

The regular meeting of the Board of Trustees of the Village of Attica was held on August 21, 2018, at the Attica 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: Administrator Douglas Post, Police Chief Dean Hendershott, Fire Chief Jay Myers, Michael St Pierre, Jr., Michael St Pierre, Sr., Lorrie Wall, Will Minkel, Lance Minkel, Evan Schlau, Andy Schlau, Tom Snyder, Erik Szemplenski, Gary Wysko, Chris Van Son, Gordie Biehl, Craig Kazmierczak, Ami Blackmore and Justin Lane.

Minutes and Claims Approved:

Motion was made by Trustee Prusak, seconded by Trustee Montford that the minutes of the regular meeting of 07/17/2018 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 # 2

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

General Fund claims in the amount of \$44,317.07 as set forth in Abstract #3

Water Fund claims in the amount of \$59,358.11 as set forth in Abstract #3

Sewer Fund claims in the amount of \$28,522.75 as set forth in Abstract #3

Digester improvements claims in the amount of \$194,845 as set forth in Abstract #3

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.

Ami Blackmore, Erik Szemplenski and Lorrie Wall came to the meeting to discuss the new music venue at the opera house on Exchange Street.

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

Committee Reports:

Public Safety- Chief Hendershott reported on recent activity in the community. Fire Chief Myers discussed the yearly tests on equipment.

Liaison- Trustee Walker discussed the events at the Town board meeting.

Planning Board- None

DPW- Craig Kazmierczak attended the meeting to discuss the Walnut Street water line project.

Village Administrator- Administrator Post submitted the Treasurers and assessors report for July. He presented the bank reconciliation report. He presented the refuse station yearend financial report. A letter was presented from Genesee County water and soil written to the town of Alexander regarding the log jams. A letter was also presented from NYSDOC to the DEC regarding the sewer line replacement. A village association dinner invitation notice was presented.

New Business –

2018-70 Collection of Back taxes

Motion was made by Trustee Durfee seconded by Trustee Walker 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 it 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; Montford yes; Durfee yes; Walker yes
The motion was declared and carried.

2018-71 Approve bank reconciliation report from treasurer for July 2018

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

2018-72 Village of Attica CDBG Project No. 59PW29-17 West Ave-Railroad St-Olive St Infrastructure Improvements NEPA Resolution – Accept Environmental Assessment

Motion was made by Trustee Prusak seconded by Trustee Montford that the Village adopts the following 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 replace substandard water, sewer and storm drainage infrastructure along a portion of West Avenue and along Railroad and Olive Streets; and

RESOLVED, that the Village Board hereby accepts the environmental review of the project prepared by LaBella Associates, DPC and the determination that the project will have no significant adverse impacts on the environment.

RESOLVED, that the Village Board hereby authorizes the publication in the Village's official newspaper of a Notice of Finding of No Significant Impact and Request for Release of Funds for the project.

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.

2018-73 VILLAGE OF ATTICA SEQR RESOLUTION - NEGATIVE DECLARATION

West Avenue and Railroad and Olive Streets Infrastructure Improvements (2017 CDBG Project No. 59PW29-17)

Motion was made by Trustee Montford seconded by Trustee Durfee that the Village adopts the following resolution:

WHEREAS,

1. In accordance with the New York State Environmental Quality Review regulations (SEQR), the Village Board of the Village of Attica announced its intent to serve as Lead Agency on June 19, 2018, to conduct an environmental review of proposed West Avenue and Railroad and Olive Streets Infrastructure Improvements
2. The Village Board has determined that the proposed action is an "Unlisted Action" as defined under SEQR.
3. The Village Board, in its capacity of Lead Agency, has caused to be prepared an environmental assessment of the significance of and potential environmental impact of the action described above.
4. On June 29, 2018, the Village Board notified the potentially Involved and Interested Agencies of its intention to act as Lead Agency for this project and circulated Part 1 of the short Environmental Assessment Form.
5. No comments were received from the public or the interested and involved agencies and none of the agencies have objected to the Village Board acting as Lead Agency. The Village will continue to work with Federal, State and local agencies until all necessary permits and approvals have been obtained.
6. The Village Board has considered the Environmental Record prepared for this action, including any comments received from the Involved Agencies, and the proposed Negative Declaration.

NOW THEREFORE BE IT RESOLVED,

The Village Board declares that it will serve as Lead Agency for the West Avenue and Railroad and Olive Streets Infrastructure Improvements project; and,

The Village Board declares that, based on the Environmental Record which has been prepared, the project will result in no major impacts and, therefore, will not cause significant damage to the environment. A Negative Declaration under SEQR is therefore issued for this project.

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.

2018-74 Genesee Street bond resolution

Motion was made by Trustee Walker seconded by Trustee Montford that the Village adopts the following resolution:

BOND RESOLUTION DATED AUGUST 21, 2018 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.

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

WHEREAS, the Village has heretofore duly found and determined 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 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 construction of water system improvements, including, without limitation, installation and inter-connecting of a new 8-inch water main and appurtenances 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 \$435,464 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 \$435,464. 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 an amount anticipated to be separately appropriated from an existing capital reserve fund, presently estimated to be \$100,000.

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 forty (40) 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; Montford yes; Durfee yes; Walker yes
The motion was declared and carried.

2018-75 Training for Police Officer

Motion was made by Trustee Durfee seconded by Trustee Prusak that the Village Board approves the attendance of Holly Royce to attend the Crisis Intervention Team Training at the Genesee County Fire Training Center. The course will take place on September 17-21.

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.

2018-76 Training for Police Officer

Motion was made by Trustee Durfee seconded by Trustee Prusak that the Village Board approves the attendance of Jonathan Becker to attend the Photo Evidence School at the Monroe County Police Academy at a cost of \$435.15. The course will take place on September 24-28.

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.

2018-77 Police patrol vehicles replacement

Motion was made by Trustee Walker seconded by Trustee Montford that the Village Board approve the purchase of 2 2019 Ford Utility interceptor (Ford Explorers) NYS bid #8771 2019 (Onondaga). The total price for the vehicle purchase with trades will be \$64,592.54.

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.

2018-78 Public hearing regarding the use of Equipment reserve funds

Motion was made by Trustee Durfee seconded by Trustee Prusak that the Village Board sets a public hearing for September 18, 2018 for the use of equipment reserve funds in for the purchase of 2 2019 Ford Utility interceptor (Ford Explorers) NYS bid #8771 2019 (Onondaga).

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.

2018-79 Phone agreement with Craig Kazmierczak

Motion was made by Trustee Walker seconded by Trustee Prusak that the Village Board agrees to sign a contract to compensate Foreman Kazmierczak for using his personal phone for work related business.

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.

2018-80 Milling of Walnut Street

Motion was made by Trustee Walker seconded by Trustee Prusak that the Village Board agrees to spend \$5,900 to mill Walnut Street.

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.

2018-81 Reservoir Use by Boy Scouts

Motion was made by Trustee Walker seconded by Trustee Montford to allow the Boy Scouts to use the reservoir for one day September 15. 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; Montford yes; Durfee yes; Walker yes.
The motion was declared and carried

Executive Session

Motion was made by Trustee Montford, seconded by Trustee Durfee to enter into Executive session at 8:30 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 9:23 pm

Adjournment

Motion was made to adjourn the meeting at 9:30 P.M. by Trustee Walker seconded by Trustee Prusak.

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.

Douglas A. Post
Administrator, Village of Attica