2020 for serving untreated water to households connected to an untreated water transmission line in direct violation of §5-1.30(b) of Sub-part 5-1 of the New York State Sanitary Code adopted by the State subsequent to the construction of the untreated water transmission line and certain connections to the line; and

WHEREAS, the Project will address violations cited by the New York State Department of Health in the Findings of Violation and Stipulation dated November 20, 2020; and

WHEREAS, the extended water main, as part of the Project, would run across the southern boundary of the Tax Map Parcel No. 25.00-1-9.00 owned by the Village and, subject to easement rights, continue to County Route 27, run south within the right-of-way of County Route 27, west within the right-of-way of Butternut Road and be routed so as to loop back on itself; and

WHEREAS, the collective water rights of certain properties along the untreated water transmission line are described in the Matter of Gertrude St. John Wood v. The Village of Richfield Springs 163 A.D. 103 (3d Dept. 1914) (appeal dismissed by Wood v. Village of Richfield Springs 219 N.Y. 547 [N.Y. 1916]) as “a right so far attached to the land as to pass with the land in perpetuity” and “confined to ordinary and domestic use”.

NOW, THEREFORE, BE IT RESOLVED, That the Village of Richfield Springs Board of Trustees hereby determines that the Project constitutes acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent and further determines that these activities are not affected by federal environmental statutes and executive orders and as such the Project is categorically excluded and no environmental impact statement or environmental assessment and finding of no significant impact under NEPA is required as defined in 24 C.F.R. 58.35(a)(1).

Motion by Trustee Leonard, 2nd by Trustee Putnam to Adopt Resolution. All voted yes.

Resolution #30

BOND RESOLUTION OF THE VILLAGE OF RICHFIELD SPRINGS, OTSEGO COUNTY, NEW YORK, ADOPTED FEBRUARY 23, 2021, AUTHORIZING THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION OF AND ADDITION TO THE VILLAGE WATER SUPPLY AND DISTRIBUTION SYSTEM, INCLUDING, WITHOUT LIMITATION, MAINS, LATERAL LINES, A NEW PUMP STATION AND LAND OR RIGHTS IN LAND, ORIGINAL FURNISHINGS, EQUIPMENT, MACHINERY AND APPARATUS, TO EXTEND THE DISTRIBUTION SYSTEM OUTSIDE OF THE VILLAGE, STATING THE ESTIMATED MAXIMUM COST OF SAID IMPROVEMENTS, TOGETHER WITH CERTAIN COSTS PRELIMINARY AND INCIDENTAL THERETO, IS \$744,352 APPROPRIATING SAID SUM THEREFOR AND AUTHORIZING THE ISSUANCE OF UP TO \$744,352 SERIAL BONDS OF THE VILLAGE TO FINANCE, IN PART, SAID APPROPRIATION.

WHEREAS, the Village of Richfield Springs (the “Village”) operates a water supply and distribution system (the “Water System”); and

WHEREAS, the Village of Richfield Springs is subject to the New York State Department of Health’s Findings of Violation and Stipulation dated November 20, 2020 for serving untreated water to households connected to a untreated water transmission line in direct violation of §5-1.30(b) of Sub-part 5-1 of the New York State Sanitary Code adopted by the State subsequent to the construction of the untreated water transmission line and certain connections to the line; and

WHEREAS, the collective water rights of certain properties lying along the untreated water transmission line are described in the Matter of Gertrude St. John Wood v. The Village of Richfield Springs 163 A.D. 103 (3d Dept. 1914) (appeal dismissed by Wood v. Village of Richfield Springs 219 N.Y. 547 [N.Y. 1916]) as “a right so far attached to the land as to pass with the land in perpetuity” and “confined to ordinary and

WHEREAS, the Village has caused McManus Engineering Group, LLC (“McManus Engineering”) to prepare a Preliminary Engineering Letter Report entitled “Village of Richfield Springs Water Distribution System Extension Project” and dated February 23, 2021 (the “Engineering Report”) which Engineering Report describes the proposed acquisition, construction, reconstruction of and addition to the Village’s water supply and distribution system, including, without limitation, mains, lateral lines, a new pump station and land or rights in land, original furnishings, equipment, machinery and apparatus to extend the distribution system outside of the Village and provide treated water to existing developed lots located in approved subdivisions currently receiving untreated water from the Village (said improvements as set forth in the Engineering Report being collectively referred to as the “Project”) with an estimated maximum cost of \$744,352.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF RICHFIELD SPRINGS (BY A VOTE OF NOT LESS THAN TWO-THIRDS [2/3] OF THE ENTIRE BOARD) AS FOLLOWS:

Section 1. The Recitals set forth above are incorporated herein by reference as if set forth in full in this place.

Section 2. The Village is hereby authorized to undertake the acquisition, construction, reconstruction of and addition to the Village’s water supply and distribution system, including, without limitation, mains, lateral lines, a new pump station and land or rights in land, original furnishings, equipment, machinery and apparatus to extend the distribution system outside of the Village in accordance with New York State Village Law and provide treated water to existing developed lots located in approved subdivisions currently receiving untreated water from the Village, as more particularly described in the Engineering Report, (the “Project”).

Section 3. The Board has previously determined that the Project is a Type II Action within the meaning of the State Environmental Quality Review Act and the regulations promulgated pursuant thereto (collectively, “SEQRA”) at 6 NYCRR §617.5(c) including, without limitation, subparagraph (13), as improvements that constitute “extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved

subdivisions or in connection with any action on this [the Type II] list” and no further action is required to be taken under SEQRA.

Section 4. The estimated maximum cost of the Project, including preliminary costs and costs incidental thereto, and the financing thereof is \$744,352 and said amount is hereby appropriated therefore. To finance said appropriation, serial bonds of the Village are hereby authorized to be issued in the aggregate principal amount of up to \$744,352 pursuant to and in accordance with the provisions of the Local Finance Law, constituting Chapter 33-A of the Consolidated Laws of the State of New York (the “Law”).

Section 5. (A) The plan of financing includes issuing up to \$744,352 serial bonds (and bond anticipation notes) of the Village in such series and amounts as may be necessary to pay the costs of acquiring, constructing, reconstructing and equipping the Project together with other costs preliminary and incidental thereto. The annual debt service on the bonds may (but need not) be substantially level or declining annual debt service as provided in §21.00(d) of the Law. The interest rate on the bonds (and any notes issued in anticipation thereof) may, but need not, be a variable rate of interest as provided in §54.90 of the Law. (B) The Village intends to apply for one or more loans or grants from the New York State Environmental Facilities Corporation (“EFC”), the Office of Community Renewal for New York State (“OCR”) and potentially from other governmental entities to finance all or a portion of the costs of the Project and certain costs and fees of EFC and OCR and such other governmental entities relating to the loans or grants. The Village may, although it is not obligated to do so, sell the bonds and/or bond anticipation notes authorized by this resolution to EFC and such other governmental entities as evidence of such loan or loans. The Mayor and the Treasurer of the Village, each acting alone or together, are hereby authorized to execute and deliver on behalf of the Village such documents and instruments as EFC and OCR and such governmental entities may require in order to obtain such loans or grants including, without limitation, one or more applications, project financing and loan agreements, grant agreements or similar documents.

Section 6. The following additional matters are hereby determined and stated:

- (A) The period of probable usefulness of the specific objects or purposes for which the bonds authorized by the resolution are to be issued is forty (40) years, within the limitation of §11.00(a)(1) of the Law.
- (B) Current funds are not required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof, pursuant to §107.00(d)3(a) and 9 of the Law.
- (C) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.
- (D) Pursuant to §36.00 of the Law, this resolution is subject to a permissive referendum.
- (E) The bonds authorized by this resolution are not private activity bonds as defined in §141 of the Code. The Village, including any subordinate entity of the Village (within the meaning of §265(b)(3)(E) of the Internal Revenue Code of 1986, as amended [the “Code”]), reasonably does not expect to issue more than \$10,000,000 of “qualified tax exempt obligations” (as defined in §265(b)(3) of the Code) during the 2021 calendar year.
- (F) All of the proceeds of the bonds authorized by this resolution and any notes issued in anticipation of the sale of said bonds shall be used to finance the Project and to pay costs incidental and preliminary thereto (including, without limitation, costs relating to the issuance of the bonds and any notes issued in anticipation of the issuance of said bonds).

Section 7. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity prescribed by §52.00 of the Law, shall be issued in fully registered form and shall be general obligations of the Village. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of said 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 notes to mature in such year; and (b) the payment of interest to be due and payable in such year.

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, ratified and confirmed, pursuant to, and subject to the restrictions of, §165.10 of the Law, for the Project. As provided in §165.10 of the Law, the Village intends to reimburse such funds from the proceeds of the bonds or notes authorized hereby. This resolution is a declaration of official intent under §1.150-2 of the Treasury Regulations issued pursuant to the Code.

Section 9. The Village hereby covenants and agrees with the holders from time to time of the bonds authorized hereby, and any bond anticipation notes issued in anticipation thereof, that the Village will duly and faithfully observe and comply with the provisions of the Code relating to actions which the Village must take or cause to be taken to ensure the status of the interest on the bonds authorized hereby, and any notes issued in anticipation thereof, is excludable from federal income taxation.

Section 10. The Treasurer of the Village is hereby authorized, after consultation with bond counsel and to the maximum extent allowed, to designate as a “qualified tax-exempt obligation” pursuant to, and within the meaning of, §265(b) of the Code the bonds authorized hereby and any notes issued in anticipation thereof.

Section 11. Subject to the provisions of this resolution and the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes and of §50.00, §54.90 to and including 63.00 and §169.00 of the Law, the powers and duties of the Board relative to prescribing the terms, form and content and as to the sale and issuance of the bonds herein authorized and any notes issued in anticipation of such bonds, or the renewals thereof, are hereby delegated to the Treasurer of the Village, the chief fiscal officer of the Village.

Section 12. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of said 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 such resolution or summary thereof, 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
- (C) such obligations are authorized in violation of the provisions of the constitution.

Section 13. This resolution shall take effect thirty (30) days after its adoption, unless within such thirty (30) day period a valid petition requesting a referendum with respect to this resolution is duly filed with the Village Clerk, in which event this resolution shall not take effect unless and until this resolution is approved at such referendum.

Motion by Trustee VanRiper, 2nd by Trustee Leonard to Adopt Resolution. All voted yes.

Resolution #31

AUTHORIZING THE EXTENSION OF WATER MAINS OUTSIDE OF THE VILLAGE PURSUANT TO NEW YORK STATE VILLAGE LAW §11-1120 AND 11-1122

WHEREAS, the Village of Richfield Springs Board of Trustees is considering submitting a Community Development Block Grant application for a public infrastructure project that would involve providing treated water to a number of residences in the Town of Richfield currently receiving untreated water from the Village; and

WHEREAS, the proposed project would involve the acquisition, construction, reconstruction of and addition to the Village water supply and distribution system, including, without limitation, mains, lateral lines, a new pump station and land or rights in land, original furnishings, equipment, machinery and apparatus so as to extend the water main and distribution system outside of the Village and provide treated water to certain residences currently receiving untreated water from the Village (the "Project") with an estimated maximum cost of \$744,352; and

WHEREAS, the Project would extend distribution of treated water to existing developed lots located in approved subdivisions that currently receive untreated water from the Village; and

WHEREAS, the new pump station as part of the Project would be constructed on the Village owned property where the Village's water treatment plant currently is located for the purpose of feeding the extended water distribution lines; and

WHEREAS, the Village of Richfield Springs is subject to the New York State Department of Health's Findings of Violation and Stipulation dated November 20, 2020 for serving untreated water to households connected to a untreated water transmission line in direct violation of §5-1.30(b) of Sub-part 5-1 of the New York State Sanitary Code adopted by the State subsequent to the construction of the untreated water transmission line and certain connections to the line; and

WHEREAS, the Project will address violations cited by the New York State Department of Health in the Findings of Violation and Stipulation dated November 20, 2020; and

WHEREAS, the extended water main, as part of the Project, would run across the southern boundary of the Tax Map Parcel No. 25.00-1-9.00 owned by the Village and, subject to easement rights, continue to County Route 27, run south within the right-of-way of County Route 27, west within the right-of-way of Butternut Road and be routed so as to loop back on itself at an estimated cost of \$187,500 (a portion of the total Project cost of \$744,352); and

WHEREAS, the collective water rights of certain properties along the untreated water transmission line are described in the Matter of Gertrude St. John Wood v. The Village of Richfield Springs 163 A.D. 103 (3d Dept. 1914) (appeal dismissed by Wood v. Village of Richfield Springs 219 N.Y. 547 [N.Y. 1916]) as "a right so far attached to the land as to pass with the land in perpetuity" and "confined to ordinary and domestic use".

NOW, THEREFORE, BE IT RESOLVED, That the Village of Richfield Springs Board of Trustees hereby confirms that the Project is a Type II action in accordance with 6 NYCRR §617.5(c), including, without limitation, subparagraph (13) as "extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this [the Type II] list"; That the Village of Richfield Springs Board of Trustees hereby determines to extend the water mains outside of the Village, as described herein, subject to grant funding, and pursuant to New York State Village Law §11-1120 and 11-1122; and That the

Village of Richfield Springs Board of Trustees, pursuant to New York State Village Law §11-1122, shall adopt rules, regulations and rates to apply to all consumers outside of the Village.

Motion by Trustee Leonard, 2nd by Trustee VanRiper to Adopt Resolution. All voted yes.

Engineer, Jon McManus updated the Board with progress of the GIGP.

Motion by Trustee Putnam, 2nd by Trustee Leonard to approve Meeting Minutes from 2/9. All voted yes.

Treasurer Seamon distributed financials to the Board.

Clerk Barra

Motion by Trustee VanRiper, 2nd by Trustee Putnam to approve Abstract #18. All voted yes.

General Fund	25,749.05
Water Fund	2375.53
Sewer Fund	12,105.13
Trust & Agency	82.64
Total	\$40,312.35

Motion by Trustee Putnam, 2nd by Trustee Leonard to approve a \$29.06 credit adjustment to water/sewer account #46400 as water was shut off 12/2/2020 but consumption was erroneously billed. All voted yes.

Motion by Trustee Putnam, 2nd by Trustee Leonard to approve Leak Forgiveness option #1 for account #45700. All voted yes.

Clerk Barra reached out to the Village insurance agents to discuss Spring Park events and whether amending the application to include COVID regulations and restrictions would alleviate any burden to village should matters be compromised. Ultimately, the Village could be held liable for any persons deviating from the regulations. After discussion, the Board requested the sponsoring organizations be contacted to let them know to contact the office to inform us of the deadline date for a decision to hold their event, wherein the Village can make a determination at that time if the event can be held.

Trustee Leonard offered the Board guidelines for Department Heads signing their vouchers. Discussion followed. Clerk Barra will draft the details for Board review at the next meeting on the 9th of March.

Motion by Mayor Moshier, 2nd by Trustee Putnam to enter an Executive Session at 8:13 pursuant to Article 7 §105 of Public Officers Law, for medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. All voted yes.

Motion by Mayor Moshier, 2nd by Trustee Putnam to adjourn meeting at 8:35. All voted yes.

Respectfully submitted,

Dayle A. Barra, Village Clerk