

VILLAGE OF FREEVILLE BOARD OF TRUSTEES
MEETING MINUTES
April 1, 2025

A regular meeting of the Village of Freeville Board of Trustees was held on April 1, 2025, at the Village Hall.

Call to Order: Mayor McCarty called the meeting to order at 7:32 pm

Present: Mayor Miles McCarty; Trustees: David Fogel, Jason Cuykendall, Stephanie Ortolano, Diana Radford; Clerk-Treasurer Heather Murray; Assistant Fire Chief Nelson Mead

Privilege of the Floor: Assistant Fire Chief Nelson Mead provided an update on the Fire Department and submitted the March 2025 Chief's Report.

Minutes: Trustee Cuykendall motioned to approve the March 4, 2025 Board of Trustees Meeting Minutes. Trustee Ortolano seconded the motion. All members present voted aye. Motion passed.

Public Works: Trustee Fogel motioned to approve the Public Works Report. Trustee Radford seconded the motion. All members present voted aye. Motion passed.

Treasurer: Trustee Ortolano motioned to approve the Treasurer Report. Trustee Fogel seconded the motion. All members present voted aye. Motion passed.

Code Enforcement: Trustee Fogel motioned to approve the Code Enforcement Report. Trustee Ortolano seconded the motion. All members present voted aye. Motion passed.

Planning Board: Discussion was held regarding the proposed updates to Article 2 of the Land Use and Development Code. Trustee Fogel motioned to approve the January 28, 2025 and February 25, 2025 Planning Board Meeting Minutes. Trustee Ortolano seconded the motion. All members present voted aye. Motion passed.

Zoning Board: Trustee Cuykendall motioned to approve the December 9, 2024 Zoning Board of Appeals Meeting Minutes. Trustee Ortolano seconded the motion. All members present voted aye. Motion passed.

Clerk: Trustee Cuykendall motioned to approve the Clerk Report. Trustee Ortolano seconded the motion. All members present voted aye. Motion passed.

Vouchers: Trustee Cuykendall motioned to approve abstract #0425. Trustee Ortolano seconded the motion. All members present voted aye. Motion passed.

Old Business:

FY 25-26 Budget Review: Discussion was held regarding the FY 25-26 Tentative Budget. Clerk-Treasurer Murray will post the updated budget for a public hearing and vote on April 18, 2025.

New Business:

Sewer Relevy: Trustee Fogel motioned to authorize Clerk-Treasurer Murray to relevy unpaid sewer bills, in the amount of \$5,251.63. Trustee Ortolano seconded the motion. All members present voted aye. Motion passed.

FY 24-25 Budget Modifications: Trustee Fogel motioned to accept the following FY 24-25 budget modifications:

To account for reduction in court salary expenses (\$4,883.69↓)

Expense Account		From	To	Difference
A1110.11	Justice Salary	\$ 4,157.00	\$ 2,771.36	\$ 1,385.64↓
A1110.12	Court Clerk Salary	\$ 8,911.00	\$ 6,126.15	\$ 2,784.85↓
A3989.1	Bailiff	\$ 1,426.00	\$ 712.80	\$ 713.20↓

Expense Account		From	To	Difference
A1325.11	Clerk-Treasurer Salary	\$ 31,409.00	\$ 36,292.69	\$ 4,883.69↑

Trustee Orotolano seconded the motion. All members present voted aye. Motion passed.

Resolution - Engineering RFQ: Trustee Cuykendall motioned to adopt the following resolution:

A RESOLUTION OF THE VILLAGE OF FREEVILLE AUTHORIZING NEGOTIATIONS WITH THE HIGHEST-RANKED QUALIFIED FIRM, CEDARWOOD ENGINEERS, PURSUANT TO AN RFP FOR ENGINEERING SERVICES RELATED TO THE VILLAGE’S CFA PROJECT NO. C7-6380-01-00, AND AUTHORIZING, UPON SUCCESSFUL NEGOTIATION, THE AWARD OF A PROFESSIONAL SERVICES AGREEMENT FOR SUCH SERVICES

WHEREAS, on February 10, 2025, the Village of Freeville (“Village”) issued and advertised a Request for Qualifications seeking qualified firms to provide general planning services, the preparation of plans and specifications, bidding, and construction administration (“Services”) for the Village’s wastewater treatment improvement project; and

WHEREAS, proposals received from qualified firms in response to the RFQ were evaluated and ranked, with 3 firms responding, , and 3 firms were ranked as responsive and qualified, with , Cedarwood Engineers as the highest-ranked firm; and

WHEREAS, the Village Board wishes to authorize the Village Treasurer and Mayor to negotiate a professional services agreement with the highest-ranked firm, Cedarwood Engineers, including a scope of services and fees for the Services; and

WHEREAS, the Village Board finds that it is in the best interests of the Village to proceed as indicated in this Resolution and authorize negotiations with the qualified firm in order to enter into a professional services agreement for the Services.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE BOARD OF THE VILLAGE OF FREEVILLE AS FOLLOWS:

Section 1. Negotiations Authorized With Cedarwood Engineers for services related to the Village’s NYS EFC CWSRF Project # C-7-6380-01-00. The Village Treasurer and/or the Village Mayor are hereby authorized to negotiate a professional services agreement with Cedarwood Engineers including a scope of services and fees for the Services and, if necessary, authorization is granted to readvertise for additional engineering proposals if successful negotiations cannot be completed with the firm.

Section 2. Implementation. The Village Treasurer and/or the Village Mayor are hereby authorized to take any further action as necessary to implement the purposes of this Resolution.

Section 3. Effective Date. This Resolution shall be effective immediately upon adoption.

Seconded By Trustee Ortolano

Summary of Vote: 5 Aye

All members present voted aye. Motion passed.

Cedarwood Engineering Proposal: Trustee Fogel motioned to adopt a resolution authorizing Mayor Miles McCarty to accept on behalf of the Village the Cedarwood Engineering PLLC Wastewater Treatment Plant (WWTP) Improvements Proposal for Professional Engineering Services. Trustee Ortolano seconded the motion. All members present voted aye. Motion passed.

Resolution - Bond Counsel Engagement: Trustee Ortolano motioned to adopt a resolution authorizing Mayor Miles McCarty to accept on behalf of the Village Trespasz Law Offices Engagement for Bond Counsel Services for the Village WWTP Project. Trustee Fogel seconded the motion. All members present voted aye. Motion passed.

Resolution - WWTP SEQRA: Trustee Ortolano motioned to adopt the following resolution:

SEQRA RESOLUTION

April 1, 2025

WHEREAS, the Village of Freeville (the “Village”), is 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”); and

WHEREAS, the Village is considering constructing improvements and renovations to its wastewater treatment plant, including the replacement of the existing lagoons aeration system, the addition of a moving bed bioreactor (MBBR) and Disc Filtration facility for ammonia and phosphorus removal and UV Disinfection as described as Alternative I- Rehabilitate Existing WWTP in the Wastewater Treatment Plant Long-Term Corrective Measures Engineering Report prepared by the Village’s Engineering firm, Blue Line Engineering, dpc, dated May 31, 2024 as revised September 26, 2024 (the “Project”); and

WHEREAS, the Village, 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”), having reviewed the impact of the Project upon the environment, intends hereby to determine that the Project constitutes a “Type II Action” under 6 NYCRR § 617.5(c)(25) of the Regulations and is not subject to review under SEQRA. The regulatory bases for this determination are Section 617.5(c)(1): “maintenance or repair involving no substantial changes in an existing structure or facility” and Section 617.5(c)(2): “replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site”

NOW THEREFORE, BE IT RESOLVED by this Board of Trustees as follows:

Section 1. The Project constitutes a “Type II Action” under 6 NYCRR § 617.5(c)(25) of the Regulations and is not subject to review under SEQRA. The regulatory bases for this determination are Section 617.5(c)(1): “maintenance or repair involving no substantial changes in an existing structure or facility” and Section 617.5(c)(2): “replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site.

Section 2. This Resolution shall take effect immediately.

The motion having been duly moved, the resolution was acted upon by the Board of Trustees and there were 5 votes in favor of the resolution and 0 votes against the resolution as follows:

Mayor Miles McCarty	Voting	<u>Aye</u>
Trustee Jason Cuykendall	Voting	<u>Aye</u>
Trustee David Fogel	Voting	<u>Aye</u>
Trustee Diana Radford	Voting	<u>Aye</u>
Trustee Stephanie Ortolano	Voting	<u>Aye</u>

The resolution was thereafter declared adopted.

Resolution - WWTP Bond: Trustee Cuykendall motioned to approve adopt the following resolution:

**BOND RESOLUTION OF THE VILLAGE OF FREEVILLE, TOMPKINS COUNTY, NEW YORK,
ADOPTED ON THE 1ST DAY OF APRIL, 2025, AUTHORIZING THE CONSTRUCTION OF
IMPROVEMENTS TO THE VILLAGE WASTEWATER TREATMENT PLANT AT AN ESTIMATED
MAXIMUM COST OF \$9,560,000, APPROPRIATING SAID AMOUNT THEREFOR, AND
AUTHORIZING THE ISSUANCE OF UP TO \$9,560,000 BOND ANTICIPATION NOTES AND
SERIAL BONDS OF THE VILLAGE TO PAY THE COST OF THE PROJECT**

WHEREAS, the Board of Trustees of the Village has determined that it is desirable for the Village to construct improvements and renovations to its wastewater treatment plant, including the replacement of the existing lagoons aeration system, the addition of a moving bed bioreactor (MBBR) and Disc Filtration facility for ammonia and phosphorus removal and UV Disinfection as described as Alternative I- Rehabilitate Existing WWTP in the Wastewater Treatment Plant Long-Term Corrective Measures Engineering Report prepared by the Village’s Engineering firm, Blue Line Engineering, dpc, dated May 31, 2024 as revised September 26, 2024 (the “Project”); and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law of the State of New York, as amended, and the regulations of the Department of Environmental Conservation of the State of New York promulgated thereunder (collectively referred to hereinafter as “SEQRA”), the Village is required to make a determination with respect to the environmental impact of any “action” (as defined by SEQRA) to be taken by the Village and the approval of this resolution constitutes such an action; and the Village as “lead agency” (as defined by SEQRA) reviewed the above-referenced Project and has, with Blue Line Engineering, DPC, its engineer for the Project, prepared and reviewed a full environmental assessment form and by resolution adopted April 1, 2025 has determined that the Project is a Type II Action which requires no further review under SEQRA; and

WHEREAS, the Board of Trustees now desires to authorize the Project and the financing of the cost thereof.

NOW, THEREFORE BE IT RESOLVED THIS 1ST DAY OF APRIL, 2025 BY THE BOARD OF TRUSTEES OF THE VILLAGE OF FREEVILLE, TOMPKINS COUNTY, NEW YORK (by favorable vote of not less than two thirds of said Board), AS FOLLOWS:

Section 1. The construction of the improvements and renovations to the Village wastewater treatment plant including the replacement of the existing lagoons aeration system, addition of moving bed bioreactor (MBBR) and Disc Filtration facility for ammonia and phosphorus removal and UV Disinfection as described in the Waste Water Treatment Plant Long-Term Corrective Measures Engineering Report prepared by Blue Line Engineering, DPC dated May 31, 2024, as revised September 26, 2024 (the "Project"), all as required for the purpose for which such improvements are to be used, at a maximum estimated cost of \$9,560,000, including all legal and professional costs, equipment, machinery and other necessary appurtenances and all other necessary costs incidental to such work, which is estimated to be the total cost thereof, is hereby approved.

Section 2. The plan for the financing of the aforesaid specific object or purpose is by the issuance of up to \$9,560,000, or such lesser amount as may be necessary, of serial bonds or any bond anticipation notes, including renewals of such notes, in anticipation of the issuance and sale of the bonds of said Village, hereby authorized to be issued pursuant to the Local Finance Law and the levy of a tax to pay interest on said obligations.

Section 3. The full faith and credit of the Village 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 Village Treasurer, 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 Village Treasurer, consistent with the provisions of the Local Finance Law. 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, the New York State Environmental Facilities Corporation under any of its revolving fund programs or any purchaser in accordance with the provisions of the Local Finance Law.

Section 5. The Village Treasurer 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 2 hereof, or a portion thereof, by a bond, and/or note issue of said Village. The Village Treasurer is hereby further authorized, at her sole discretion, to execute a project finance and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation and/or the United States Department of Agriculture – Rural Development, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, 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 the Village in the event of the sale of same to the New York State Environmental Facilities Corporation or to such other entity as may be designated by the United States Department of Agriculture – Rural Development.

Section 6. The intent of this resolution is to give the Village Treasurer 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 Board of Trustees.

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

- (a) Pursuant to subparagraph (a)4 of Section 11.00 of the Local Finance Law, the period of probable usefulness of the Project is forty (40) years; and
- (b) Current funds are not required by the Local Finance Law to be provided prior to the issuance of the bonds and any notes issued in anticipation thereof authorized by this resolution; and
- (c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 8. The temporary use of available funds of the Village, 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 Village's General Fund. It is intended that the Village shall then reimburse expenditures from the General Fund with 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 Village'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. Such bonds shall be in fully registered form and shall be signed in the name of the Village of Freeville, Tompkins County, New York, by the manual or facsimile signature of the Village Treasurer 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 Village Clerk.

Section 10. The Village 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 Village 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 11. 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 Village by the facsimile signature of its Village Treasurer, providing for the manual countersignature of a fiscal agent or of a designated Official of the Village), 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 Village Treasurer. It is hereby determined that it is to the financial advantage of the Village 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 Village Treasurer shall determine.

Section 12. The law firm of Trespasz Law Offices, LLP is hereby appointed bond counsel to the Village in relation to the issuance of the obligations authorized herein.

Section 13. 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 Village 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 14. This resolution shall be subject to permissive referendum and a summary hereof shall be published by the Village Clerk as provided by Village Law Section 9-900. This Resolution shall become effective 30 days after its adoption. Following such effective date, in the event that no petition for a referendum was timely submitted and filed, the Village 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.

WHEREFORE, the foregoing Resolution was put to a vote of the members of the Board of Trustees of the Village this 1st day of April, 2025, the result of which vote was as follows:

	VOTE
Mayor Miles McCarty	Aye
Trustee Jason Cuykendall	Aye
Trustee David Fogel	Aye
Trustee Diana Radford	Aye
Trustee Stephanie Ortolano	Aye

DATED: April 1st, 2025

Trustee Ortolano seconded the motion. All members present voted aye. Motion passed.

Trustee Ortolano motioned to adjourn the meeting. Trustee Radford seconded the motion. All members present voted aye. Motion passed. Meeting adjourned at 8:32 p.m.

Respectfully submitted,

Heather Murray
Village Clerk-Treasurer