

**OFFICIAL MINUTES OF THE BOARD OF TRUSTEES  
FOR THE VILLAGE OF BATH  
PUBLIC HEARING/REGULAR MEETING  
APRIL 21, 2014**

This meeting of the Board of Trustees of the Village of Bath was held on the 21st day of April 2014 at the Village of Bath, Village Hall, located at 110 Liberty St., Bath, NY 14810. This meeting was called to order by Mayor William von Hagn at 5:30 p.m.

**Present:**

Mayor:	William von Hagn	Code Enforcement:	Ralph Senese
Deputy Mayor/Trustee:	Jeanne Glass	Police Chief:	David Rouse
Trustee:	Mike Sweet	Fire Chief:	Dave Dowdle
Trustee:	Mike McNally	Clerk/Treasurer:	Jacqueline Shroyer
Trustee:	Mark Bardeen	Attorney:	Patrick McAllister
Street Superintendent:	Jeff Muller	BEGWS Director:	Guy Hallgren

**Public Hearing:**

**Local Law #5 – Code of Ethics:**

Opened the Public Hearing at 5:30 p.m.  
No Discussion was made.  
Closed the Public Hearing @ 5:31 p.m.

**Local Law #6 – Charges on Campgrounds:**

Opened the Public Hearing at 5:31 p.m.  
No Discussion was made.  
Closed the Public Hearing @ 5:32 p.m.

**Local Law #7 – Historic District:**

Opened the Public Hearing at 5:32 p.m.  
No Discussion was made.  
Closed the Public Hearing @ 5:32 p.m.

Motion made by Trustee Sweet, seconded by Trustee Bardeen to close all the public hearings. All present were in favor and the motion was carried.

**Regular Meeting:**

**Adjourn Regular Meeting/Executive Session:**

Motion made by Trustee Glass, seconded by Trustee Sweet to adjourn the regular meeting of the Board of Trustees of the Village of Bath at 5:34 p.m. to go into executive session for litigation purposes. All present were in favor and the motion was carried.

**Return to Regular Session:**

Motion made by Trustee Glass, seconded by Trustee Bardeen to return to regular session at 5:55 p.m. All present were in favor and the motion was carried.

**Correspondence:****Mossy Bank Committee – Banner on Clock:**

Motion made by Trustee Glass, seconded by Trustee Sweet to approve the request for the Mossy Bank Committee to hang a banner on the village clock beginning June 1<sup>st</sup> to announce the open house and ribbon cutting ceremony on June 14, 2014 at Mossy Bank. All present were in favor and the motion was carried.

**Audit of Bills:**

Motion made by Trustee Glass, seconded by Trustee Sweet to approve the payment of the Village bills in the amount of \$152,766.37. All present were in favor and the motion was carried.

**Department Head Reports:****Jeff Muller, Street Superintendent:**

A Mossy Bank meeting will be held on Wednesday April 23, 2014 at 2:00 p.m. to discuss the Mossy Bank Grant Project completions.

Jeff will receive the base mapping on May 14, 2014 for the parking lot grant project and construction is set to begin mid July.

**Dave Rouse, Police Chief:**

Chief of Police, David Rouse, notified the board the village police department received a grant for \$16,900 to purchase a license plate reader.

**Dave Dowdle, Fire Chief:**

Don Castle, a senior member of the fire department with 63 years of active service, passed away. The ceremony will only be for family members. The fire department will be naming their meeting hall after him in his honor. They also retired his number.

There will be a chicken barbeque on May 16, 2014.

A reminder there is an open burn ban in effect until May 14, 2014.

**Guy Hallgren, BEGWS Director:**

Update on the Electric Upgrade Project:

Substation has been energized as of last Wednesday, April 16, 2014.

The first phase of conversion work will proceed as follows:

April 21

- Area of May St. & East Washington St.
- Streets affected: Rumsey St., May St. to intersection East Washington, and Club view Dr.
- South View Manor

April 22

- Intersection May St. & East Washington St. to Rt. 415 & May St.

- East William St Ext. and Lake Salubria Dr.
- May St. between East Washington St. and Rt. 415, East Williams Ext., and Lake Salubria Dr.

April 23

- Intersection of East Washington Street. & Gansevoort St. and Shannon St
- Streets affected: Rumsey St., Shannon St., East Washington St.

April 24

- Intersection of East Washington Street. & Gansevoort St. to East Morris St.
- Streets affected: Gansevoort St. , East Williams St. , East Steuben St.

April 25

- Fairview to Hudson St, Fairview Drive
- Streets affected: Fairview Drive, Hudson St.

April 28

- Pole # 20 East Steuben to Pole # 40 on Rt. 415
- Streets affected: East Steuben, Rt. 415, Roosevelt Ave, Erie Ave, East Williams Ext.

April 29

- Pole #40 Rt. 415 to Pole # 61 Rt. 415
- Streets affected: Rt. 415, and Lake Salubria Dr.

**Jackie Shroyer, Clerk/Treasurer:**

Motion made by Trustee Sweet, seconded by Trustee Bardeen to approve the following budget transfers to be done. All present were in favor and the motion was carried.

To Transfer \$16,748.71 from A3120.42 Police Dept – Gas & Oil to A5110.42 Street Dept – Gas & Oil to cover fuel expenses the police department has used for 3 quarters of the year.

To Transfer \$3,055.14 from A1910.4 – Unallocated Insurance to A9040.8 – Workers Compensation to cover Expenses.

To Transfer \$2,142.00 from A9010.8 – State Retirement to A1325.1 – Clerk’s Personal Services to cover vacation buyouts.

To Transfer \$1,150.00 from A3510.1 – Animal Control Personal Services to A1620.1 – Building Personal Services to cover overtime.

To Transfer \$634.00 from A3510.4 Animal Control Contractual to A1620.4 Buildings Contractual to cover expenses.

To Transfer \$40,000.00 from A1990.4 Contingent Account to A7141.4 Mossy Bank Contractual to cover expenses for the Mossy Bank Grants.

To Transfer \$25,000.00 from A9015.8 Police & Fire Retirement to A1420.4 Attorney Contractual to cover all attorney expenses for negotiations.

To Transfer \$5,000.00 from A1990.4 Contingent Account to A1620.41 Buildings – Heat to cover high utility bills this year.

To Transfer \$1,500.00 from A9010.8 – State Retirement to A1620.413 Buildings – Repairs to cover repair expenses.

Motion made by Trustee Sweet, seconded by Trustee Glass to delegate BEGWS Director, Guy Hallgren to take the minutes at the BEGWS meetings. All present were in favor and the motion was carried.

**New Business:**

**Local Law #5 – Code of Ethics:**

Motion made by Trustee Glass, seconded by Trustee Bardeen to approve local law #5 of 2014 – Code of Ethics amending Local Law #4 of 2013 regarding the Village of Bath Code of Ethics. All present were in favor and the motion was carried.

**Local Law #6 – Charges on Campgrounds:**

Motion made by Trustee Bardeen, seconded by Trustee Sweet to approve local law #6 of 2014 – Charges on Campgrounds to amend local law #1 of 1969 pertaining to the basis for charges of campgrounds. All present were in favor and the motion was carried.

**Local Law #7 – Historic Districts:**

Motion made by Trustee Glass, seconded by Trustee Bardeen to approve local law #7 of 2014 – Historic Districts to amend local law #4 of 2008 and local law #2 of 2011 pertaining to the establishment of landmarks or historic districts in the Village of Bath. All present were in favor and the motion was carried.

**Empire Access – Phone System:**

Motion made by Trustee Sweet, seconded by Trustee Bardeen to approve the lease for a new phone system and phone service with Empire Access. This will be a 36 month lease for the phone equipment with phone service and at the end of the lease the Village can buy the equipment for a 3 month buyout. All present were in favor and the motion was carried.

**Proclamation for Arbor Day:**

Motion made by Trustee McNally, seconded by Trustee Sweet to approve the mayor to sign the Proclamation for Arbor Day. All present were in favor and the motion was carried.

**BEGWS Engineering Planning Grant Resolution:**

Motion made by Trustee Bardeen, seconded by Trustee Sweet to approve the following resolution for Engineering Planning Grant for BEGWS. All present were in favor and the motion was carried.

**RESOLUTION  
Engineering Planning Grants (EPG)**

I, Jacqueline Shroyer, Village Clerk, of the Village of Bath, 110 Liberty Street, Bath, NY 14810, do hereby certify that the following resolution was adopted at a regular meeting of the Village of Bath Board of Trustees held on Monday, April 21, 2014 and is incorporated in the original minutes of said meeting, and that said resolution has not been altered, amended or revoked and is in full force and effect.

*Purpose: the Village Board authorizes execution of an EPG Agreement #30700 for MRB Group Engineering, Architecture, Surveying P.C. to complete an engineering report to outline recommendations for achieving the total nitrogen and total phosphorus limits required in the Chesapeake Bay Total Maximum Daily Load (TMDL) plan.*

WHEREAS: the Village of Bath and the citizens it serves recognize the need to address the design of the current Wastewater Treatment Plant to comply with the new effluent limits in the Chesapeake Bay Nutrient Requirements Report set forth by NYS DEC; and

WHEREAS: an updated engineering report would look at the modifications required to the wastewater plant, including a review of alternative design options for achieving biological nutrient removal and provide conceptual design sizing calculations and cost projections for the required upgrades;

Now, therefore, be it resolved that the Village of Bath will execute an EPG Agreement for MRB Group to complete an engineering report to outline recommendations for achieving the total nitrogen and total phosphorus limits required in the Chesapeake Bay Total Maximum Daily Load (TMDL) plan.

And further, it is resolved that Guy Q. Hallgren, Director of Municipal Utilities for Bath Electric, Gas & Water Systems, is hereby authorized to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the Village of Bath's obligations under the Engineering Planning Grant Agreement.

And further, it is resolved that the Village of Bath authorizes and appropriates a minimum of 20% local match as required by the Engineering Planning Grant Program for the completion of an engineering report to outline recommendations for achieving the total nitrogen and total phosphorus limits required in the Chesapeake Bay Total Maximum Daily Load (TMDL) plan. Under the Engineering Planning Grant Program, this local match must be at least 20% of the total project cost. The maximum local share appropriated subject to any changes agreed to by the Director of Municipal Utilities for Bath Electric, Gas & Water Systems shall not exceed \$5,800.00 based upon a total estimated maximum project cost of \$29,000.00. The Director of Municipal Utilities for Bath Electric, Gas & Water Systems may increase this local match through the use of in kind services without further approval from the Village of Bath.

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Signature

Seal of Organization

**Chamber of Commerce Request for Community Expo:**

Motion made by Trustee Glass, seconded by Trustee Bardeen to approve the request from the Chamber of Commerce for use of Pulteney Park on May 17, 2014, to shut down Liberty street from Steuben Street and William Street from 7:00 – 11:00 a.m., and to shut down the east and west side of Pulteney Park all day. All present were in favor and the motion was carried.

**Approval of Settlement Agreement Resolution:**

Motion made by Trustee Bardeen, seconded by Trustee McNally to approve the resolution titled Approval of Settlement Agreement. All present were in favor and the motion was carried.

**RESOLUTION**

**APPROVAL OF SETTLEMENT AGREEMENT**

**WHEREAS**, the Village of Bath (the “Village”) is a named defendant in a lawsuit brought by former employee Matthew Benesh (“Mr. Benesh”) in federal court in the Western District of New York, which was assigned the Civil Action Number 6:12-cv-06142 (the “Federal Court Action”), and which has been pending since 2012; and

**WHEREAS**, the Village’s Counsel, in consultation with the Mayor, recently conducted negotiations with legal counsel for Mr. Benesh and reached a tentative settlement agreement, whose terms are set forth in a draft settlement agreement that is expressly conditioned upon legislative approval by the Village’s Board of Trustees (the “Board”); and

**WHEREAS**, this Board has reviewed the terms and conditions of the draft settlement agreement and finds its terms, and the attendant resolution of the Federal Court Action, to be in the best interests of the Village;

**NOW, THEREFORE, BE IT RESOLVED**, that this Board hereby approves the tentative settlement upon the terms provided in the draft settlement agreement presented to the Board in Executive Session on April 21, 2014, and authorizes the Mayor to execute the same.

**Adjourn Regular Meeting/Executive Session:**

Motion made by Trustee Bardeen, seconded by Trustee Glass to adjourn the regular meeting of the Board of Trustees of the Village of Bath at 7:18 p.m. to go into executive session for contractual and personnel reasons. All present were in favor and the motion was carried.

**Return to Regular Session:**

Motion made by Trustee Glass, seconded by Trustee Bardeen to return to regular session at 7:38 p.m. All present were in favor and the motion was carried.

**Adjournment:**

Motion made by Trustee Bardeen, seconded by Trustee Sweet to adjourn the regular meeting at 7:46 p.m. All present were in favor and the motion was carried.

Respectfully submitted by:

Jacqueline Shroyer  
Clerk/Treasurer