**VILLAGE BOARD OF TRUSTEES**

**MEETING**

**APRIL 19, 2021**

Deputy Mayor Dennis Lutes presiding

MEMBERS: Mike Catalano, Judy Einach, Josh Freifeld, Mayor VandeVelde

OTHERS: Vince Luce, Rebecca Betts-Paternosh, Ed LeBarron, Andrew Thompson, Andrew Webster, Rob Genthner, Bonnie Rae Strickland, Chris Reese, Don McCord

**MAYOR/BOARD**

APPROVAL OF MINUTES

**The board made a motion by Trustee Catalano, seconded by Trustee Einach and was carried unanimously to approve the minutes from 04/5/21.**

RESOLUTION #12-2021/NYMPA DELEGATE

**At a regular meeting of the Village Board of Trustees of the Village of Westfield, New York, held on Monday, April 19, 2021 the following resolution was adopted:**

**Moved by Trustee Einach, seconded by Trustee Freifeld and was carried unanimously,**

WHEREAS, the Village of Westfield is a municipal member of the New York Municipal Power Agency, and

WHEREAS, in accordance with the bylaws of New York Municipal Power Agency, each municipal member may cast one vote on each transaction properly brought before this meeting,

NOW THEREFORE BE IT RESOLVED, that Andrew Thompson be and is hereby designated as the accredited delegate of the Village of Westfield, New York.

I certify that this resolution was adopted by the Village Board of Trustees of the Village of Westfield, New York on the 19th day of April, 2021.

RESOLUTION #13-2021/PROCLAIMING APRIL 30TH, 2021 AS ARBOR DAY

**The board made a motion by Trustee Freifeld, seconded by Trustee Catalano and was carried unanimously to approve the following resolution.**

WHEREAS, the Village of Westfield is committed to maintaining its natural trees and resources, as demonstrated by the Village Board’s support of plantings and the establishment of a Village Tree Board; and

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and is now observed throughout the nation and the world and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

WHEREAS, trees in our village increase property values, enhance the economic vitality of business areas and beautify our community.

NOW, THEREFORE, I, Michael VandeVelde, Mayor of the Village of Westfield, do hereby proclaim Friday, April 30, 2021 as Arbor Day in the Village of Westfield, New York and encourage all citizens to plant trees to help promote our community.

Further, I and the Village Board would like to extend our appreciation to the Street and Electric Department employees who have assisted with the planting and care of our trees. Their efforts help ensure that the Village of Westfield continues to be a beautiful place to live, work and play.

**A BOND RESOLUTION #14, DATED APRIL 19, 2021, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF WESTFIELD, CHAUTAUQUA COUNTY, NEW YORK (THE “VILLAGE”), AUTHORIZING A WATER PUMP STATION CAPITAL IMPROVEMENTS PROJECT (2021), AT AN ESTIMATED MAXIMUM COST OF $650,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $650,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE VILLAGE TREASURER.**

The board motioned approval of the following Bond Resolution by the following votes:

Aye Trustee Mike Catalano

Aye Trustee Dennis Lutes

Aye Trustee Judy Einach

Aye Trustee Josh Freifeld

WHEREAS, the Village Board of Trustees of the Village of Westfield, in the County of Chautauqua, New York (the “Village”) desires to undertake a capital improvements project for the reconstruction of and construction of improvements to the Village Water System; and

WHEREAS, the Village intends to apply for one or more grants to pay for a portion of such project costs.

NOW THEREFORE,

BE IT RESOLVED, by the Village Board of Trustees (by the favorable vote of not less than two-thirds of all the members of the Board of Trustees) as follows:

SECTION 1. The Village is hereby authorized to undertake a certain water system capital improvements project, such work to generally consist of (but not be limited to) the construction of a new raw water pump station and the removal and decommissioning of the old pump station at the Village’s Water Treatment Plant, as well as other improvements as more fully identified in (or contemplated by) the design plans and specifications recently prepared by MRB Group (dated March 2021) and including all preliminary work and necessary equipment, materials, and related site work and any preliminary costs and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “Purpose”). The estimated maximum cost of the Purpose is $650,000.

SECTION 2. The Village Board of Trustees plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds of the Village in an aggregate principal amount not to exceed $650,000, hereby authorized to be issued therefor pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, the cost of such improvements is to be paid by the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that the Purpose is a 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 such Purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the Village are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the taxable real property of the Village a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Village Board of Trustees pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village. Without in any way limiting the scope of the foregoing delegation of powers, the Village Treasurer, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Village.

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 pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in this resolution.

SECTION 9. This resolution shall constitute the declaration (or reaffirmation) of the Village’s “official intent” to reimburse the expenditures authorized in this resolution with the proceeds of the bonds, notes or other obligations authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 10. The Village Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”) and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as “qualified tax-exempt bonds” in accordance with Section 265(b)(3) of the Code.

SECTION 11. The Village Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 12. The Village Treasurer is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Village officials and the Village’s municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Village Clerk.

SECTION 13. The Village has determined that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act (“SEQRA”) are required.

SECTION 14. In the absence or unavailability of the Village Treasurer, the Deputy Treasurer is hereby specifically authorized to exercise the powers delegated to the Village Treasurer in this resolution.

SECTION 15. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Village is not authorized to expend money, or

(b) the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice, or

2. such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 16. This Resolution is subject to permissive referendum pursuant to Section 36.00 of the Local Finance Law. The Village Clerk is hereby authorized and directed to publish (one time) and post (in at least six conspicuous public places within the Village and at each polling place), this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten days after the date of adoption of this resolution.

SECTION 17. If no petitions are filed in the permissive referendum period, the Village Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Village and hereby designated as the official newspaper of the Village for such publication.

APPROVAL OF MOA FOR HEALTH INSURANCE

**The board made a motion to approve the Memorandum of Agreement (MOA) for Health Insurance by Trustee Catalano, seconded by Trustee Einach and was carried unanimously.**

SITE PLAN REVIEW RECOMMENDATION FOR ROCK OF WNY, INC.

**The board made a motion by Trustee Freifeld, seconded by Trustee Catalano and was carried unanimously to approve the recommendation from the Planning Board for the Site Plan review for Rock of WNY, Inc. @ 59 Franklin Street.**

ADDITION TO ETHICS BOARD

**The board made a motion by Trustee Catalano, seconded by Trustee Einach and was carried unanimously to approve the addition of Al Holbrook and Vince Luce to the Ethics Board.**

APPROVAL TO HIRE LANDSCAPE ARCHITECT FOR MOORE PARK

**The board made a motion by Trustee Einach, seconded by Trustee Freifeld and was carried unanimously to approve the hiring of a landscape architect in the amount of $2,900 for Moore Park.**

REQUEST EXECUTIVE SESSION TO DISCUSS UNION ISSUE

**POLICE DEPARTMENT**

MONTHLY REPORT

**The board made a motion to approve the Police Report by Trustee Einach, seconded by Trustee Freifeld and was carried unanimously.**

VACATION CARRYOVER

**The board made a motion by Trustee Catalano, seconded by Trustee Einach and was carried unanimously to approve the carryover of 15 accrued, unused vacation days for Chief Genthner.**

**FIRE DEPARTMENT**

**The board made a motion to approve the Fire Department Report by Trustee Catalano, seconded by Trustee Freifeld and was carried unanimously.**

**RECREATION DEPARTMENT**

PROGRAM REPORT

**The board made a motion by Trustee Freifeld, seconded by Trustee Einach and was carried unanimously to approve the Recreation Department report.**

**CODE ENFORCEMENT**

**The board made a motion by Trustee Freifeld, seconded by Trustee Einach and was carried unanimously to approve a Report read by Code Officer Strickland.**

**PUBLIC WORKS**

MOORE PARK

Ed reported that the Gazebo in the park will be repainted this summer, and improvements will be completed at Ottaway Park as well.

**WATER & SEWER DEPARTMENT**

AWARD BIDS

Andrew Thompson explained he would like to award to the low bidder for each of the three (general, electrical, HVAC) contracts and stated that the MRB Group is reviewing the bids and requested they send a letter of recommendation. The DPW Advisory had recommended awarding these bids at their 4/13 meeting.

**The board made a motion by Mayor VandeVelde, seconded by Trustee Lutes and was carried unanimously to approve as recommended**.

APPROVAL TO HIRE CLARK PATTERSON LEE

**The board made a motion by Trustee Catalano, seconded by Trustee Einach was carried unanimously to approve the hiring of Clark Patterson Lee in the amount of $10,800 to formulate a hydraulic model of our water system and prepare a report on the findings.**

The other Proposal received was from MRB Group in the amount of $38,500.00.

DISCUSS HIRING OF GIS INTERN FOR THE SUMMER

**The board made a motion by Mayor VandeVelde, seconded by Trustee Einach and was carried unanimously to approve the hiring of a GIS intern for the summer.**

**ELECTRIC DEPARTMENT**

REQUEST APPROVAL FOR QUOTE FOR UNDERGROUND WIRE

**The board made a motion by Mayor VandeVelde, seconded by Trustee Freifeld and was carried unanimously to approve the quote of $19,875.00 from Okonite for the purchase of primary underground wire.**

Other quotes received are as follows:

BOCA Wire $26,625.00

CME 20,850.00

Priority Wire 24,150.00

**TREASURER**

ELECTRIC BUDGET

**The board made a motion to approve the Electric Budget by Mayor VandeVelde, seconded by Trustee Freifeld and was carried unanimously.**

WATER BUDGET

**The board made a motion by Trustee Freifeld, seconded by Trustee Einach and was carried unanimously to approve the Water Budget.**

SEWER BUDGET

**The board made a motion to approve the Sewer Budget by Trustee Catalano, seconded by Mayor VandeVelde and was carried unanimously.**

**CLERK**

WARRANTS

**The following warrants, excluding the invoice from Jack’s Welding, were approved on a motion made by Mayor VandeVelde, seconded by Trustee Catalano and was carried.**

**The invoice from Jack’s Welding was approved on a motion made by Mayor VandeVelde, seconded by Trustee Freifeld and was carried with Trustee Catalano abstaining from the vote.**

**Capital Proj. WPCF W#21 $8,124.20**

**Capital Proj. WPCF W#22 2,380.00**

**Electric W#49 180,938.02**

**Electric W#50 6,000.00**

**General W#48 67,457.83**

**Sewer W#51 5,957.08**

**Water W#50 5,042.51**

**General W#49 1,430.00**

**Water W#52 17,549.07**

**Electric W#54 52,846.00**

**General W#50 41,081.38**

POWERS SIGN UNVEILING

The unveiling of the Powers Sign is scheduled for Saturday, May 29th @ 10 a.m./Rain Date June 12th.

EXECUTIVE SESSION

**The motion was made by Trustee Freifeld, seconded by Mayor VandeVelde to enter the Executive Session to discuss Union Contract.**

**Following Executive Session, the motion was made to re-enter regular session by Mayor VandeVelde, seconded by Trustee Freifeld and was carried unanimously.**

There was no action taken resulting from the Executive Session.

**There being no further business to come before the board the meeting was adjourned on a motion made by Mayor VandeVelde, seconded by Trustee Freifeld and was carried unanimously.**