

The regular meeting of the Board of Trustees of the Village of Attica was held on July 18, 2023, at the Attica Municipal Building. The meeting was called to order at 6:00 P.M.

Members Present:

The following members were present: Mayor Nathan Montford, Trustees Hans Walker Jr., Matthew Sage, Gary Guralny and Pam Rudolph.

Others Present:

Others present: Administrator Douglas Post, Water Treatment Plant Chief Operator Matt Durfee, Police Chief Dean Hendershott, DPW Foreman Kazmierczak, Fire Chief Stephan Bove, First Chief Jay Myers, Gary Wysko, Sharon Passamonte, Kim Guralny, Bill Lepsch, and Dave Compton.

Minutes and Claims Approved:

Motion was made by Trustee Walker seconded by Trustee Sage that the minutes of the regular meeting of June 6, 2023 be approved as presented.

On the call of the roll, the vote was as follows: Walker yes; Sage yes; Guralny yes; Rudolph yes.
The motion was declared and carried.

Open Public Hearing

Motion was made by Trustee Sage seconded by Trustee Guralny that the Village opens the public hearing at 6:01 PM for the purpose of hearing public comments for the Village of Attica's Community Development Block Grant applications for the 2023 program year.

On the call of the roll, the vote was as follows: Walker yes; Sage yes; Guralny yes; Rudolph yes.
The motion was declared and carried.

Approve Claims

Motion was made by Trustee Rudolph 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 \$51,145.07 as set forth in Abstract #2

Water Fund claims in the amount of \$4,419.44 as set forth in Abstract #2

Sewer Fund claims in the amount of \$26,008.32 as set forth in Abstract #2

Water Treatment Plant improvements claims in the amount of \$27,768.63 as set forth in Abstract #2

On the call of the roll, the vote was as follows: Walker yes; Sage yes; Guralny yes; Rudolph yes.
The motion was declared and carried.

Dave Compton attended the meeting to discuss an idea regarding building an event center at the Park. He would start a fund raising campaign if the board approved to move forward with the idea.

Committee Reports:

Public Safety – Police Chief Hendershott submitted his monthly activity report. Mayor Montford asked about the active shooter program, and wanted to know if it would help the police prosecute vandals better if AYA posted their property. Trustee Rudolph stated that the flashing speed sign by the school does not slow a lot of people down. Fire Chief Bove reported on the Fire Department activity. He discussed the changes in the Truck committee.

Liaison- Trustee Walker reported on the Town meeting. Trustee Walker stated that Sharon Bey from the Senior Citizens organization wanted to thank the Village for the donation.

Planning Board- none

DPW- WTP Chief Operator Matt Durfee reported on the plans and progress of the new plant. DPW Foreman Kazmierczak reported on current actions of the DPW and delivered an estimate for repairs on the opera house.

Administrator – Administrator Post presented the bank reconciliation, Assessors, Treasurers and Justice Reports.

Old Business –

New Business- Mayor Montford stated the Lions Club will be doing a Clock dedication on July 29th.

2023-75 Approve resolution for WIIA

Motion was made by Trustee Guralny seconded by Trustee Walker that the Village board approves the resolution for WIIA application.

**Resolution pertaining to an application under the
NYS Water Infrastructure Improvement Act (WIIA)**

Whereas, the Village of Attica, is applying for a NYS Water Infrastructure Improvement Act (WIIA) for the 2023 Rehabilitation of the Wastewater Treatment Plant Secondary Biological Treatment Tower; and

Whereas, the Village of Attica has a project cost estimate of \$1,217,000 for the replacement of filter media and rotary distributor at the secondary biological treatment tower; and

Whereas, the NYS Water Infrastructure Improvement Act (WIIA) through NYS Department of Environmental Facilities Corporation is authorized to fund up to 25% of the project cost of \$1,217,000 for a total grant of \$304,250; and

Whereas, Nussbaumer & Clarke have been authorized to submit a grant application on behalf of the Village of Attica to the Environmental Facilities Corporation for such project; and

Whereas, if the grant is awarded, the Village of Attica authorizes the Mayor to pay a maximum local match through bonding of \$912,750; which is the required 75% of the project amount of \$1,217,000 for the Rehabilitation of the Wastewater Treatment Plant Secondary Biological Treatment Tower; and

Now, Therefore, Be It

Resolved, that if the grant is awarded, the Mayor is hereby authorized to apply and execute a Grant Agreement with the NYS Environmental Facilities Corporation, pursue bonding for any portion of the project not covered by the Grant, to authorize in-kind services as appropriate, and to execute any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the Village of Attica's obligations under the Grant Agreement, subject to review and approval by the counsel.

On the call of the roll, the vote was as follows: Walker yes; Sage yes; Guralny yes; Rudolph yes.

The motion was declared and carried.

2023-76 Approve resolution for WQIP

Motion was made by Trustee Sage seconded by Trustee Rudolph that the Village board approves the resolution for WQIP application.

Resolution pertaining to an application under the NYS Water Quality Improvement Project (WQIP)

Whereas, the Village of Attica, is applying for a Consolidated Funding Application for the 2023 Rehabilitation of the Wastewater Treatment Plant Secondary Biological Treatment Tower; and

Whereas, the Village of Attica has a project cost estimate of \$1,217,000 for the replacement of filter media and rotary distributor at the secondary biological treatment tower; and

Whereas, the NYS Water Quality Improvement Project (WQIP) through NYS Department of Environmental Conservation is authorized to fund construction costs up to \$832,000 of the \$1,040,000 eligible construction costs; and

Whereas, Nussbaumer & Clarke have been authorized to submit a grant application on behalf of the Village of Attica to the Consolidated Funding Agency for such project; and

Whereas, if the grant is awarded, the Village of Attica authorizes the Mayor to pay a maximum local match of \$208,000; which is the required 25% of the requested funding amount for the Rehabilitation of the Wastewater Treatment Plant Secondary Biological Treatment Tower; and

Now, Therefore, Be It

Resolved, that if the grant is awarded, the Mayor is hereby authorized to apply and execute a Grant Agreement with the NYS Department of Environmental Conservation, pursue bonding for any portion of the project not covered by the Grant, to authorize in-kind services as appropriate, and to execute any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the Village of Attica's obligations under the Grant Agreement, subject to review and approval by the counsel.

On the call of the roll, the vote was as follows: Walker yes; Sage yes; Guralny yes; Rudolph yes.
The motion was declared and carried.

2023-77 Rozewski Day resolution

Motion was made by Trustee Walker seconded by Trustee Rudolph that the Village Board approves following resolution:

“Kyle “Kyote” Rozewski Day”
August 19, 2023
Attica, NY

WHEREAS: today we acknowledge the accomplishment of an Attica athlete, Kyle Joseph Rozewski, in the sports arena of Mixed Martial Arts.

WHEREAS: Kyle was born in Norfolk, Virginia in 1983 however by the age of three years he became an Attica boy. Like other boys in the community, he participated in the sports programs of the Attica Youth Association which led him on the road as an Attica Athlete. Upon entering Attica High School, he was a member of the Attica teams participating in wrestling, basketball and soccer. It was during these years his love of sports deepen with the learning of Taekwondo and Kenpo Karate. After graduating from Attica High with the Class of 2001, Kyle proceeded forward in the sports field being introduced by a fellow Attica Grad to MMA where he excelled with the true spirit of an Attica Blue Devil.

WHEREAS: Kyle’s journey in MMA took him to Ohio as MMA was not legal in New York State at the time. Here under the eye of Coach John Cook he truly began his long journey in the field of MMA. Kyle first entered the MMA arena with his first amateur fight on August 1, 2009. Kyle was passionate of the sport and on Oct. 1, 2011 he turned professional. Finally, after 10 years, on August 1, 2019 he was declared World Champion – his last official fight.

Whereas: today, Kyle Rozewski, Attica High School athlete, World Champion fighter and prominent UFC coach returns to the Village of Attica to fight his final fight before his hometown at the Veterans Memorial Park where 100 years ago was the site of the first major boxing event to take place in our village

Now, Therefore I, as Mayor of the Village of Attica, New York, proclaim August 19, 2023 to be “Kyle Rozewski Day” in our village extending to him congratulation from not only myself but also on behalf of the citizens of Attica.
Welcome Home Kyle.

On the call of the roll, the vote was as follows: Walker yes; Sage yes; Guralny yes; Rudolph yes.
The motion was declared and carried.

2023-78 Close Public Hearing

Motion was made by Trustee Sage seconded by Trustee Guralny that the Village board closes the public hearing at 7:17 PM for the purpose of hearing public comments for the Village of Attica’s Community Development Block Grant applications for the 2023 program year. After hearing from all parties the board approves the submission of CDBG applications.

On the call of the roll, the vote was as follows: Walker yes; Sage yes; Guralny yes; Rudolph yes.
The motion was declared and carried.

2023-79 Fire Department to use the park for Rodeo and MMA Parking

Motion was made by Trustee Walker seconded by Trustee Sage that the Village board approves the use by the Fire Department to park cars at the Park for the Rodeo and MMA.

On the call of the roll, the vote was as follows: Walker yes; Sage yes; Guralny yes; Rudolph yes.
The motion was declared and carried.

2023-80 SEQR resolution for Elevator Project

Motion was made by Trustee Guralny seconded by Trustee Walker that the Village Board approves following resolution:

**VILLAGE OF ATTICA
SEQR RESOLUTION - NEGATIVE DECLARATION**

VILLAGE HALL ELEVATOR INSTALLATION PROJECT

WHEREAS,

1. The Village Board is undertaking a CFA Project No. 128979 (Village Hall Elevator Installation Project).
2. The proposed project involves accessibility upgrades at the Village Hall located at 9 Water Street, Attica, NY 14011. Upgrades include the installation of a Limited Use Limited Access (LULA) Elevator interior to the building, removal of the current exterior elevator, and minor maintenance and accessibility improvements.
3. The Village Board is hereby declared "Lead Agency" pursuant to SEQRA.
4. The Village Board has determined that the proposed action is an "Unlisted Action" as defined under SEQR, for which coordinated review is not required.
5. In accordance with SEQRA, the Village Board has caused to be prepared Parts 1, 2, and 3 of the Environmental Assessment Form; and,
6. The Village Board has considered the Environmental Record prepared for this action.

NOW THEREFORE BE IT RESOLVED,

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 Administrator 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.

On the call of the roll, the vote was as follows: Walker yes; Sage yes; Guralny yes; Rudolph yes.
The motion was declared and carried.

2023-81 Bond resolution for Wastewater Treatment Plant Bi-Tower improvements

Motion was made by Trustee Guralny seconded by Trustee Sage that the Village Board approves following resolution:

BOND RESOLUTION DATED JULY 18, 2023 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 to include Wastewater Treatment Facility improvements authorized to be undertaken by the Village Board of Trustees pursuant to the Village Law;

WHEREAS, on June 20, 2023 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 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 sewer system improvements, to include removal and replacement with new of the plastic media and rotating wastewater distribution assembly within the existing secondary bio-tower at the Village Wastewater Treatment Facility at 122 Prospect Street, 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 \$1,217,000 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 \$1,217,000, 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 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 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 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.

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

2023-82 Event Center approval

Motion was made by Trustee Guralny seconded by Trustee Walker that the Village board approves the idea presented by Dave Compton to put in an event center at the park. The concrete ice rink being the first component of the event center.

On the call of the roll, the vote was as follows: Walker yes; Sage yes; Guralny yes; Rudolph yes.
The motion was declared and carried.

Executive Session

Motion was made by Trustee Sage seconded by Trustee Walker to enter into Executive session at 7:19 PM to discuss legal and personal matters.

On the call of the roll, the vote was as follows: Walker yes; Sage yes; Guralny yes; Rudolph yes.
The motion was declared and carried.

Re-entered regular meeting at 8:05 pm

Adjournment

Motion was made to adjourn the meeting at 8:05 P.M. by Trustee Walker seconded by Trustee Guralny.

On the call of the roll, the vote was as follows: Walker yes; Sage yes; Guralny yes; Rudolph yes.
The motion was declared and carried.

Douglas A Post
Administrator/Clerk/Treasurer