

The regular meeting of the Board of Trustees of the Village of Attica was held on March 21, 2017 at the Attica Village Hall. The meeting was called to order at 7:00 P.M.

**Members Present:**

The following members were present: Mayor William Lepsch, Trustees Sandy Prusak, Nathan Montford, Roger Durfee and Ralph Janes Jr.

**Others Present:**

Others present: Administrator Douglas Post, Police Chief Dean Hendershott, Gary Wysko, Chris Van Son, Gordie Biehl, Sue Janes, Nancy Tracy, Pam Doore, Janet Smart, Barb Ahl, Paul Hamilton, Mike Harding, Matt Sage, Ann Lapp, Dave Nevinger, Fire Chief Jay Myers, Vicky Ruben, Carla Ruben, and Hans Walker.

**Minutes and Claims Approved:**

**Motion** was made by Trustee Montford, seconded by Trustee Prusak that the minutes of the regular meeting of February 21, 2017, be approved as presented.

**On the call of the roll**, the vote was as follows: Prusak yes; Montford yes; Durfee yes; Janes yes.

**The motion** was declared and carried.

**Approve transfers between appropriations**

**Motion** was made by Trustee Durfee, seconded by Trustee Janes that the Village Board approve the following transfers between appropriations:

\$47,500	from	A3902	to	A8020.4
\$500.00	from	A5110.2	to	A1110.4
\$250.00	from	A5110.2	to	A1210.4
\$1,000.00	from	A1620.1	to	A1620.4
\$2,000.00	from	A7110.4	to	A1640.4.
\$1,500.00	from	A3120.41	to	A3120.4
\$3,500.00	from	A1990.4	to	A7510.4
\$323.22	from	A5110.4	to	A5110.4G
\$193.26	from	A5182.4	to	A5410.1

**On the call of the roll**, the vote was as follows: Prusak yes; Montford yes; Durfee yes; Janes yes.

**The motion** was declared and carried.

**Approve Claims**

**Motion** was made by Trustee Prusak seconded by Trustee Montford, that the following claims be approved and the Clerk instructed to draw checks therefore:

General Fund claims in the amount of \$27,535.50 as set forth in Abstract #10

Water Fund claims in the amount of \$20,234.00 as set forth in Abstract #10

Sewer Fund claims in the amount of \$14,091.70 as set forth in Abstract #10

**On the call of the roll**, the vote was as follows: Prusak yes; Montford yes; Durfee yes; Janes yes.

**The motion** was declared and carried.

Dave Nevinger appeared before the board to discuss his unregistered motor vehicle.

Kathy Dear, from LaBella Associates will be discussing the resolutions needed to assist the Library with the CDBG grant.

**Committee Reports:**

**Public Safety-** Police Chief Hendershott and Fire Chief Myers discussed the activity during the previous couple weeks with the wind and snow events. Chief Hendershott discussed the training for two officers.

**Planning Board-**

**DPW-** The board discussed the high wind and snow event from the previous two week period and how the staff from all departments did an outstanding job.

**Village Administrator-** Administrator Post submitted the Justice report. He also presented the treasurers and assessors reports for January. He presented a letter from the Attica Fire Department for new membership. He also discussed a letter from the Village Attorney regarding propane tanks.

### **2017-30 Fair Housing Plan**

**Motion** was made by Trustee Janes seconded by Trustee Durfee that the village board adopt the Fair Housing Plan to establish procedures for processing any fair housing inquiries.

### **FAIR HOUSING PLAN**

Village of Attica

Community Development Block Grant (CDBG) Program

#### I. Introduction

The Village understands the importance of taking action to further Fair Housing in the community and is committed to meeting its responsibilities in this respect as a recipient of Community Development Block Grant (CDBG) funds. To ensure that residents are aware of Fair Housing provisions under Federal and State law and of the processes and assistance available to obtain compliance with existing statutes, the Village has developed this Fair Housing Plan. The Plan describes the procedures developed to further fair housing in the community.

#### II. AVAILABILITY OF INFORMATION

The Village's Fair Housing Plan recognizes that public knowledge of Fair Housing provisions is the first step in expanding equal opportunity. Toward that end, the Village will take the following actions:

##### A. Appoint a Fair Housing Officer

The Fair Housing Officer, appointed by the Village Board of Trustees will have the following responsibilities:

1. To post the Fair Housing and Affirmative Action posters in the Village Offices.
2. To ensure that the Fair Housing advertisement is placed in the official, local newspaper.
3. To record initial information regarding housing discrimination complaints on a standard form.
4. To forward copies of all complaints to and, as appropriate, consult with the Fair Housing/Equal Opportunity Division of the HUD Office in Buffalo and to the NYS Office of Community Renewal in Albany.

##### B. Advertise in Local Newspapers

The Village will, periodically, publish a notice in the official newspapers which names the Fair Housing Officer and provides his/her address and telephone number. The notice will state that persons who feel that they have been victims of housing discrimination should contact the Fair Housing Officer for assistance in discussing the situation and filing a complaint.

##### C. Provide Information on Federal and State Statutes Related to Fair Housing and Other Appropriate Material

The Village will compile and make available, upon request, copies of applicable Federal and State laws which contain anti-discrimination provisions, including: Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Fair Housing Amendments Act of 1988 and the Human Rights Law (Executive Law, Article 15) of the State of New York.

Descriptive brochures issued by the U.S. Department of Housing and Urban Development (HUD) and the New York State Division of Human Rights, as well as other appropriate materials, will also be available to community residents.

#### III. DISCRIMINATION COMPLAINTS

The Village will provide information and assistance to individuals who feel that they have been the victims of discrimination in regard to housing.

##### A. Discriminatory Housing Practices

For the purpose of this plan, a discriminator housing practice means an act that is unlawful under sections 804, 805, 806 or 818 of the Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended). Such discriminatory housing practices include discrimination in the sale or rental of housing, discrimination in the

provision of brokerage services, or interference, coercion, or intimidation, as defined under the Act, on the basis of race, color, religion, national origin, sex, handicap or familial status.

**B. Receiving Complaints**

The Fair Housing Officer will record information on a standard form to ensure that a complete file is established. Following this, the Fair Housing Officer will then contact the Department of HUD and/or the New York State Division of Human Rights to review the particulars of the complaint and request guidance in the formal filing of the complaint, in cases where the individual decides to use this method. Copies of all complaints will also be forwarded to the Fair Housing and Equal Opportunity Division of the HUD Office in Buffalo and to the NYS Office of Community Renewal in Albany. If the complainant decides to take his/her case directly to Federal Court, the Village will consult with the County Bar Association on the appropriate procedures to be followed and the procedure for securing affordable legal services if the individual is of low or moderate income.

**On the call of the roll**, the vote was as follows: Prusak yes; Montford yes; Durfee yes; Janes yes.  
**The motion** was declared and carried.

**2017-31 Anti-Displacement Plan**

**Motion** was made by Trustee Janes seconded by Trustee Prusak that the Board of Trustees adopts the Anti- FAIR HOUSING/ANTI-DISPLACEMENT PLAN  
Resolution

WHEREAS, the Village of Attica, State of New York, has been granted Community Development Block Grant (CDBG) Funds from the State of New York; and

WHEREAS, in accordance with Section 519 of Public Law 101-144, the HUD Appropriations Act requires certain statement of assurances and certifications;

NOW THEREFORE BE IT RESOLVED that pursuant to the Village of Attica being granted CDBG funds by the State; the Village of Attica, by administrative act, does adopt Fair Housing and Anti-Displacement Plans for the Village; and

BE IT FURTHER RESOLVED that the Village Board appoints the Village Administrator, Douglas Post to serve as the Fair Housing Officer for the Village of Attica.

**On the call of the roll**, the vote was as follows: Prusak yes; Montford yes; Durfee yes; Janes yes.  
**The motion** was declared and carried.

**2017-32 ADA Policy Statement and Coordinator**

**Motion** was made by Trustee Montford seconded by Trustee Durfee that the Village Board approves the following ADA Policy Statement resolution:

RESOLUTION  
Compliance with Title II of the Americans with Disabilities Act  
and  
Section 504 of the Rehabilitation Act of 1973

Whereas, the Village of Attica has received funding under the Community Development Block Grant (CDBG) Act and is required to take affirmative steps to ensure that the CDBG programs, services and activities are accessible to, and usable by, individuals with disabilities.

Be It Resolved that the Village of Attica hereby adopts the attached policy statement regarding compliance with Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973; and

Be It Resolved that the Village of Attica hereby adopts the complaint procedures described in the policy statement to address complaints of discrimination with regard to the ADA and/or Section 504 of the Rehabilitation Act of 1973; and

Be It Further Resolved that the Village Administrator is hereby appointed to serve as the ADA Coordinator for the Village of Attica; and

Be It Further Resolved that the Village Administrator is hereby directed to post the policy statement in the Village Administrator's Office and to publish a notice regarding the availability of the policy statement and complaint form.

**On the call of the roll**, the vote was as follows: Prusak yes; Montford yes; Durfee yes; Janes yes.

The motion was declared and carried.

**2017-33 Appointment of Section 3 Coordinator and Labor Standards Officer**

**Motion** was made by Trustee Janes seconded by Trustee Durfee that the Village Board adopts the following Section 3 Coordinator and Labor Standards resolution:

Section 3 Coordinator and Labor Standards Officer  
Resolution

WHEREAS, the Village of Attica, State of New York, has been granted Community Development Block Grant (CDBG) Funds from the State of New York; and

WHEREAS, in accordance with Section 519 of Public Law 101-144, the HUD Appropriations Act requires certain statement of assurances and certifications;

NOW THEREFORE BE IT RESOLVED that the Village Board appoints the Village Administrator, Douglas A Post to serve as the Section 3 Coordinator for the Village of Attica.

BE IT FURTHER RESOLVED that the Village Board appoints the Village Administrator, Douglas A Post to serve as the Labor Standards Officer for the Village of Attica.

**On the call of the roll**, the vote was as follows: Prusak yes; Montford yes; Durfee yes; Janes yes.

**The motion** was declared and carried.

**2017-34 Modify existing procurement procedures**

**Motion** was made by Trustee Durfee seconded by Trustee Janes that the Board of Trustees adopts the following modification to the existing procurement procedure to give consideration to Section 3 firms and or to minority and women owned businesses.

**RESOLUTION**

Whereas, the Village of Attica has received funding under the Community Development Block Grant (CDBG) Program, and

Whereas, under the CDBG program regulations, communities are required to comply with the procurement standards established for federal assistance programs, and

Whereas, these procurement standards require that, whenever possible, small, minority and women-owned businesses should be solicited as potential sources of supplies, services and construction and other contracts, and

Now, therefore, be it resolved, that the Village Board of the Village of Attica hereby amends its existing procurement policy to require that consideration in the solicitation of bids or quotes for services, supplies or contracts be given to:

- small and/or locally owned businesses, with priority to businesses owned by or which employ low or moderate income persons, as defined by HUD, and
- qualified Minority and Women-owned Business Enterprises (M/WBE) firms listed in the directory of certified minority and women-owned businesses maintained by the Empire State Development Corporation on its website at <https://ny.newnycontracts.com>.

Be it further resolved that these provisions shall apply to the procurement of goods and services related to the implementation of the CDBG funded programs and activities as well as to the procurement of goods and services related to the general conduct of business by the Village of Attica.

**On the call of the roll**, the vote was as follows: Prusak yes; Montford yes; Durfee yes, Janes yes.

**The motion** was declared and carried.

**2017-35 Excessive Force by law enforcement Policy**

**Motion** was made by Trustee Prusak seconded by Trustee Montford that the Board of Trustees adopts the following policy to prohibit the use of excessive force by law enforcement agencies within its jurisdiction against non-violent civil rights demonstrators.

Exhibit 1-B  
EXCESSIVE FORCE  
Resolution

WHEREAS, the Village of Attica, State of New York, has made application for Community Development Block Grant (CDBG) Funds from the State of New York; and

WHEREAS, in accordance with Section 519 of Public Law 101-144, the HUD Appropriations Act requires certain statement of assurances and certifications;

NOW THEREFORE BE IT RESOLVED that pursuant to the Village of Attica being granted CDBG funds by the State; the Village of Attica, by administrative act, does adopt a statement of policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations.

**On the call of the roll**, the vote was as follows: Prusak yes; Montford yes; Durfee yes; Janes yes.  
**The motion** was declared and carried.

**2017-36 Lead Agency State Environmental Review**

**Motion** was made by Trustee Durfee seconded by Trustee Janes that the following resolution be adopted:

**Village of Attica**  
**Stevens Memorial Community Library – Accessibility Improvements (2016 CDBG Award)**  
**Lead Agency Resolution**

RESOLVED, that in accordance with the New York State Environmental Quality Review regulations (SEQR), the Village Board of the Village of Attica announces its intent to serve as Lead Agency to conduct an environmental review of a project to construct handicapped accessibility improvements within the Stevens Memorial Community Library, located at 146 Main Street in the Village of Attica, under Section 617.7 of the New York State Codes, Rules, and Regulations (NYSCR); and be it

FURTHER RESOLVED, that the Village Board has determined that the proposed action is an Unlisted Action under SEQR; and be it

FURTHER RESOLVED, that the Village Board, in its capacity of lead agency, has caused to be prepared the short form Environmental Assessment Form for this project. The Village Board hereby accepts the environmental assessment of the proposed project prepared by LaBella Associates, D.P.C., dated March 14, 2017; and be it

FURTHER RESOLVED, that in accordance with the requirements of the funding agency, the Village Board will notify the Involved Agencies of its intent to act as Lead Agency for this project and will provide them with a copy of the short form Environmental Assessment Form. Comments regarding the Environmental Assessment and the Village's intention to assume Lead Agency status will be received from the Involved Agencies during the 30-day review period.

**On the call of the roll**, the vote was as follows: Prusak yes; Montford yes; Durfee yes; Janes yes.  
**The motion** was declared and carried.

**2017-37 Federal Environmental review Certifying Officer**

**Motion** was made by Trustee Prusak seconded by Trustee Janes that the Village board approves the following resolution:

**Village of Attica**  
**CDBG Project No. 59PF139-16**  
**(The Stevens Memorial Community Library Accessibility Improvements)**  
**Certifying Officer Resolution**

RESOLVED, that in accordance with the National Environmental Policy Act of 1069 (NEPA) and the related authorities listed at 24 CFP Part 58, the Village Board of the Village of Attica announces its intent to conduct an environmental review of a project to construct accessibility improvements at the Stevens Memorial Community Library at

FURTHER RESOLVED, that the Village Board designates Douglas A Post, Village Administrator as the Certifying Officer, responsible for all activities associated with the environmental review process to be completed in conjunction with the NYS CDBG project number 59PF139-16.

**On the call of the roll**, the vote was as follows: Prusak yes; Montford yes; Durfee yes; Janes yes.  
**The motion** was declared and carried.

**2017-38 Set budget hearing for April 18, 2017**

**Motion** was made by Trustee Prusak seconded by Trustee Montford that the Board of Trustees sets April 18, 2017 at 7:00 PM as the date and time to set a budget hearing on the 2017-2018 budget.

**On the call of the roll**, the vote was as follows: Prusak yes; Montford yes; Durfee yes; Janes yes.

**The motion** was declared and carried.

**2017-39 Approve bank reconciliation report from treasurer for 02/2017**

**Motion** was made by Trustee Montford seconded by Trustee Janes that the Village approves the bank reconciliation report from the Treasurer for the month ending February 2017.

**On the call of the roll**, the vote was as follows: Prusak yes; Montford yes; Durfee yes; Janes yes.

**The motion** was declared and carried.

**2017-40 Appointment of Darrin Loft as Code enforcement officer**

**Motion** was made by Trustee Durfee seconded by Trustee Montford that the Village approves the appointment of Darrin Loft as the Code Enforcement officer.

**On the call of the roll**, the vote was as follows: Prusak yes; Montford yes; Durfee yes; Janes yes.

**The motion** was declared and carried.

**2017-41 Training for Zufall and Prusak**

**Motion** was made by Trustee Montford seconded by Trustee Durfee that the Village approves the active shooter threat instructor training school for Officer Zufall and Officer Prusak. The school is being held by the Federal Law Enforcement Training Center on April 3-7 in Little Valley NY.

**On the call of the roll**, the vote was as follows: Prusak Abstain; Montford yes; Durfee yes, Janes no; Lepsch yes.

**The motion** was declared and carried.

**2017- 42 Roof repairs DPW building**

**Motion** was made by Trustee Durfee seconded by Trustee Janes that the Village Board approves the low bidder (Salem) for the wind damage to the DPW building roof. The repairs are covered under our insurance policy.

Salem	\$41,566.00
Haitz	\$45,125.00
Lang	\$48,750.00
Shamus	\$47,625.00

**On the call of the roll**, the vote was as follows: Prusak yes; Montford yes; Durfee yes, Janes yes.

**The motion** was declared and carried.

**2017-43 New Fire Department member**

**Motion** was made by Trustee Montford seconded by Trustee Durfee that the Village Board approves the Attica Fire Departments recommendation for new membership of Paul Hamilton of 91 West Main Street.

**On the call of the roll**, the vote was as follows: Prusak yes; Montford yes; Durfee yes, Janes yes.

**The motion** was declared and carried.

**2017-44 AYA parade**

**Motion** was made by Trustee Montford seconded by Trustee Prusak that the Village Board approves special event permit from the AYA for a parade on May 20, 2017.

**On the call of the roll**, the vote was as follows: Prusak yes; Montford yes; Durfee yes, Janes yes.

**The motion** was declared and carried.

**2017-45 Park use for Rodeo parking**

**Motion** was made by Trustee Janes seconded by Trustee Durfee that the Village Board approves the Attica Fire Department request to park cars at the Village park during Rodeo weekend.

**On the call of the roll**, the vote was as follows: Prusak yes; Montford yes; Durfee yes, Janes yes.

**The motion** was declared and carried.

**Adjournment**

**Motion** was made to adjourn the meeting at 8:10 P.M. by Trustee Prusak seconded by Trustee Janes.

**On the call of the roll**, the vote was as follows: Prusak yes; Montford yes; Durfee yes; Janes yes.

**The motion** was declared and carried.

**Douglas A. Post**  
**Administrator, Village of Attica**