

REGULAR MEETING/PUBLIC HEARING
October 18, 2023

Board Members Present: Mayor Craig Miller
Trustee Bryan Woleben 6:02
Trustee Drew Ransom
Trustee Kari Doino
Trustee Mark Belcher 6:01

Board Member Absent:

Present: Scott Jagoda, Village Clerk/Treasurer
Peter Clark, Attorney
Bill Hussey, Fire Chief
Braden Carmen, Observer
Ken Becker, Streets Supervisor
Rich Lewis, WWTP Supervisor
Dave Zambotti
Clarissa Ortiz (left at 6:35)
Sheriff James Muscato 6:37 (left at 6:46)

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

A motion was made by Trustee Kari Doino seconded by Trustee Bryan Woleben to adopt Local Law No. 2 of 2023 amending Parking Law No. 2-1989 Section 353-2 All-night Parking will be prohibited within the Village of Brocton between 1:00am and 6:00am during the period beginning November 1st, and ending March 31st, of each year on all highways within the Village of Brocton and also no vehicle shall stop, stand, or park between the sidewalk and the curb line or if there is no sidewalk within 8 feet of the paved street and further no vehicle shall stop, stand, or park on any sidewalk, Trustee Drew Ransom voted against the proposal, motion carried.

Public Comments: Clarissa Ortiz expressed concern over Evergreen Estates management and counsel requesting her cooperation in installing a water-box on her property to tie into the water/sewer lines. The board is sympathetic with her concerns and have assisted her along with Peter Clark however it ultimately will come down to her and potentially her own legal counsel.

A motion was made by Trustee Mark Belcher to close the public hearing and open the regular meeting at 6:35pm seconded by Trustee Bryan Woleben, voting was unanimous, motion carried.

Dave Zambotti noted he has had issues with the ground and driveway sinking over the years since the North County Water District installed new lines. The board will look into possible solutions.

The board noted the Brocton/Portland Senior Citizens were concerned about losing their funding. Rich Lewis noted the Town is not legally allowed to provide funding but they could work with Village to reimburse funding provided by the Village.

Department Reports:

Scott Jagoda, Village Clerk/Treasurer – A motion was made by Trustee Drew Ransom seconded by Trustee Kari Doyno to purchase a new Kyocera M2540dw copier for the clerk’s office for \$950.00 including a \$200.00 trade in value for the current Kyocera M2535dn and maintenance agreement of \$360.00 per year, voting was unanimous, motion carried.

A motion was made by Trustee Bryan Woleben seconded by Trustee Drew Ransom to pay CPL \$3170.55 for the remaining balance of the Haywood Heights water/sewer line project using ARPA funds, voting was unanimous, motion carried.

Fire Department – Bill Hussey Fire Chief – Mayor Miller introduced the monthly fire department report for September 2023, there were 33 calls for the month.

A quote for maintenance on the generator was presented from Emergency Power Systems and this was tabled for further discussion.

Village Attorney Peter D. Clark – No report.

Ken Becker, Streets Dept. – Ken and the board discussed future projects and Ken will compile a list to prioritize projects for completion based on timing and funding available.

A motion was made by Trustee Bryan Woleben to allow the mayor to sign the Intermunicipal Agreement with the Town of Portland for Highway Superintendent Services, voting was unanimous, motion carried.

**INTERMUNICIPAL AGREEMENT
FOR HIGHWAY SUPERINTENDENT SERVICES**

THIS AGREEMENT made and entered into this 18th day of October, 2023 by and between:

THE VILLAGE OF BROCTON, a municipal corporation as defined by General Municipal Law, Section 119-N(a), of the State of New York, party of the first part, and hereinafter referred to as the "Village",

and

THE TOWN OF PORTLAND, a municipal corporation as defined by the aforesaid statute, party of the second part, hereinafter referred to as the "Town".

WITNESSETH:

WHEREAS, the Town has an elected superintendent of highways pursuant to Section 20 of the Town Law and the Village has an appointed Superintendent of Public Works pursuant to Section 4-400 of the Village Law, and

WHEREAS, the Village desires to appoint the Town's Highway Superintendent as its Superintendent of Public Works, and both parties agree that this action will produce efficiencies within their respective Highway Departments; and

WHEREAS, the Town and the Village are empowered to enter into an agreement on a contractual basis for the continued sharing of the services of the Highway Superintendent employed by the Town pursuant to Section 119-o of the General Municipal Law of the State of New York, subject to approval by both the Town Board of the Town and the Village Board of the Village,

NOW, THEREFORE, for good and valuable consideration, the sufficiency of which is hereby acknowledged, and the mutual covenants contained herein, the parties hereto agree as follows:

1. **Statement of Agreement.** During the terms of this Agreement the Town agrees to provide and make available its Highway Superintendent to the Village, and the Village agrees to use the services of the Town's Highway Superintendent, in accordance with and subject to the terms and conditions of this Agreement.

2. **Shared Superintendent.** The Village shall appoint the Town's Highway Superintendent to act as its Superintendent of Public Works with respect to all streets, highways, and property located within the Village and to supervise any other Village personnel working within its Highway Department. The Highway Superintendent shall be at all times during the term of this Agreement an employee of the Town.

3. **Resources.** The Town shall be solely liable for the salary and any benefits to which the Highway Superintendent shall be entitled, provided, however, that the Village shall reimburse the Town in an amount equal to \$26,000 per year, payable in twelve (12) monthly installments. The Town and Village shall in good faith review and revise this figure, as needed, each year during the Town's budgeting process.

4. **Personnel Policies:** The Highway Superintendent shall at all times be an employee of the Town. Nonetheless, in providing services to the Village pursuant to this Agreement, the Highway Superintendent shall be subject to the sole direction and supervision of the Mayor of the Village.

5. **Dispute Resolution.** Any conflict between the parties to this Agreement concerning the extent and manner of the performance of Highway Superintendent services delivered to the Village shall be resolved by agreement by and between the Supervisor of the Town and the Mayor of the Village.

6. **Term and Termination.** This term of this Agreement shall be for one year commencing on October 1, 2023 and continuing to September 30, 2024, but shall automatically renew for successive twelve (12) month terms unless either party provides notice to the other of its intent to terminate this Agreement, which notice shall be provided at least one hundred eighty days (180) days prior to the effective date of the termination.

7. **Amendments.** No waiver, modification, or amendment of this Agreement or any part thereof shall be valid unless in writing and duly executed by the parties hereto. A waiver of any breach hereof shall not prevent forfeiture for any succeeding breach.

8. **Entire Agreement.** This Agreement contains the sole and entire Agreement between the parties relating to the services provided hereunder and shall supersede any and all other Agreements between the parties. Any other statements or representations made by either party are void and have no force or effect.

9. **Binding Agreement.** This Agreement shall be binding on the parties, their successors, heirs, and assigns.

10. **Governing Law.** This Agreement shall be governed by the laws of the State of New York.

11. **Notices.** Any notice, request, demand or communication permitted or required to be given by this Agreement shall be in writing and served as follows:

To the Village: Village of Brocton Mayor
34 Main Street
Brocton, New York 14716

To the Town: Town of Portland Supervisor
87 West Main Street
Brocton, New York 14716

Unless otherwise required by applicable law or regulation, the notice shall be deemed to have been served when deposited in a post-paid wrapper in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York, addressed as stated above.

Wendy Spinuzza, Code Enforcement Officer – Mayor Miller introduced the code enforcement officers report for September, there were 4 permits issued and 2 violations.

Rich Lewis - Wastewater Treatment Plant – Rich noted he is having issues with the dialer the plant and communications at the Peerless pump station and future purchases will be necessary to fix the problems.

Electric Department – Joe Majkowski, Electric Lineman – The mayor introduced a monthly report for September.

Committee Reports:

Trustee Bryan Woleben – No report.

Trustee Kari Doino – Trustee Doino noted Arch Fest is coming together but will need to be moved to the school due to inclement weather.

Trustee Drew Ransom – No report.

Trustee Mark Belcher – No report.

Mayor Report: - Mayor Miller thanked all employees for their continued work. A motion was made by Trustee Bryan Woleben seconded by Trustee Mark Belcher to purchase 70 water meters from CBI for \$247.52 each totaling \$17326.40 using the NYMA TA Grant account, voting was unanimous, motion carried.

New Business:

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 Bryan Woleben to approve September 13th regular meeting minutes as presented in written form. Vote was unanimous, motion carried.

A motion was made by Trustee Bryan Woleben, seconded by Trustee Mark Belcher 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 7:36p.m. by Trustee Mark Belcher seconded by Trustee Kari Doino. Vote was unanimous, motion carried.

Respectfully submitted by,

Scott Jagoda
Village Clerk/Treasurer