

Minutes
Village of Angola
Regular Board Meeting
Monday, February 14, 2022 6:00 P.M

At Regular meeting of the Village of Angola Board of Trustees held at Village Hall, 41 Commercial Street and via zoom in Angola, New York, County of Erie on Monday, February 14, 2022 at 6:00PM, there were;

PRESENT: Mayor Thomas Whelan, Deputy Mayor Jason Renaldo, Trustees John Wilson, Valerie Stonitsch and John Dybowski and Nicole Milks- Clerk Treasurer, Hannah Dorosz- Deputy Clerk, John Grennell - Village Attorney and Donald Gallo – Engineer, and Crew Chief Jack Krajacic, Police Chief - Greg Szarowicz

DEDICATE MEETING IN HONOR OF LOUIS PEREZ WHO RETIRED FROM THE ANGOLA WATER DEPARTMENT AFTER 19 YEARS OF SERVICE – 97 YEARS YOUNG

PLEDGE OF ALLEGIANCE LED BY MAYOR WHELAN

A ROLL CALL VOTE WAS MADE TO HAVE AN AUDIT OF BILLS ALL SAID AYE

VISITORS: None

New Business:

- 1. Downtown Revitalization Initiative-** Invitation letters are going out this week once meeting location is confirmed.
- 2. Water Shut Off's will begin In April – Anyone who has not paid in 4 months or more will receive a notice to make payment. Moratorium ended in January 2022.-** The clerk will email the list of customers to be shut off prior to doing so.
- 3. Schedule Budget Workshop-** Saturday 3/5 @ 4PM
- 4. ARPA Money- Projects (Water meters, fire/amb, parks)-** Crew Chief Jack, Cody, and Trustee Dybowski will meet with Neptune on 2/28 to discuss water meter (radio-read) replacements for all water customers. Fire Chief asked if outdoor meters are installed on all houses now. Trustee Wilson explained not every home has an outdoor meter installed. The ARPA money could be used to install on all homes at no cost to the residents. Jack met with Dunkirk water department who has the system in and received good reviews. Trustee Stonitsch asked how much time it will save the water department, the crew chief explained about 2 weeks every two months.
- 5. Lake Shore Waterline Replacement Bid Opening 2/9- low bid E&R award in March.** Village Engineer Don Gallo recommends the award to E& R. He also recommends the Village take out the entire \$932,000 in Bonds and extend the line further down Lake Shore Road about 1000 feet. Mayor read a letter he sent to the Trustees recommending the Village only complete the original work and take out \$696,003 in Bonds. The Village can apply for the Federal Grant money when it becomes available in the near future. Trustee Wilson asked if the section that was not bid is a high problem area. Crew Chief Krajacic said Ahlers Road area has had leaks, along with Hickory and Albeeville. Trustee Wilson suggested the board consider if the extension is necessary over the next 30 days. He added the cost to extend it now is a competitive price at

\$259/lineal foot. Trustee Stonitsch asked how much water the Village is losing in this area- crew chief explained there are not able to tell if any water is being lost here.

- 6. Refuse and Recycle Bid Opening 2/10-** The low bid was Waste Management with a required exception. The bid is unacceptable and next low bidder is Modern Disposal. The Recycling will be picked up every other week and 95-gallon totes will be delivered to each customer. The increase is about \$50 per year per unit and will be charged on the Village Tax Bill

REPORTS

Code Enforcement- thanked the clerks in the office for assisting him in getting paperwork sent out and filed. Crosby's would like to add a sign on 4/1 to promote low gas prices. 75 Woodward needs a CFO, Mayor Whelan asked to keep an eye on High Street behind 73 Center Street for Springtime property maintenance.

Trustee Dybowski-Reported he will be meeting with the water department and Neptune to discuss outdoor water meter replacements

Trustee Stonitsch reported the ReDiscover Group will hold a Shamrock mingle on 3/12, and would like to look into the current application process for business music licenses. Trustee Wilson explained the Board will need to look and update code.

Trustee Wilson- Thanked Jack for working so hard this Winter to get all work completed. He also stated the Board will work better if everyone works together again.

Trustee Renaldo- no report

Mayor Whelan- reported a letter from legislator John Mills was sent to honorable crew chief Jack Krajacic thanking the DPW.

Crew Chief - no report

Fire Chief - no report

Police Chief - Crosby's was broken into and it was not just local - no arrest made yet.

Attorney – reported he met with crew chief to view the SCADA system in the water tower to work on the insurance claim, and a letter was sent regarding water plant with no response. Mayor Whelan requests an Executive session at the end of meeting regarding water plant possible litigation.

Clerk Treasurer- reported a workshop is requested for fire department @ 5:30 on 3/14 to discuss vehicle purchases

Resolutions offered on February 14, 2021

#1 AWARD REFUSE AND RECYCLE CONTRACT

WHEREAS, the Village has advertised to bid for Refuse and Recycling Services for the Village of Angola, and

WHEREAS, the Village has received and reviewed three bids in response thereto, and **FURTHER RESOLVED** that the Village of Angola Board of Trustees hereby awards the lowest "Base" bid in the amount of \$223,601.28 (two hundred twenty-three thousand six hundred and one dollars and twenty-eight cents) to Modern Disposal 4746 Model City, PO Box 209, Model City, NY.

BE IT RESOLVED, the Village Board of the Village of Angola hereby authorizes the Mayor to sign and execute contract with Modern Disposal for the Refuse and Recycle Contract.

A roll call was made, and all said Aye.

Trustee Wilson, Trustee Renaldo, Trustee Stonitsch, Trustee Dybowski, Mayor Whelan

#2 APPROVE MEMBERSHIP TO VOLUNTEER FIRE COMPANY

RESOLVED, the Village of Angola Board of Trustees approves probationary membership of Kali Klepfer of 638 Dawn Ave, Angola to the Angola Volunteer Fire Company as reviewed and recommended by the executive board of said company on January 10, 2022.

A roll call was made, and all said Aye.

Trustee Wilson, Trustee Renaldo, Trustee Stonitsch, Trustee Dybowski, Mayor Whelan

#3 APPROVE ASSEMBLAGE PERMIT

BE IT RESOLVED the Village of Angola Board of Trustees approves the assemblage application from the following:

1. Eric Blodgett of the Lake Shore Senior High School to hold the Annual Can/ Bottle Drive on Saturday March 5, 2022 from 8:30AM-3:00PM
2. Michelle Hornberger of JT Waugh Elementary School to hold the Shamrock Run on Thursday, March 24, 2022 from 9:00AM-10:30AM to close Woodward from the School parking lot to Sunset Drive.
3. Jill Wagner of ReDiscover Angola to hold a parade on Saturday, March 12 at 2:00PM to close Commercial Street starting at Washington to Main Street ending at Woodward Ave.

A motion was made by Trustee Stonitsch and seconded by Trustee Dybowski, unanimously carried.

#4 APPROVE SIDEWALK PERMIT

BE IT RESOLVED the Village of Angola Board of Trustees approves the closure of the sidewalk and road on Main Street on March 12 from 2PM-10PM. Main Street will be closed from the entrance of the parking lot at 47 North Main Street (Kim's) to Center Street where a band will perform on Center Street pending certificate of insurance.

A motion was made by Trustee Wilson and seconded by Trustee Dybowski, unanimously carried.

#5 APPROVE SOUND AMPLIFICATION

BE IT RESOLVED the Village of Angola Board of Trustees approves the sound application from BTR Brews for an acoustic band on Saturday, March 12, 2022 from 6PM-9PM.

A motion was made by Trustee Stonitsch and seconded by Trustee Renaldo, unanimously carried.

#6 APPROVE PURCHASE OF WIRELESS DEVICES

BE IT RESOLVED the Village of Angola Board of Trustees approves the purchase of the following to add to the Verizon Wireless Accounts:

1. A mobile hotspot for Fire Department
2. A cell phone and new line for Code Enforcement

Discussion: Trustee Stonitsch verified the code enforcement is getting a Village paid cell phone as he currently is under North Collins wireless plan.

A motion was made by Trustee Wilson and seconded by Trustee Dybowski, unanimously carried.

#7 BOND RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF ANGOLA, ERIE COUNTY, NEW YORK (THE “VILLAGE”), AUTHORIZING THE VILLAGE TO UNDERTAKE CERTAIN WATER SYSTEM IMPROVEMENTS TO PORTIONS OF THE VILLAGE’S WATER SYSTEM; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$934,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$934,000 IN SERIAL BONDS OF THE VILLAGE TO FINANCE SAID APPROPRIATION

WHEREAS, the Board of Trustees (the “Village Board”) of the Village of Angola, Erie County, New York (the “Village”), is considering undertaking certain improvements to portions of the Village’s water system including the replacement of approximately 2,200 feet of deteriorated 110+ year old 10-inch diameter cast iron waterline on Lake Shore Road with new 8-inch diameter PVC waterline including valves, ductile iron fittings, interconnections, abandonments, water service replacements, fire hydrants, appurtenances, paving, restoration, and all planning, design, engineering, legal and permitting costs in connection therewith and the financing thereof as described in an engineering report prepared by Donald Gallo, Consulting Engineer, P.C. on January 12, 2022 (the “Project”). A complete copy of the engineering report is available for public inspection during normal business hours at the office of the Village Clerk of the Village of Angola, Village Hall, 41 Commercial Street, Angola, New York 14006; and

WHEREAS, pursuant to a resolution adopted on July 15, 2021, the Village Board, acting as lead agency under the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation promulgated thereunder (6 NYCRR Part 617) (collectively, “SEQRA”), (i) determined that the Project constitutes an “Unlisted” action within the meaning of SEQRA, and (ii) that the Project will not have any significant adverse environmental impacts and adopted a negative declaration under SEQRA to such affect; and

WHEREAS, the Village 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 the aforementioned specific object or purpose.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE VILLAGE OF ANGOLA, ERIE COUNTY, NEW YORK (the “Village”) HEREBY RESOLVES (by the favorable 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 Project, as described in the recitals hereof.

SECTION 2. The Village is hereby authorized to issue up to \$934,000 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 “Law”) to finance the estimated cost of said specific object or purpose, or bond anticipation notes in anticipation of the such bonds.

SECTION 3. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$934,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$934,000 in serial bonds of the Village, or bond anticipation notes issued in anticipation of such serial bonds,

authorized to be issued pursuant to Section 2 of this resolution, (ii) the application of any grant monies received by the Village from the State of New York or the New York State Environmental Facilities Corporation including Drinking Water State Revolving Fund and Water Infrastructure Improvement Act grants, Rural Development Water and Environment Program grants from the United States Department of Agriculture, and State of New York Water Grants and Community Development Block Grants to either directly pay or reimburse a portion of the cost of the Project and/or to repay a portion of any such bond anticipation notes issued under the authority of this resolution, (iii) to the extent necessary, the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds or bond anticipation notes and the interest thereon as the same shall become due and payable.

SECTION 4. It is hereby determined that the period of probable usefulness of the aforementioned specific object or purpose is forty (40) years, pursuant to subdivision 1. of paragraph (a.) of Section 11.00 of the Law.

SECTION 5. 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 this resolution. This resolution shall constitute the declaration of the Village's "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 the United States Treasury Regulations Section 1.150-2.

SECTION 6. The final maturity of the bonds herein authorized to be issued shall 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 this resolution.

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 subject to applicable statutory limits, if any. 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 serial bonds and bond anticipation notes or the renewals of said obligations and of Sections 21.00, 50.00, 54.90, 56.00 through 60.00, 62.10 and 63.00 of the Law, the powers and duties of the Village Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and content as to the sale and issuance of the bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters related 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 Village Treasurer, as the chief fiscal officer of the Village (the "Village Treasurer"). Further, in connection with bonds

and bond anticipation notes issued under the authority of Section 2 hereof, the power to issue and sell bonds or bond anticipation notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Law is hereby delegated to the Village Treasurer. Such bonds or notes shall be of such terms, form and contents as may be prescribed by said Village Treasurer consistent with the provisions of the Law. Further, pursuant to paragraph b. of Section 11.00 of the Law, in the event that bonds to be issued for any of the specific object or purpose authorized by this resolution are combined for sale, pursuant to paragraph c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other resolutions of the Village Board, then the power of the Village Board to determine the “weighted average period of probable usefulness” (within the meaning of paragraph a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Village Treasurer, as the chief fiscal officer of the Village.

SECTION 9. The Village Treasurer is hereby further authorized, at their sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a serial bond, a statutory installment bond and/or a bond anticipation note issue in the event of the sale of same to the New York State Environmental Facilities Corporation.

SECTION 10. 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 “Code”) and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as “qualified tax-exempt bonds” in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 11. The Village Treasurer is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchasers 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 12. 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 the Village Board.

SECTION 13. In accordance with Section 36.00 of the Law, this resolution is subject to a permissive referendum in the manner prescribed by Article Nine of the Village Law of the State of New York (the “Village Law”). The Village Clerk is authorized and directed, within ten (10) days after the date of adoption of this resolution by the Board of Trustees, to post and publish a notice with respect to this resolution satisfying the requirements of Section 9-900 of the Village Law, which shall set forth the date of adoption of this resolution, shall contain an abstract hereof, and shall specify that this resolution was adopted subject to a permissive referendum. Such notice shall be published in the official newspaper of the Village for such purposes.

SECTION 14. 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.

SECTION 15. As soon as reasonably possible after the date that this resolution takes effect, the Village Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published in full in the official newspaper of the Village for such purposes, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

AYES:

Mayor, Thomas Whelan
Deputy Mayor, Jason Renaldo
Trustee, Valerie Stonitsch
Trustee, John Wilson
Trustee, John Dybowski

NAYS:

#8 ADVERTISE PUBLIC NOTICE FOR PERMISSIVE REFERENDUM
VILLAGE OF ANGOLA

NOTICE IS GIVEN, that the Board of Trustees of the Village of Angola, Erie County, New York (the "Village"), at a regular meeting held on February 14, 2022, duly adopted, subject to a permissive referendum, a resolution, an abstract of which is set forth below:

In accordance with the New York State Village Law, such resolution will take effect thirty days after the date of its adoption, unless prior to the close of such thirty (30) day period there is filed with the Village Clerk a petition, subscribed and acknowledged by at least twenty percent (20%) qualified electors of the Village, as shown on the Village's register of electors for the last general Village election, protesting against such resolution and requesting that it be submitted for approval or disapproval by the qualified electors of the Village. If such a qualifying petition is filed, a proposition for approval of the resolution shall be submitted at a regular election held not less than ten (10) and not more than sixty (60) days after the filing of such petition.

Such Resolution was entitled:

BOND RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF ANGOLA, ERIE COUNTY, NEW YORK (THE "VILLAGE"), AUTHORIZING CERTAIN WATER SYSTEM IMPROVEMENTS; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$934,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$934,000 IN SERIAL BONDS OF THE VILLAGE TO FINANCE SAID APPROPRIATION

An abstract of such bond resolution, concisely stating the purpose and effect thereof, being as follows:

1. The Village was authorized to undertake waterline replacements and has caused Donald Gallo, Consulting Engineer, P.C., the Village's engineers, to prepare an engineering report entitled "Village of Angola, Water System Improvements Lake Shore Road Waterline Replacement" dated January 12, 2022, and on file in the office of the Village Clerk (the "Engineer's Report") incorporating the replacement of approximately 2,200 feet of deteriorated 110+ year old 10-inch diameter cast iron waterline on Lake Shore Road with new 8-inch diameter PVC waterline including valves, ductile iron fittings, interconnections, abandonments, water service replacements, fire hydrants, appurtenances, paving, restoration, and all planning, design, engineering, legal and permitting costs in connection therewith and the financing thereof (the "Project").

2. The Village was authorized to issue up to \$934,000 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 "Law") and to finance the Project.

3. It was determined that the maximum aggregate cost of the aforesaid specific object or purpose is \$934,000, said amount was appropriated therefore and the plan for the financing thereof shall consist of (i) the issuance of up to \$934,000 in serial bonds of the Village, or bond anticipation notes issued in anticipation of such serial bonds, authorized to be issued pursuant to Section 2 of this resolution, (ii) the application of any grant monies received by the Village from the State of New York or the New York State Environmental Facilities Corporation including Drinking Water State Revolving Fund and Water Infrastructure Improvement Act grants, Rural Development Water and Environment Program grants from the United States Department of Agriculture, and State of New York Water Grants and Community Development Block Grants to either directly pay or reimburse a portion of the cost of the Project and/or to repay a portion of any such bond anticipation notes issued under the authority of this resolution, (iii) to the extent necessary, the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds or bond anticipation notes and the interest thereon as the same shall become due and payable.

4. It was determined that the period of probable usefulness of the aforementioned specific object or purpose is forty (40) years, pursuant to subdivision 1 of paragraph (a.) of Section 11.00 of the Law.

5. 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, was authorized pursuant to Section 165.10 of the Law, for the capital purposes described in the resolution. The Village shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by the resolution. The resolution shall constitute a declaration of

“official intent” to reimburse the expenditures authorized herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

6. Said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Village; and the Village has pledged its faith and credit to the payment of the principal of and interest of said bonds.

7. The Board of Trustees delegated to the Village Treasurer, as chief fiscal officer of the Village, the powers and duties relating to the authorization and issuance of said bonds, and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof, the determination of the terms, form and contents thereof and the execution of all applications, agreements and instruments necessary to effect the issuance of said bonds or bond anticipation notes.

8. The Village Treasurer was 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 the 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 “Code”) and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as “qualified tax-exempt bonds” in accordance with Section 265(b)(3)(B)(i) of the Code.

9. The Village Treasurer was further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchasers 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.

10. The bond resolution was determined to be subject to permissive referendum.

BY ORDER OF THE BOARD OF TRUSTEES OF THE VILLAGE OF ANGOLA, ERIE COUNTY, NEW YORK.

Dated: February 14, 2022

A motion made by Trustee Dybowski seconded by Trustee Stonitsch, unanimously carried.

A motion to close Regular Meeting and open to executive session at 6:50PM made by Mayor Whelan to discuss litigation matters for water plant sale.

A Motion was made by Trustee Stonitsch seconded by Trustee Dybowski to Close Executive Session and open Regular Meeting at 7:05PM

A motion was made to ADJOURN to regular board meeting on Monday, March 14, 2022 at 6:00PM, 5:30 workshop with Fire Department made by Trustee Renaldo seconded by Trustee Dybowski

Respectfully Submitted By:

Nicole Milks
Clerk Treasurer