

INDEX – March 9, 2009

VISITORS: Carole Kin; Bradly LoGalbo; Maria Carlson

COMMUNICATIONS: Village Officials Meeting 3/19; Douglas family ‘Thank You’; NFTA Senior Services ‘Thank You’; “Mayors for Meals”; Lake Shore Family Fun Walk; NYCOM Main Street Conference 4/30; NYCOM 100yr Anniversary 6/28-7/1; 24hr Time Warner News Channel 9; NYCOM “Stop the Tax Shift”

TRUSTEE HOUSTON: MacBaxter’s Bed and Breakfast tour; Evans-Brant Chamber Award Dinner; “Sowing Seeds” Information; Business First article on GOYA; ECIDA Public Hearing canceled; Erie County take-over of the Town Water System; TOE Economic Development Committee workshop 4/13 Board Meeting; Association of Erie County Governments 2/26 meeting & Rural Transit Service meeting reports

TRUSTEE DEJOHN: Thanked all Constituents for allowing her to serve; Commended the work of all Departments

TRUSTEE WILSON: Thanked Trustees DeJohn and Tubinis; Village Elections 3/18; Chamber Dinner photos; NEST Organization report; CSX Bridge repair update

TRUSTEE TUBINIS: Wished best of luck to new Trustees

MAYOR FRAWLEY: Thanked Trustees DeJohn and Tubinis; New York Power Authority and GOYA meeting; Database for County Distressed Properties; Land Banking Bill by Assemblyman Hoyt; Evans-Brant Chamber Awards; NYCOM Winter Legislative meeting; County-wide Planning Board discussion; WNY DDSO volunteers; won a \$1500 Grant from TVGA; Façade update; Holiday Decoration discussion

ATTORNEY: No Report; Reeves Road accident

POLICE CHIEF: Excused

GENERAL CREW CHIEF: No Report; Main Street flower-box repair request

FIRE COMMISSIONERS: <Beck> Eden-Evans Center and North Main street-light; Chief’s Truck window damage; Fire Drill report; <Kaminski> Thanked Board for Citizen of the Year recognition; suggested contacting Ms. Wick regarding fundraisers for holiday decorations; <Goodway> No Report

CODE ENFORCEMENT: Monthly Report; building between 120 and 130 South Main demolition request; NYCOM Main Street Conference motion to attend carried

PLANNING: Absent

ZONING: No Report; GOYA expansion next year

CLERK-TREASURER: February end-of-month report; upcoming Crash Cadillac shows; MAOA Clerks Luncheon 3/10; Election machine training 3/13; Village Elections 3/18; New Angola Theatre CDBG project underway

OLD BUSINESS: Sale of Water Plant; Thruway Water; Senior Housing; Intercontinental Building; Veterans Exemption; Library addition; Fire Department Heater; Letter to Legislator Reynolds regarding Bridge Painting and paving

NEW BUSINESS: Shed between 120-130 South Main Street; Clark-Brant Garage drainage; Wilson co-op electric and Gas; 86 Center Street

RESOLUTIONS:

- 1) **Set Public Hearing Tentative Budget for April 13, 2009 – 7:45pm**
- 2) **Proposed LL #3-2009 Cold War Veterans Exemption**
- 3) **Adopt LL #1-2009 Traffic and Vehicle**
- 4) **Adopt LL #2-2009 Water Distribution System**
- 5) **Increase Senior Property Tax Exemption Income Limit**
- 6) **Approve Notice of Public Hearing for Senior Income Limit**
- 7) **Approve 30 Day Posting for Firemen’s Service award Program**

MEETING MINUTES
Village of Angola Board Meeting
Monday March 9, 2009 – 7:00 P.M

At a Regular meeting of the Village Board of the Village of Angola held at the Village Hall, 41 Commercial St. Angola New York, County of Erie, on March 9, 2009 at 7:00 PM, there were

PRESENT: Mayor – Howard Frawley; Trustees – William Houston; Denise DeJohn; Anne Marie Tubinis and John Wilson.

ALSO PRESENT: Linda Giancarlo – Clerk-Treasurer; Jeffrey Kaminski-DPW Crew Chief; Andrew Yusick-Village Attorney; Lynne Kaminski; Mark Goodway and Robert Beck–Fire Department Commissioners; Paul Cooper-Zoning Board Chairman; Charles LaBarbera-Code Enforcement Officer and Donald Gallo-Village Engineer.

GUESTS: Carole Kin, Bradly LoGalbo and Maria Carlson.

PLEDGE OF ALLEGIANCE: was led by Mark Goodway.

MEETING CALLED TO ORDER AT 7:00PM:

APPROVAL OF MEETING and WORKSHOP MINUTES OF FEBRUARY 9th 2009, MOTION MADE BY TRUSTEE HOUSTON, SECONDED BY TRUSTEE WILSON, UNANIMOUSLY CARRIED

Trustee DeJohn asked that this meeting be dedicated in memory of her mother RoseMarie Vassallo who recently passed. Board agreed

VISITORS: No comments

COMMUNICATIONS:

Mayor Frawley reported the following:

- Announced the Village Officials Association meeting will be on March 19th at the Whistle Stop, Exchange Street in Alden NY
- Received a thank you letter from the Douglas family regarding quick action of the Village, Town and School in the construction of a school bus turnaround at the end of Railroad Avenue for their children to be dropped off safely from school.
- NFTA Senior Services sent a letter to Mayor Frawley thanking him for his support of their “New Freedom Project”
- Meals on Wheels sent literature to the Mayor announcing a “Mayor’s for Meals” delivery, where the mayor’s deliver meals to the shut-ins and elderly.
- Announced that Lake Shore Central is looking for walkers for their family fun walk.
- NYCOM Main Street conference will be held April 30th in Canandaigua, focusing on distressed properties and foreclosures.
- NYCOM is celebrating the 100th year this year, June 28-July1, in Saratoga Springs.
- Reported that Time Warner will be airing a new 24hr news Channel number 9 offering local news, weather and community events.

Trustee Houston reported the following:

- Reported that the NYCOM legislative program the Mayor gave to the Trustees, has a lot of interesting legislation pending information.

- Commented on the nice article in the Hamburg Sun, Dunkirk Observer and the Angola Pennysaver regarding the Picture of Mayor Frawley and County Executive Collins, at the Association Dinner where Mayor Frawley was Elected President of the Association of Erie County Governments.
- Stated that the NYCOM “stop the tax shift” regarding Taxing Agencies, is something the Village practiced for years. Many years ago an arrangement was made with Lake Shore Central Schools so the Village did not have to pay school taxes on the old water plant.

DEPARTMENT HEADS COMMITTEE REPORTS:

TRUSTEE HOUSTON

- Commented on the new Bed and Breakfast ay 311 N. Main Street, he took a tour and was impressed.
- Will attend the NYCOM Main Street conference on April 30th.
- Attended the Evans Brant Chamber Dinner, honoring Lee Widmer-Wick as 2008 Citizen of the Year. Also honored were Goya Foods Great Lakes, Angola Physical Therapy, Dan’s Restaurant and others.
- Handed the clerk a “Sowing Seeds” booklet provided by the Southtowns Coalition.
- Business First article mentioned the food industry being a big part of New York and they included a nice article about Goya.
- The EDICA meeting, he was to attend at the Village hall, for Goya last Thursday was cancelled. The Clerk posted a notice, but he and a few other attendees were unaware.
- Met with Gifford Swyers of the Town regarding the County take over of the Town’s Water System as it effects the Village water system.
- Town of Evans Economic Development Committee will be holding a workshop at the village hall on April 13th prior to our board meeting. To discuss tax breaks on home improvements.
- Attended the Association of Erie County Governments meeting on February 26th they discussed an update on the Erie county planning board situation. Many are for and many are against a county wide planning board.
- Discussed the Rural Transit Service meeting he recently attended and gave reports that chart the many services they provide and the areas they cover to the Clerk-Treasurer.

TRUSTEE DEJOHN –

- Stated that this being her last meeting, she thanked the people for trusting her to serve. She briefed the candidates present on the challenge in learning and getting guidance if they need it. Said it is important for them to be their own person, and learn to respectfully disagree. Mentioned that NYCOM is a good source for information, and discussed her concerns of a tax break incentive for new businesses and asked them to watch the budget and keep in mind the economic conditions.
- Commended the hard work of the DPW, the Engineer, the Fire Department and all the departments. Wished all the best.

TRUSTEE WILSON –

- Thanked Trustee Tubinis and Trustee DeJohn for their involvement and their attention to detail.
- Stated that the Board is here to perform an important job, and occasionally there are times the board will disagreed. But we do it in a way we do our homework, we sometimes believe in a different way.
- Mentioned Village Elections will be March 18th and the Friend of the Village will be having a spaghetti dinner at Most Precious Blood that day as well from 4-6:30.

- Laughed as he reported that the best thing about the board meeting is Trustee Houston's report, he leaves very little for anyone else to report on, which makes it easier on all.
- Stated that his wife Debi will email pictures to the Clerk taken at the Chamber Dinner.
- The NEST organization continues to move forward in a positive direction in recycling ideas.

Trustee Houston asked about the CSX railroad bridge repairs. Trustee Wilson stated he has made contacts, and is trying to resolve issues and will follow up. May have our Engineer or Code Enforcer call them.

Trustee Houston complained as to the Town of Evans, regarding the bad condition of the fire hydrants in the retail district that were long ago maintained by the Town of Evans.

TRUSTEE TUBINIS:

- Announced this will be her last meeting and she wished best of luck to the new Trustees, she stated that it is very challenging.

MAYOR FRAWLEY –

- Thanked both Trustee DeJohn and Tubinis for their service to the board. Stated that he thought the differences made government better.
- Reported that he is still working with the New York Power Authority to schedule a meeting with Mr. Drago, regarding power savings for Goya.
- Working on Distressed Properties, and putting together a database for business tax breaks. Discussed a circuit Judge to oversee the whole county regarding these properties. Meeting with Legislator Reynolds, and the Erie County Comptroller for financial breaks/assistance in regard to these properties. Stated that one of the big holdups is Joseph Madgieski of Erie County Real Property division, he has control of these properties and is difficult to work with. We also have other counties involved, due to them having the same issues. Erie County will be acting as a pilot program for the whole state. All of this will be discussed at the NYCOM Main Street conference at the end of April.
- Assemblyman Sam Hoyt is introducing another bill regarding Land Banking. The last time he introduced one it was Vetoed by the Governor, because only 3 counties at the time were involved. He is hoping it will be passed now that it is statewide.
- Reported he attended the Chamber Dinner, honoring Lee Widmer Wick and several local business including Dan's restaurant and Goya. Everything went well. Thanked Trustee Wilson and his wife Debi for taking pictures.
- Attended the Winter Legislative meeting in Albany. Returned with information for the County Executive regarding breakdown of stimulus money. Some of the money is being allocated for Village Block Grants. Chips money has also been reinstated. Also worked on the previous Member Item money from 2006 for the depot project, and the tax stamp issue for property.
- Association of Erie County Governments meeting went well. Discussed a county wide planning board. Discussed cost to county so perhaps volunteering this position would be better. Also concerned of control when local governments want to do anything. Suggested an advisory Board might be better.
- The DPW has been contacted by an organization called Western NY DDSO. They offered to volunteer their time to maintain the flowers and the boxes on Main Street in the Village.
- Presented a dial card for Water Waste information.
- Won a \$1500.00 grant writing voucher at the Winter Legislation meeting from TVGA.
- Façade program for the Village is now in affect, we need 2 more businesses to make it happen, the county will be here for 2 years for this project.
- Met another Frawley (an engineer) in Albany
- Discussed doing something different with Holiday Decorations for the Village this year. Asked DPW Crew Chief to check the outlets in the light poles that are not working, Crew Chief will call Power Company.

ATTORNEY YUSICK- No Report

Trustee Houston asked about vehicle hit on Reeves Road. Attorney stated that this is ordinary procedure when an accident occurs, the Village however is not responsible for this road, so we must notify the insurance company. DPW Crew Chief already did this.

POLICE- Excused

GENERAL CREW CHIEF – No report

Trustee Houston asked the DPW crew to work on fixing the tree base flower boxes on Main Street from Center Street to Maple Street, some may have been hit by the sidewalk plow, mentioned he should look into making them smaller if they are too big and interfere with the plow.

FIRE COMMISSIONERS –

Robert Beck reported:

- Street light on N. Main and Eden Evans Center needs to be addressed.
Town Councilman-Paul Cooper stated he will contact Councilman Dash to look into the problem.
- The Back window of the Chiefs Truck was blown out and is to be replaced. He struck a cable hanging down on Lake Street.
- Had a fire drill, everything went well. 95 firemen were at the drill, They may also burn the vacant homes when the senior housing project is ready to begin.

Lynne Kaminski reported-

- Thanked the Village Board for their involvement in recognizing Lee Widmer-Wick as Evans-Brant Chamber of Commerce “Citizen of the Year”.
- Announced that Ms Wick does many fundraisers throughout the year, and looks for projects to donate to, she thought the Village Christmas Decorations may be of interest to her.

Mark Goodway – No Report

CODE ENFORCEMENT – Charles LaBarbera

- Submitted monthly report
- Discussed brown building between 120 and 130 S. Main, stated cannot be demolished due to ownership and asbestos issues.

Trustee Houston reported that he may have the wrong location he will get him more information.

MOTION to allow the Code Enforcement Officer to attend the Main Street Conference on April 30th in Canandaigua. MOTION MADE BY TRUSTEE HOUSTON, SECONDED BY TRUSTEE TUBINIS, UNANIMOUSLY CARRIED.

PLANNING – Absent

ZONING – Chairman Paul Cooper-no report-

Mayor Frawley-Goya is planning their next expansion for next year.

CLERK-TREASURER –

- Reported end of month for February reports have been distributed.
- Stated she will be performing for the Lions Club Oldies dance and the VFW post the next two weekends.
- Will be attending the MAOA clerks luncheon tomorrow, will be discussing elections.

- Will be attending a training on the new automark election machine on Friday, March 13th in Blasdell with the inspectors.
- Reminded all that Village Elections will be next week, Wednesday March 18th
- New Angola Theater improvement project through CDBG is underway

Trustee Houston thanked the Clerk and the Mayor for putting together one of the nicest budgets in years. Everything went well.

OLD BUSINESS:

- | | |
|---|---|
| 1. Sale of Water Plant-pending | 5. Veterans/Seniors Exemption-
See resolution |
| 2. Thruway Water- may be receiving a counter offer for settlement of this pending issue | 6. Library addition- pending |
| 3. Senior Housing- extended to April. Due to county control board. | 7. Fire Dept. Heater- still waiting to hear from National Fuel regarding rebate |
| 4. Intercontinental Building- pending due to Erie County | 8. Letter to County Legislator Reynolds- Bridge Painting and paving-Trustee Houston sent a letter |

NEW BUSINESS:

Asked Clerk to include these items under old business for next board meeting:

1. Houston-Shed between 120-130 S. Main
2. Houston-Drainage Clark-Brant Garage Area
3. Wilson-co-op electric and gas
4. 86 Center Street (Commissioner Beck mentioned) broken drain pipe?

RESOLUTIONS MARCH 9, 2009

#1- SET PUBLIC HEARING TENTATIVE BUDGET FOR APRIL 13, 2009 - 7:45PM

RESOLVED that pursuant to Village Law Section 5-504 the 2009-2010 tentative budget for the Village of Angola was completed and filed with the Village Clerk at the Village Clerk’s Office, 41 Commercial Street, Angola, NY on March 9th, 2009. The budget may be inspected between the hours of 9:00 AM and 5:00 PM on or after March 19th. Said Tentative Budget includes maximum compensation for the Mayor of \$5,000 per annum and for the Trustees of \$2,700 per annum. **The 2009-2010 Budget reflects a decrease in the Village Tax Rate from \$7.50 per thousand to \$4.97 per thousand, which is a savings of \$2.53 per thousand. A summary of the tentative budget is as follows:**

General Fund Appropriations	\$1,139,965.00
Water Fund Appropriations	\$ 726,750.00

FURTHER BE IT RESOLVED that a Public Hearing on the budget will be held at the Village Office, 41 Commercial Street, Angola New York on Monday, April 13th 2009 at 7:45 PM to consider same before final adoption. Village Clerk is hereby authorized to publish notice in The paper of record (Hamburg Sun) and in the Angola Penny Saver. **MOTION MADE BY TRUSTEE TUBINIS, SECONDED BY TRUSTEE WILSON, UNANIMOUSLY CARRIED**

#2- PROPOSED LL #3-2009 COLD WAR VETERANS EXEMPTION

WHEREAS, Proposed Local Law Number 3 for the year 2009 has been presented to the Village Board of the Village of Angola on the 9th day of March, 2009,

BE IT RESOLVED that the Village Clerk-Treasurer is hereby directed to publish, pursuant to law the attached Notice of Public Hearing on proposed Local Law Number 3 for the year 2009

entitled Cold War Veterans Tax Exemption. Said hearing will be held on 13th day of April, 2009 at 8:00PM at which time all interested persons shall be heard. A copy of the proposed Local Law Number 3 is attached hereto.

Proposed Local Law Number 3
For the Year 2009
Chapter 84 of the Angola Village Code
Cold War Veterans Tax Exemption

Proposed Local Law 3 for the year 2009 adding Chapter 84 of the Angola Municipal Code. Said proposed law establishes real property tax exemption for Cold War veterans.

§84.1B Definitions.

As used in this section:

- a. "Cold War Veterans" means a male or female, who served on active duty in the United States Armed Forces, during the time period from September second, nineteen hundred forty-five to December twenty-sixth, nineteen hundred ninety-one and was discharged or released therefrom under honorable conditions.
- b. "Armed Forces" means the United States army, navy, marine corps, air force, and coast guard.
- c. "Active Duty" means full-time duty in the United States armed forces other than active duty for training.
- d. "Service Connected" means, with respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in line of duty or active military, naval or air service.
- e. "Qualified Owner" means a Cold War Veteran, the spouse of a Cold War Veteran, or the un-remarried surviving spouse of a deceased Cold War Veteran. Where property is owned by more than one qualified owner, the exemption to which each is entitled may be combined. Where a veteran is also the un-remarried surviving spouse of a veteran, such person may also receive any exemption to which the deceased spouse was entitled.
- f. "Qualified Residential Real Property" means property by a qualified owner which is used exclusively for residential purposes; provided, however, that in the event that any portion of such property is not used exclusively for residential purposes, but is used for other purposes, such portion shall be subject to taxation and the only remaining portion used exclusively for residential purposes shall be subject to the exemption provided by this section. Such property shall be the primary residence of the Cold War Veteran or the un-remarried surviving spouse of a Cold War Veteran; unless the Cold War Veteran or un-remarried surviving spouse is absent from the property due to medical reasons or institutionalization for up to five years.
- g. "Latest State Equalization Rate" means the latest final equalization rate established by the state board pursuant to article twelve of this chapter.
- h. "Latest Class Ratio" means the latest final class ratio established by the state board pursuant to title one of article twelve of this chapter for use in a special assessing unit as defined in section eighteen hundred one of this chapter.

§84.2 Exemption Granted

- a. Qualified residential real property shall be exempt from taxation to the extent of either:
 - (i). ten percent of the assessed value of such property; provided, however that such exemption shall not exceed eight thousand dollars or the product of eight thousand dollars multiplied by the latest state equalization rate of the assessing unit, or in the case of a special assessing unit, the latest class ratio, whichever is less or;

- (ii) fifteen percent of the assessed value of such property; provided however, that such exemption shall not exceed twelve thousand dollars or the product of twelve thousand dollars multiplied by the latest state equalization rate of the assessing unit, the latest class ratio, whichever is less?
- b. In addition to the exemption provided by paragraph (a) of this subdivision, where the Cold War veteran received a compensation rating from the United States veterans affairs or from the United States department of defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by fifty percent of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed forty thousand dollars, or the product of forty thousand dollars multiplied by the latest state equalization rate for the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.
- c. Limitations.
 - (i). The exemption from taxation provided by this subdivision shall be applicable to county, city, town, and village taxation, but shall not be applicable to taxes levied for school purposes.
 - (ii) If a Cold War veteran receives the exemption under section four hundred fifty-eight or four hundred fifty eight-a of this title, the Cold war veteran shall not be eligible to receive the exemption under this section.
 - (iii) The exemption provided by paragraph (a) of this subdivision shall be granted for a period of ten years. The commencement of such ten year period shall be governed pursuant to this effective date of this section such ten year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring on or after the effective date of this section. Where a qualified owner does not own qualifying residential real property on the effective date of this section, such ten year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring at least sixty days after the date of purchase of qualifying residential real property provided, however, that should the veteran apply for and be granted an exemption on the assessment roll prepared pursuant to a taxable status date occurring within sixty days after the date of purchase of residential real property, such ten year period shall be measured from the first assessment roll in which the exemption occurs. If, before the expiration of such ten year period, such exempt property is sold and replaced with other residential property, such exemption may be granted pursuant to this subdivision for the unexpired portion of the ten year exemption period.

§84.3 Taxable Status Date

Notwithstanding the foregoing provisions of this section, any exemption shall be granted pursuant to this section shall be effective and apply to properties effected by the taxable status date next occurring at least ninety days following the adoption of this local law.

§84.4 Application for Exemption

- (a) Application for exemption shall be made by the owner, or all of the owners, of the property on a form prescribed by the state board. The owner or owners shall file the completed form in the assessor's office on or before the first appropriate taxable status date. The owner or owners of the property shall be required to re-file each year. Applicants shall re-file on or before the appropriate taxable status date.
- (b) Any applicant convicted of willfully making any false statement in the application for such exemption shall be subject to the penalties prescribed in the penal law.

§84.5 Repeal

This local law adopted be repealed by the Village Board of the Village of Angola at any time. Such repeal shall occur at least ninety days prior to the taxable status date of each Village.

**NOTICE OF PUBLIC HEARING
ON PROPOSED LOCAL LAW NUMBER 3 FOR THE
YEAR 2009
VILLAGE OF ANGOLA
CHAPTER 84**

PLEASE TAKE NOTICE there has been introduced before the Board of Trustees of the Village of Angola on the 9th day of March, 2009 a proposed Local Law Number 3 for the year 2009 adding Chapter 84 of the Village of Angola Municipal Code entitled Cold War Veterans Tax Exemption. Said proposed law establishes real property tax exemption for Cold War veterans.

PLEASE TAKE FURTHER NOTICE that pursuant to Section 20 of the New York Home Rule Law, a Public Hearing will be held on the aforesaid proposed Local Law before the Board of Trustees of the Village of Angola, New York at the Village Hall, 41 Commercial Street, Angola, New York at 8:00 p.m. on the 13th day of April, 2009 at which time all interested persons will be heard. **MOTION MADE BY TRUSTEE DEJOHN, SECONDED BY TRUSTEE WILSON, UNANIMOUSLY CARRIED**

#3 ADOPT LL#1-2009 TRAFFIC AND VEHICLE

WHEREAS, there was introduced before the Angola Village Board at its meeting on February 9, 2009 Proposed Local Law Number 1 for the year 2009 entitled Traffic and Vehicles, and **WHEREAS**, a public hearing was held on the 9th day of March, 2009. **NOW, THEREFORE, BE IT RESOLVED** that Proposed Local Law Number 1 for the year 2009 is hereby adopted as Local Law Number 1, 2009 and is entitled "Traffic and Vehicles." A copy of said Local Law is attached hereto. **Local Law Number 1**

**For the Year 2009
"Traffic and Vehicles"**

Proposed Local Law for the year 2009 amending chapter 60 of the Angola Municipal Code Article II and III by adding a new §60.22(Q) and repealing §60.43(P) and replacing it with a new §60.43(P).

§60.22(Q) the intersection of Franklyn Drive and Mark Lane is hereby designated a stop intersection and a stop sign shall be erected on Franklyn Drive at its entrance to said intersection from the north and south and on Mark Lane at its entrance to the intersection from the West.

§60.43(P): on the east and west sides of Parkside Avenue north from Woodland Parkway to its terminus.

MOTION MADE BY TRUSTEE HOUSTON, SECONDED BY TRUSTEE TUBINIS, UNANIMOUSLY CARRIED

#4 ADOPT LL#2-2009 WATER DISTRIBUTION SYSTEM

WHEREAS, there was introduced before the Angola Village Board at its meeting on February 9, 2009 Proposed Local Law Number 2 for the year 2009 entitled Water Distribution System, and

WHEREAS, a public hearing was held on the 9th day of March, 2009.

NOW, THEREFORE, BE IT RESOLVED that Proposed Local Law Number 2 for the year 2009 is hereby adopted as Local Law Number 2, 2009 and is entitled "Water Distribution System." A copy of said Local Law is attached hereto.

VILLAGE OF ANGOLA

-(9)-

March 9, 2009

**LOCAL LAW NUMBER 2 FOR THE YEAR 2009
WATER DISTRIBUTION SYSTEM**

1. Purpose.

The purpose of this chapter is to promote and protect the public health, welfare and safety, by regulating the use of the public water system of the Village of Angola by residents of the Village, and by residents located outside the Village of Angola.

2. Title.

This chapter shall hereafter be known and cited as the "Water Distribution System."

3. Statutory authority.

This chapter is adopted under the authority of Article II of the Village Law of the State of New York.

4. Repealer.

This chapter repeals and replaces Chapter 45, of the Code of the Village of Angola.

5. Rules and regulations for use of public water system.

This chapter establishes the rules and regulations for the use of the public water system of the Village of Angola. Said water system consists of any and all water treatment facilities and connecting water lines operated and maintained by the Village of Angola. This chapter further applies to any water lines located on private property, connecting individual units to the public water system of the Village of Angola.

6. Definitions.

For application of this chapter, the following definitions will prevail:

BUILDING -- Includes any structure or enclosure to which water is supplied, whether attached to realty or not, whether the same be occupied or vacant, and shall include boats and vessels.

OWNER -- The legal owner of premises supplied with water.

PREMISES -- Includes all places to which water is supplied, whether the same be occupied or vacant.

USER -- A tenant, lessee, occupant, undertenant, receiver or assignee of premises supplied with water, and also includes a consumer of water irrespective of his legal status with respect to the realty.

WATER DEPARTMENT -- Refers to the person or persons in charge of, or responsible for, the furnishing of water by the municipality, or any person designated to act on their behalf.

7. Application for water supply.

A. All applications for the introduction of supply of water to any premises, and for replacement and modifications of existing installation, or for the extension of any pipe or line for the conveyance of water, must be made in writing to the Village, upon such forms as shall be approved and provided by the Village, by the owner or user of the premises supplied. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application.

B. A fee as established by the Village Board shall be paid upon the filing of each application for each specific service line.

C. The Village reserves the right to refuse any application if, in its judgment, it shall be for the best interest of the Village.

D. No permit shall be granted for the installation, replacement, extension or modification of water supply without Village Board approval. No water service will be turned on until fees for tapping mains, connection for service, deposits and all other authorized charges have been paid.

8. Installation and maintenance.

A. No private service line from a municipal water main shall be installed, altered, or replaced until a permit shall have been obtained. Immediately after the service connection is completed by the Water Department, applicant shall complete the following steps:

Disconnect all auxiliary water sources, including wells (A connection to an auxiliary water source is allowed only if a backflow preventer is installed in accordance with an approved Application for Approval of Backflow Prevention Devices.)

For services with backflow preventers, the applicant shall complete the following steps within 45 days of the service connection:

1. Initial test by a NYS Certified Tester.
2. Approval of the installation by the Design Engineer/Architect
3. Submittal of completed Form DOH-1013, Report on Test and Maintenance of Backflow Prevention Device, to the Water Department

B. No opening shall be made in any municipal street, except in full compliance with all municipal laws, rules and regulations, and the payment of the fees and the posting of the bond therein specified.

C. All connections or taps of water mains shall be made by the Water Department, after receipt by the Water Department of proof that a permit has been obtained, and the required fee paid at least 24 hours in advance of the time it is requested such connection or taps be made. Such connections and taps will be made at the convenience of the Water Department. For taps 1 1/2" or larger- a cost estimate will be prepared by the Village Water Department with appropriate charges assessed to the builder/developer.

D. All private service lines shall hereafter be installed, maintained, and replaced with approved materials laid out as approved by the Water Department. Service lines 3/4-inch through 2-inch diameter shall be the type K soft copper tubing. Service lines 4-inch diameter and larger shall be Class 52 ductile iron pipe. The Water Department will not make any connections to plastic pipe. All lines must meet specifications of the Water Department. The sizing of the service line is the responsibility of the customer.

E. The Water Department shall designate the point at which the water main is to be tapped. The Village shall make the necessary excavations for all taps, the cost of which shall be paid by the owner or applicant.

F. No new tap shall be made to a water main to connect with a service line which is intended to replace an existing service line, unless the existing service line is properly disconnected at its tap to the main. The expense of such disconnection shall be borne by the owner or applicant.

G. There shall be a separate and distinct tap for the service of each building (other than an accessory building) or separate premises supplied with water, and no service line shall be connected to any building or premises other than herein provided.

H. The sharing of service is prohibited. Where there are separate and distinct establishments and/or apartments, stores or other places of business contained within one building, separate and distinct taps shall be provided for each store or place of business. No in-house or private water system shall in any way be interconnected or capable of being interconnected with the Village water system. Interconnection of a private water system with the Village water system, or installation of a device or means for so interconnecting, shall immediately revoke the owner's or applicant's permit, and water service to such owner or applicant may be discontinued without notice.

I. All outside service lines, building and service pipes, outlets, and fixtures, shall be maintained in good order and repair, protected from frost, leaks and breaks, and must be promptly repaired if not in good order to prevent waste of water. If an owner or applicant fails to observe these requirements, after due notice, the Water Department may discontinue the water supply to such owner or applicant and assess the cost thereof against the real property affected.

J. Whenever a water service pipe becomes frozen between the main and the building service, the Water Department shall be authorized to shut off or disconnect service, and such services shall not be resumed until the water service line is thawed by the owner or applicant, and an inspection has been made determining that the service line has not been damaged by reason of such freezing. The cost of disconnecting or discontinuing the water service and the inspection and reconnection shall be borne by the owner or applicant.

K. Owners will install, or have installed at their expense, a curb valve shutoff, as specified by Village Foreman, beyond the Village's curb valve.

9. Water meters.

A. Water meters and outside readers of a type approved by the Village, on recommendation of the Water Department, shall be installed in all buildings (except where the distance from the right-of-way to the front wall of the building exceeds 150 feet, the meter shall be located in a tile setting, meter pit or backflow preventer enclosure (such as a hotbox), as applicable, on the applicant's property near the right-of-way) and for all services to which water is supplied.

B. Ownership.

(1) Water meters and outside water readers shall be purchased by the Village for the exclusive use of the Water Department, to be installed by or under the direction of the Water Department. Water meters or outside readers installed other than by the Water Department must be installed by a person, firm or corporation approved by the Water Department.

(2) Title to any water meter shall remain in the Village of Angola and the installation by the Village of Angola or the Water Department, or by a person, firm or corporation approved by the Water Department, of a water meter on any private property shall not affect ownership of the water meter by the Village of Angola. Each owner of real property, or person having an interest in real property, shall be deemed to have consented to the retention of ownership of the water meter in the Village of Angola by requesting, allowing or permitting water service to be installed to that property, or allowing the property to be occupied by someone with apparent authority to request, permit or allow installation of a water service to that property, and such meter shall never be considered a fixture attached to the real property.

C. Installation of meters shall be pursuant to regulations of the Water Department. No person other than an employee of the Water Department shall interfere with or remove any water meter, sealing device or coupling from any meter installation after it has been placed in service by the Water Department. Any meter damaged by frost, hot water, steam or any careless or negligent acts of the owner or applicant, and such costs shall be a charge upon the real property. Any willful acts by the owner or applicant resulting in injuries to a water meter, or any acts designed to interfere with the proper operation of a water meter shall be cause for a discontinuance of water service, and the cost of such discontinuance shall be assessed to the owner and charged to the real property.

D. The submetering or sale of water by water consumers to others is strictly prohibited and shall be cause for the Village to discontinue service and charge the cost of such discontinuance to the owner, and such costs shall be a charge against the real property.

E. Theft of water. No person, user or owner shall tamper with a water meter or install lines, hoses, pipes or connections routing water around a water meter, or attempt in any manner to prevent the meter or device from performing its measuring function, without the consent of the Village. Theft of water shall be a misdemeanor, punishable by a definite sentence of imprisonment not to exceed one year, and/or a fine not to exceed \$1,000.

F. Notwithstanding the foregoing, theft of water may be prosecuted pursuant to § 165.15 of the Penal Law of the State of New York, entitled "Theft of services." All rules contained thereunder shall be a part of this chapter.

10. Water rates.

A. Water rates shall be fixed and established by the Village Board of Trustees for consumers within the Village and for consumers outside the Village, as determined by the Village, except that if no action is taken by the Village, the most recently adopted schedule shall continue in effect. Water rates shall be established pursuant to §§ 11-1118 and 11-1120 of the Village Law of the State of New York.

B. All water rates shall be charged on the basis of the amount registered on the meters installed, as herein provided, or a minimum charge, or on any combination of these methods as established and fixed by the Village.

C. The minimum service charge rate shall be payable even though no water is consumed.

11. Water use by consumers outside Village limits.

A. Water supplied to consumers outside the boundaries of the Village shall be on such terms and such conditions as may be fixed by the Village Board. The Village Board may require that there be deposited with the Village a sum equivalent to the estimated cost of water to be supplied to an applicant for each ensuing six-month period, and that such deposit to be held as securities for collection of the water rent.

B. Any water supplied to consumers outside the Village limits shall be furnished only upon an agreement that the Village assumes no obligation to maintain any facility not owned by the Village.

C. All water supply contracts for outside users may be reviewed yearly for updating and approval.

D. The minimum service charge and/or water rates payable by consumers outside the Village may be at a greater rate than the current water rates payable by consumers within the Village, and such outside water rates shall be established by the Village Board.

E. Consumers to whom water is supplied outside the boundaries of the Village shall be subject to disconnection of such service as provided in the rules and regulations for any and all consumers.

F. Nothing contained in this section shall be construed to relieve consumers of water outside the Village boundaries from any liabilities or obligations, imposed by law or ordinance, upon resident users of water.

G. Nothing contained in this section shall be construed to give any person or persons any right or rights to water from the Village, and the granting of each such temporary permit shall be by the Village Board.

12. Billing for water rents.

A. The water rent charge shall be billed in the following manner:

On a bi-monthly basis or at another interval determined by resolution of the Village Board.

B. Each separate facility for which water is furnished, used or supplied, in any and all categories, will be considered a separate water service and will be billed accordingly.

C. Water rents, shut off procedures, charges for meters and outside readers, labor charges, shut off charges and penalties shall be determined by the Village Board from time to time by Resolution.

13. Delinquent water rents; enforcement.

A. If the water rent is not paid prior to the first day of the next succeeding month in which the charge was due, a penalty of 10% of the charge shall be added thereto. If the water bill, including penalty, is unpaid on the 10th day of the second month after payment is due, water to such property shall be shut off, and an additional charge of \$50 shall be imposed and designated a shutoff charge. Water service will only be restored after the entire bill, including all penalties and charges, shall be paid in full.

B. Notwithstanding the foregoing, collection of delinquent water rents may be enforced pursuant to Village Law § 11-1118, as enacted and amended now and hereinafter. All attorney's fees and costs incurred by the Village of Angola in collecting any delinquent water rent more than 45 days past due shall be charged against, and added to, the amount of the unpaid bill and shall be a part of any lien therefore.

C. Notwithstanding the foregoing, delinquent water rents and penalties remaining unpaid on April 1st of each year shall become a lien and added to the Village real estate tax levied against the property, as provided in Village Law § 11-1118.

D. The Village Board of the Village of Angola is hereby authorized to enforce this chapter in all respects, including the full power to collect rents, and its decision shall be final and binding.

14. Waste of water.

Unless in actual use, all hydrants, taps, fixtures or other outlets must be securely shut off. Any unnecessary waste of water is strictly prohibited.

15. Water shortage.

If the Village Board at any time determines that an emergency exists threatening a shortage of water supply, the Board may prescribe emergency rules for further regulation and restriction of the use of the water supply, and such rules shall have the force and effect of a rule or regulation duly adopted.

16. Power and authority of inspectors.

A. The Village Foreman and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions

of this chapter. The Village Foreman or his representatives shall have no authority to inquire into any process, including metallurgical, chemical, oil, refining, ceramic, paper, or other industries, beyond that point having a direct bearing on the water system of the Village of Angola.

B. The Village Foreman and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the waterworks lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

17. Severability.

If any clause, sentence, paragraph, section or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined and apply in its operation only to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

18. Penalties for offenses.

A. No person, firm, hospital, association, corporation, whether public or private, partnership, or any agent, employee, builder, plumber or contractor therefor, or any of their agents, employees, or subcontractors, shall in any way violate or assist, solicit, request, command or aid in any violation of any of the provisions of this chapter. A violation shall include, but is not limited to, the refusal, neglect or omission to do any act or obtain any permit required by any of the provisions of this chapter. All owners of each parcel of realty and all users of the system where a violation occurs shall each be fully responsible for each said violation under this chapter in addition to the actual violators thereof. In addition, a person is liable for conduct constituting a violation of this chapter which he performs or causes to be performed in the name of or on behalf of a corporation to the same extent as if such conduct were performed in his own name or behalf.

B. An action or proceeding may be maintained in the name of the Village of Angola in any court of competent jurisdiction to compel compliance with, or to restrain by injunction, the violation of any portion, section or any part of any section of this chapter.

C. Nothing herein shall limit the authority or right of the Village Board of Trustees to disconnect the premises affected from the Village water supply system as provided in this chapter.

D. In addition to any and all remedies, penalties, charges and interest set forth herein, a violation of any of the provisions of this chapter shall be a criminal violation and, upon conviction thereof, each such violation shall be punished by a fine not to exceed \$250, or by imprisonment of not more than 15 days, or by both such fine and imprisonment.

E. In addition, all violators may be proceeded against by the Village or by the Village Foreman, or by the owner of any property in the Village affected by such violation, by appropriate action or by proceeding in equity or otherwise to prevent, enjoin, remove, and/or discontinue any violation or potential violation of this chapter, and/or to recover a money judgment.

F. The Village shall be entitled to recover from any person found in violation, and from the owner of the property on which the violation has occurred, all attorney's fees, Village foreman's fees, and other costs to the Village of ascertaining and remedying violations of this chapter and enforcing the rights of the Village and penalties hereunder.

G. The imposition of all penalties for any violation of this chapter shall not excuse the violation thereof or permit it to continue. The application of all penalties hereinabove and herein provided shall not prevent the enforced removal and termination of conditions, acts, and omissions prohibited by this chapter, the enforced adherence thereto, or the taking of such other action as may be authorized by this chapter or any other law.

H. The remedies under this chapter may be used singly, concurrently and sequentially in any combination and the use of one remedy shall not exclude the exercise of any other remedy hereunder.

I. Each day that a violation under this chapter shall be allowed to exist shall be deemed a separate violation.

19. When effective. **This chapter shall be effective upon filing with the Secretary of State.**

MOTION MADE BY TRUSTEE WILSON, SECONDED BY TRUSTEE HOUSTON, UNANIMOUSLY CARRIED

#5 INCREASE SENIOR PROPERTY TAX EXEMPTION INCOME LIMIT

WHEREAS, the Village has a senior citizens real property tax exemption which presently has a maximum income exemption level of \$13,000.00, and

WHEREAS, it is desirous to increase the exemption to reflect the present economic conditions.

NOW, THEREFORE, BE IT RESOLVED that the senior citizen real property tax exemption income level is increased from \$13,000.00 to \$24,000.00 for income for the 12 months immediately preceding the date of making application for the exemption. Where title is vested in either the husband or the wife, their combined income may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, rental income, salary or earnings and income from self-employment, but shall not include gifts or inheritances. Said exemptions shall be effective the next taxable status date. **MOTION MADE BY TRUSTEE TUBINIS, SECONDED BY TRUSTEE DEJOHN, UNANIMOUSLY CARRIED**

#6 APPROVE NOTICE OF PUBLIC HEARING FOR SENIOR INCOME LIMIT

WHEREAS, a resolution has been presented to the Village Board to increase the maximum income level for real property senior citizen exemptions, and

WHEREAS, effectiveness of such exemption is subject to a public hearing.

BE IT RESOLVED that the Clerk/Treasurer is hereby authorized and directed to publish pursuant to law, the attached notice of public hearing on resolution to increase senior citizen exemption.

**NOTICE OF PUBLIC HEARING
ON PROPOSED RESOLUTION TO
INCREASE SENIOR CITIZEN REAL
PROPERTY TAX EXEMPTION**

PLEASE TAKE NOTICE there has been introduced before the Board of Trustees of the Village of Angola on the 9th day of March, 2009 a proposed resolution increasing the maximum income level for the real property senior citizen exemption from \$13,000 to \$24,000.

PLEASE TAKE FURTHER NOTICE that pursuant to Law, a Public Hearing will be held on the aforesaid proposed resolution before the Board of Trustees of the Village of Angola, New York at the Village Hall, 41 Commercial Street, Angola, New York at 8:10PM on the 9th day of April, 2009 at which time all interested persons can be heard. **MOTION MADE BY TRUSTEE HOUSTON, SECONDED BY TRUSTEE DEJOHN, UNANIMOUSLY CARRIED**

#7 APPROVE 30 DAY POSTING FOR FIREMENS SERVICE AWARD PROGRAM

RESOLVED that the Angola Village Board does herein approve the Volunteer Firefighter Service Award Program list of all 2008 active volunteer firefighters of the Angola Volunteer Fire Department, Inc. for posting in the fire station(s) for a period of at least 30 days for review by member. The listing must be returned to the Village Board after the expiration of the 30-day period with all changes to the listing fully documented on the listing. **MOTION MADE BY TRUSTEE WILSON, SECONDED BY TRUSTEE HOUSTON, UNANIMOUSLY CARRIED**

Offered By Mayor Frawley

PROCLAMATION FOR PAUL WOODS

WHEREAS, on February 20, 1923 there came into this world an exceptional individual, and

WHEREAS, he served his Country in WWII and was honored with 3 Bronze Metals, and

WHEREAS, this individual, with his loving wife Mary of 59 years, has been the foundation of leadership, pride and dedication to his family of fourteen children, twenty grandchildren and eight great-grandchildren, and

WHEREAS, this individual was honored as Foster Parent of the year, and has instilled in his family these words *“When you are sitting at the table of knowledge, eat hearty”* and

WHEREAS, the Village of Angola, proudly recognizes the accomplishments and is greatly honored to have such an individual a part of their community,

NOW THEREFORE BE IT RESOLVED, that I Howard M. Frawley, as Mayor of the Village of Angola on behalf of the Village Board of Trustees and all Village residents do hereby congratulate and honor, Paul Woods as he gracefully celebrates 86 years of life as a shining star, glowing with honor, respect and admiration for his family, his community and his country.

AUDIT OF BILLS – MOTION MADE TO APPROVE THE BILLS BY TRUSTEE HOUSTON, SECONDED BY TRUSTEE WILSON,

Poll: Trustee Wilson aye- Trustee Houston –aye Trustee DeJohn – abstain because she didn't get to see them, Trustee Tubinis- abstain because she didn't get to see them, Mayor Frawley-aye, 3 ayes 2 abstain SO CARRIED

MOTION APPROVING THE FOLLOWING: General Fund Abstract #17, Checks #6842 to #6851 in the total amount of \$6,119.38 and General Fund Abstract #18, Checks #6852 to #6888 in the total amount of \$19,933.21 plus Payroll #3 & #4; Water Fund Abstract #17, Checks #1759 to #1762 in the total amount of \$1,728.13 and Water Fund Abstract #19, Checks #1763 to #1771 in the total amount of \$26,181.60 plus Water Payroll #2 & #3.

ADJOURN to next Board meeting and Public Hearings, April 13, 2009 at 7:00PM with a workshop at 6:00 for organizational, and 6:30 with Lori Szewczyk. **MOTION TO ADJOURN IN MEMORY OF THE LATE ROSEMARIE VASSALLO MADE BY TRUSTEE HOUSTON, SECONDED BY TRUSTEE WILSON, UNANIMOUSLY CARRIED, MEETING ADJOURNED AT 8:55PM**

MOTION TO RE-OPEN BOARD MEETING AT 9:05 PM Made by Trustee Wilson, seconded by Trustee DeJohn

Resolution

WHEREAS, the Village Board received a request from Fire Commissioner Beck to pay a bill coming into the Village hall for the purchase of “Top 10 Responder Jackets”, and **WHEREAS**, Commissioner Beck requests this expense come out of the Fire Chief's budget in the amount of approximately nine-hundred-thirty dollars (\$930.00) **WHEREAS**, the Village Board states that this is a special circumstance, original bill is not in hand, and this **WILL NOT BE PRACTICE, NOW** **THEREFORE, BE IT RESOLVED**, the Village Board hereby approves that this bill be paid not to exceed nine-hundred-fifty-dollars (\$950.00), and **FURTHER RESOLVE**, the Village Board will ratify this expense at the next board meeting.

MOTION TO CLOSE MADE BY TRUSTEE DEJOHN, SECONDED BY TRUSTEE WILSON, UNANIMOUSLY CARRIED CLOSED AT 9:10PM

Submitted By

**Linda Giancarlo
Village Clerk-Treasurer**