

REGULAR MEETING
June 17, 2024

Board Members Present: Mayor Craig Miller
Trustee Bryan Woleben
Trustee Kari Doino
Trustee Ed Bellando
Trustee Drew Ransom

Board Member Absent:

Present: Scott Jagoda, Village Clerk/Treasurer
Peter Clark, Attorney
Braden Carmen, Observer
Rich Lewis, WWTP
Dave Hazelton (left at 6:26)
Tammy Thompson (left at 6:10)
Jarrod Bushong (left at 6:10)
Julie Patcher

Mayor Miller opened the meeting with the pledge to the flag at 6:00 p.m.

Public Comments: Tammy Thompson introduced Jarrod Bushong as the new Community Outreach Director for Breathe Life WNY and discussed the upcoming events they are hosting. Dave Hazelton noted the amounts of EMS funds that have come in and a motion was made by Trustee Bryan Woleben seconded by Trustee Drew Ransom to allow clerk Scott Jagoda to transfer the current and any upcoming EMS funds to the NYCLASS account, voting was unanimous, motion carried.

Julie Patcher discussed the upcoming community conversations to be held on September 24, 2024 at 6:30pm with guests Senator George Borello and Assemblyman Andy Goodell with the topic being the ins and outs of voting focused on the younger people who are new to voting and the process of elections. The venue has not been determined.

Department Reports:

Scott Jagoda, Village Clerk/Treasurer – A motion was made by Trustee Bryan Woleben seconded by Trustee Drew Ransom to sellback 40 hours of unused vacation time to James Dolce, voting was unanimous, motion carried.

Fire Department – Harry Pugh Fire Chief – Mayor Miller introduced the monthly fire department report for May 2024, there were 38 calls for the month.

Village Attorney Peter D. Clark – Peter will work with Ken Becker and Trustee Ed Bellando to assess the reservoir property on any needed repairs and the possibility of lowering the water level to reduce the risks involved.

Peter noted he is trying to collect funds from DOCCS related to the water improvement contracts.

Ken Becker, Streets Dept. – No report.

Wendy Spinuzza, Code Enforcement Officer – Mayor Miller introduced the code enforcement officers report for May, there were 5 permits issued and 28 violations.

Rich Lewis - Wastewater Treatment Plant – Rich noted the pump stations communications are back up online.

A motion was made by Trustee Bryan Woleben seconded by Trustee Kari Doino to allow Rich to purchase a pump controller for \$3733.52 from Blue Ribbon Corporation, voting was unanimous, motion carried.

Electric Department – Joe Majkowski, Electric Lineman – Mayor Miller introduced a monthly report for the electric department.

Committee Reports:

Trustee Bryan Woleben – No report.

Trustee Kari Doino – No report.

Trustee Drew Ransom – No report.

Trustee Ed Bellando – Trustee Bellando noted he with Jason Delcamp regarding the electric buses and they are considering the prison as a potential storage area which would not affect the village electric.

Mayor Report: - Mayor Miller thanked village employees for their continued work and noted the Ryckman Park playground equipment is on schedule to be installed before July 4. The Ryckman Park playground committee has raised over \$1,000 and the money is being stored with the North Chautauqua Community Foundation.

New Business: RESOLUTION 23-2024

APPROVE NEW FIRE DEPARTMENT MEMBER

WHEREAS, Chief Harry Pugh has requested to accept James Schlemmer pending a background check as a member of the Brocton volunteer fire department,

NOW THEREFORE BE IT RESOLVED, authorization is approved to acknowledge and accept James Schlemmer as a volunteer firefighter.

Resolution was introduced by Trustee Bryan Woleben, second by Trustee Drew Ransom with vote as follows:

__4__ ayes

__0__ nays

__0__ absent

Date: June 17, 2024

Scott Jagoda
Village Clerk/Treasurer

RESOLUTION 24-2024

HIRE SUMMER YOUTH RECREATION ATTENDANTS

BE IT RESOLVED that Trustee Drew Ransom and Trustee Kari Doino as members of the Recreation Committee and with the help of Maleah Vazquez as Recreation Director have reviewed the applications, interviewed and recommend the hiring of the following applicants for the Summer Recreation Program for 2024 to be held at Brocton Central School beginning July 8th.

Staff Positions:

EmmaLee Abbey
Returning Employee at a rate of \$15.00 per hour

Connor Huels
Returning Employee at a rate of \$15.00 per hour

Nathan Laurito
New Employee at a rate of \$15.00 per hour

Haleigh Furman
New Employee at a rate of \$15.00 per hour

Keyonna Kent
New Employee at a rate of \$15.00 per hour

Michael Garcia
New Employee at a rate of \$15.00 per hour

NOW THEREFORE BE IT RESOLVED, the Village Board of Trustees has approved the recommendations of the Recreation Committee to hire the summer personnel for the six-week program as stated.

Resolution introduced by Trustee Drew Ransom, second by Trustee Bryan Woleben with vote as follows:

___4___ ayes ___0___ nays ___0___ absent

Dated: June 17, 2024

Scott Jagoda
Village Clerk/Treasurer

**RESOLUTION 25-2024
AMENDING AND RESTATING BOND RESOLUTION**

AN AMENDING AND RESTATING BOND RESOLUTION, DATED **JUNE 17, 2024**, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF BROCTON, CHAUTAUQUA COUNTY, NEW YORK (THE “VILLAGE”), FURTHER AMENDING THE BOND RESOLUTION THAT WAS ADOPTED ON SEPTEMBER 9, 2019 AND AMENDED ON OCTOBER 20, 2021, AND AUTHORIZING A WATER SYSTEM CAPITAL IMPROVEMENTS PROJECT, AT AN ESTIMATED MAXIMUM COST OF \$1,270,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,270,000 OF THE VILLAGE, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE VILLAGE TREASURER.

WHEREAS, on September 9, 2019, the Village Board of Trustees of the Village of Brocton, Chautauqua County, New York (the “Village”) adopted a certain bond resolution (the “Original Bond Resolution”) entitled:

A BOND RESOLUTION, DATED SEPTEMBER 9, 2019, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF BROCTON, CHAUTAUQUA COUNTY, NEW YORK (THE “VILLAGE”), AUTHORIZING A WATER SYSTEM CAPITAL IMPROVEMENTS PROJECT, AT AN ESTIMATED MAXIMUM COST OF \$866,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$866,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION

NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE VILLAGE TREASURER.

and

WHEREAS, on October 20, 2021, the Village adopted an amending and restating bond resolution (the “2021 Amending Bond Resolution”) entitled:

AN AMENDING AND RESTATING BOND RESOLUTION, DATED OCTOBER 20, 2021, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF BROCTON, CHAUTAUQUA COUNTY, NEW YORK (THE “VILLAGE”), AMENDING THE BOND RESOLUTION THAT WAS ADOPTED ON SEPTEMBER 9, 2019, AND AUTHORIZING A WATER SYSTEM CAPITAL IMPROVEMENTS PROJECT, AT AN ESTIMATED MAXIMUM COST OF \$1,008,800 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,008,800 OF THE VILLAGE, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE VILLAGE TREASURER

and

WHEREAS, the Village received higher than anticipated bids in response to its request for bids in connection with the October 20, 2021 project; and

WHEREAS, due to the increased estimated maximum cost of the project, the Village Board of Trustees wishes to modify the 2021 Amending Bond Resolution for the primary purposes of increasing: a) the estimated maximum cost of the project from \$1,008,800 to \$1,270,000 and b) the amount of serial bonds authorized to be issued from \$1,008,800 to \$1,270,000, and to make other modifications to the 2021 Amending Bond Resolution as may be consistent with law; and

WHEREAS, the Village Board of Trustees now wishes to amend and restate (in its entirety) the 2021 Amending Bond Resolution for the reasons identified above, and to make other modifications to the 2021 Amending Bond Resolution as may be consistent with law and the 2021 Amending Bond Resolution is otherwise being reaffirmed and ratified in all other material respects;

WHEREAS, the Village has previously issued an EFC Drinking Water Facility Note pursuant to the 2021 Amending Bond Resolution, but has not yet entered into permanent financing arrangements thereunder (i.e., the issuance of long-term serial bonds);

WHEREAS, the Village wishes to rescind its previous (May 15, 2024) amending bond resolution (except for any actions already undertaken by the Village) relating to the proposed Project, and replace it with this further amending bond resolution; and

NOW THEREFORE,

BE IT RESOLVED, by the Village Board of Trustees of the Village (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Village is hereby authorized to undertake a certain water system capital improvements project, such work to generally consist of (but not be limited to) the replacement of approximately 3,400 linear feet of watermain along various roads in the Village including, but not limited to, Central Avenue, along with the installation of water services, road and sidewalk restoration and tree installation, as well as other improvements as more fully identified in (or contemplated by) a revised engineering report prepared by CPL, and including all preliminary work and necessary equipment, materials, and related site work and any preliminary costs and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The amended estimated maximum cost of the Purpose is \$1,270,000.

SECTION 2. The Village Board of Trustees plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$1,270,000 of the Village, hereby authorized to be issued therefor pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, the cost of such improvements is to be paid by the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that the Purpose is an object or purpose described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the Village are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there shall annually be levied on all the taxable real property of the Village a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local

Finance Law, the powers and duties of the Village Board of Trustees pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village. Without in any way limiting the scope of the foregoing delegation of powers, the Village Treasurer, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Village.

SECTION 8. To the extent not previously authorized, 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 Local Finance Law, for the purpose or purposes described in this resolution.

SECTION 9. This resolution shall constitute the declaration (or reaffirmation) of the Village's "official intent" to reimburse the expenditures authorized in this resolution with the proceeds of the bonds, notes or other obligations authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 10. The Village Treasurer is 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 may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 11. The Village Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser 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 Village has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under SEQRA is necessary.

SECTION 13. To the extent applicable, the Village Treasurer is hereby authorized to execute and deliver in the name and on behalf of the Village a project financing agreement prepared by the New York State Environmental Facilities Corporation ("EFC") (the "SRF Project Financing Agreement"). To the extent applicable, the Village Treasurer and the Village Clerk and all other officers, employees and agents of the Village are hereby authorized and directed for and on behalf of the Village to execute and deliver all certificates and other

documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including, but not limited to, the SRF Project Financing Agreement.

SECTION 14. In the absence or unavailability of the Village Treasurer, the Deputy Treasurer is hereby specifically authorized to exercise the powers delegated to the Village Treasurer in this resolution.

SECTION 15. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Village is not authorized to expend money, or

(b) the provisions of the 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 20 days after the date of such publication of this notice, or

2. such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 16. This Resolution is subject to permissive referendum pursuant to Section 36.00 of the Local Finance Law. The Village Clerk is hereby authorized and directed to publish (one time) and post (in at least six conspicuous public places within the Village and at each polling place), this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten days after the date of adoption of this resolution.

SECTION 17. If no petitions are filed in the permissive referendum period, the Village Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the official newspaper(s) of the Village, or if no newspaper(s) have been so designated, then in a newspaper having a general circulation in the Village, and hereby designated as the official newspaper of the Village for such publication.

SECTION 18. Nothing in this amendment shall affect the validity of the Original Bond Resolution, the 2021 Amending Bond Resolution, or any actions taken thereunder, and any such actions are hereby ratified.

SECTION 19. This resolution is intended to, and hereby does, rescind and replace that particular amending bond resolution that was adopted on May 15, 2024, (except for any actions already undertaken by the Village) in connection with the Project.

* * *

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

AYES:

MAYOR MILLER, TRUSTEES BELLANDO, DOINO, RANSOM, WOLEBEN

NOES:

ABSENT:

The foregoing resolution was thereupon declared duly adopted.

Resolution introduced by Trustee Bryan Woleben, second by Trustee Ed Bellando with vote as follows:

__5__ ayes __0__ nays __0__ absent

Dated: June 17, 2024

Scott Jagoda
Village Clerk/Treasurer

RESOLUTION 26-2024

AUTHORIZE MAYOR TO TAKE STEPS NECESSARY TO WITHDRAW FROM CBI WATERWORKS

IT IS HEREBY resolved that the Village of Brocton withdraw from the Intermunicipal Cooperation Water Agreement between the Town of Portland, Village of Brocton, Town of Pomfret, Town of Dunkirk, and the Town of Sheridan known as the Chadwick Bay Intermunicipal Waterworks,

IT IS FURTHER resolved that the Mayor is authorized to take whatever action is necessary to effectuate this resolution.

Resolution was introduced by Trustee Bryan Woleben, second by Trustee Ed Bellando with vote as follows:

__4__ ayes __0__ nays __0__ absent

Date: June 17, 2024

Scott Jagoda

Old Business:

A motion was made by Trustee Bryan Woleben, seconded by Trustee Drew Ransom to authorize payment of signed and approved vouchers. Vote was unanimous, motion carried.

A motion was made by Trustee Drew Ransom, seconded by Trustee Ed Bellando to approve May 15th regular meeting minutes as presented in written form. Vote was unanimous, motion carried.

A motion was made by Trustee Bryan Woleben, seconded by Trustee Drew Ransom to approve May 29th planning board public hearing meeting minutes as presented in written form. Vote was unanimous, motion carried.

A motion was made by Trustee Drew Ransom, seconded by Trustee Bryan Woleben to approve the written reports as presented. Vote was unanimous, motion carried.

With no further business brought before the Board, a motion was made to adjourn the meeting at 6:48p.m. by Trustee Bryan Woleben seconded by Trustee Drew Ransom. Vote was unanimous, motion carried.

Respectfully submitted by,

Scott Jagoda
Village Clerk/Treasurer