

REGULAR MEETING  
MAY 18, 2022

Board Members Present:

Trustee Mark Belcher (6:15)  
Trustee Bryan Woleben  
Trustee Craig Miller  
Trustee Kari Doino

Board Member Absent:

Mayor Art Miller

Present:

Scott Jagoda, Village Clerk/Treasurer  
Peter Clark, Attorney  
Ken Becker left at 7:21  
Rich Lewis left at 7:21  
Tammy Thompson left at 6:47  
Bill and Janice Hipwell left at 7:21

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

**Public Comments:** Bill and Janice Hipwell voiced concerns over the dusty and dirty old Welch building on Pearl Street, Trustee Miller will work with Wendy to see if they can get it cleaned up.

Tammy Thompson of the Portland Town Board continued to discuss putting banners up on utility poles. A motion was made by Trustee Bryan Woleben seconded by Trustee Kari Doino to split the costs with the Town up to \$700.00 to build brackets for the banners to be displayed on utility poles, voting was unanimous, motion carried.

**Department Reports:**

**Scott Jagoda, Village Clerk/Treasurer** – The clerk introduced quotes to re-roof village hall. A motion was made by Trustee Bryan Woleben seconded by Trustee Mark Belcher to accept the bid from Miller and Sons Construction at a cost of \$15,500.00, voting was unanimous, motion carried.

The clerk noted he would be picking up village tax bills from county and sending them out next week.

**Fire Department – Jim Rizzo, Jr. Fire Chief** – Trustee Woleben discussed Drake's Journey, a motorcycle ride asking for assistance with directing traffic through the village between 11:45-12:00 on June 11, 2022. A motion was made by Trustee Mark Belcher seconded by Trustee Kari

Doino to allow the Brocton fire dept. to assist with directing traffic in the village for this event, voting was unanimous, motion carried.

**Village Attorney Peter D. Clark** – Peter stated he is working on easements for Ken.

**Ken Becker, Streets Dept.** – Ken noted they have started brush pickup, Truck 20 has been repaired and is working on getting the drainage vacuumed and cleaned.

**Wendy Spinuzza, Code Enforcement Officer** – Trustee Miller introduced the code enforcement officers report for April, there were 2 permits issued and 1 violation.

**Rich Lewis - Wastewater Treatment Plant** – Rich discussed the sewer billing issues with CBI and noted something will have to change because they are not billing enough and he is consistently under budget for revenue.

**Electric Department – Joe Majkowski, Electric Lineman** – No report.

**Committee Reports:**

**Trustee Bryan Woleben** – Trustee Woleben and Trustee Doino discussed the progress they have made with getting the summer recreation program going again this year.

**Trustee Kari Doino** – No report.

**Trustee Craig Miller** – No report.

**Trustee Mark Belcher** – No report.

**Mayor Report:** - Trustee Miller introduced a letter from Mayor Art Miller announcing his resignation as of 5/18/22. A motion was made to accept his resignation with regrets by Trustee Bryan Woleben, seconded by Trustee Mark Belcher, voting was unanimous, motion carried. The board thanked Art Miller for his service and wished him well.

**New Business: RESOLUTION 14-2022**

**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 Craig Miller with vote as follows:

\_\_4\_\_ ayes                      \_\_0\_\_ nays                      \_\_1\_\_ absent

Dated: May 18, 2022

Scott Jagoda  
Village Clerk/Treasurer

## RESOLUTION 15-2022

### 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 Mark Belcher, seconded by Trustee Bryan Woleben with vote as follows:

\_\_4\_\_ ayes                      \_\_0\_\_ nays                      \_\_1\_\_ absent

Dated: May 18, 2022

Scott Jagoda  
Village Clerk/Treasurer

RESOLUTION 16-2022

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 58.5 cents per mile.

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

Resolution introduced by Trustee Craig Miller, seconded by Trustee Mark Belcher with vote as follows:

\_\_4\_\_ ayes

\_\_0\_\_ nays

\_\_1\_\_ absent

Dated: May 18, 2022

Scott Jagoda

RESOLUTION 17-2022

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 Kari Doino, seconded by Trustee Craig Miller with vote as follows:

\_\_4\_\_ ayes                      \_\_0\_\_ nays                      \_\_1\_\_ absent

Dated: May 18, 2022

Scott Jagoda  
Village Clerk/Treasurer

## RESOLUTION 18-2022

### 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 forms, 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, executive 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 Bryan Woleben, seconded by Trustee Mark Belcher with vote as follows:

\_\_4\_\_ ayes                      \_\_0\_\_ nays                      \_\_1\_\_ absent

Dated: May 18, 2022

Scott Jagoda  
Village Clerk/Treasurer



RESOLUTION 19-2022

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 Mark Belcher, seconded by Trustee Craig Miller with vote as follows:

\_\_4\_\_ ayes                      \_\_0\_\_ nays                      \_\_1\_\_ absent

Dated: May 18, 2022

Scott Jagoda  
Village Clerk/Treasurer

RESOLUTION 20-2022  
APPROVE MAYOR’S COMMITTEES

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

Audit: (6 mos.)	April – Sept:	1 Mark Belcher	Bryan Woleben
	Oct – March:	2 Craig Miller	Kari Doino
Electric		Mark Belcher	Craig Miller

Fire Department	Craig Miller	Bryan Woleben
Insurance (Liability & Medical)	Kari Doino	Mark Belcher
Law Enforcement	Craig Miller	Bryan Woleben
Office	Craig Miller	Mark Belcher
Recreation	Mark Belcher	Bryan Woleben
Streets	Bryan Woleben	Mark Belcher
Tax Review	Mark Belcher	Kari Doino
Wastewater	Kari Doino	Mark Belcher
Zoning/Fire Insp Code Enforcement	Bryan Woleben	Craig Miller
Planning	Mark Belcher	Kari Doino
Grants	Kari Doino	Bryan Woleben
Department Heads	Mark Belcher	Kari Doino
Shared Services	Craig Miller	Bryan Woleben

Resolution introduced by Trustee Craig Miller, second by Trustee Bryan Woleben with vote as follows:

\_\_4\_\_ ayes                      \_\_0\_\_ nays                      \_\_1\_\_ absent

Dated: May 18, 2022

Scott Jagoda, Village Clerk/Treasurer

## RESOLUTION 21-2022

### APPROVE MAYOR'S APPOINTMENT

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

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

Village Clerk/Treasurer: Scott Jagoda  
Village Attorney: Peter D. Clark  
Deputy Mayor: Trustee Craig Miller  
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 Kari Doino, second by Trustee Bryan Woleben with vote as follows:

\_\_4\_\_ ayes                      \_\_0\_\_ nays                      \_\_1\_\_ absent

Dated: May 18, 2022

Scott Jagoda  
Village Clerk/Treasurer

## RESOLUTION 22-2022

### 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 16, 2022 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**

\$1,000            From A1325.2 Treasurer Equipment to A1325.4 Treasurer Contractual  
\$1,400            From A9010.8 Employee Benefits State Retirement to A1920.4 Municipal Dues  
\$1,000            From A1990.4 Contingent Expenses to A1620.4 Shared Services Buildings  
\$ 200             From A3410.2 Fire Protection Equipment to A3410.41 Fire Protection Utilities

#### **WATER FUND**

\$ 25 From F1920.4 Municipal Association Dues to F9030.8 Employee Benefits Social Security  
\$1,374 From F9010.8 Employee Benefits State Retirement to F8310.4 Water Admin Contractual  
\$ 725 From F1950.4 Taxes & Assessments on Municipal Property to F8310.4 Water Admin Contractual

**ELECTRIC FUND**

\$5,000 From 899.6 Personal Services Other Employee to 899.1 Personal Services – Joe  
\$1,000 From 781.5 General Office Supplies to 781.3 Law Dept. Expense  
\$5,000 From 899.6 Personal Services Other Employee to 721.1 REC Expense  
\$2,000 From 899.6 Personal Services Other Employee to 721.2 ZEC Expense  
\$1,000 From 899.6 Personal Services Other Employee to 722.0 Membership Fee Expense  
\$32,000 From 899.6 Personal Services Other Employee to 785.2 Miscellaneous General Expenses

Resolution was introduced by Trustee Bryan Woleben, second by Trustee Mark Belcher with vote as follows:

\_\_4\_\_ ayes                      \_\_0\_\_ nays                      \_\_1\_\_ absent

Date: May 18, 2022

Scott Jagoda  
Village Clerk/Treasurer

**RESOLUTION 23-2022**

**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 16, 2022 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 \$40,000 to Fire Equipment Capital Fund per 2021-2022 budget line A9501.9  
Authorize transfer of \$25,000 to DPW Capital Fund per 2021-2022 budget line A9506.9

**SEWER FUND**

Authorize transfer of \$24,000 to Sewer Project Fund per 2021-2022 budget line G9550.9

**ELECTRIC FUND**

Authorize transfer of \$5,000 to Equipment Capital Fund per 2021-2022 budget line 955.8  
Authorize transfer of \$10,000 to Transformer Capital Fund per 2021-2022 budget line 955.9

Resolution was introduced by Trustee Mark Belcher, second by Trustee Bryan Woleben with vote as follows:

\_\_4\_\_ ayes                      \_\_0\_\_ nays                      \_\_1\_\_ absent

Date: May 18, 2022

Scott Jagoda  
Village Clerk/Treasurer

**RESOLUTION 24-2022**

**HIRE SUMMER YOUTH RECREATION ATTENDANTS**

BE IT RESOLVED that Trustee Bryan Woleben and Trustee Kari Doino as members of the Recreation Committee and with the help of the Nicole Sobecki as Recreation Director have reviewed the applications, interviewed and recommend the hiring of the following applicants for the Summer Recreation Program for 2022 to be held at Brocton Central School beginning July11<sup>th</sup>.

**Staff Positions:**

Maleah Vazquez, 18 Forest Place, Apt.1, Fredonia, NY  
New Employee at a rate of \$13.20 per hour

Stephanie Haines, 6389 Woleben Rd., Portland, NY  
New Employee at a rate of \$13.20 per hour

Makenna Honey, 6389 Woleben Rd., Portland, NY  
New Employee at a rate of \$13.20 per hour

Connor Huels 84 West Main St., Brocton, NY  
New Employee at a rate of \$13.20 per hour

Alicia Deering 5365 Van Buren Bay Ct. Apt 1., Dunkirk, NY  
New Employee at a rate of \$13.20 per hour

Mark Haase II, Ellicott Rd., Fredonia, NY  
New Employee at a rate of \$13.20 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 Craig Miller, second by Trustee Mark Belcher with vote as follows:

\_\_\_4\_\_\_ ayes                      \_\_\_0\_\_\_ nays                      \_\_\_1\_\_\_ absent

Dated: May 18, 2022

Scott Jagoda  
Village Clerk/Treasurer

## RESOLUTION 25-2022

### APPROVE NEW FIRE DEPARTMENT MEMBER

WHEREAS, Chief Jim Rizzo Jr. has requested to accept Liz Irene Thibault 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 Liz Irene Thibault as a volunteer firefighter.

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

\_\_\_4\_\_\_ ayes                      \_\_\_0\_\_\_ nays                      \_\_\_1\_\_\_ absent

Date: May 18, 2022

Scott Jagoda  
Village Clerk/Treasurer

**Old Business:**

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

A motion was made by Trustee Bryan Woleben, seconded by Trustee Kari Doino to approve April 20<sup>th</sup> regular meeting minutes as presented in written form. Vote was unanimous, motion carried.

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

A motion was made by Trustee Bryan Woleben, seconded by Trustee Mark Belcher to enter executive session at 7:21 to discuss personnel, voting was unanimous, motion carried.

A motion was made by Trustee Mark Belcher, seconded by Trustee Bryan Woleben to enter back into regular session at 7:41, voting was unanimous, motion carried.

A motion was made by Trustee Bryan Woleben, seconded by Trustee Kari Doino to allow the sell back of up to 40 unused vacation hours for employees who were unable to use their vacation time as stated in the village handbook, voting was unanimous, motion carried.

With no further business brought before the Board, a motion was made to adjourn the meeting at 7:43p.m. by Trustee Bryan Woleben seconded by Craig Miller. Vote was unanimous, motion carried.

Respectfully submitted by,

Scott Jagoda  
Village Clerk/Treasurer