

**REGULAR MONTHLY MEETING, WAYLAND TOWN BOARD
WEDNESDAY, JULY 14, 2021 -7:00 PM COURTHOUSE 17N. MAIN ST.**

Review Reports and Vouchers

Supervisor Carol Mykel called meeting to order.

BOARD PRESENT: Carol Mykel, Kevin Mark, Bob Reigelsperger; John Price, Kerry Pebbles

OTHERS PRESENT: Natalie Baird, Town Clerk; Raymond Thielges, Highway Superintendent; Bob White, Code Officer; Larry Graham; Bob Hughes, Mike Parks, Karen Ida-Scott, Robert & Edyth Dow, Leslie Connolly, Town Attorney; Jason Schwartz, BPD; Jennifer Vaughn, Hunt.

MINUTES:

-Motion #1 offered by Councilmember Pebbles seconded by Council Member Price to accept minutes of the Regular Meeting held June 9, 2021; Special Meeting held June 12, 2021 and the Special Informational Meeting held June 23, 2021.

ROLL CALL VOTE:	Supervisor	Carol Mykel	Aye	
	Council Member	Kevin Mark	Aye	
	Council Member	Bob Reigelsperger	Aye	
	Council Member	Kerry Pebbles	Aye	
	Council Member	John Price	Aye	-Carried

SUPERVISOR:

-Supervisor Mykel submitted her report for June 2021 and was reviewed by board.

-Motion #2 made by Council Member Mark seconded by Council Member Reigelsperger to accept report as submitted.

ROLL CALL VOTE:	Supervisor	Carol Mykel	Aye	
	Council Member	Kevin Mark	Aye	
	Council Member	Bob Reigelsperger	Aye	
	Council Member	Kerry Pebbles	Aye	
	Council Member	John Price	Aye	-Carried

-Audit report of the 2020 Supervisor and Clerk books has been completed.

-Motion #3 made by Council Member Price seconded by Council Member Pebbles to accept report as submitted.

ROLL CALL VOTE:	Supervisor	Carol Mykel	Aye	
	Council Member	Kevin Mark	Aye	
	Council Member	Bob Reigelsperger	Aye	
	Council Member	Kerry Pebbles	Aye	
	Council Member	John Price	Aye	-Carried

-Supervisor Mykel stated that the application for ARPA Funds has been completed and submitted.

State requested 30-day extension on funds distribution. The town received confirmation of amount from the State on 7/7/21. Town will receive \$218,594 split in two payments- ½ in July 2021 and ½ in July 2022.

-Supervisor Mykel reported that the letters of Credit received for Baron Winds Project. Requests for bids out and they are expecting to start preliminary construction in September.

DEPARTMENTS:

-Town Clerk Baird reported that after discussion with Supervisor and Code Officer that the Town Hall will be closed on Fridays until the end of August.

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-Highway Superintendent reported that Senator O'Mara, Assemblyman Palmesano and Assemblywoman Marjorie Byrnes will be going to the Highway Superintendents Meeting to discuss salt brine not being allowed on roads again.

-Code Officer -report submitted – Code Officer White stated that the Revised Junk Law was working on getting properties cleaned up.

-Discussion on property located at 105 Laf-a-lot Rd. Owner Karen Ida-Scott agreed to demolition the property as it is beyond repair. She stated to the board that it will be gone by December 1, 2021.

-Robert & Edyth Dow of 106 Laf-a-lot Rd. stated that they would like to have a few trees topped as they and cut the center branches for the electric lines and now they fear the tree fall onto their home. Code Officer White will go and check out the situation.

-Assessor- report received

-Dog Control- report received –

BOARDS:

-Planning Board continues to work on Local Laws.

OLD BUSINESS:

-Supervisor Mykel asked about any proposal on Marijuana Regulations- need to make decision at next month meeting in order to put laws in place before December 31, 2021.

-Supervisor Mykel stated that the Water & Sewer Extensions will be delayed until August for detail review.

NEW BUSINESS:

-Motion #4 offered by Council Member Price seconded by Council Member Mark to accept resignations from Holly Green as Code Clerk, Cleaner, Deputy Registrar and Deputy Town Clerk.

ROLL CALL VOTE:	Supervisor	Carol Mykel	Aye	
	Council Member	Kevin Mark	Aye	
	Council Member	Bob Reigelsperger	Aye	
	Council Member	Kerry Pebbles	Aye	
	Council Member	John Price	Aye	-Carried

Motion #5 offered by Councilmember Reigelsperger seconded by Council Member Price to appoint Rachel O'Connor as Deputy Registrar

ROLL CALL VOTE:	Supervisor	Carol Mykel	Aye	
	Council Member	Kevin Mark	Aye	
	Council Member	Bob Reigelsperger	Aye	
	Council Member	Kerry Pebbles	Aye	
	Council Member	John Price	Aye	-Carried

-Supervisor Mykel reported on the Shared Services Correspondence asking for another contribution due to decreased funds. The board discussed the matter and after not receiving financial reports regularly and feeling that the figure requested was decided by the Town of Dansville Board and not the 3 towns of the Shared Services the Supervisor and Highway Superintendent will meet with other 2 towns to come to an agreement.

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RESOLUTION #2021 - 6

STATE ENVIRONMENTAL QUALITY REVIEW ACT

RESOLUTION REGARDING TOWN OF WAYLAND, STEUBEN COUNTY, NY

HIGHWAY DEPARTMENT BUILDING

WHEREAS, the Town of Wayland (hereinafter the "Town") proposes to undertake a Highway Department Building Project, hereinafter referred to as the proposed "Project;" and

WHEREAS, Town Board of the Town of Wayland acquired an approximately 9.25 acre parcel of land located at 9934 State Route 21 in the Town of Wayland, New York and has determined that it is necessary for the Town to undertake a capital improvement project thereon consisting of the construction of a new highway garage facility featuring equipment service bays with wastewater holding tank, office area, restrooms, storage space, covered outdoor storage facility, gasoline fuel island and related fuel storage tanks, onsite septic, and extension of municipal water and wastewater service from north of Interstate 390, including all related site improvements, original furnishings, fixtures and equipment required for such purposes, architectural fees, and all other necessary costs incidental to such work. The action consists of construction and installation of approximately 1,800 linear feet municipal water and sewer service beginning at point on the existing Town of Wayland Water District #1 and extending to the Town of Wayland highway garage facility; and

WHEREAS, the proposed Project will be a non-agricultural use, sited on Town-owned property, in one or more Agricultural Districts formed under provisions of NYS Agriculture and Markets law; and

WHEREAS, various regulatory, funding and public approvals will be needed in the planning and development of the proposed Project:

WHEREAS, the Town is obligated under SEQRA and corresponding regulations to review the Project, and if necessary, undertake a review of the potential environmental impacts associated with the Project before undertaking the same; and

WHEREAS, the Town is the appropriate agency to be the lead agency to undertake the project review under SEQRA; and

WHEREAS, based upon an examination of 6 NYCRR § 617.4 and § 617.5, the Town classified the Project as a Type I Action and that such activities include a nonagricultural use occurring wholly or partially within an agricultural district and exceeds 25 percent of threshold established in section of § 617.4(b)(9). A Full Environmental Assessment Form was prepared for the Project, and pursuant to 6 NYCRR § 617.6(b)(3), coordinated review was undertaken by the Town and no objections were received regarding the Town serving as lead agency.

NOW, THEREFORE, BE IT:

RESOLVED, that the Town Board hereby makes the following findings: The Project generally consists of the construction of a new highway garage facility featuring equipment service bays with wastewater holding tank, office area, restrooms, storage space, covered outdoor storage facility, gasoline fuel island and related fuel storage tanks, onsite septic, and extension of municipal water and wastewater service from north of Interstate 390, including all related site improvements, original furnishings, fixtures and equipment required for such purposes, architectural fees, and all other necessary costs incidental to such work. The action consists of construction and installation of approximately 1,800 linear feet municipal water and sewer service beginning at point on the existing Town of Wayland Water District #1 and extending to the Town of Wayland highway garage facility; and

IT IS FURTHER RESOLVED, that: The Town Board hereby designates itself lead agency pursuant to 6 NYCRR § 617.6(b)(2) and § 617.6(b)(3) with respect to the Project.

IT IS FURTHER RESOLVED, that: Based upon an examination of the components of the Project, the Full Environmental Assessment Form, and the criteria contained in 6 NYCRR § 617.7(c), and based upon its knowledge of the areas including and surrounding the Project site, and discussions with professionals retained by the Town, the Town Board, as lead agency, hereby makes the following determinations with respect to the Project pursuant to SEQRA:

A. The Project constitutes a "Type I Action."

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- B. Based upon review by the Town Board of the Full Environmental Assessment Form, any input provided by other involved agencies, and other necessary criteria set forth in SEQRA, the Town Board hereby finds and determines that the Project will result in no significant impacts and, therefore, (a) the action is not one which "may include the potential for at least one significant adverse environmental impact," (b) "there will be no significant adverse environmental impacts," and (c) no "environmental impact statement" need be prepared, as such quoted terms are defined in SEQRA. This determination constitutes a negative declaration for purposes of SEQRA and it has been prepared in accordance with Article 8 of the Environmental Conservation Law.
- C. A copy of this resolution, together with notice of negative declaration, shall be placed on file in the office of the Town Clerk where the same shall be available for public inspection during business hours and such notice of negative declaration shall be filed in such offices, posted in such places and published in such manner as shall be necessary to conform to the requirements of SEQRA.

This resolution shall take effect immediately.

WHEREFORE, the foregoing Resolution offered by Council Member Reigelsperger and seconded by Council Member Price was put to a vote of the members of the Town Board of the Town, the result of which vote was as follows:

<u>Board Member</u>	<u>Vote</u>
Carol E. Mykel, Supervisor	Aye
Kevin Mark	Aye
Robert Reigelsperger	Aye
Kerry Pebbles	Aye
John Price	Aye -Adopted

Resolution #2021-7

The following resolution was offered by Town Board member Kerry Pebbles, who moved its adoption, and second by Town Board member Kevin Mark to wit:

BOND RESOLUTION OF THE TOWN OF WAYLAND, STEUBEN COUNTY, NEW YORK, ADOPTED ON JULY 14, 2021, AUTHORIZING THE CONSTRUCTION OF A HIGHWAY GARAGE FACILITY AT A MAXIMUM ESTIMATED COST OF \$5,390,386 AND THE ISSUANCE AND SALE OF SERIAL BONDS OR NOTES IN ANTICIPATION OF SUCH BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF \$5,390,386 TO PAY THE COST THEREOF.

WHEREAS, the Town Board of the Town of Wayland acquired an approximately 9.25 acre parcel of land located at 9934 State Route 21 in the Town of Wayland, New York and has determined that it is necessary for the Town to undertake a capital improvement project thereon consisting of the construction of a new highway garage facility featuring equipment service bays with wastewater holding tank, office area, restrooms, storage space, covered outdoor storage facility, gasoline fuel island and related fuel storage tanks, onsite septic, and extension of municipal water and wastewater service from north of Interstate 390, including all related site improvements, original furnishings, fixtures and equipment required for such purposes, architectural fees, and all other necessary costs incidental to such work, at a total estimated cost not to exceed \$5,390,386; and

WHEREAS, the Town Board of the Town of Wayland, as a local agency pursuant to the New York State Environmental Quality Review Act ("SEQRA"), ECL Section 8-0101, et seq., and implementing regulations, 6 NYCRR Part 617 (the "Regulations") is required to make a determination with respect to the environmental impact of any "action" (as defined in the Regulations) to be taken by the Town and the approval of this resolution constitutes such an action; and

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WHEREAS, by resolution adopted on July 14, 2021, the Town Board determined that the proposed project is an Type I Action as such term is defined in the Regulations, declared itself lead agency, adopted certain findings and conclusions set forth in an Environmental Assessment Form prepared by the Town's Engineer, and in accordance with a reasoned elaboration, determined that the proposed project will not result in any significant adverse impacts to the environment and issued a Negative Declaration with respect to the proposed project; and

NOW, THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF WAYLAND, STEUBEN COUNTY, NEW YORK (by favorable vote of not less than two thirds of said Board), AS FOLLOWS:

Section 1. The construction of a new highway garage facility featuring equipment service bays with wastewater holding tank, office area, restrooms, storage space, covered outdoor storage facility, gasoline fuel island and related fuel storage tanks, onsite septic, and extension of municipal water and wastewater service from north of Interstate 390, including all related site improvements, original furnishings, fixtures and equipment required for such purposes, architectural fees, and all other necessary costs incidental to such work, at a total estimated cost not to exceed \$5,390,386 (the "Project") is hereby approved, and said amount is hereby appropriated therefor. Bonds and bond anticipation notes of the Town, including renewals thereof, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law of the State of New York (the "Local Finance Law"), in a principal amount not to exceed \$5,390,386 to finance said appropriation for the Project.

Section 2. The plan for the financing of the aforesaid specific object or purpose includes the issuance of up to \$5,390,386 of serial bonds, or any bond anticipation notes in anticipation of the issuance and sale of the bonds, which are hereby authorized to be issued pursuant to the Local Finance Law, the levy of a tax to pay the bonds and the interest thereon and the application, if and when available, of state and/or federal assistance available or to any revenues available for such purpose from any other source. Undertaking the Project is hereby approved. The bonds and notes authorized hereby may be issued to the United States Department of Agriculture, Office of Rural Development, or any of its related offices or agencies or any purchaser in accordance with the provisions of the Local Finance Law.

Section 3. The full faith and credit of the Town is hereby irrevocably pledged for the payment of the principal of and interest on the Bonds 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 years and such debt service payments may be made in substantially level or declining amounts as may be authorized by law.

Section 4. Pursuant to Sections 30.00, 50.00 and 56.00 to 60.00, inclusive, of the Local Finance Law, the power to authorize the issuance of and to sell the serial bonds and any bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Town Supervisor, the chief fiscal officer. Such bonds or notes shall be of such form and contents, and shall be sold in such manner, as may be prescribed by said Town Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The Town Supervisor is hereby further authorized, at her sole discretion, to execute all agreements and instruments 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 Town.

Section 6. The intent of this resolution is to give the Town Supervisor sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and/or notes without resorting to further action of this Town Board.

Section 7. The following additional matters are hereby determined and declared:

a) Pursuant to Section 11.00(a)(11)(a)(1) of the Local Finance Law, the period of probable usefulness of the Project is thirty (30) years.

b) The proposed maturity of the bonds authorized by this resolution may exceed five (5) years.

Section 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the Town's General Fund. It is intended that the Town shall then reimburse expenditures from the General Fund with

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the proceeds of the bonds and bond anticipation notes authorized by this resolution and that the interest payable on the bonds and any bond anticipation notes issued in anticipation of such bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the Town's "official intent" within the meaning of Treasury Regulation Section 1.150-2 to reimburse the expenditures authorized by this resolution with the proceeds of the bonds and bond anticipation notes authorized herein. Other than as specified in this resolution, no monies are reasonably expected to be, received, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 9. 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 10. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Wayland, Steuben County, New York, by the manual or facsimile signature of the Town Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and maybe attested to by the manual or facsimile signature of the Town Clerk.

Section 11. The Town hereby covenants and agrees with the holders from time to time of the Bonds and any bond anticipation notes issued in anticipation of the sale of the Bonds, that the Town will faithfully observe and comply with all provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and any proposed or final regulations issued pursuant thereto unless, in the opinion of bond counsel, such compliance is not required by the Code and regulations to maintain the exclusion from gross income of interest on said obligations for federal income tax purposes.

Section 12. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds with a schedule of substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Town Supervisor providing for the manual countersignature of a fiscal agent or of a designated Official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Town Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. 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 52.00 of the Local Finance Law, as the Town Supervisor shall determine.

Section 13. The law firm of Harter Secrest & Emery LLP is hereby appointed bond counsel and the law firm of Trespasz & Marquardt, LLP is hereby appointed special tax counsel to the Town in relation to the obligations authorized herein.

Section 14. 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 Town 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 publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 15. This resolution shall be subject to permissive referendum and a summary hereof (attached hereto as **FORM OF NOTICE I**) shall be published and posted within ten (10) days of adoption by the Town Clerk as provided by Section 90 of the Town Law. This Resolution shall become effective 30 days after publication of **FORM OF NOTICE I**. Following such effective date, in the event that no petition for a referendum was timely submitted and filed, the Town Clerk shall cause the publishing and posting of a notice in substantially the form provided in Section 81.00 of the Local Finance Law together with a summary of this Bond Resolution (attached hereto as **FORM OF NOTICE II**).

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WHEREFORE, the foregoing Resolution was put to a vote of the members of the Town Board of the Town, the result of which vote was as follows:

<u>Board Member</u>	<u>Vote</u>
Carol E. Mykel, Supervisor	Aye
Kevin Mark	Aye
Robert Reigelsperger	Aye
Kerry Pebbles	Aye
John Price	Aye

PUBLIC COMMENT:

-Larry Graham asked about the PILOT funds for the windmills. PILOT is good for 20 years and after that they will go on regular tax roll or form a new PILOT program.

VOUCHERS:

Motion #6 was offered by Council Member Price seconded by Council Member Pebbles to approve the following vouchers for payment: #235– #282 Totaling \$109,506.55

ROLL CALL VOTE:	Supervisor	Carol Mykel	Aye	
	Council Member	Kevin Mark	Aye	
	Council Member	Bob Reigelsperger	Aye	
	Council Member	Kerry Pebbles	Aye	
	Council Member	John Price	Aye	-Carried

Motion #7 to adjourn by Council Member Pebbles, seconded by Council Member Reigelsperger.

ROLL CALL VOTE:	Supervisor	Carol Mykel	Aye	
	Council Member	Kevin Mark	Aye	
	Council Member	Bob Reigelsperger	Aye	
	Council Member	Kerry Pebbles	Aye	
	Council Member	John Price	Aye	-Carried

Respectfully submitted,

Natalie J Baird