

REGULAR MEETING
May 15, 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
Brandy Smith (6:01)
Nicole Young (6:05)
Malinda Marsh (6:20)

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

Public Comments: Brandy Smith noted Jamestown Plastics will be hosting a 20th anniversary party at 12:30pm on Friday, May 24, 2024.

Nicole Young representing the Ryckman Park Revitalization Group noted they are having a yard sale and can drive during Arch and Seller days on June 1.

Department Reports:

Scott Jagoda, Village Clerk/Treasurer – A motion was made by Trustee Bryan Woleben seconded by Trustee Drew Ransom to purchase new playground equipment Challenger Unit 350-1718 from Jeffrey Associates with funds from insurance of \$20819.00 and \$14809.00 of ARPA funds totaling \$35,628.00, voting was unanimous, motion carried.

A motion was made by Trustee Bryan Woleben seconded by Trustee Kari Doino to allow Scott Jagoda to sell back 40 hours of unused vacation time as stated in employee handbook, voting was unanimous, motion carried.

Fire Department – Bill Hussey Fire Chief – Mayor Miller introduced the monthly fire department report for April 2024, there were 36 calls for the month.

Village Attorney Peter D. Clark – Peter noted he is working to collect funds under the water contract with DOCCS.

Ken Becker, Streets Dept. – Mayor Miller noted the streets department has repaired the steps on the gazebo and built new picnic tables for Ryckman Park.

Wendy Spinuzza, Code Enforcement Officer – Mayor Miller introduced the code enforcement officers report for April, there were 2 permits issued and 7 violations.

Rich Lewis - Wastewater Treatment Plant – Rich thanked the Town of Portland highway department for fabricating a new ladder for the equalization tank bay at the sewer plant. Rich noted we will need to budget in the next two years for bulbs and related items in the UV bays with expected costs above \$15,000.00.

Electric Department – Joe Majkowski, Electric Lineman – Trustee Woleben thanked Joe for repairing and renewing the merry-go-round at Ryckman Park.

Committee Reports:

Trustee Bryan Woleben – No report.

Trustee Kari Doino – A motion was made by Trustee Bryan Woleben seconded by Trustee Ed Bellando to re-hire EmmaLee Abbey and Connor Huels as summer recreation attendants at an hourly rate of \$16.00/hour, voting was unanimous, motion carried. Trustee Doino noted that once the remainder of the staff for the summer recreation program is hired, she would like to have an orientation day on June 22 to prepare for the season.

Trustee Drew Ransom – No report.

Trustee Ed Bellando – Trustee Bellando noted he is still working on collecting information on the electric buses and the law requiring the use of electric buses seems likely to be officially passed in the future. Trustee Bellando noted several complaints in regards to CBI billing issues.

Mayor Report: - A motion was made by Trustee Bryan Woleben seconded by Trustee Ed Bellando to change the June meeting to Monday, June, 17 at 6:00pm in observance of Juneteenth, voting was unanimous, motion carried.

New Business:

RESOLUTION 11-2024

APPROVAL OF FEE SCHEDULE FOR BUILDING PERMITS

WHEREAS Trustee Kari Doino introduced a new fee schedule for building permits to be enacted immediately as stated below:

VILLAGE OF BROCTON FEE SCHEDULE FOR BUILDING PERMITS

(ALL FEES ARE NON-REFUNDABLE)

Single, Two Family or Multiple Family Homes	\$100 plus \$0.10 Square Foot
Any accessory buildings over 144 sq. ft-inc. carports ft.	Minimum \$50.00 or \$0.10 sq. (whichever is greater)
Decks & Porches	Minimum - \$50.00 Plus \$0.10 if over 150 sq. ft.
Re-Roof	\$50.00
Signs	\$50.00
Pools/Hot Tubs	\$50.00
Wood Stoves & Solid Fuel Burning Appliances	\$50.00
Demolition/Removal Permits	\$75.00
Non-Agricultural Fences	\$50.00
Farm Buildings	\$25.00
Electrical Permit	\$25.00
Conversions, alterations, additions & repairs Applicable only when a Building Permit is Required for, but not limited to any of the following: replacement of rafters, replacement or alteration of bearing walls or floor/ceiling joists, foundation reinforcement, or the construction, alteration or replacement of stairs, porches and decks. Building Permit cost includes Certificate of Occupancy Fee	Minimum \$50.00 or \$0.10 sq. ft. (whichever is greater)
Requested Inspection outside of normal Village Business Hours (no Saturdays or Sunday)	\$150.00 per hour (after 4:30pm)
Certificate of Occupancy	No charge if building permit is in effect, otherwise 50% of the schedule of fees
New Construction or Alteration for Commercial	Minimum \$200.00 plus \$0.15 sq.ft.

Residential Geothermal (includes Electric)	Up to \$250 (depending on scale)
Residential Solar Panels	\$50
Outside expertise on plan review will be charged Separately to customers	
Permit Renewals (Renewal of permit granted only, if application is made prior to expiration of original permit. otherwise, the full fee is required)	First renewal is no charge. Subsequent renewals are 50% of the original permit fee.
Annual Mobile Home Park License Renewal Fee	\$5.00 per Lot with a minimum of \$50.00
Permits requiring Public Hearing	\$40.00
Fire Safety Inspection One (1) or two (2) Family Residence (Only when requested by owner)	\$35.00 flat fee dwelling unit
Multiple Residence Three (3) or more Dwelling units	\$35.00 flat fee per dwelling unit
All Other Occupancy 0 - 5000 sq. ft.	\$50.00
5001 sq. ft. and over	\$100.00
Operating Permit	\$35.00
Planning Board Site Review (including any studies requested)	\$250.00
Cellular Towers	
New Tower	\$100,000 Bond
Pre-Existing Tower	\$100,000 Bond
Co-Antennas	\$1,000
BP Fee	\$3,000

Wind Energy Conversion Systems (WECS)

A. In addition to any fee schedule adopted by the Village of Brocton Village Board, there shall be non-refundable Application Fees as follows:

1. Wind Overlay Zone Rezoning: \$500.00 per zone.
2. WECS Special Use Permit: \$50 per megawatt of rated maximum capacity.
3. Wind Measurement Towers: \$200.00 per tower.
4. Wind Measurement Tower Special Use Permit **renewals**: \$50 per Wind Measurement Tower.
5. The cost of all legal notices and mailings shall be assessed to the applicant.

B. Building Permits

1. The Village believes the review of building and electrical permits for Wind Energy Facilities requires specific expertise for these facilities. Accordingly, the permit fees for such facilities shall be increased by administrative costs which shall be \$100 per permit request, plus the amount charged to the Village by the outside consultant hired by the Village to review the plans and inspect the work. In the alternative, the Village and the applicant may enter into an agreement for an inspection and/or certification procedure for these unique facilities. In such case, the Village and the applicant will agree to a fee arrangement and escrow agreement to pay for the costs of the review of the plans, certifications, or conduct inspections, as agreed by the parties.

NOW THEREFORE BE IT RESOLVED fee schedule for building permits is approved.

Resolution introduced by Trustee Kari Doino, second by Trustee drew Ransom with vote as follows:

__3__ ayes __1__nays __0__absent

Trustee Bellando voted nay and stated the reason as there is no penalty or fine if a permit is not obtained prior to work being started or completed.

Dated: May 15, 20224

Scott Jagoda
Village Clerk/Treasurer

RESOLUTION 12-2024

DESIGNATING REGULAR MEETINGS OF THE VILLAGE OF BROCTON
BOARD OF TRUSTEES

BE IT RESOLVED that the Regular Meetings of the Board of Trustees of the Village of Brocton be held on the third Wednesday of each month at 6:00 pm at the Village Offices, 34 West Main Street, Brocton New York, at the discretion of the Mayor.

BE IT FURTHER RESOLVED, this resolution supersedes any previous resolution regarding meeting dates of this Board.

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

__4__ ayes

__0__ nays

__0__ absent

Dated: May 15, 2024

Scott Jagoda
Village Clerk/Treasurer

RESOLUTION 13-2024

DESIGNATION OF DEPOSITORIES

WHEREAS, the Village Board of Trustees has determined that Village Law 4-4-12 (3) (2) requires the designation of Bank or Trust Companies for the deposit of all Village monies.

NOW THEREFORE BE IT RESOLVED, that the Village Board of Trustees does hereby designate the following institution or depositories of all monies received by the Village Treasurer/Clerk and Receiver of Taxes –

Community Bank of Westfield, New York;

Municipal Investors Service, CLASS;

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

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

__4__ ayes

__0__ nays

__0__ absent

Dated: May 15, 2024

Scott Jagoda
Village Clerk/Treasurer

RESOLUTION 14-2024

MILEAGE ALLOWANCE

WHEREAS, the Village Board of Trustees has determined to pay a fixed rate for mileage, or reimbursement, to officers and employees of the Village who use their personal automobile while performing their official duties on behalf of the Village of Brocton;

NOW THEREFORE, BE IT RESOLVED, that the Board of Trustees shall approve reimbursement to such officers and employees at the rate of 67 cents per mile.

BE IT FURTHER RESOLVED, that this resolution shall immediately take effect.

Resolution introduced by Trustee Kari Doino, seconded by Trustee Drew Ransom with vote as follows:

__4__ ayes

__0__ nays

__0__ absent

Dated: May 15, 2024

Scott Jagoda

Village Clerk/Treasurer

RESOLUTION 15-2024

AUTHORIZING MAYOR AND TREASURER
TO SIGN CHECKS & FINANCIAL INSTRUMENTS

BE IT RESOLVED, the Mayor is hereby authorized together with Village Treasurer, and in their absence the Deputy Mayor and Deputy Clerk to sign, checks and any other financial instruments on behalf of the Village of Brocton for authorized expenditures.

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

__4__ ayes __0__ nays __0__ absent

Dated: May 15, 2024

Scott Jagoda
Village Clerk/Treasurer

RESOLUTION 16-2024

PROCUREMENT POLICY OF THE VILLAGE OF BROCTON

**BE IT RESOLVED THAT THE FOLLOWING PROCUREMENT POLICY
REQUIRED BY GENERAL MUNICIPAL LAW SECTION 104b BE ADOPTED BY THE
VILLAGE OF BROCTON:**

Goods and services, which are not required by law to be procured pursuant to competitive bidding must be procured in a manner to assure that prudent and economical use of public monies, in the best interests of the taxpayers, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances and to guard against favoritism, improvidence, extravagance, fraud and corruption. To further these objectives, the Village of Brocton is adopting internal procedures to be made pursuant to the competitive bidding requirements of General Municipal Law, Section 103 or of any other general, special or local law.

Procedures for Determining Whether Procurement is Subject to Bidding:

M/WBE:

Purchasers (Municipal employees soliciting bids) are required to take affirmative steps to assure that minority firms, women's business enterprises, and labor surplus firms are used when possible. Purchasers shall take all the following steps to further this goal:

Ensure that small businesses, minority-owned firms, and women's business enterprises are used to the fullest extent practicable.

Make information on forthcoming opportunities available and arrange time frames for purchased and contracts to encourage and facilitate participation by small businesses, minority-owned firms, and women's business enterprises.

Consider in the contract process whether firms competing for larger contracts intend to subcontract with small businesses, minority-owned firms and women's business enterprises.

Encourage contracting with consortiums of small businesses, minority-owned firms and women's business enterprises when a contract is too large for one of these firms to handle individually.

Use the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Empire State Development's Division of Minority and Women's Business Development Agency in the solicitation and utilization of small businesses, minority-owned firms and women's business enterprises.

Section 3:

Recipients shall ensure that employment and other economic opportunities generated by the expenditure of a state or federal funds available to the Village shall, to the greatest extent feasible, be directed to low and very low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns that provide economic opportunities to low and very low-income persons.

Bonding:

For any activity that requires the contracting (or subcontracting) for construction or facility improvements using any state or federal funds available to the Village exceeding \$100,000, the minimum requirements shall be as follows:

i. A bid guarantee from each bidder equivalent to five percent to five percent of the bid price. The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder shall, upon acceptance of this bid, execute such contractual documents as may be required within the time specified.

ii. A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to assure payment as required by statute of all persons supplying labor and material in the execution of the work provided for in the contract.

iii. A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by statute of all persons supplying labor and material in the execution of the work provided for in the contract.

iv. Where bonds are required in the situations described herein, the bonds shall be obtained from companies holding certificates of authority as acceptable sureties pursuant to 31 CFR part 223, "Surety Companies Doing Business with the United States."

Department Heads shall determine whether a procurement of goods and services is subject to competitive bidding and shall document the basis for this determination and review the determination with the Village Board of Trustees prior to solicitation of bids. Bids shall be met with prior approval of the Village Board of Trustees.

Non-Bid Procedures:

Purchases:

Superintendent and Village Clerk can purchase commodities up to \$1500.00 without prior approval by the Village Board of Trustees. Purchases of commodities initiated by department heads for amounts ranging between \$1500.00 and \$19999.99 must obtain two (2) or more quotes that must be documented in the voucher package in writing. If two (2) or more quotes are not available, please include the reason quotes were not obtained in the voucher package in writing.

Public Works Contracts:

Departments can initiate public works contracts for amounts up to \$1500.00 without prior approval of the Village Board of Trustees. Purchases of public works contracts ranging between \$1500.00 and \$19999.99 must receive prior approval from the Village Board of Trustees. Two (2) or more quotes must be obtained and documented in the voucher package in writing. If two (2) or more quotes are not available, please include the reason quotes were not obtained in writing.

Award of Contract to Other Than Low Quote:

Whenever an award of contract for a purchase or public works contracts, which requires the solicitation and documentation of quotes, is made to other than the low quote, the justification for the award shall be noted in writing in the voucher package. Purchases and public works contracts more than \$19999.99 made under emergency circumstances shall require when possible, the pre-approval of the Village Board of Trustees. Obtaining quotes under emergency circumstances is encouraged, but not required.

Purchases \$500 to \$1500

WHEREAS, The Village Board of Trustees in order to better manage Village Funds desires to have at least two committee members from the Village Board approve intended purchases and/or vouchers which are more than \$500 and less than \$1500 and which are budgeted;

The request can be made by putting a formal copy of 2 proposals in the trustees' mail slot, for a timely signoff. The trustees may be contacted by telephone and informed of the request awaiting approval, now therefore

Each department member will continue to exercise caution towards their respective budgets and the current procurement policy establishing three competitive bids for work or vouchers exceeding \$1500 to continue as written with approval required by the Village Board at a Village Board meeting. The decision to initiate or suspend this resolution will be at the discretion of the Village Board and;

BE IT FURTHER RESOLVED, Departments of the Village of Brocton will notify Trustees in their respective committee of purchases in the amount more than \$500.00 but less than \$1500

Input from Officers:

Comments concerning the policies and procedures shall be solicited from all Officers of the Village.

Annual Review:

The Village Board shall review this procurement policy and obtain input from Officers and Officials each year at the April reorganization meeting of the Village Board of Trustees.

Failure to Comply:

The unintentional failure to fully comply with the provisions of General Municipal Law, Section 104b shall not be grounds to void action taken or given rise to a cause of action against the Village of Brocton or any officer or employee thereof.

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

__4__ ayes __0__ nays __0__ absent

Dated: May 15, 2024

Scott Jagoda
Village Clerk/Treasurer

RESOLUTION 17-2024

**SPECIAL MEETING/EMERGENCY MEETING PROCEDURE FOR THE
VILLAGE OF BROCTON**

WHEREAS, The Village of Brocton Board of Trustees sets forth the procedures for Special Meetings/Emergency Meetings as deemed necessary,

BE IT RESOLVED, the Mayor or at least Two Trustees Acting Together have the privilege of calling a Special Meeting of the Board of Trustees and said meetings will be held according to Open Meetings Law.

BE IT FURTHER RESOLVED, the Members of the Board of Trustees will be notified of the Special Meeting by the Village Clerk by telephone call, and/or email notification.

Resolution introduced by Trustee Kari Doino, seconded by Trustee Drew Ransom with vote as follows:

__4__ ayes

__0__ nays

__0__ absent

Dated: May 15, 2024

Scott Jagoda
Village Clerk/Treasurer

**RESOLUTION 18-2024
APPROVE MAYOR'S COMMITTEES**

WHEREAS, Mayor has appointed the following Trustees to serve on committees as listed:

Audit: (6 mos.)	April – Sept: Oct – March:	1 Ed Bellando 2 Drew Ransom	Bryan Woleben Kari Doino
Electric		Ed Bellando	Drew Ransom
Fire Department		Drew Ransom	Bryan Woleben
Insurance (Liability & Medical)		Kari Doino	Ed Bellando
Law Enforcement		Drew Ransom	Bryan Woleben
Office		Drew Ransom	Ed Bellando
Recreation		Drew Ransom	Bryan Woleben
Streets		Bryan Woleben	Ed Bellando
Tax Review		Ed Bellando	Kari Doino
Wastewater		Kari Doino	Ed Bellando
Zoning/Fire Insp Code Enforcement		Bryan Woleben	Drew Ransom
Planning		Drew Ransom	Kari Doino
Grants		Kari Doino	Bryan Woleben
Department Heads		Ed Bellando	Kari Doino
Shared Services		Drew Ransom	Bryan Woleben

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

__4__ ayes

__0__ nays

__0__ absent

Dated: May 15, 2024

Scott Jagoda, Village Clerk/Treasurer

RESOLUTION 19-2024

APPROVE MAYOR’S APPOINTMENTS

WHEREAS, Mayor has appointed the following personnel and employees as listed,

NOW THEREFORE BE IT RESOLVED, the following Appointments of Mayor Craig Miller are hereby approved

Village Clerk/Treasurer:	Scott Jagoda
Village Attorney:	Peter D. Clark
Deputy Mayor:	Trustee Bryan Woleben
Deputy Clerk/Treasurer:	N/A currently
Registrar of Vital Statistics:	Barb Smith
Village Historian:	Daniel King
Building & Fire Code Officer:	Wendy Spinuzza
Newspaper:	The Observer, Dunkirk NY

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

__4__ ayes __0__ nays __0__ absent

Dated: May 15, 2024

Scott Jagoda
Village Clerk/Treasurer

RESOLUTION 20-2024

BUDGET TRANSFERS

WHEREAS, the Village Board of Trustees has reviewed the recommendations from its auditors/accountants, Bahgat/Laurito-Bahgat, regarding budget transfers which are set forth in their letter dated May 12, 2024 and find said recommendations to be in order,

NOW BE IT RESOLVED; the following budget transfers as set forth in said letter are hereby approved;

GENERAL FUND

\$3,500 From A1620.4 Shared Services Buildings to A1325.4 Treasurer Contractual
\$4,000 From A1410.2 Clerk Equipment to A1410.1 Clerk Personal Services
\$1,000 From A1990.4 Contingent Account to A9060.8 Employee Benefits Hospital & Medical
\$4,000 From 1620.4 Shared Services Buildings to A1420.1 Law Personal Services
\$100 From A7310.4 Youth Program Contractual to A7310.2 Youth Program Equipment

WATER FUND

Budget Modification

Modify Water Fund budget by increasing Revenue line F5301.0 Interfund Transfer by \$17,327 & Increasing Expenditure account F8330.2 Water Purification Equipment by \$17,327

To NYMS TA Grant funds used for water meter purchase

\$20 From F1910.0 Unallocated Insurance to F9030.8 Employee Benefits Social Security
\$150 From 1950.4 Taxes & Assessment to Municipal Property to F8340.1 Transmission & Dist. Personal Services
\$380 From F1910.0 Unallocated Insurance to F8340.4 Transmission & Distribution Contractual

ELECTRIC FUND

\$500 From 785.2 Miscellaneous General Expenses to 781.3 Law Dept. Expense

Resolution was introduced by Trustee Drew Ransom, second by Trustee Kari Doyno with vote as follows:

__4__ ayes __0__ nays __0__ absent

Date: May 15, 2024

Scott Jagoda
Village Clerk/Treasurer

RESOLUTION 21-2024

BUDGET TRANSFERS

WHEREAS, the Village Board of Trustees has reviewed the recommendations from its auditors/accountants, Bahgat/Laurito-Bahgat, regarding budget transfers which are set forth in their letter dated May 12, 2024 and find said recommendations to be in order,

NOW BE IT RESOLVED; the following budget transfers as set forth in said letter are hereby approved;

RESERVE TRANSFERS:

GENERAL FUND

Authorize transfer of \$35,000 to Fire Equipment Capital Fund per 2023-2024 budget line A9501.9
Authorize transfer of \$25,000 to DPW Capital Fund per 2023-2024 budget line A9506.9

ELECTRIC FUND

Authorize transfer of \$5,000 to Equipment Capital Fund per 2023-2024 budget line 955.8
Authorize transfer of \$10,000 to Transformer Capital Fund per 2023-2024 budget line 955.9

Resolution was introduced by Trustee Kari Doino, second by Trustee Bryan Woleben with vote as follows:

__4__ ayes __0__ nays __0__ absent

Date: May 15, 2024

Scott Jagoda
Village Clerk/Treasurer

**RESOLUTION 22-2024
AMENDING AND RESTATING BOND RESOLUTION**

AN AMENDING AND RESTATING BOND RESOLUTION, DATED MAY 15, 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 \$1,028,402 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,028,402 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 \$1,028,402 and b) the amount of serial bonds authorized to be issued from \$1,008,800 to \$1,028,402, 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); 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 \$1,028,402.

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 \$1,028,402 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.

* * *

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 WOLEBEN, BELLANDO, RANSOM, DOINO

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: May 15, 2024

Scott Jagoda
Village Clerk/Treasurer

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 Bryan Woleben, seconded by Trustee Drew Ransom to approve April 17th regular meeting/public hearing minutes as presented in written form. Vote was unanimous, motion carried.

A motion was made by Trustee Kari Doino, seconded by Trustee Bryan Woleben to approve April 22nd special meeting minutes as presented in written form. Vote was unanimous, motion carried.

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

A motion was made by Mayor Miller to enter executive session at 7:10 to discuss possible litigation seconded by Trustee Bryan Woleben, voting was unanimous, motion carried.

A motion was made by Trustee Bryan Woleben seconded by Trustee Drew Ransom to enter back into regular session at 7:23, voting was unanimous, motion carried.

With no further business brought before the Board, a motion was made to adjourn the meeting at 7:24p.m. by Trustee Kari Doino seconded by Trustee Kari Doino. Vote was unanimous, motion carried.

Respectfully submitted by,

Scott Jagoda
Village Clerk/Treasurer