

**VILLAGE OF MOUNT MORRIS
SPECIAL BOARD MEETING
September 11, 2024**

The Special Meeting of the Village Board of the Village of Mount Morris, County of Livingston and the State of New York was held at the Veteran's Hall 3 Elm Street, Mount Morris, New York on September 11, 2024

PRESENT:

Joel Mike	Mayor
William Manthey	Trustee
Kelly Richardson	Trustee
Beth Shea	Trustee
Tim Bryant	Trustee
Lisa Torcello	Clerk/Treasurer
Eli McWhinney	Village Attorney
Dave DiMatteo	Village Attorney

ALSO PRESENT: Chris Young, Jennifer Young, Joe Rawleigh, Mark Torcello, Cathie Gehrig, Pete DiSalvo, Loren Wakefield, Kelly Bacon, Mark Grover from LCBOH, Nate Guzzardi, Rebecaa Johnson, Steve Soto and Scott Browne

Mayor Mike opened the special meeting and stated this was for the bond resolution for construction/reconstruction of improvements to Village Water Treatment Plant. Mayor Mike stated this wasn't a public hearing and there wasn't going to be any be a public comment.

Mayor Mike continued with the following:

Dear Joel and Lisa:

In accordance with Kelly's request, enclosed is a form of bond resolution for consideration by the Board in connection with the above matter, subject to permissive referendum, for adoption by at least two-thirds of the voting strength of your Board.

Since the bond resolution is subject to permissive referendum, Notice of Adoption thereof must be published once in the official newspaper of the Village, and copies thereof conspicuously posted in at least six public places within the Village, such publication and postings **TO BE MADE WITHIN TEN DAYS AFTER ADOPTION.**

Please note that the ten-day publication and posting requirement is absolute. Failure to make the required publication and posting within the ten days will invalidate the adoption of the resolution.

In due course, if this format is utilized, please furnish us with the following:

- 1) An originally certified copy of the enclosed bond resolution.
- 2) An original printer's affidavit of publication of the Notice of Adoption thereof from the official newspaper of the Village.
- 3) An original Village Clerk's Certification of Posting of such Notice. For your convenience, we are enclosing herewith a form for such certification. When returning the same to us, please make sure there is attached thereto, as recited therein, a true, correct and complete copy of the Notice of Adoption as was actually posted.

Mayor Mike also stated that the Village of Mount Morris was awarded \$480,000 in WII funds

In 2017.

RESOLUTION 115.24

APPROVAL OF BOND RESOLUTION

On a motion from Trustee Richardson second by Trustee Shea the following resolution was

ADOPTED Ayes 5 Richardson, Manthey, Shea, Mike

Resolved to approve the following bond resolution:

BOND RESOLUTION (SUBJECT TO PERMISSIVE REFERENDUM)

At a special meeting of the Board of Trustees of the Village of Mount Morris, Livingston County, New York, held at the Mount Morris Veteran's Hall, 3 Elm Street, in Mount Morris, New York, in said Village, on the 11th day of September 2024, at 6:00 o'clock P.M., Prevailing Time.

The meeting was called to order by Mayor Mike, and upon roll being called, the following were

PRESENT:

Mayor Mike
Trustee Elizabeth Shea
Trustee Bill Manthey
Trustee Kelly Richardson
Trustee Tim Bryant

ABSENT:

The following bond resolution was read by Mayor Mike

BOND RESOLUTION DATED SEPTEMBER 11, 2024.

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF AN ADDITIONAL \$926,000 BONDS OF THE VILLAGE OF MOUNT MORRIS, LIVINGSTON COUNTY, NEW YORK, TO PAY A PORTION OF THE COST OF THE CONSTRUCTION OF IMPROVEMENTS TO AND RECONSTRUCTION OF THE VILLAGE WATER TREATMENT PLANT, IN AND FOR SAID VILLAGE.

WHEREAS, the capital project hereinafter described has been determined to be a Type II 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, as such, will not have any significant adverse impact on the environment; and

WHEREAS, the Board of Trustees of the Village of Mount Morris, Livingston County, New York, on March 15, 2021, duly adopted a bond resolution authorizing the issuance of \$1,000,000 bonds of said Village to pay the cost of the construction of improvements to and reconstruction of the Village Water Treatment Plant, including original furnishings, equipment, machinery, apparatus, appurtenances, site improvements and incidental improvements and expenses in connection therewith, in and for Village of Mount Morris, Livingston County, New York, and

WHEREAS, it has now been determined that the maximum estimated cost of such specific object or purpose is \$1,926,000, an increase of \$926,000 over that previously authorized; and

WHEREAS, it is now desired to authorize the issuance of an additional \$926,000 bonds of said Village for such specific object or purpose to pay a portion of the cost thereof; NOW,

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 Mount Morris, Livingston County, New York, as follows:

Section 1. For the specific object or purpose of paying additional costs of the construction of improvements to and reconstruction of the Village Water Treatment Plant, including original furnishings, equipment, machinery, apparatus, appurtenances, site improvements and incidental improvements and expenses in connection therewith, in and for the Village of Mount Morris, Livingston County, New York, there are hereby authorized to be issued

an additional \$926,000 bonds of the Village of Mount Morris, Livingston 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 specific object or purpose is now determined to be \$1,926,000 which specific object or purpose is hereby authorized at said maximum estimated cost. The plan for the financing of the \$1,926,000 maximum estimated cost thereof is as follows:

- (a) By the issuance of the \$1,000,000 bonds of said Village authorized to be issued pursuant to bond resolution dated March 15, 2021; and
- (b) By issuance of the \$926,000 bonds of said Village herein authorized.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose 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 issuance of the first obligation issued therefor. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Village of Mount Morris, Livingston 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, the chief financial officer of such village. 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 she 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 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 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 bonds with substantially level or declining annual debt service, shall be determined by the Villager 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 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 specific object or purpose 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 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 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, the same shall be published in full or summary form in the official newspaper of said Village for such purpose, 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.

Mayor Mike asked the board if anyone had any questions or comments:

Trustee Bryant asked if the village was financially able to do this?

He also stated that he spoke to the village's accountant who stated that the village would probably have to raise the rates around \$100.00/year with this project. Mayor Mike stated that with his calculation it probably would be between \$45.00 and the high end \$100.00 a year.

Trustee Bryant also stated that he wanted to make it clear that no employee would lose their jobs or their salary.

With that Mayor Mike asked for a resolution for the above bond resolution it was offered by Trustee Manthey, moved its adoption, second by Trustee Richardson

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

Mayor Mike VOTING Yea

Trustee Manthey VOTING Yea

Trustee Richardson VOTING Yea

Trustee Shea VOTING Yea

Trustee Bryant VOTING Nay

The resolution was thereupon declared duly adopted.

Clerk/Treasurer Torcello stated that she wanted to make it clear because she heard that the bond resolution passed on July 15th was a clerical error. She wanted to make it very clear that it wasn't. She also stated she wanted this part of the minutes, and that the publication date of the

Livingston County News is on a Friday even if you receive your paper on Wednesday or Thursday.

Mayor Mike stated that we will still have brown water, and the village will try in every event to inform the public with any large draws if they know about this ahead of time. He also stated that the water is tested daily, and the county would let the village know if something was wrong with the water.

Mark Grover from the LCBOH stated this is a huge improvement especially with the age of the plant.

With no further business motion by Trustee Bryant second by Trustee Shea to adjourn at 6:30 PM

Lisa J Torcello

Clerk/Treasurer

