

The regular meeting of the Board of Trustees of the Village of Attica was held on August 15, 2017, in the Municipal building. The meeting was called to order at 7:00 P.M.

**Members Present:**

The following members were present: Mayor William P Lepsch, Trustees Sandy Prusak, Roger Durfee, and Hans Walker Jr.

**Others Present:**

Others present: Administrator Douglas Post, Police Chief Dean Hendershott, Michael St. Pierre Sr., Michael St. Pierre Jr., Hunter Snyder, Thomas Snyder, Carl Kocsis, and Chris Van Son.

**Approve minutes of regular meeting of 07/18/2017**

**Motion** was made by Trustee Walker, seconded by Trustee Prusak that the minutes of the regular meeting of July 18, 2017 be approved as presented.

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

**Appointment of Zoning Board of Appeals Member**

**Motion** was made by Trustee Durfee seconded by Trustee Walker that the Village board extends the appointment of the following member to the zoning board of appeals:  
Jennifer Baldwin – 8/15/2017 - three year term

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

**Approve Claims abstract # 2**

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

General Fund claims in the amount of \$80,836.39 as set forth in Abstract #3

Water Fund claims in the amount of \$32,826.35 as set forth in Abstract #3

Sewer Fund claims in the amount of \$32,435.02 as set forth in Abstract #3

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

Carl Kocsis asked if the Village would allow a new flag to be placed in the park.

Michael St. Pierre asked if the Bennington Boy Scouts could use the reservoir.

**Committee Reports:**

**Public Safety-** Chief Hendershott requested the appointment of two part time officers. He also requested training on November 1 & 2<sup>nd</sup>. He reported on the rodeo activity and plans for next year.

**Planning Board- none**

**DPW-** None

**Village Administrator-** Mr. Post presented the bank balance, Treasurer's, Assessor's and Justice reports. He discussed a resolution for the CDBG funds for the Library. He also presented some surplus equipment from the DPW. He discussed the status of the Wet well pump improvement project and the digester project.

**Old Business-**

**New Business-** Trustee Prusak asked if the code enforcement officer could visit a few properties for compliance.

**2017-93 Collection of Back taxes**

**Motion** was made by Trustee Durfee, seconded by Trustee Prusak that the Village Board adopts the following resolution:

WHEREAS, Wyoming County adopted Local Law No. 12 of the year 1994 Providing for the Collection of Certain Delinquent Village Taxes by the County of Wyoming, and

WHEREAS, any village lying within the County of Wyoming may elect each year to have its delinquent Village taxes collected by the County of Wyoming in accordance with Section 1442 of the Real Property Tax Law of the State of New York, and

WHEREAS, any village must request by resolution to have the County of Wyoming collect back taxes, said resolution to be adopted each year and a certified copy filed with the County Treasurer and the Clerk of the Board of Supervisors by October 1 of the same year,

NOW, THEREFORE, Be It Resolved, that the Village of Attica elects to have its delinquent Village taxes collected by the County of Wyoming and that such list of unpaid taxes and certificate of delinquencies will be prepared and delivered to the Real Property Tax Department by November 15th.

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

**2017-94 Approve bank reconciliation report from treasurer for July 2017.**

**Motion** was made by Trustee Walker seconded by Trustee Durfee that the Village approves the bank reconciliation report from the Treasurer for the month ending July 2017.

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

**2017-95 WWTP improvements Bond/BAN Resolution**

**Motion** was made by Trustee Prusak, seconded by Trustee Durfee that the Village adopts the following resolution:

BOND RESOLUTION DATED AUGUST 15, 2017 OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF ATTICA, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE SEWER 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.

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

WHEREAS, on November 15, 2016, the Village Board of Trustees has heretofore duly determined that the purpose hereinafter described constitutes a "type II" action under the State Environmental Quality Review Act of the State of New York and the applicable regulations thereunder ("SEQRA") which will not result in any significant adverse environmental impacts and such purpose is not subject to any further environmental review under SEQRA; now therefore, 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 sewer system improvements, including, without limitation, essential improvements to the primary digester at the wastewater treatment plant, including the replacement of piping, fixtures, equipment and appurtenances and the rehabilitation of the primary digester vessel, 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 \$400,000 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 \$400,000. The plan for financing of said purpose is to provide all of such maximum cost by issuance of bonds or bond anticipation notes as herein authorized, to be offset and reduced dollar for dollar by the amount expended (prior to any issuance of obligations for the costs paid by such expenditures) from capital reserve funds, and from 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 4 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is thirty (30) 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 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

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

#### **2017-96 Training for Police Officers**

**Motion** was made by Trustee Walker seconded by Trustee Durfee that the Village Board approves the attendance of Chief Hendershott, Officer Andre, Officer Zufall and Officer Fleiss to attend the "search warrant preparation training" course on November 1 & 2 at Genesee Community College. There is no charge for this training.

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

#### **2017-97 Training for Court Clerk Kate Edwards**

**Motion** was made by Trustee Prusak seconded by Trustee Walker that the Village Board approves the attendance of Kate Edwards to the Annual Fall Conference in Ellicottville on September 24-27<sup>th</sup>. Registration fee is \$40.

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

#### **2017-98 Part time Police appointments**

**Motion** was made by Trustee Walker, seconded by Trustee Durfee that the Village appoints Adam D Kuhn and Jonathan D Becker as a part time Police officers.

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

#### **2017-99 Sewage Treatment plant primary digester improvements bid award**

**Motion** was made by Trustee Walker, seconded by Trustee Prusak that the Village board approves the low bidder John W Danforth Company, for the primary digester improvements.

John W Danforth Company - \$346,700  
Villager Construction - \$512,620

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

**2017-100 Change Local Law Section 27-2 & 27-6 Violations and Penalties**

**Motion** was made by Trustee Prusak seconded by Trustee Durfee that the Village board approves the fine change in local law section 27-2 from \$25 to \$250, and also in Section 27-6 from \$5 to \$250.

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

**2017-101 CDBG sub-recipient agreement with Stevens Memorial Library**

**Motion** was made by Trustee Walker, seconded by Trustee Prusak that the Village Board approves the following resolution:

WHEREAS, the Village of Attica has received approval for a Community Development Block Grant (CDBG) award in the amount of \$300,000 to assist the Stevens Memorial Community Library to construct handicapped accessibility improvements at the Library; and

WHEREAS, the NYS Office of Community Renewal, as the administrating agency for the CDBG award, has required that the Village and the Library execute a sub-recipient (grant) agreement for the implementation of the project.

RESOLVED, that the Mayor of the Village of Attica, Wyoming County, New York, is hereby authorized as the official representative of the Village of Attica to execute a sub-recipient (grant) agreement with the Stevens Memorial Community Library and all understandings and assurances contained therein.

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

**The motion** was declared and carried.

**2017-102 Surplus Equipment**

Motion was made by Trustee Durfee seconded by Trustee Prusak to declare the following items DPW surplus.

2003 Chevrolet 1500 pickup

2004 Ford F-350 pickup with plow

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

**The motion** was declared and carried.

**2017-103 Reservoir Use by Boy Scouts**

Motion was made by Trustee Prusak seconded by Trustee Walker to allow the Boy Scouts to use the reservoir for one day August 26, 2017. The Boy Scout group must fill out a special use permit and provide a certificate of insurance to the Village naming the Village as an additional insured.

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

**The motion** was declared and carried.

**Executive Session**

**Motion** was made by Trustee Walker seconded by Trustee Prusak to enter into Executive session at 7:47 PM to discuss legal and personal matters.

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

**The motion** was declared and carried.

**Re-entered regular meeting at 8:05 pm**

**Adjournment**

**Motion** was made to adjourn the meeting at 8:07 P.M. by Trustee Walker seconded by Trustee Prusak.

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

**The motion** was declared and carried.

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