

## **INDEX – April 13, 2009**

**VISITORS:** Lynda Mason; Debra Wilson; Zachary Wilson; Brian Campbell; Arlene Vail; April Perna; Ben and Jennifer Torres; Christine Taylor; Erica LoGalbo; Larry Hussey and Carmen Garozzo

**COMMUNICATIONS:** Military Youth Camp; Congratulations Mr. And Mrs. Houston; letter from Dorothy Szablicki; Joint Board Meeting on June 23; Association of Erie County Governments meeting; Penny Saver article from NFTA Park-n-Ride; letter from Library regarding graffiti cleaning; letter from Time Warner; letter regarding the “Great American Clean-up”; letter to Governor Patterson; Rural Transit meeting; Hamburg Sun tax-cut article; XSPAND Auction on May 6

**TRUSTEE HOUSTON:** TVGA Workshop; streetlight installation on Railroad Avenue; installation and replacement of “Welcome to Village” sign; brush chipping ad in Penny Saver; pancake breakfast at Evans Center Fire Hall; property maintenance handbook given to Trustees; letter to Legislator Reynolds

**TRUSTEE KIN:** Angola Library activities

**TRUSTEE WILSON:** interested parties in Old Town Hall and Variety Store; Meter Reading Software; Angola Fire Department December election results; spoke with Channel 4 media regarding CSX Trestle

**TRUSTEE LoGALBO:** TVGA Workshop; letter to Governor Patterson regarding state budget; graffiti on Library; Re-establishment of Angola Businessmen’s Association; NHCR winterization program

**MAYOR FRAWLEY:** Reid Petroleum interested in re-opening Yellow Goose Store; new sign at MacBaxter’s B&B; meeting with NYCOM regarding Distressed Properties; Association of Erie County Governments tax exempt status; met with representatives of NYPA and GOYA regarding Power reduction; XSPAND Auction; proposed changes to the County Tax Act; Mayors and Supervisors meeting with County Executive; County Planning Board discussion

**ATTORNEY:** requested a scheduled meeting to review all Capital projects; inter-municipal water agreement paperwork

**POLICE CHIEF:** two-hour parking issue on Main Street; crosswalks complaint; Beach and North Main traffic light; new signs for Franklin Drive; green arrow at Eden Evans Center and Route 20

**GENERAL CREW CHIEF:** bathrooms, benches and shelters for Herman Park; storm water on Henry Drive; paving

**FIRE COMMISSIONERS:** <Kaminski> Asst. Chief Kris Young to train; new tires received Truck #1; memorial bench for late Mayor Walters; <Beck> OSHA regulations; FEMA grant <Goodway> No Report; <Mayor> new generator priced

**CODE ENFORCEMENT:** Monthly Report; building permit needed when generator to be installed

**PLANNING:** Absent

**ZONING:** Absent

**CLERK-TREASURER:** March end-of-month report; New Angola Theatre CDBG project underway; Façade update

**OLD BUSINESS:** Sale of Water Plant; Thruway Water; Senior Housing; Intercontinental Building; Library addition; Fire Department Heater; Mill Street Bridge Painting and paving

**NEW BUSINESS:** Houston reply from County; 120 S Main shed; drainage Clark-Brant Garage; co-op electric & gas; 86 Center St drainage; old FD hose dryer

### **RESOLUTIONS:**

- 1) **Approve Water Shut-Offs Outside Water Customers**
- 2) **Approve Delinquent Water Bills/Clean-Up to Taxes**
- 3) **Approve Notice to Bidders for Water Meter Reading System**
- 4) **Adopt LL #3-2009 Cold War Veterans Exemption**
- 5) **Approve Purchase of Backhoe and GPS Unit Needed for DPW**
- 6) **Approve Donald Gallo Engineering Services for South Main Waterline**
- 7) **Approve Bond Resolution Authorizing the Purchase of Two Trucks**
- 8) **Motion to Approve Income Limit for Senior Citizens Tax Exemption**
- 9) **To Execute and End Contribution to Intermunicipal Water Agreement**

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**MEETING MINUTES**  
**Village of Angola Board Meeting**  
**Monday April 13, 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 April 13, 2009 at 7:00 PM, there were

**PRESENT:** Mayor – Howard Frawley; Trustees – William Houston; Carole Kin; Bradly LoGalbo 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; Ernie Masullo-Evans Police Chief; Charles LaBarbera-Code Enforcement Officer and Donald Gallo-Village Engineer.

**GUESTS:** Lynda Mason; Debra Wilson; Zachary Wilson; Brian Campbell (Sun); Arlene Vail; April Perna; Ben and Jennifer Torres; Christine Taylor; Erica LoGalbo; Larry Hussey and Carmen Garozzo.

**PLEDGE OF ALLEGIANCE:** was led by Carole Kin.

**MEETING CALLED TO ORDER AT 7:00PM:**

**APPROVAL OF MEETING MINUTES OF MARCH 9<sup>th</sup> 2009, MOTION MADE BY TRUSTEE HOUSTON, SECONDED BY TRUSTEE WILSON, UNANIMOUSLY CARRIED**

**TONIGHT’S Meeting is dedicated to the passing of Joseph LaBarbera (father of Code Enforcement Officer Chuck LaBarbera) Joseph LoGalbo (father of Trustee Bradly LoGalbo) and James Myers (uncle of Clerk-Treasurer Linda Giancarlo). Board approved**

**VISITORS:**

**Marlene Vail - 45 School Street** – has been trying to sell her home, and has lost sales because of the things going on at the Angola Moose located at 159 N. Main Street, adjacent to her property. She had a showing on Palm Sunday and during the showing there was a domestic fight at the Moose. She has called the police several times for domestic fights, foul language, loud music and the mess and weeds in the back yard infringing on her property. This is the second time she has been at the board meeting complaining about this location, and she wants something done.

**Ben and Jennifer Torres- 151 N. Main Street**-concerned of issues going on at the Angola Moose. Their patrons are throwing glass into the yard, the music has been very loud, and the language has been very vulgar. They even caught them urinating in their yard. Stated that they have children and are concerned of their safety with all the broken glass, and also are concerned of anyone else getting hurt on glass on their property, they do not want to be liable. Asked if a privacy fence can be put up to block the patrons from having access to their yard and to act as a barrier. The patrons are also walking through their yard to get to the Moose Lodge instead of using the sidewalk.

**April Perna-45 School Street**-verified the others complaints.

**Kris Taylor-Realtor** for Mrs. Vail-indicated she has lost any possible buyers because of the way the Moose patrons have conducted themselves. The building and yard is an eyesore, and the noise is loud and vulgar.

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**Responses from Mayor Frawley, Attorney Yusick, Chief Masullo and CEO LaBarbera** were addressing the importance of calling the Village Hall, the Town of Evans Building Department and the Evans Police every time there is an issue to record the complaint so that it is rectified as soon as possible.

**Chief Masullo-** will investigate the complaints on the Lodge and follow through with action.

**Mayor Frawley-** suggested a meeting between the board and the Moose Officials to discuss these issues.

**The Board promised to act on resolving this complaint.**

## **COMMUNICATIONS:**

**Mayor Frawley reported the following:**

- Camp Announcement is hosting a “Take a Break Camp” for Military youth. July 12-17<sup>th</sup>
- Congratulated Trustee Houston and his wife Joan for celebrating their 55<sup>th</sup> wedding anniversary.
- Read a letter from resident Dorothy Szablicki supporting the increase of the senior income level for property tax exemption, and the proposed Walmart. The Clerk will send a response
- Announced a joint meeting with Lake Shore Central Schools will be held on June 23 at 7:00PM at the Senior High School.
- Mentioned a meeting for the Association of Erie County Governments will be held April 23<sup>rd</sup>. Buffalo Mayor Byron Brown will be the guest speaker.
- Commented on the nice pennysaver article regarding the new NFTA Park-n-Ride that was installed on the corner of N. Main and Center Street.

**Trustee Houston** mentioned he would like to see it moved in the future to the opposite corner in front of the Taste of the Midway, where the original bus stop location was.

- Read a letter from the Angola Library thanking the Board, the Office Staff and the DPW Crew for their assistance in cleaning up some graffiti on the Library Building.
- Read a notification from Time Warner regarding their publicly traded stock opportunities.
- Received a letter regarding the “Great American Cleanup” asking the Mayor to appoint a board member to act as coordinator on the Village’s behalf for a clean-up project.

**Trustee Houston reported the following:**

- Complimented on the letter to the Governor sent out by Trustee LoGalbo and Mayor Frawley, thought it was well done.
- Attended a Rural Transit meeting, filed the minutes with the Village Clerk
- Complimented on the nice article the Hamburg Sun had on the Village regarding our Tax cut for a second year in a row.
- Announced the XPAND tax certificate county sale of 93 Commercial, 55 S. Main and the Duriron Plant to be held on May 6<sup>th</sup>.

## **DEPARTMENT HEADS COMMITTEE REPORTS:**

### **TRUSTEE HOUSTON**

- Attended the TVGA workshop, discussed funding and drainage issues, suggested that the Village have plans prepared and ready for projects, such as drainage, so that we are ready to file for next years funding. They also discussed benefits that are available for old Buildings prior to 1936. Filed information with the Clerk.
- Contacted National Grid to follow up on the Streetlight installation for Railroad Ave.
- Commented on the installation of the replacement of the damaged “Welcome to the Village of Angola” sign.
- Mentioned the Brush Chipping ad that was published in the pennysaver.

- Announced the Pancake Breakfast for the Northeast Southtowns Solid Waste Management program to be held at the Evans Center Fire Hall on Saturday. Appreciated that our contractor, Allied Waste offered to set up and man a display for this event.
- Reported that he gave a “Property Maintenance Handbook” to the new Trustees to familiarize them of the property maintenance laws.
- Wrote a letter to Legislator Bob Reynolds regarding his concerns of the County Painting the yellow lines on the County Roads located in and around the Village such as North and South Main Street before the summer activities and traffic starts. And also, mentioned the bridge painting.

**TRUSTEE KIN –**

- Reported the many activities going on at the Angola Library this season. Such as a story telling, soil testing clinic, and a book signing by Cheryl DeLano.
- Mentioned her excitement to be here.

**Trustee Houston-** gave Trustee Kin information regarding Rural Development and opportunities for libraries.

**TRUSTEE WILSON –**

- Mentioned some interested parties in the Old Town Hall and the Variety Store. Informed the parties to contact the Building Department for information. He heard the prices for the buildings were decreased. One as restaurant and one as storefront.
- Announced the Meter Reading Software that will be on tonight’s resolutions, as per the grant received by the State Archives. This will move the Village into the 21<sup>st</sup> century.
- Read a letter from the Secretary of the Angola Fire Company, Megan Southworth announcing the December election results. Chief Todd Dybdahl; 1<sup>st</sup> Assistant Chief Christopher Young; second Assistant Chief Jason Davis and 3 year commissioner Mark Goodway.
- Spoke to the Media, Channel 4 news, regarding the CSX Trestle, work will be going on starting this summer. The Camera’s caught the debris falling off the rebar.

***7:45 MOTION TO CLOSE BOARD MEETING AND OPEN PUBLIC HEARING #1***

***2009-2010 Budget Hearing***

***MOTION MADE BY TRUSTEE WILSON, SECONDED BY TRUSTEE HOUSTON, UNANIMOUSLY CARRIED*** - Clerk read the Notice of Public Hearing for Tentative Budget.

*The Mayor Asked for any comments from the floor regarding the Budget:*

*The clerk read an adjustment on the Justice line and will have it prepared for the next board meeting.*

*No other comments came from the floor.*

*Trustee Houston commented on the excellent Budget process done this year by the Clerk and the Mayor*

***MOTION TO CLOSE PUBLIC HEARING AND REOPEN REGULAR BOARD MEETING, MOTION MADE BY TRUSTEE WILSON, SECONDED BY TRUSTEE KIN, UNANIMOUSLY CARRIED***

**Department Head reports continued:**

**TRUSTEE LOGALBO:**

- Attended the TVGA grant workshop with Trustee Houston, and Grant Writer Lori Szewczyk, found it very informative.
- Wrote a letter to Governor Patterson, protesting and opposing the proposed state budget.
- Reported graffiti on the library and commented on the quick action of the DPW Crew to get it cleaned up.

**Mayor Frawley** laughed because some residents called the Police on the DPW Crew while they

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were cleaning the graffiti thinking they were the ones putting graffiti on the Library.

- Has been in contact with resident Tim Murphy, he has an interest in re-establishing the Angola Businessmen's Association with hopes to meet every 2-months. He will work with Mayor Frawley to start the process.
- Reported on a NHCR New York State winter weatherization program offered to low income households. This program offers an incentive to low-income property owners to save of energy costs associated with, hot water tanks, heating, water etc.

#### **MAYOR FRAWLEY –**

- Reported that Reid Petroleum may be interested in re-opening the old Yellow Goose store on North Main Street.
- The new MacBaxter's Bed and Breakfast has there new sign in place, The DPW Crew Chief is scheduling the crew to repair a water issue near the Bed and Breakfast sight at 311 N. Main
- Reported a meeting with NYCOM regarding Distressed Properties.
- Attended a press release regarding and apposing the proposed state budget.

#### **8:00PM MOTION TO CLOSE BOARD MEETING AND OPEN PUBLIC HEARING #2**

##### ***LL#3 Cold War Veterans Exemption***

**MOTION MADE BY TRUSTEE WILSON, SECONDED BY TRUSTEE HOUSTON, UNANIMOUSLY CARRIED** - Clerk read the Notice of Public Hearing for Proposed Local law #3 Cold War Veterans Exemption.

*The Mayor Asked for any comments from the floor regarding the Proposed Local Law:*

*Larry Hussey-9 Oatman: wanted to know why we are doing this and asked if any other communities are offering this exemption. Mayor Frawley responded that the Town of Evans is offering this, and we are trying to offer the same exemptions as the Town. Mr. Hussey questioned if this is going to effect the low tax rate the board just announced at 4.97 per thousand. Mayor Frawley stated that there is only 6 or 8 veterans that qualify so the numbers are low.*

*No other comments came from the floor.*

**MOTION TO CLOSE PUBLIC HEARING AND REOPEN REGULAR BOARD MEETING, MOTION MADE BY TRUSTEE HOUSTON, SECONDED BY TRUSTEE LOGALBO, UNANIMOUSLY CARRIED**

#### **Mayor report continued:**

- Association meeting on March 26 discussed the status on assessments that are not yet at 100%. Tax exempt status is pending for the Association.
- Met with Legislator Reynolds, Robert Gibson (controller of Goya Foods Great Lakes) and James Kessell (of the New York Power Authority) to discuss reduction in power costs for GOYA. The meeting resulted in a possible future offer of reduction per KW for GOYA.
- Erie County Auction will offer 2 properties in the Village of Angola. This will be held on May 6, there are residents already interested in the properties.
- Distressed Property Task Force is making recommendations to the Legislator for a change the Tax Act to decrease the number of years to 2 for delinquent taxes to avoid Large tax liens on properties so they will sell more quickly.
- Attended the meeting with the Mayors and Supervisors on March 1<sup>st</sup>. Had a tour of the new Fire Building

#### **8:10PM MOTION TO CLOSE BOARD MEETING AND OPEN PUBLIC HEARING #3**

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**Senior Income Limit Increase for Property Tax Exemption**

**MOTION MADE BY TRUSTEE KIN, SECONDED BY TRUSTEE LOGALBO, UNANIMOUSLY CARRIED** - Clerk read the Notice of Public Hearing for Senior Income Limit Increase for Tax Exemption.

The Mayor Asked for any comments from the floor regarding the senior exemption:

**Larry Hussey 9 Oatman-** how many seniors will benefit from this in the Village. Mayor Frawley responded about 60 and they certainly need the help. Trustee Houston and Mayor Frawley stated that this complies with the same exemptions the Town of Evans offers.

No other comments came from the floor.

- **MOTION TO CLOSE PUBLIC HEARING AND REOPEN REGULAR BOARD MEETING, MOTION MADE BY TRUSTEE WILSON, SECONDED BY TRUSTEE KIN, UNANIMOUSLY CARRIED**

**Mayor Continued:**

- During the press conference, they discussed the Erie County Planning Board, many municipalities are not in favor of a County Planning Board. Reports show that 59 out of 62 Counties in New York State that have Planning Boards. Still pending decision. The big question is who is going to pay for it?

**ATTORNEY YUSICK-**

- Talked with the Village Clerk regarding scheduling a meeting with the Engineer and Grant Writer to follow up and review all the capital projects. Will schedule for the April 27<sup>th</sup> meeting at 6:15.

**Trustee Houston** mentioned the inter-municipal water agreement paperwork.

- Attorney Yusick stated that after reviewing this agreement, the Village does not have to continue this agreement, the Village does not benefit from it, and advised the Village to opt out of it. The Board agrees. Attorney Yusick will prepare a resolution.

**POLICE- Chief Ernest Masullo:**

- Have addressed several issues regarding the 2hr parking on Main Street during business hours. The police monitored the situation and asked the person to use the municipal lot, the tenant said they were plowed in.

**DPW Crew Chief** argued that issue, and stated that they never plow a vehicle in.

**Mayor Frawley** suggested to contact the landlords to tell them that their tenants should use the municipal lot.

- Chief Masullo also reported the complaint regarding the crosswalks. The drivers need to be reminded that by state law pedestrians have the right-a-way.
- Reported that the traffic signal at Beach and North Main will be replaced with new LED lights, a new box, and a new generator box.

**Trustee Houston** mentioned the new stop signs are up on Franklin, the “Children at play” or the “slow down-be a good neighbor” signs are ready to go up. The Board agrees that the “Slow Down Be A Good Neighbor” sign would be more appropriate. The DPW will install as directed.

- Also the green arrow on Eden Evans Center and Route 20 will be addressed.

Chief Masullo may work with Trustee Houston if needed, to write a letter to request a green arrow on the other side of the light.

**GENERAL CREW CHIEF –**

- Bathrooms, shelters, benches have been ordered and coming in slowly, for Herman Park. As soon as weather clears they will start construction.
- Henry drive storm water should be taken care of in e few weeks.

- He has reviewed streets with Trustee Houston, and hopes to work on Orchard Avenue before Memorial Day. Once paving starts, he has to get it all done.  
The Crew Chief, will further discuss paving with Trustee Houston and Mayor Frawley.

## **FIRE COMMISSIONERS –**

### **Commissioner Lynn Kaminski reported:**

- Assistant Chief Kris Young is going for training in Montour Falls NY
- Truck #1 has received new tires on state bid.
- Mentioned a donation for a memorial bench for late Mayor Michael Walters, they are looking at a granite bench, discussion of locations and ideas with the board. The Board concerned about setting precedence and may need to make available a memorial for other past mayors as well. Will be further discussed.

### **Commissioner Bob Beck reported-**

- Discussed OSHA regulations, and the order of safety vests from DiVal Safety. This cost came out of the DiVal grant credit.
- New FEMA grant is for Air Packs

**Trustee Houston** reminded that the Fire Department needs to take care of a large piece of Aluminum that fell off the South Main Street Station #2, **Commissioner Beck** reported he will have someone fix it, Crew Chief Will check on it. **Trustee Houston** also mentioned the proposed rules regarding a CDL license for all firemen.

### **Commissioner Mark Goodway – No Report**

**Mayor Frawley** stated that he was told by Chief Dybdahl that he found a price of a new Generator at about \$6,500, the new generator is about 600 lbs, and was suggested that it be put on the roof, near the gas line. He asked the Chief to submit the estimates, and get a cost for installation. The board mentioned concern of the weight and maintenance issues if it is on the roof, especially during bad weather. DPW Crew Chief mentioned that the original location was to be put in the parking lot between the 2 signs. They will follow up for a future board meeting.

**Trustee Houston** asked if this generator will run the whole building.

**Commissioner Beck** replied yes, it will run everything except the air conditioning.

## **CODE ENFORCEMENT – Charles LaBarbera**

- Submitted monthly report
- Discussed a building permit for the Village when they are ready to install the generator.

**Trustee Houston** asked about South Main- CEO stated that it will cost a couple thousand dollars, there is a whole process to go through. It's a concrete building, and there should be no asbestos.

## **PLANNING – Absent**

## **ZONING – Absent**

## **CLERK-TREASURER –**

- Reported end of month for March reports have been distributed.
- Stated that the Angola Theater Improvement is moving along, some contractors have been paid, awaiting reimbursement for the County CDBG.

**Mayor Frawley-** reported that calls have been coming in from the businesses asking for an update on their deposit for the Façade Program. The Clerk responded that their were only 3, the county needs 5. Kim from Shear Expressions, has indicated that she is interested but the owner needs to fill out the paperwork, once this is received, then Tim Hoelzle from the Angola Laundromat, stated that he will be the 5<sup>th</sup>.

**OLD BUSINESS:**

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|---|---|
| <ol style="list-style-type: none"> <li>1. Sale of Water Plant- no additional news</li> <li>2. Thruway Water- engineers suggested the thruway put in a holding tank. Pending.</li> <li>3. Senior Housing- pending, houses being emptied. May start between April-June</li> </ol> | <ol style="list-style-type: none"> <li>4. Intercontinental Building- interest pending</li> <li>5. Library addition-no news</li> <li>6. Fire department heater-pending</li> <li>7. Mill Street Bridge Painting/Paving-pending</li> </ol> |
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**NEW BUSINESS:**

1. Houston reply from County-waiting for reply
2. Houston Shed- 120 S. Main area-Building inspector is taking care of
3. Houston Drainage Clark-Brant Garage-pending
4. Wilson co-op electric & gas-remove, we purchase with Erie County now
5. 86 Center Street drainage (Beck)- all draining will be addressed, pending
6. Houston-Declare old hose dryer surplus and dispose as junk- Commissioner Beck will dispose

**Member Item requests-** The board discussed and agreed to the following:

- #1- Assemblyman Quinn- \$7,000- historic street signs
- #2- Senator Volker- \$10,000 Oil Water Separator
- #3- Senator Stachowski-\$100,000 South Main Waterline

**RESOLUTIONS BEING OFFERED APRIL 13, 2009**

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**#1 APPROVE WATER SHUT-OFFS OUTSIDE WATER CUSTOMERS**

**RESOLVED** that the Village of Angola Board of Trustees hereby authorizes the Water Clerk to issue water shut offs per the attached list of delinquent water accounts unless paid in full by April 27, 2009. These residents have all been duly notified with plenty of time to respond and are scheduled for shut off due to non-payment of two or more water bills as per Village regulations. Total amount of delinquency is \$2,512.84 **MOTION MADE BY TRUSTEE WILSON, SECONDED BY TRUSTEE KIN, UNANIMOUSLY CARRIED.**

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**# 2 APPROVE DELINQUENT WATER BILLS /CLEAN UP TO TAXES**

**RESOLVED** that the Village of Angola Board of Trustees hereby authorizes all delinquent water account charges not paid by April 15<sup>th</sup> 2009 and all property cleanup/stub searches be sent to Erie County Department of Finance for collection on the 2009-10 Village Tax Bills. **MOTION MADE BY TRUSTEE LOGALBO, SECONDED BY TRUSTEE WILSON, UNANIMOUSLY CARRIED**

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**# 3 APPROVE NOTICE TO BIDDERS FOR WATER METER READING SYSTEM**

**WHEREAS**, the Village of Angola received a grant from the New York State Archives for Radio Based Automatic water meter reading system and software, **BE IT RESOLVED** that the Village of Angola Board of Trustees hereby authorizes the Village Clerk-Treasurer to advertise a “Notice to Bidders” for Radio Based Meter Reading System and Software,

**BE IT FURTHER RESOLVED** that all sealed bids will be accepted until 10AM on May 18<sup>th</sup> 2009 at which time they will be publicly opened and read aloud. **MOTION MADE BY TRUSTEE KIN, SECONDED BY TRUSTEE WILSON, UNANIMOUSLY CARRIED**

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**#4- ADOPT LL #3-2009 COLD WAR VETERANS EXEMPTION**

**WHEREAS** there has been introduced before the Board of Trustees of the Village of Angola on the 9<sup>th</sup> 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.

**WHEREAS** pursuant to Section 20 of the New York Home Rule Law, a Public Hearing was 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 PM on the 13<sup>th</sup> day of April, 2009 at which time all interested persons were heard.

**THEREFORE, BE IT RESOLVED** that the Village of Angola Board of Trustees hereby adopts proposed Local Law #3 as Local Law #3 for the year 2009 adding Chapter 84 of the Village of Angola Municipal Code entitled Cold War Veterans Tax Exemption. A copy of said Local Law is attached hereto.

**LL#3 - 2009**  
**Chapter 84 of the Angola Village Code**  
**Cold War Veterans Tax Exemption**

Local Law 3 for the year 2009 adding Chapter 84 of the Angola Municipal Code.  
Said 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

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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

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- (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.

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

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**#5 APPROVE PURCHASE OF BACKHOE AND GPS UNIT NEEDED FOR DPW**

**WHEREAS**, the Village Board received a request from the Village DPW Crew Chief for the purchase of one backhoe in the amount of approx \$25,000 and one GPS unit in the amount of approx \$4,500, as both are needed to fulfill New York State requirements relative to compliance with the new Stormwater regulations,

**WHEREAS**, after reviewing remaining funds in the budget appropriations in the general and water fund, there are remaining funds available to cover these two expenses,

**NOW THEREFORE BE IT RESOLVED** that the Village of Angola Board of Trustees hereby authorizes the purchase of one backhoe and one GPS unit for a total amount not to exceed \$30,000, and authorizes the Village Clerk to charge said expenses to the current budget, part general and part water as follows:

General:

A1910.4 Unallocated Insurance \$14,000  
 A1620.2 Buildings Equipment \$ 1,000  
 A5110.4.2 Streets Equipment \$ 2,000

Water:

F1910.4 Unallocated Insurance \$ 1,100  
 F8340.2 Equipment Repairs \$ 3,000.  
 F8340.4 Supplies Materials \$ 8,900  
 total amount \$30,000

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

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**#6 APPROVE DONALD GALLO ENGINEERING SERVICES FOR SOUTH MAIN WATERLINE**

**WHEREAS**, The Village of Angola Board of Trustees has applied for CDBG (Community Development Block Grant) Funds and Federal Stimulus Funds for a South Main Street waterline Improvement, and

**WHEREAS**, this project would involve installing a 12" waterline from the south side of Railroad Right-of-way to the existing 10" waterline just north of Hardpan Road, and

**WHEREAS**, the Village has received a proposal from Village Engineer, Donald Gallo, PE for engineering services, design and bid assistance for said projects in the amount of \$40,000, **NOW THEREFORE BE IT RESOLVED**, that Donald Gallo, PE is hereby retained to provide engineering services for the South Main Street waterline replacement project to conform to the

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Grant requirements for an amount not to exceed \$40,000 and the Mayor is authorized to execute an agreement for such services.

**BE IT FURTHER RESOLVED**, that any further work will be specifically directed by the Village Board, and said agreement is subject to funding for the remainder of said project.

**MOTION MADE BY TRUSTEE LOGALBO, SECONDED BY TRUSTEE WILSON, UNANIMOUSLY CARRIED**

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**#7 APPROVE BOND RESOLUTION AUTHORIZING THE PURCHASE OF TWO TRUCKS**

**WHEREAS**, the Board of Trustee of the Village of Angola (the “Board”) is considering the authorizing the purchase of two trucks for use by the Department of Public Works, consisting of a dump truck and a 4x4 with cab, at a total estimated combined maximum cost of \$120,000 (“the Project”); and

**WHEREAS**, the Project constitutes an “Type II” action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (collectively, “SEQRA”) and therefore no further action under SEQRA with respect thereto needs be taken by the Board of Trustees; and

**WHEREAS**, the Board now wishes to appropriate funds for the Project and to authorize the issuance of the Village=s serial bonds and bond anticipation notes to be issued to finance said appropriation;

*NOW THEREFORE, THE BOARD OF TRUSTEES OF THE VILLAGE OF ANGOLA, ERIE COUNTY, NEW YORK (the “Village”) HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:*

Section 1. The Village is hereby authorized to undertake the purchase of two trucks for use by the Department of Public Works, consisting of a dump truck and a 4x4 with cab, at a total estimated combined maximum cost of \$120,000 (“the “Project”), and is hereby authorized to issue up to \$120,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the ALaw@) to finance the estimated cost of the Project.

Section 2. It is hereby determined that the maximum estimated aggregate cost of the aforementioned specific objects or purposes is \$120,000, said amount is hereby appropriated therefore, and the plan for the financing thereof shall consist of the issuance of up to \$120,000 principal amount of serial bonds of the Village authorized to be issued pursuant to Section 1 of this resolution or bond anticipation notes issued in anticipation of such serial bonds.

Section 3. It is hereby determined that the period of probable usefulness of the aforementioned specific objects or purposes is fifteen (15) years, pursuant to subdivision a.28. of Section 11.00 of the Law.

Section 4. The final maturity of the bonds herein authorized to be issued shall not be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued pursuant to Section 1 of this Resolution.

Section 5. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof,

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pursuant to subdivision d.3(1) of Section 107.00 of the Law.

Section 6. The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in Section 1 of this resolution. The Village shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by Section 1 of this resolution. This resolution shall constitute a declaration of official intent to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

Section 7. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Village, payable as to both principal and interest by a general tax upon all the real property within the Village without legal or constitutional limitation as to rate or amount. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 8. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00 and Sections 62.10 and 63.00 of the Law, the powers and duties of the Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters relating thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Treasurer of the Village, as the chief fiscal officer of the Village (the "Village Treasurer").

Section 9. The Village Treasurer is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the ACode@) and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as Aqualified tax-exempt bonds@in accordance with Section 265(b)(3)(B)(i) of the Code.

Section 10. The Village Treasurer is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchaser of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

Section 11. The intent of this resolution is to give the Village Treasurer sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this Board.

Section 12. The Village Clerk is hereby authorized and directed to cause a copy of this  
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resolution to be published in full in the official newspaper of the Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Law.

Section 13. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of such 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

(c) such obligations are authorized in violation of the provisions of the Constitution.

**MOTION MADE BY TRUSTEE WILSON, SECONDED BY TRUSTEE HOUSTON, UNANIMOUSLY CARRIED WITH EXPLANATION THAT THIS IS THROUGH STATE CONTRACT**

**#8 MOTION TO APPROVE INCOME LIMIT FOR SENIOR CITIZENS TAX EXEMPTION**

**WHEREAS**, a resolution was submitted to the Village Board of Trustees for the increase of the Senior Citizens Real Property Exemption, and

**WHEREAS**, pursuant to proper notice, a public hearing was held on the proposed resolution on the 13<sup>th</sup> day of April, 2009, and

**WHEREAS**, any comments submitted were considered,

**NOW THEREFORE BE IT RESOLVED**, the attached resolution is hereby approved.

*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 HOUSTON, SECONDED BY TRUSTEE KIN UNANIMOUSLY CARRIED**

**#9 TO EXECUTE AND END CONTRIBUTION TO INTERMUNICIPAL WATER AGREEMENT**

**WHEREAS**, the Village of Angola joined the Towns of Eden, Brant, North Collins and Collins and the Village of North Collins to perform a Regional Water Supply Project, and

**WHEREAS**, the Villages' participation was for the purpose of determining the feasibility of a region water supply system, and

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**WHEREAS**, the Village has made contributions as required by the memorandum of understanding, and

**WHEREAS**, the Villages has determined that it is in the best interest of the Village to maintain its existing water system, and

**WHEREAS**, the Village has been requested to execute the attached municipal cooperation agreement memorializing the prior action of the parties and it is determined that it is in the best interest of the Village to execute said agreement. **NOW**

**THEREFORE, BE IT RESOLVED** the Mayor is authorized to execute the attached Municipal Cooperation Agreement with the understanding that the Village contribute no further funds in recognition of the Villages' prior contributions and its determination to maintain its present system.

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

**AUDIT OF BILLS –MOTION APPROVING THE FOLLOWING:** General Fund Abstract #19, Checks #6889 to #6911 in the total amount of \$27,733.26 and General Fund Abstract #20, Checks #6913 to #6963 in the total amount of \$31,876.20 plus Payroll #6 & #7; Water Fund Abstract #19, Checks #1772 to #1777 in the total amount of \$2,051.68 and Water Fund Abstract #20, Checks #1778 to #1795 in the total amount of \$33,938.26 plus Water Payroll #6 & #7.

**MOTION MADE TO APPROVE THE BILLS BY TRUSTEE HOUSTON, SECONDED BY TRUSTEE LOGALBO, UNANIMOUSLY CARRIED**

**ADJOURN** to special Board meeting April 27, 2009 at 6:00PM. **MOTION TO ADJOURN IN MEMORY OF THE LATE JOSEPH LABARBERA, THE LATE JOSEPH LOGALBO AND THE JAMES MYERS, MADE BY TRUSTEE HOUSTON, SECONDED BY TRUSTEE KIN, UNANIMOUSLY CARRIED, MEETING ADJOURNED AT 9:15PM**

**Submitted By**

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**Linda Giancarlo  
Village Clerk-Treasurer**