

**OFFICIAL MINUTES OF THE BOARD OF TRUSTEES  
FOR THE VILLAGE OF BATH  
PUBLIC HEARING/REGULAR MEETING  
AUGUST 17, 2015**

This meeting of the Board of Trustees of the Village of Bath was held on the 17th day of August 2015 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	BEGWS Director:	Guy Hallgren
Trustee:	Mike Sweet	Police Chief:	Chad Mullen
Trustee:	Melanie Coots	Clerk/Treasurer:	Jacqueline Shroyer
Trustee:	Mark Bardeen	Attorney:	Patrick McAllister
Fire Chief:	Joe Washburn	Code Enforcement:	Ralph Senese
Street Superintendent:	Jeff Muller		

**Absent:**

Deputy Mayor/Trustee:        Jeanne Glass

**Public Hearing:**

**Local Law #4 – Trustee Terms**

**Local Law #5 – Code 26-12 Trees on Property**

**Local Law #6 – Historic District Signage**

Public Hearings were opened at 5:30 p.m.

No Discussion on Local Law #4 – Trustee Terms

Local Law #5 – Code 26-12 Trees on Property – Attorney McAllister commented that he feels it should be left at least with a 60 day notice. Code Enforcement, Ralph Senese, would like to see the notice be shortened for emergencies. There is a part of the law that does state in emergencies, the Code Enforcement Officer shall promptly cause such tree or trees or portions thereof to be made safe or removed. Lee Cornaire from the Shade Tree Committee is not against the law.

No Discussion on Local Law #6 – Historic District Signage

Motion made by Trustee Bardeen, seconded by Trustee Sweet to close the public hearings at 5:39 p.m. All present were in favor and the motion was carried.

**Regular Meeting:**

**Correspondence:**

**Drug Tip Line:**

No motion was made to approve the sign for Steuben County Drug Tip Line as the Village of Bath already has a drug tip line. They would like to thank Steuben Count for the opportunity and will think of different places they could put the sign.

**Banner Request – Bath Coin Show:**

Motion made Trustee Sweet, seconded by Trustee Coots to approve the request from the Bath Coin Show to hang their banner on the Village Clock from September 20 – September 26, 2015. All present were in favor and the motion was carried.

**Audit of Bills:**

Motion made by Trustee Bardeen, seconded by Trustee Sweet to approve the payment of the Village bills in the amount of \$315,143.13, plus Jim Covell invoice for \$3200.00 for tree removal and Division of Homeland Security invoice for \$33.00 for training for Code Enforcement. All present were in favor and the motion was carried.

**New Business:**

**Local Law #4 – Trustee Terms:**

Motion made by Trustee Sweet, seconded by Trustee Bardeen to approve local law #4 providing for four (4) year terms of office for Bath Village Trustees to be elected biennially in even-numbered years. All present were in favor and the motion was carried.

**Local Law #5 – Code 26-12 Trees on Property:**

Motion made by Trustee Sweet, seconded by Trustee Bardeen to approve local law #5 amending section 26-12 of the Bath Village Code pertaining to removal of trees on private property. All present were in favor and the motion was carried.

**Local Law #6 – Historic District Signage:**

Motion made by Trustee Bardeen, seconded by Trustee Coots to approve local law #6 amending Chapter 68 of the Bath Village Code to regulate signage in the Historic District(s). All present were in favor and the motion was carried.

**2015 Board Resolution Adopting Post-Issuance Compliance Procedures:**

A meeting of the Board of Trustees of the Village of Bath, Steuben County, New York, held in the Village Hall, 110 Liberty Street, Bath, New York on August 17, 2015 at 5:30 o'clock p.m., prevailing time.

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

PRESENT: Mayor von Hagn  
Trustee Bardeen  
Trustee Sweet  
Trustee Coots  
\_\_\_\_\_

ABSENT: Trustee Glass  
\_\_\_\_\_

The following resolution was offered by \_\_\_\_\_ Trustee Sweet \_\_\_\_\_, who moved its adoption, seconded by \_\_\_\_\_ Trustee Bardeen \_\_\_\_\_, to-wit:

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF BATH, STEUBEN COUNTY, NEW YORK (THE "VILLAGE") AUTHORIZING AND ADOPTING POST ISSUANCE COMPLIANCE POLICIES AND PROCEDURES RELATED TO THE VILLAGE'S TAX-EXEMPT OBLIGATIONS, SUCH POLICIES AND PROCEDURES INTENDED TO ENSURE THAT THE REQUIREMENTS IMPOSED UPON THE VILLAGE PURSUANT TO THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, WILL BE SATISFIED**

**WHEREAS**, the Village of Bath, Steuben County, New York (the "Village") previously has issued bond and notes (the "Tax-Exempt Obligations"), the interest on which is excluded from gross income of the owners thereof pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"); and

**WHEREAS**, the Village intends to issue additional series of Tax-Exempt Obligations in the future; and

**WHEREAS**, in order to ensure that the interest on Village's Tax-Exempt Obligations will continue to be excluded from gross income of the owners thereof for purposes of federal income taxation, and that the Village complies with its tax certifications relating to the Tax-Exempt Obligations, the Board of Trustees has determined, based on the advice of the Village's Bond Counsel, to adopt certain written Post-Issuance Compliance Policies and Procedures in the form attached hereto as Exhibit A and made a part hereof (the "Post-Issuance Compliance Procedures").

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Village of Bath, Steuben County, New York (the "Board"), as follows:

**Section 1.** The Board hereby approves and adopts the Post-Issuance Compliance Procedures.

**Section 2.** The Board hereby appoints the Village Treasurer of the Village to serve as the "Designated Tax Compliance Official" under the Post-Issuance Compliance Procedures and hereby authorizes and directs the Village Treasurer, acting in such capacity, to take such actions, after appropriate consultation with Bond Counsel to the Village, as the Village Treasurer deems necessary, appropriate or desirable to effect the implementation of the Post Issuance Compliance Procedures, and hereby further authorizes the Village Treasurer, as such Designated Tax Compliance Official, to delegate to such other Village officials or employees as the Village Treasurer shall determine is necessary or appropriate, the responsibility to take certain specific actions called for by the Post-Issuance Compliance Procedures.

**Section 3.** This Resolution shall take effect immediately.

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

\_\_\_\_\_  
Mayor von Hagn  
\_\_\_\_\_  
Trustee Bardeen

VOTING  
VOTING

\_\_\_\_\_  
Aye  
\_\_\_\_\_  
Aye

<u>Trustee Sweet</u>	VOTING	<u>Aye</u>
<u>Trustee Coots</u>	VOTING	<u>Aye</u>
<u>Trustee Glass</u>	VOTING	<u>Absent</u>

The foregoing resolution was thereupon declared duly adopted.

STATE OF NEW YORK )  
COUNTY OF STEUBEN ) SS.:

I, the undersigned Village Clerk of the Village of Bath, Steuben County, New York, DO HEREBY CERTIFY as follows:

1. I am the duly qualified and acting Clerk of the Village of Bath, Steuben County, New York (the "Village") and the custodian of the records of the Village, including the minutes of the proceedings of the Board of Trustees, and am duly authorized to execute this certificate.

2. A regular meeting of the Board of Trustees of the Village was held on August 17, 2015 and attached hereto is a true and correct copy of a resolution duly adopted at such meeting and entitled:

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF BATH, STEUBEN COUNTY, NEW YORK (THE "VILLAGE") AUTHORIZING AND ADOPTING POST ISSUANCE COMPLIANCE POLICIES AND PROCEDURES RELATED TO THE VILLAGE'S TAX-EXEMPT OBLIGATIONS, SUCH POLICIES AND PROCEDURES INTENDED TO ENSURE THAT THE REQUIREMENTS IMPOSED UPON THE VILLAGE PURSUANT TO THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, WILL BE SATISFIED**

3. That said meeting was duly convened and held and that said resolution was duly adopted in all respects in accordance with the law and regulations of the Village. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Board of Trustees was present throughout said meeting, and a legally sufficient number of members voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under the law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including the publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

4. The seal appearing below constitutes the official seal of the Village and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of the Village this 17<sup>th</sup> day of August, 2015.

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Jacqueline Shroyer, Village Clerk

[SEAL]

## EXHIBIT A

### VILLAGE OF BATH

#### **POST-ISSUANCE COMPLIANCE POLICIES AND PROCEDURES Related to Tax-Exempt Obligations**

Adopted: August 17, 2015

These Post-Issuance Compliance Policies and Procedures (the “Procedures”) are adopted by **VILLAGE OF BATH**, Steuben County (the “Village”) to ensure that interest on tax-exempt obligations of the Village (the “Bonds”) remains excludable from gross income under Section 103 of the Internal Revenue Code of 1986 (the “Code”).

In order to ensure continued compliance with requirements of the Code and the applicable regulations (the “Applicable Federal Tax Law”) associated with the issuance of Bonds, the Village will consult with the Village’s bond counsel, in advance, regarding deviations from the facts and expectations set forth in the closing certifications relating to any issue of Bonds.

If as a result of changes to the Applicable Federal Tax Law or the New York State Local Finance Law these Procedures are in conflict with such laws, the Village will consult with Bond Counsel regarding the proper course of action, including amending these Guidelines.

#### **I. Procedures**

The Village Treasurer of the Village (the “Designated Tax Compliance Official”) is the primary person to consult with the Village’s bond counsel (“Bond Counsel”), financial advisor and other advisors on a continual basis for the entire term of the Bonds. The Designated Tax Compliance Official may delegate to his or her staff or contract with independent contractors (such as an arbitrage/rebate consultant) responsibility for different aspects of post-issuance tax compliance. However, the Designated Tax Compliance Official will be ultimately responsible for implementing the procedures described herein.

#### **II. Securing Closing Documents**

Following each issuance of Bonds, the Designated Tax Compliance Official or his or her designee will:

- a. Confirm the filing of the Form 8038 or Form 8038-G (or applicable successor form) with Internal Revenue Service (“IRS”). Filing of the applicable Form 8038 is usually undertaken or overseen by Bond Counsel at or soon after the closing of a bond issue.
- b. Obtain and store the Transcript of Proceedings prepared by Bond Counsel (which typically includes the applicable Form 8038 and the Arbitrage and Tax Certificate containing the Village’s expectations as of the date of issuance of the bond issue).

#### **III. Recordkeeping**

The Designated Tax Compliance Official or his or her designee will:

- a. Establish a plan for keeping relevant books and records as to the investment and the expenditure of bond proceeds.
- b. Keep accurate records including:
  - (i) Basic records relating to the bond transactions (including the bond resolutions, closing documents, and the Bond Counsel Opinion (see Securing Closing Documents, above);

- (ii) Documentation evidencing the expenditure of bond proceeds;
  - (iii) Documentation evidencing use of bond-financed property by public and private sources (*i.e.*, copies of leases, management contracts);
  - (iv) Documentation evidencing all sources of payment or security for the bonds; and
  - (v) Documentation pertaining to any investment of bond proceeds (including the purchase and sale of securities, subscriptions for United States Treasury Securities-State and Local Government Series (“SLGs”), yield calculations for each class of investments, actual investment income received from the investment of proceeds, guaranteed investment contracts and rebate calculations).
- c. Keep all records in a manner that ensures their complete access to the IRS so long as they are material.
  - d. Keep the relevant records for each issue of bonds for as long as such issue of bonds is outstanding (including any bonds issued to refund such issue of bonds) plus three years after the final redemption date of the bonds.

#### **IV. Arbitrage Rebate and Arbitrage Yield Restriction**

The Designated Tax Compliance Official or his or her designee will:

- a. Engage the services of the Village’s financial advisor or an arbitrage/rebate consultant for assistance in compliance with arbitrage related issues.
- b. Consult with the Village’s bond counsel, and/or financial advisor to determine if an issue of Bonds is exempt from the rebate requirement under the exception for “small issuer” (Section 147(f)(4)(D) of the Code).
- c. Work with the Village’s bond counsel, financial advisor and/or arbitrage/rebate consultant to monitor compliance with “temporary period exceptions” for expenditure of bond proceeds, typically three years for new money bonds and provide for yield restriction of investments or “yield reduction payments” if exceptions are not satisfied.
- d. Work with the Village’s bond counsel and financial advisor to ensure investments acquired with bond proceeds are purchased at fair market value. This may include use of bidding procedures under the regulatory safe harbor (Section 1.148-5(d) of the Regulations).
- e. Consult with the Village’s bond counsel or arbitrage rebate consultant prior to the creation of funds which would reasonably be expected to be used to pay debt service on tax-exempt bonds to determine in advance whether such funds must be invested at a restricted yield (*i.e.*, yield restricted).
- f. Consult with the Village’s bond counsel and financial advisor before engaging in post issuance credit enhancement transactions (*e.g.*, bond insurance, letter of credit) or hedging transactions (*e.g.*, interest rate swap, cap).
- g. Consult with the Village’s bond counsel, financial advisor, and/or arbitrage rebate consultant to identify situations in which compliance with applicable yield restrictions depends upon subsequent investments (*e.g.*, purchase of 0% SLGS from U.S. Treasury) and monitor implementation.
- h. Work with an arbitrage rebate consultant to arrange for timely computation of rebate/yield reduction payment liability and, if an amount is payable, for timely filing of Form 8038-T, Arbitrage Rebate, Yield Reduction and Penalty in Lieu of Arbitrage Rebate (or applicable successor form), and payment of such liability. Rebate/Yield Reduction payments are ordinarily due at 5-year intervals.

**V. Private Use of Bond-Financed Facilities**

The Designated Tax Compliance Official or his or her designee will:

- a. Create and maintain records of which proceeds of bond issues were used to finance which facilities. These records shall incorporate the refunding or partial refunding of any bond issues.
- b. Record the allocation of bond proceeds to expenditures, including reimbursements. These records will be consistent with the expenditures used for arbitrage purposes.
- c. Record the allocation of bond proceeds and funds from other sources in connection with any bond funded project. Review expenditure of bond proceeds with bond counsel to ensure bond proceeds are used for qualifying costs.
- d. Review with bond counsel prior to the sale or lease of a bond-financed facility, or the granting of a license or management contract, or any other arrangement allowing private use of a bond financed facility, the terms of such arrangement.
- e. Keep records of private use, if any, of bond financed facilities to monitor the amount of private use of bond financed facilities. Private use of bond-financed facilities shall be reviewed no less frequently than once a year (in connection with the preparation of the annual financial statements). If a change in private use occurs, bond counsel will be consulted to determine if remedial action is necessary.

**Resolution – Parking Lot:**

Resolution

The Board of Trustees of the Village of Bath, hereby resolve and declare that the area of the Village of Bath Municipal parking lot located to the east of Liberty Street and north of East Steuben Street as depicted on the map attached hereto and made apart hereof, has been used by the public as a thoroughfare and/or parking area and has been paved and maintained by the Village of Bath in excess of ten (10) years. According to Section 6-626 of the New York State Village Law all lands within the Village, which have been used by the public as a street for ten (10) years or more continuously, shall be a street with the same force and effect as if it had been duly laid out and recorded as such. Hence, the Board of Trustees of the Village of Bath hereby declare that the area depicted on the attached map is a public street and thoroughfare for use by the general public to be maintained by the Village of Bath.

Motion made by Trustee Bardeen

Dated: August 17, 2015

Seconded by Trustee Coots

Dated: August 17, 2015

And all Trustees being in favor, the adoption of the Resolution passed unanimously.

**Disposal of Police & Street Department items at County Auction:**



Motion made Trustee Coots, seconded by Trustee Sweet to dispose of Police and Street Department items, such as police car, bicycles, tractor, and surplus equipment, in the county auction. All present were in favor and the motion was carried.

**Set up Public Hearing – Amend Chapter 40 & 42:**

Motion made by Trustee Bardeen, seconded by Trustee Coots to set up a public hearing to amend chapter 40 & 42 for September 21, 2015 at 5:30 p.m. All present were in favor and the motion was carried.

**Street Superintendent Training:**

Motion made by Trustee Coots, seconded by Trustee Sweet to allow the Street Superintendent, Jeff Muller, to attend the annual training in Saratoga Springs for NYS Highway Superintendents. All present were in favor and the motion was carried.

**Accept Resignation Letter – Part-Time Meter Repair Specialist:**

Motion made by Trustee Bardeen, seconded by Trustee Sweet to accept the resignation letter from Part-Time Meter Repair Specialist, McKenna McCraig, effective immediately. All present were in favor and the motion was carried.

**Adjourn Regular Meeting/Executive Session:**

Motion made by Trustee Bardeen, seconded by Trustee Sweet to adjourn the regular meeting of the Board of Trustees of the Village of Bath at 7:25 p.m. to go into executive session to update the board on PBA negotiations and police department personnel. All present were in favor and the motion was carried.

**Return to Regular Session:**

Motion made by Trustee Bardeen, seconded by Trustee Sweet to return to regular session at 7:54 p.m. All present were in favor and the motion was carried.

**Special Pay Approvals for Payroll:**

Motion made by Trustee Bardeen, seconded by Trustee Sweet to approve for the 2015-2016 fiscal year that any special payroll pays need to be approved by the appropriate supervisors before being paid. All present were in favor and the motion was carried.

**Adjournment:**

Motion made by Trustee Sweet, seconded by Trustee Coots to adjourn the regular meeting at 7:55 p.m. All present were in favor and the motion was carried.

Respectfully submitted by:

Jacqueline Shroyer  
Clerk/Treasurer