

The regular meeting of the Board of Trustees of the Village of Attica was held on September 19, 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, Nathan Montford, Roger Durfee, and Hans Walker Jr.

**Others Present:**

Others present: Deputy Clerk Julie A Cook, Police Chief Dean Hendershott, Julie Perry, John Perry, Chris Van Son, Rob Burek, Gary Wysko, Jay Myers and Lynn Tedford.

**Approve minutes of regular meeting of 8/15/2017**

**Motion** was made by Trustee Durfee, seconded by Trustee Walker, that the minutes of the regular meeting of 08/15/17 be approved as presented.

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

**The motion** was declared and carried.

**Approve Claims abstract #4**

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

General Fund claims in the amount of \$88,628.93 as set forth in Abstract #4

Water Fund claims in the amount of \$51,050.42 as set forth in Abstract #4

Sewer Fund claims in the amount of \$19,144.19 as set forth in Abstract #4

Vac-all capital fund claims in the amount of \$2,186.94 as set forth in Abstract #4

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

**The motion** was declared and carried.

**Committee Reports:**

**Public Safety-** Jay Meyer reported that the hose testing was completed. They replaced all carbon dioxide alarms. They are scheduled for the fire program at the Attica Elementary October 5<sup>th</sup> and pre-schools are scheduled for October 11<sup>th</sup>.

Chief Hendershott discussed the heroin problem in Wyoming County. He needs to replace a light bar and will be getting some pricing. He also discussed the road closing on West Main and Market.

**Village Administrator-** Deputy Clerk Julie A Cook presented the bank balance, Treasurers, Assessors and Justice Reports.

**Old Business-** Small discussion on if anyone has registered at the village office for trapping of cats.

**New Business-**

**2017-104 The Village Board has reviewed and audited the Annual Financial Report for the Village and for the Village Court for the Fiscal year ended May 31, 2017.**

**Motion** was made by Trustee Walker, seconded by Trustee Prusak that the Village Board except the Annual Financial Report of the Village Treasurer and for the Village Court for the fiscal year ended May 31, 2017, prepared by the Village Clerk-Treasurer and the Court Clerk.

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

**The motion** was declared and carried.

**2017-105 Approve bank reconciliation report from treasurer for August 2017.**

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

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

**The motion** was declared and carried.

**2017-106 Retaining Wall bid**

**Motion** was made by Trustee Walker, seconded by Trustee Montford that the Village Board accepts the low bid from Gardenville Landscape & Nursery LLC., for the retaining wall project on Market Street.

Gardenville Landscape & Nursery LLC	- \$74,000.00
Ledge Creek Development	- \$104,880.00
Nova Site Company, LLC	- \$114,000.00
Keeler Construction Co, LLC	- \$124,000.00

Pinto Construction Services - \$158,981.00  
Occhino Corporation - \$242,000.00

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

#### **2017-107 Approve Library pay application**

**Motion** was made by Trustee Prusak seconded by Trustee Durfee that the Village board approves the Library pay application #1 for the additions and renovations to Stevens Memorial Library. The pay application is for \$29,929.75 from Galbo Construction, as authorized by the Stevens Memorial Community Library Board.

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

#### **2017-108 Correctional facility water meter replacement**

**Motion** was made by Trustee Walker, seconded by Trustee Montford that the Village Board approves the low bidder (Pertech) to replace the Correctional facility water meter on Dunbar road.

Pertech - \$2,954  
USA Blue Book - \$3,677  
Carrier Controls - \$9,177

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

#### **2017-109 Snow Plow Bond Resolution**

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

BOND RESOLUTION DATED SEPTEMBER 19, 2017 OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF ATTICA, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE THE ACQUISITION OF A SNOW PLOW, 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 the acquisition of equipment authorized to be undertaken by the authorized to be undertaken by the Village Board of Trustees pursuant to the Village Law;

WHEREAS, the Village hereby determines and finds that the proposed action 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 in that the purpose consists of the purchase of equipment, and such purpose is not subject to any further environmental review under SEQRA; 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 acquisition of a snowplow, which may include original equipment or furnishings required in connection therewith for such Village use (hereinafter referred to as "purpose"), and general obligation serial bonds in an aggregate principal amount not to exceed \$250,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Village are hereby authorized to be issued to finance said purpose.

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 \$250,000 and said amount is hereby appropriated therefor. 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.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 28 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is fifteen (15) 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 not 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, 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; Montford yes; Durfee yes; Walker yes.

**The motion** was declared and carried.

#### **2017-110 Approve training for Officer Fleiss**

**Motion** was made by Trustee Durfee, seconded by Trustee Walker that the Village Board approves the attendance of Officer Fleiss at the breath test operator certification training course in LeRoy on October 18-20. There is no charge for the class.

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

**The motion** was declared and carried.

#### **2017-111 New part time police officer**

**Motion** was made by Trustee Durfee, seconded by Trustee Walker that the Village Board approves the appointment of Kyle J Murray to the position of part-time police officer.

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

**The motion** was declared and carried.

#### **2017-112 Court Grant resolution**

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

WHEREAS the State of New York has enacted a law establishing, the Justice Court Assistance Program. L.1999, C.280 that will enable communities to apply to the Chief Administrative Judge for a grant of State funds to assist in the operation of justice courts; and

WHEREAS the availability of grant funding would enhance the ability of the Village Justice Court to provide suitable and sufficient services to the community,

NOW THEREFORE BE IT RESOLVED that the Village Board hereby authorizes the Mayor to file an application for a Justice Court Assistance Program grant for the New York State fiscal year ending March 31, 2018.

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

**The motion** was declared and carried.

**2017-113 Approve training for Officer Medina, Officer Becker and Officer Kuhn**

**Motion** was made by Trustee Durfee, seconded by Trustee Walker that the Village Board approves the attendance of Officer Medina, Officer Becker and Officer Kuhn at the domestic violence strangulation prevention training course at Genesee Community College on Friday, October 6, 2017. There is no charge for this class.

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

**The motion** was declared and carried.

**2017-114 Approve training for Pamela Thurber**

**Motion** was made by Trustee Montford, seconded by Trustee Walker that the Village Board approves the attendance of Pamela Thurber at the 2017 New York State Association of Magistrates Court Clerks Conference in Ellicottville, September 24<sup>th</sup> – 27<sup>th</sup> in the amount of \$400.00.

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

**The motion** was declared and carried.

**2017-115 Approve Clock face restoration work**

**Motion** was made by Trustee Montford, seconded by Trustee Prusak that the Village Board pay the Presbyterian Church \$3,300.00 for the repainting and lift rental of the clock.

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

**The motion** was declared and carried.

**Re-entered regular meeting at 8:15 pm**

**Adjournment**

**Motion** was made to adjourn the meeting at 8:15 P.M. by Trustee Walker, seconded by Trustee Durfee

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

**The motion** was declared and carried.

**Julie A Cook  
Deputy Clerk Treasurer, Village of Attica**