

# Village of Portville Board Meeting January 19, 2021

Present: Anthony Evans, Mayor  
Joseph McLarney, Deputy Mayor  
Vincent Pascucci, Trustee  
Francisco Morales, Trustee  
Michael DeBarbieri, Trustee  
Kristen Harriger, Clerk/Treasurer  
John Krist, Building and Codes  
Shawn Recktenwald, Chief of Police

Excused: Dustin Long, DPW Supervisor

Attendees: Syd Evans  
Becky Johnstone  
Bob Johnstone  
Bob Fischer  
Holly Fischer  
Dan Sherwin  
Andrew Meyerhofer  
Pat Minihan  
Judy McClain  
Mark Crosson  
Alison Crosson

Meeting opened with the pledge to the flag at \_6:30\_\_p.m.

MOTION: was made to approve the minutes of the Board Meeting of  
December 21, 2020.

Vincent Pascucci 2nd: Michael DeBarbieri ALL AYES

MOTION: to approve Abstract #008 Voucher #271 - #306 in the amount of \$96,238.03

Joseph McLarney 2nd: Michael DeBarbieri ALL AYES

MOTION: was made to approve the financial statement through December 30, 2020.

Vincent Pascucci 2nd: Joseph McLarney ALL AYES

Justice Report – placed on file

Chris Piaggi does not plan to run for Village Judge. Judge Judy McClain would like to thank Mr. Piaggi and suggested some kind of retirement ceremony or thank you from the Board be considered.

Police Report – placed on file

Chief Recktenwald proposed to purchase New York State TracCS (Traffic and Criminal Software) whereby Traffic Tickets, Accident Reports, Incident Reports, DWI's, etc. are electronically transmitted to courts and state agencies. Total per car \$3,105.89. Purchase approved by Board  
Joseph McLarney 2nd: Michael DeBarbieri ALL AYES

Mark Crosson was sworn in as full-time Village Police Officer and further introduced himself. He is a first rate officer and forensic expert and will prove to be a valuable asset to the Village.

DPW Report – placed on file

The Mayor and the Board received and accepted DPW Supervisor Dustin Long's resignation as of 01/28/2021

Attorney Report – Ben Smith

Mayor's Report –

Three positions will be voted on in March elections; two Board members and one Village Judge position. The caucus process will select nominees for the ballot.

PVFD Report -Chief Latten

Codes Report -John Krist

Old & New Business:

Resolution #21-01 - "Resolution to authorize a Public Hearing to hear public comments on the Village of Portville current Community Development Block Grant (CDBG) project 945CP114-19."

Motion: Michael DeBarbieri 2nd: Vincent Pascucci ALL AYES

Resolution #21-02 - "Resolution to open the Public Hearing."

Motion: Vincent Pascucci 2nd: ALL AYES

- Andrew Meyerhofer made a presentation covering all study results and next steps information may be acquired upon request at the Village Office
- Public Comments:
  - o Dan Sherwin commented "This work has to be done. I've reviewed the plans as I have multiple years of experience with this and everything looks great. Andrew has answered all my questions and everything is legitimate. I urge the Board to approve."
  - o Bob Fischer commented "This project will bring value to the community. Now is the time for this project we cannot wait on this."
  - o Tony Evans commented "This project will help with the expansion of or local businesses and community. Without pure water and proper sewage treatment neither businesses nor residents will continue to favorably view our Village."

Resolution #21-03 - "Resolution to close the Public Hearing."

Motion: Joseph McLarney                      2nd: Vincent Pascucci ALL AYES

Resolution #21-04 “Resolution to authorize Bond Counsel Services for the Village of Portville Water System Improvement Project”

Motion:     Joseph McLarney                      2nd: Vincent Pascucci ALL AYES

Resolution #21-05 “Resolution to authorize Bond Counsel Services for the Village of Portville Sewer System Improvement Project”

Motion: Vincent Pascucci                      2nd: Michael DeBarbieri     ALL AYES

Resolution #21-06 BOND RESOLUTION DATED JANUARY 19, 2021 OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF PORTVILLE, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE WATER SYSTEM CAPITAL IMPROVEMENTS WITHIN THE VILLAGE, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the purpose hereinafter described consists of water system capital improvements authorized to be undertaken by the Village Board of Trustees pursuant to the Village Law;

WHEREAS, the Village, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder (“SEQRA”), has completed its environmental review and, on December 21, 2020, has duly adopted a negative declaration with respect to the type I action and has determined that the implementation of the action as proposed will not result in any significant adverse environmental impacts; now therefore, be it

RESOLVED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF PORTVILLE, NEW YORK (hereinafter referred to as the

“Village”), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Village of Portville shall undertake the construction of water system improvements, to include, without limitation, the replacement of existing water main, improvements to the water storage tanks, improvements to the groundwater treatment wells and buildings, the installation of controls and emergency power, water meter replacement, the reinstatement of one groundwater well, and the acquisition of original furnishings, equipment, machinery or apparatus, or the replacement of such equipment, machinery or apparatus, and other incidental improvements that may be required in connection therewith for such construction and Village use (hereinafter referred to as “purpose”), and general obligation serial bonds in an aggregate principal amount not to exceed \$5,500,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Village are hereby authorized to be issued to finance said purpose, and said amount is hereby appropriated therefor.

Section 2. The estimated aggregate maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$5,500,000. The plan for financing of said purpose is to provide all of such maximum cost by issuance of obligations as herein authorized, to be offset and reduced dollar for dollar by the amount of grants received, if any.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 1 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty (40) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Village and all the taxable real property in the Village is subject to the levy of ad valorem taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to statutory limitations, if any.

Section 5. It is hereby determined and declared that the Village reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the power to contract and issue indebtedness pursuant to §169.00 of the Local Finance Law, if applicable, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, whether to authorize the receipt of bids in an electronic format, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, is hereby delegated to the Village Treasurer, the Village's chief fiscal officer. The Village Treasurer and the Village Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Village of Portville.

Section 7. The faith and credit of the Village of Portville, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes 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.

Section 8. After compliance with Section 9 hereof, this resolution shall be published in full by the Village Clerk of the Village of Portville together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Village, in the manner prescribed by law. The validity of said bonds and bond anticipation notes issued in anticipation of the sale of said serial bonds, may be contested only if such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or 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 (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution is subject to a permissive referendum of the qualified electors of the Village of Portville, pursuant to Section 36.00 of the Local Finance Law.

Motion: Joseph McLarney            2nd: Vincent Pascucci            ALL AYES

Resolution #21-07 BOND RESOLUTION DATED JANUARY 19, 2021 OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF PORTVILLE, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE SEWER SYSTEM CAPITAL IMPROVEMENTS WITHIN THE VILLAGE, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the purpose hereinafter described consists of sewer system capital improvements authorized to be undertaken by the Village Board of Trustees pursuant to the Village Law;

WHEREAS, the Village, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder ("SEQRA"), has completed its environmental review and, on December 21, 2020, has duly adopted a negative declaration with respect to the type I action and has determined that the implementation of the action as proposed will not result in any significant adverse environmental impacts; now therefore, be it

RESOLVED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF PORTVILLE, NEW YORK (hereinafter referred to as the "Village"), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Village of Portville shall undertake the construction of sewer system improvements, to include, without limitation, improvements to various components at the wastewater treatment plant and various sanitary sewer collection system improvements, and the acquisition of original furnishings, equipment, machinery or apparatus, or the replacement of such equipment, machinery or apparatus, and other incidental improvements that may be required in connection therewith for such construction and Village use (hereinafter referred to as "purpose"), and general obligation serial bonds in an aggregate principal amount not to exceed \$11,600,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Village are hereby authorized to be issued to finance said purpose, and said amount is hereby appropriated therefor.

Section 2. The estimated aggregate maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$11,600,000. The plan for financing of said purpose is to provide all of such maximum cost by issuance of obligations as herein authorized, to be offset and reduced dollar for dollar by the amount of grants received, if any.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 4 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period

of probable usefulness of said purpose is thirty (30) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Village and all the taxable real property in the Village is subject to the levy of ad valorem taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to statutory limitations, if any.

Section 5. It is hereby determined and declared that the Village reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the power to contract and issue indebtedness pursuant to §169.00 of the Local Finance Law, if applicable, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, whether to authorize the receipt of bids in an electronic format, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, is hereby delegated to the Village Treasurer, the Village's chief fiscal

officer. The Village Treasurer and the Village Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Village of Portville.

Section 7. The faith and credit of the Village of Portville, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes 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.

Section 8. After compliance with Section 9 hereof, this resolution shall be published in full by the Village Clerk of the Village of Portville together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Village, in the manner prescribed by law. The validity of said bonds and bond anticipation notes issued in anticipation of the sale of said serial bonds, may be contested only if such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or 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 (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution is subject to a permissive referendum of the qualified electors of the Village of Portville, pursuant to Section 36.00 of the Local Finance Law.

Motion: Joseph McLarney      2nd: Michael DeBarbieri      ALL AYES

**OTHER BUSINESS:**

Bob Fischer briefly discussed the Pine St. Cemetery project. Emily Woodhead and Cindy Keely and Bob are on this Committee. Ground penetrating radar found 84 graves there are only 22 headstones visible.

There is \$34,000 in the fund for upkeep, etc. Future discussions might include discussing purchasing headstones and fencing. The Committee is currently working with the Mayor to locate a Deed.

Meeting in Executive Session at 7:30 pm

Joseph McLarney 2nd: Michael Debarbieri ALL AYES

Motion to adjourn the executive meeting at \_8:15\_\_pm.

Michael Debarbieri 2nd: Joe McLarney ALL AYES

Adjourned. Next board meeting is scheduled for Tuesday February 16, 2021 at 6:30 p.m.

Respectfully Submitted,  
Kristen Harriger  
Clerk/ Treasurer