

**BOARD OF TRUSTEES
VILLAGE OF ATTICA
ATTICA, N.Y.**

**NOVEMBER 16, 2021
MUNICIPAL BUILDING
6:00 P.M.**

**REGULAR MEETING
ADMINISTRATIVE RECOMMENDATIONS**

I. Call to Order

Present:

Others Present:

II. Recommended Action:

A. Routine Matters

Approve minutes of regular meeting of 10/19/21

Enc.1

Recommended Action: that the minutes of the regular meeting of 10/19/21, be approved as presented.

Roll Call: Durfee Walker Sage Guralny

Open public hearing

Recommended Action: that the Village board opens the public hearing at ____ PM, regarding the options of opting in or out of the Marihuana Regulation and taxation act.

Roll Call: Durfee Walker Sage Guralny

Transfers between appropriations

Recommended Action: that the Village board approves the following transfers:

\$100.00 from A9060.8 to A4020.4
\$395.74 from A7145.4 to A7110.4
9,650.09 from F8330.4 to F8310.4
\$991.00 from F8330.4 to F8330.2
\$942.29 from G8130.412 to G8110.4
\$285.33 from G8130.46 to G8130.42

Roll Call: Durfee Walker Sage Guralny

Approve Claims

Enc. 2

Recommended Action: that the following claims be approved and the Clerk instructed to draw checks therefore:

General Fund claims in the amount of \$137,709.98 as set forth in Abstract #6
Water Fund claims in the amount of \$10,620.39 as set forth in Abstract #6
Sewer Fund claims in the amount of \$14,291.01 as set forth in Abstract #6
Capital pump station claims in the amount of \$3,946.00 as set forth in Abstract #6

Roll Call: Durfee Walker Sage Guralny

Ryan LaVarnway regarding the MRTA (Marihuana Regulation and Taxation Act)

COMMITTEE REPORTS

PUBLIC SAFETY

DPW

LAISON

PLANNING BOARD

VILLAGE ADMINISTRATOR

- B. Old Business
 - Dog Park discussion
- C. New Business

2021-83 Return of unpaid taxes to Wyoming and Genesee County for relevy

Recommended Action: that the Village Board approves the list of unpaid taxes for 2021 and orders the return of these taxes to the respective County.

Roll Call: Durfee Walker Sage Guralny

2021-84 Approve bank reconciliation report from treasurer for October 2021.

Recommended Action: that the Village approves the bank reconciliation report from the Treasurer for the month ending October 2021.

Roll Call: Durfee Walker Sage Guralny

2021-85 Approval of Proclamation for Elijah-Brent A. Monroe

Recommended Action: that the Village board approves the following proclamation:

VILLAGE OF ATTICA PROCLAMATION

WHEREAS, The Village of Attica being a patriotic community that proudly celebrates our history and heritage each year on Veterans Day; and

WHEREAS, the community expresses great appreciation to our Veterans with a special Veterans' Appreciation Day Parade on November 13, 2021; and

WHEREAS, this year, the Veterans' Appreciation Day Parade will be a community celebration of the sacrifice and commitment of our Veterans; and

WHEREAS, we are honored this inaugural Village of Attica Veterans' Appreciation Day Parade with Elijah-Brent A. Monroe as our Grand Marshall; and

NOW, THEREFORE, I, Nathan Montford, Mayor of the Village of Attica do hereby recognize

Elijah-Brent A. Monroe

as our Grand Marshall for our first Veterans' Appreciation Day Parade, and request all citizens to join and participate in this patriotic and inspirational event.

Roll Call: Durfee Walker Sage Guralny

2021-86 Approval of Proclamation for Veterans Appreciation Parade

Recommended Action: that the Village board approves the following proclamation:

VETERANS' APPRECIATION DAY PROCLAMATION

WHEREAS, the greatest acknowledgement of our freedom is to honor our armed forces veterans who have sacrificed and in many instances paid the ultimate price for our freedom, and

WHEREAS, the Village of Attica recognizes and respects all the veterans for their many contributions; and

WHEREAS, we, along with millions of other Americans, can attest to the importance of their sacrifices and contributions for our freedom and security; and

WHEREAS, both men and women of our armed forces continue to be an inspiration to all of us through their demonstration of courage, leadership and commitment in service to our community and country; and

WHEREAS, we in the Village of Attica will always remember and pay homage to our military community, both active and inactive, for their contribution, dedication and commitment to the cause of our freedom.

NOW, THEREFORE, be it resolved that in observation of Veterans' Appreciation Day the Village of Attica proudly salutes and gives special honor and recognition to the men and women who served us in our armed forces, and declares November 13, 2021 as Veterans' Appreciation Day in the Village of Attica.

Dated this 5 day of November 2021.

Roll Call: Durfee Walker Sage Guralny

2021-87 Training for Evan Krawczyk

Recommended Action: that the Village approves the training at Morrisville State College for Evan Krawczyk 11/29-12/3 and 12/6-12/10. This is the Basic Operations for Wastewater Plant Operators. The cost of the class is \$975 plus housing, etc.

Roll Call: **Durfee** **Walker** **Sage** **Guralny**

2021-88 Close public hearing for MRTA (Marihuana Regulation and Taxation Act)

Recommended Action: that the Village board closes the public hearing at _____PM regarding the options of opting in or out of the Marihuana Regulation and taxation act.

Roll Call: **Durfee** **Walker** **Sage** **Guralny**

2021-89 Public hearing for MRTA (Marihuana Regulation and Taxation Act)

Recommended Action: that the Village board authorizes a public hearing for December 21, 2021 to discuss the options of opting in or out of the Marihuana Regulation and taxation act

Roll Call: **Durfee** **Walker** **Sage** **Guralny**

2021-89 ISSUING NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE FOR VILLAGE OF ATTICA WATER TREATMENT PLANT IMPROVEMENTS PROJECT

Recommended Action: that the Village board approves the following resolution

WHEREAS, In accordance with the New York State Environmental Quality Review (SEQR) regulations, the Village Board of the Village of Attica conducted an environmental review of the Village of Attica Water Treatment Plant Improvements Project (the "Project") consisting of the following: the construction of an approximately 2,100 square foot addition to the existing building at the Village's Water Treatment Plant (WTP) located at 3368 Dunbar Road in the Town of Attica. The building expansion will facilitate the installation of new treatment systems. Proposed site improvements, including those necessary for the building expansion, include: driveway modification, fill and grading, relocation of overhead electrical lines, buried piping modifications, septic system replacement, shed removal, and construction of a new backwash water supply tank. Overall, the amount of ground disturbance will be limited to approximately 2.1 acres on the existing WTP site.

WHEREAS, the Village Board has determined that the proposed action is an "Unlisted Action" under SEQR; and

WHEREAS, the Village Board has caused to be prepared an environmental assessment of the significance of and potential environmental impact of the action described above; and

WHEREAS, the Village Board now desires to make its determination of significance in accordance with the SEQRA regulations at 6 NYCRR §617.7.

NOW THEREFORE BE IT RESOLVED,

1. The Village Board declares that, based on the Environmental Record which has been prepared, the Project will not result in any large and important impacts, and therefore, will not have a significant adverse impact on the environment. A Negative Declaration under SEQR is therefore issued for this project, and the Village Clerk is hereby authorized and directed to prepare and issue, on behalf of the Village, the Negative Declaration in the Part 3 of the Environmental Assessment Form.

Roll Call: **Durfee** **Walker** **Sage** **Guralny**

2021-90 BOND RESOLUTION DATED NOVEMBER 16, 2021 OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF ATTICA, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE WATER SYSTEM CAPITAL IMPROVEMENTS WITHIN THE VILLAGE, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

Recommended Action: that the Village board approves the following resolution

WHEREAS, the purpose hereinafter described consists of water system capital improvements authorized to be undertaken by the Village Board of Trustees pursuant to the Village Law;

WHEREAS, the Village, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder ("SEQRA"), has completed its environmental review and, on November 16, 2021, has duly adopted a negative declaration with respect to the unlisted action and has determined that the implementation of the action as proposed will not result in any significant adverse environmental impacts; now therefor, be it

RESOLVED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF ATTICA, NEW YORK (hereinafter referred to as the "Village"), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Village of Attica shall undertake the construction of water system improvements, consisting of the construction of an approximately 2,100 square foot addition to the existing building at the Village's Water Treatment Plant (WTP) located at 3368 Dunbar Road in the Town of Attica, including, without limitation, driveway modification, fill and grading, relocation of overhead electrical lines, buried piping modifications, septic system replacement, shed removal, and construction of a new backwash water supply tank, and the acquisition of original furnishings, equipment, machinery or apparatus, or the replacement of such equipment, machinery or apparatus, and other incidental improvements that may be required in connection therewith for such construction and Village use (hereinafter referred to as "purpose"), and general obligation serial bonds in an aggregate principal amount not to exceed \$11,125,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Village are hereby authorized to be issued to finance said purpose, and said amount is hereby appropriated therefor.

Section 2. The estimated aggregate maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$11,125,000. The plan for financing of said purpose is to provide all of such maximum cost by issuance of obligations as herein authorized, to be offset and reduced dollar for dollar by the amount of grants received, if any.

Section 3. It is hereby determined and declared that (a) said purpose is one of the 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 said purpose is 40 (forty) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Village and all the taxable real property in the Village is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to statutory limitations, if any.

Section 5. It is hereby determined and declared that the Village reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the power to contract and issue indebtedness pursuant to §169.00 of the Local Finance Law, if applicable, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, whether to authorize the receipt of bids in an electronic format, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, is hereby delegated to the Village Treasurer, the Village's chief fiscal officer. The Village Treasurer and the Village Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Village of Attica.

Section 7. The faith and credit of the Village of Attica, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes 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 year.

Section 8. After compliance with Section 9 hereof, this resolution shall be published in full by the Village Clerk of the Village of Attica together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Village, in the manner prescribed by law. The validity of said bonds and bond anticipation notes issued in anticipation of the sale of said serial bonds, may be contested only if such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or 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 (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9.This resolution is subject to a permissive referendum of the qualified electors of the Village of Attica, pursuant to Section 36.00 of the Local Finance Law.

Roll Call: **Durfee** **Walker** **Sage** **Guralny**

III **INFORMATION**

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|---|--------|
| 1. Treasurers report | Enc. 3 |
| 2. Justice report | |
| 3. Monthly bank balance | Enc. 4 |
| 4. Assessor's report | Enc. 5 |
| 5. Memo from Justice Perry | Enc. 6 |
| 6. Memo from Union regarding APD negotiations | Enc. 7 |
| 7. Letter from Kirch family | Enc. 8 |
| 8. Letters from Village Attorney Tim Moran | Enc. 9 |

IV. **ADJOURNMENT**

Recommended Action: that the Board of Trustees adjourn the meeting at _____ P.M.

Roll Call: **Durfee** **Walker** **Sage** **Guralny**