

Minutes

Village of Angola via Zoom Teleconference

Regular Board Meeting

Monday, March 8, 2021 7:00 P.M

At a regular meeting of the Village of Angola Board of Trustees held via Teleconference on Zoom per Executive Order 202.1 in Angola, New York, County of Erie on Monday, March 8, 2021 at 7:00PM, there were;

PRESENT: Mayor Howard Frawley, Deputy Mayor William Houston, Trustees John Wilson, Thomas Whelan and Nicole Milks- Clerk Treasurer, John Grennell- Village Attorney, Donald Gallo – Village Engineer, Jack Krajacic- Crew Chief, and Douglas Czora- Police Chief

**Call meeting to order and Approval of Meeting Minutes from February 8th and 22nd, 2021
Motion made by Trustee Houston and seconded by Trustee Whelan.**

VISITORS: None

REPORTS

Code Enforcement- pending court cases due to pandemic

Trustee Houston requested to have the meeting dedicated in honor of Michael Burningham and Roger Powell, who is the husband of Judith- a retiree from the Village of Angola.

Trustee Houston reported the water report indicated a 43% loss in December and January. He asked if Rural Water Association detected any leaks. The Crew Chief indicated they did find a leak on the corner of Railroad Ave and Mesi Drive. The Crew Chief also indicated it will cost \$1700 for a different company to come out for one day to look for additional leaks. Rural Water may be able to come out more often first at no cost. A Motion to pay the \$17000 for a leak detection company come out was made by Mayor Frawley seconded Trustee Wilson.

Trustee Omlor-excused

Trustee Wilson reported he has been attending the Police Reform meetings and the survey is now complete. He will be sending the results out to post on the village website.

Trustee Whelan reported that he has worked with the Union and there should be a tentative agreement very soon. He will send it out to the board once complete. He also indicated he would like to see the Village office more secure. He believes the staff should keep the door locked and not allow anyone in if they are to work alone. The clerk treasurer indicated there was a recent incident with a water customer while 3 people were working in the office. The resident raised his voice and was threatening. The police chief explained the employees should call the police anytime they are in that situation again. Trustee John Wilson explained the Village can look into a system that allows the door to unlock by pushing a button at the desk.

Mayor Frawley reported that the holiday decoration came down and they had enough volunteers. He also explained a plaque that he had created with the help of Jar Trophies and

Kevin Bartus for Past Trustees and past Mayors. The cost of the plaque will total \$600. Mayor Frawley asked the Village Board to pay for the plaque out of the mayors school and travel line. A Motion was made by Trustee Wilson and Seconded by Trustee Houston.

Communications: Mayor Frawley and Trustee Houston spoke about the thank you letter from the Boys & Girls Club for donated \$500, a letter from the library requesting to ad a mural at the library, and a letter from the lions club asking for their donation money of \$5000 back as the donation was for the moving and restoration of the Nickle Plate Depot, which is no longer a project. The Mayor and Clerk explained there is \$10,000 in Community Activities on the tentative budget for 2021-2022.

Crew Chief reported he is working with Mesi Enterprise on the fire hall wall, looking at pole for the fire alarm and broken window at firehall, and the black light poles in the Village have been refinished by the DPW crew.

Police Chief reported two officers were transferred out, the department hired one and they are looking for two more, he also asked the clerk to call next time the office is in a threatening situation, and he thanked Trustee Wilson for working on the Police reform committee.

Fire Chief- absent

Fire Commissioner-absent

Attorney reported the waterplant is getting worked on at the State Level, and SQDA insurance claim- no update. The clerk will contact the insurance company.

Clerk Treasurer reported the Deputy Clerk will be in virtual training with the Office of the State Comptroller for Accounting.

Old Business:

1. **Sale of Waterplant**-no update
2. **Senior Housing**- no update
3. **92 Railroad**- no update, pending demolition with CDBG funding
4. **South Main Street Firehall**- wall prices obtained for work
5. **NYS Thruway Authority Water Contract Review/Update/Renew**-underway
6. **Land Bank**- K&L lot pending / 6 Gowans Rd Application Accepted
7. **Union Negotiations**- Pending
8. **PBA Proposal**- basketball court upgrades to be made by PBA in the Spring
9. **CDBG**- Income Survey going out to residents
10. **Verizon Poles**- Removed, Lake and Washington still in ground. Mayor Frawley thanked crew chief and dpw for cleaning up Main Street. Trustee Houston suggested to clean up the snow on Main Street during regular time by working on one side on Main Street at a time and closing off that side of the road.
11. **National Flood Insurance Program**- due in May
12. **Lake Shore Waterline**- Bids to be opened on April 1, 2021

New Business:

- 1. Election Day Tuesday March 16- Remember to Vote 12PM-9PM**
- 2. Great Lakes Building Systems Quote for fire alarm protection.** Crew Chief received quote for \$1440 for installation and \$475 per year per account for 24 hour monitoring. **Motion to have the system installed made by Trustee Wilson and seconded by Trustee Whelan. A Roll Call was made all said AYE**
- 3. Tax Rate-** Mayor Frawley explained the rate is \$7.14 which is the same as the previous year.
- 4. North Main Road Construction-** Erie County was set to begin on March 1, 2021.

Resolutions Offered on March 8, 2021

Mayor Frawley

#1 SET PUBLIC HEARING FOR TENTATIVE BUDGET-APRIL 12, 2021 - 7:15PM

**VILLAGE OF ANGOLA
NOTICE OF PUBLIC HEARING
FOR 2021-2022 BUDGET**

RESOLVED that pursuant to Village Law Section 5-504 the 2020-2021 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 8, 2021. The budget may be inspected between the hours of 9:00 AM and 5:00 PM on or after March 8, 2021. Said Tentative Budget includes maximum compensation for the Mayor of \$10,000 per annum and for the Trustees of \$4,000 per annum. The 2021-2022 Budget reflects NO increase of the tax rate \$7.18 with a garbage rate of \$216.00 per unit with an increase of \$2.00. A summary of the tentative budget is as follows:

General Fund Appropriations	\$1,274,306.00
Water Fund Appropriations	\$913,250.00

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 12, 2021 at 7:15 PM to consider same before final adoption. Village Clerk is hereby authorized to publish notice in the paper of record the Dunkirk Observer and the Angola Penny Saver.

A motion was made by Mayor Frawley, seconded by Trustee Wilson

Roll Call was made and all were in favor said AYE

Mayor Frawley, Trustee Houston, Trustee Wilson, Trustee Whelan

#2 SET PUBLIC HEARING FOR LOCAL LAW #1 OF 2021 - LEVY LIMIT

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 # 1 for the year 2021 adding Chapter 246 Article I of the code of the Village of Angola entitled "Tax Levy Limit 2021" Said hearing to be held on the 12th day of April, 2021, at 7:30 PM at which time all interested persons shall be heard.

A copy of the Proposed Local Law #1 for the year 2021 is attached hereto.

**NOTICE OF PUBLIC HEARING FOR
PROPOSED LOCAL LAW # 1 FOR THE YEAR 2021
ADDING CHAPTER 246 ARTICLE I ENTITLED
“TAX LEVY LIMIT 2021”**

Please take notice that there has been introduced before the Board of Trustees of the Village of Angola on the 8th day of March, 2021, Proposed Local Law #1 for the year 2021 adding Chapter 246 Article I of the Code of the Village of Angola entitled “Tax Levy Limit 2021” providing authorization for a property tax levy in excess of the limit established in the General Municipal Law § 3-c. for the fiscal year commencing
June 1, 2021.

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 Local Law before the Board of Trustees of the Village of Angola at Village Hall, 41 Commercial Street, Angola, New York 14006 at 7:30 PM on the 12th day of April, 2021.

**By Order of the Village Board
March 8, 2021
Nicole Milks
Village Clerk-Treasurer**

**A motion was made by Trustee Wilson, seconded by Trustee Whelan
Roll Call was made and all were in favor said AYE
Mayor Frawley, Trustee Houston, Trustee Wilson, Trustee Whelan**

#3 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 12, 2021 and all property cleanup/stub searches be sent to Erie County Department of Finance for collection on the 2021-2022 Village Tax Bills.

FURTHER RESOLVED the Village Clerk will publish an ad in the Angola Penny saver to this regard.

**A motion was made by Trustee Wilson, seconded by Trustee Whelan
Roll Call was made and all were in favor said AYE
Mayor Frawley, Trustee Houston, Trustee Wilson, Trustee Whelan**

#4 APPROVE PENFLEX SERVICE AWARD POSTING

BE IT RESOLVED, the Angola Village Board does herein approve the Volunteer Firefighter Service Award Program list of all 2020 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 the members. The listing has been returned to the Village Board after the expiration of the 30-day period with all changes to the listing fully documented on the listing.

**A motion was made by Mayor Frawley, seconded by Trustee Whelan
Roll Call was made and all were in favor said AYE
Mayor Frawley, Trustee Houston, Trustee Wilson, Trustee Whelan**

#5 APPROVE USE OF CENTENNIAL PARK FACILITIES AND THE WILLIAM G. HOUSTON GAZEBO AND A HERMAN PARK RENTAL

BE IT RESOLVED the Village of Angola Board of Trustees hereby approves the application from the following for the use of Centennial Park Facilities:

1. Gazebo- Lake Shore Association of Christian Churches on Thursday, May 6, 2021 from 5:30PM-8:00PM for the National Day of Prayer.
2. Herman Park- Tara Lewinski for a Birthday Party on April 3, 2021 from 10:30-3:00PM

**A motion was made by Trustee Whelan, seconded by Trustee Wilson
Roll Call was made and all were in favor said AYE
Mayor Frawley, Trustee Houston, Trustee Wilson, Trustee Whelan**

#6 APPROVE HEALTH EMERGENCY PLAN

WHEREAS, Chapter 168 of the Laws of 2020 requires public employers to develop a plan for operations in the event a declared public health emergency involving a communicable disease and,

WHEREAS, such plan has been presented to the Village Board of Trustees and by the DPW Union Council 66 for review and recommendations and,

BE IT RESOLVED, the Village of Angola Board of Trustees hereby authorizes the Mayor to sign and execute the Emergency plan and file in the Village Clerk's Office.

**A motion was made by Trustee Wilson, seconded by Trustee Whelan
Roll Call was made and all were in favor said AYE
Mayor Frawley, Trustee Houston, Trustee Wilson, Trustee Whelan**

#7 APPROVE THE CLERK TREASUER TO SIGN PROOF OF CLAIM

RESOLVED, that the Clerk Treasurer is authorized to sign the proof of claim requesting payment for the water account for Account # O7112 John & Denise Hussar in the amount of \$1990.33.

**A motion was made by Trustee Wilson, seconded by Trustee Whelan
Roll Call was made and all were in favor said AYE
Mayor Frawley, Trustee Houston, Trustee Wilson, Trustee Whelan**

#8 BOND RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF ANGOLA, ERIE COUNTY, NEW YORK (THE "VILLAGE"), AUTHORIZING THE VILLAGE TO UNDERTAKE CERTAIN IMPROVEMENTS TO PORTIONS OF THE VILLAGE'S WATER SYSTEM; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$110,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$110,000 IN SERIAL BONDS OF THE VILLAGE TO FINANCE SAID APPROPRIATION

WHEREAS, the Board of Trustees (the "Board of Trustees") the Village of Angola, Erie County, New York (the "Village"), is considering undertaking certain improvements to portions of the Village's water system including waterlines from 8462 Lake Shore Road Development to Schwert Road as described in an engineering report prepared by Donald Gall, Consulting Engineer, P.C. on February 9, 2021 (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, by resolution adopted on February 22, 2021, the Board of Trustees, acting as lead agency under the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation adopted thereunder (collectively, “SEQRA”), (i) determined that the Project constitutes an “Unlisted” action within the meaning of SEQRA, and (ii) that the Project will not have a significant adverse impact on the environment and adopted a negative declaration under SEQRA to such affect; and

WHEREAS, the Board of Trustees 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, BE IT RESOLVED, by the Board of Trustees of the Village of Angola, Erie County, New York (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, at a total estimated cost to the Village not to exceed \$110,000, and to issue up to \$110,000 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 2. It is hereby determined that the estimated maximum cost to the Village of the aforementioned specific object or purpose is \$110,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$110,000 in 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, (ii) the application of a local contribution in the amount of \$70,000 from Eagle Associates of Niagara Frontier, Inc. which is expected to be received by the Village, to either directly pay or reimburse the cost of the Project and/or to repay a portion of any such bond anticipation notes issued under the authority of this resolution, and (iii) unless paid from other sources, the levy and collection of taxes on all taxable real property of the Village to pay the principal of such bonds or notes and the interest thereon as the same become due and payable.

SECTION 3. It is hereby determined that the purpose referenced in Section 1 hereof is described in subdivision 1. of paragraph a. of Section 11.00 of the Law, and that the period of probable usefulness for said purpose is forty (40) years; provided however, the maximum term of said bonds and notes shall not exceed five (5) years from the date of first borrowing pursuant to this resolution.

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 this resolution.

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 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 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.

SECTION 6. 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 7. 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 Board of Trustees 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 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, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for one or more of the objects or purposes authorized by this resolution are combined for sale, pursuant to subdivision 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 Board of Trustees, then the power of the Board of Trustees to determine the "weighted average period of probable usefulness" (within the meaning of subdivision 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 8. 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 9. 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 10. 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 affect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of the Board of Trustees.

SECTION 11. 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 12. This resolution shall take effect immediately and the Clerk of the Village is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published in full, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the Village for such purpose.

The following vote was taken and recorded in the public or open session of said meeting:

<u>AYE</u>	<u>NAY</u>
Mayor Frawley	
Trustee Whelan	
Trustee Wilson	
Trustee Houston	

STATE OF NEW YORK)
COUNTY OF ERIE) ss.:

I, the undersigned Village Clerk of the Village of Angola, Erie County, New York (the "Village") DO HEREBY CERTIFY as follows:

1. I am the duly qualified and acting Village Clerk of the Village and the custodian of the records of the Village, including the minutes of the proceedings of the Board of Trustees, and am duly authorized to execute this certificate.

2. A regular meeting of the Board of Trustees of the Village was held on March 8, 2021, and Minutes of said meeting have been duly recorded in the Minute Book kept by me in accordance with law for the purpose of recording the minutes of meetings of said Board.

3. Attached hereto is a true and correct copy of a Bond Resolution duly adopted at a regular meeting of the Board of Trustees held on March 8, 2021 and entitled:

BOND RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF ANGOLA, ERIE COUNTY, NEW YORK (THE "VILLAGE"), AUTHORIZING THE VILLAGE TO UNDERTAKE CERTAIN IMPROVEMENTS TO PORTIONS OF THE VILLAGE'S WATER SYSTEM; STATING THE ESTIMATED MAXIMUM COST OF THEREOF IS \$110,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$110,000 IN SERIAL BONDS OF THE VILLAGE TO FINANCE SAID APPROPRIATION

4. That said meeting was duly convened and held and that said resolution was duly adopted in all respects in accordance with the law and regulations of the Village. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Board of Trustees was present throughout said meeting, and a legally sufficient number of members (2/3's of the Board of Trustees) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under the law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including the publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

5. Public Notice of the time and place of said meeting was duly posted and duly given to the public and the news media in accordance with the Open Meetings Law, constituting Chapter 511 of the Laws of 1976 of the State of New York, and that all members of said Board had due notice of said meeting and that the meeting was in all respects duly held and a quorum was present and acted throughout.

6. The seal appearing below constitutes the official seal of the Village and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of the Village of Angola this 8th day of March, 2021.

VILLAGE OF ANGOLA

By: _____

Nicole Milks, Village Clerk

ESTOPPEL NOTICE

The resolution, a summary of which is published herewith, has been adopted on March 8, 2021 and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Village of Angola, Erie County, New York is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied

with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

Nicole Milks, Village Clerk
Village of Angola

SUMMARY OF BOND RESOLUTION

Set forth below is a summary of said resolution adopted by the Board of Trustees of the Village of Angola on March 8, 2021.

1. The resolution is entitled "BOND RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF ANGOLA, ERIE COUNTY, NEW YORK (THE "VILLAGE"), AUTHORIZING THE VILLAGE TO UNDERTAKE CERTAIN IMPROVEMENTS TO PORTIONS OF THE VILLAGE'S WATER SYSTEM; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$110,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$110,000 IN SERIAL BONDS OF THE VILLAGE TO FINANCE SAID APPROPRIATION".

2. Object or Purpose: certain improvements to portions of the Village's water system including waterlines from 8462 Lake Shore Road Development to Schwert Road, as described in an engineering report prepared by Donald Gall, Consulting Engineer, P.C. on February 9, 2021.

3. Period of Probable Usefulness: 40 years,.

4. Amount of Debt Obligations Authorized: \$110,000.

A complete copy of the bond resolution summarized above shall be 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.

A motion was made to approve an AUDIT OF THE BILLS by Trustee Wilson, seconded by Mayor Frawley, unanimously carried.

ADJOURN TO Organizational Workshop at 6:45 PM and Regular Board Meeting on Monday, April 12, 2021 at 7:00pm.

Motion made by Trustee Whelan and seconded Trustee Wilson

Respectfully Submitted By:



Nicole Milks-Clerk Treasurer