

REGULAR MEETING
MAY 17, 2023

Board Members Present: Mayor Craig Miller
Trustee Bryan Woleben
Trustee Mark Belcher
Trustee Kari Doino

Board Member Absent: Trustee Drew Ransom

Present: Scott Jagoda, Village Clerk/Treasurer
Peter Clark, Attorney
Ken Becker, Streets
Braden Carmen, Observer
Rich Lewis, Sewer Dept.
Julie Putter, Ahira Hall Library
Charles Krauth, Ahira Hall Library

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

Public Comments: Julie Putter noted the library will have 7 concerts this summer, 2 movies, and on June 3 will be the annual beautification project.

Department Reports:

Scott Jagoda, Village Clerk/Treasurer – The mayor introduced a thank-you letter from the Brocton/Portland food pantry for the donation from Arch Fest.

The mayor introduced a thank-you letter from the Chautauqua Watershed Conservancy for the donation of 14.5 acres of land on Bear Lake Road.

The mayor introduced the dog control report for April 2023.

A motion was made by Trustee Bryan Woleben seconded by Trustee Mark Belcher to accept the purchase of security cameras for Ryckman Park from DFT Communications for \$6600 to be paid out of the NYMS TA Grant fund with an annual monthly monitoring fee of \$10.00, voting was unanimous, motion carried.

A motion was made by Trustee Bryan Woleben seconded by Trustee Kari Doino to accept the purchase of 100 water meters from Moley Industries at the cost of \$37,325.60 to be paid from the remainder of the NYMS TA Grant and any difference from ARPA funds, voting was unanimous, motion carried.

Fire Department – Jim Rizzo, Jr. Fire Chief – Mayor Miller introduced the monthly fire department report for April 2023, there were 39 calls for the month.

Village Attorney Peter D. Clark – A motion was made by Trustee Bryan Woleben seconded by Trustee Mark Belcher to allow Peter to take Anthony DiBenedetto to court if necessary if he

does not pay the remainder of his payments owed per customer training agreement, voting was unanimous, motion carried.

Ken Becker, Streets Dept. – Ken noted he met the DEC for the inspection of the reservoir/dam. Ken thanked Joe for his assistance in taking down trees for the Village and Town. A motion was made by Trustee Bryan Woleben seconded by Trustee Mark Belcher to purchase a new Milwaukee cordless M18 fuel lithium brushless 1-3/4 for \$999.00 from Home Depot, voting was unanimous, motion carried.

Wendy Spinuzza, Code Enforcement Officer – Mayor Miller introduced the code enforcement officers report for April, there were 7 permits issued and 10 violations.

Rich Lewis - Wastewater Treatment Plant – Rich noted the sewer billing software from El Dorado has been ordered and the computer has been delivered.

Electric Department – Joe Majkowski, Electric Lineman – The mayor introduced the monthly electric report for April.

Committee Reports:

Trustee Bryan Woleben – No report.

Trustee Kari Doino – No report.

Trustee Drew Ransom – No report.

Trustee Mark Belcher – No report.

Mayor Report: - Mayor Miller thanked the Village employees for their dedicated work and the Ahira Hall library for all their help.

New Business:

RESOLUTION 12-2023

**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 Mark Belcher with vote as follows:

__3__ ayes __0__ nays __1__ absent

Dated: May 17, 2023

Scott Jagoda
Village Clerk/Treasurer

RESOLUTION 13-2023
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:

__3__ ayes __0__ nays __1__ absent

Dated: May 17, 2023

Scott Jagoda
Village Clerk/Treasurer

RESOLUTION 14-2023

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 65.5 cents per mile.

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

Resolution introduced by Trustee Kari Doino, seconded by Trustee Mark Belcher with vote as follows:

__3__ ayes

__0__ nays

__1__ absent

Dated: May 17, 2023

Scott Jagoda
Village Clerk/Treasurer

RESOLUTION 15-2023

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 Mark Belcher with vote as follows:

__3__ ayes __0__ nays __1__ absent

Dated: May 17, 2023

Scott Jagoda
Village Clerk/Treasurer

RESOLUTION 16-2023

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

__3__ ayes __0__ nays __1__ absent

Dated: May 17, 2023

Scott Jagoda
Village Clerk/Treasurer

RESOLUTION 17-2023

**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 Bryan Woleben with vote as follows:

__3__ ayes __0__ nays __1__ absent

Dated: May 17, 2023

Scott Jagoda
Village Clerk/Treasurer

**RESOLUTION 18-2023
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 Mark Belcher 2 Drew Ransom	Bryan Woleben Kari Doino
Electric		Mark Belcher	Drew Ransom
Fire Department		Drew Ransom	Bryan Woleben
Insurance (Liability & Medical)		Kari Doino	Mark Belcher
Law Enforcement		Drew Ransom	Bryan Woleben
Office		Drew Ransom	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	Drew Ransom
Planning		Mark Belcher	Kari Doino
Grants		Kari Doino	Bryan Woleben
Department Heads		Mark Belcher	Kari Doino
Shared Services		Drew Ransom	Bryan Woleben

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

__3__ ayes

__0__ nays

__1__ absent

Dated: May 17, 2023

Scott Jagoda, Village Clerk/Treasurer

RESOLUTION 19-2023

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

___3___ ayes ___0___ nays ___1___ absent

Dated: May 17, 2023

Scott Jagoda
Village Clerk/Treasurer

RESOLUTION 20-2023

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 14, 2023 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
\$3,000	From A9010.8 Employee Benefits State Retirement to A1410.1 Clerk Personal Services
\$1,000	From A9010.8 Employee Benefits State Retirement to A1410.4 Clerk Contractual

ELECTRIC FUND

\$500	From 785.2 Miscellaneous General Expenses to 371 Street Lighting & Signal Equipment
\$5,500	From 785.2 Miscellaneous General Expenses to 384 Transportation Equipment
\$8,500	From 785.2 Miscellaneous General Expenses to 721.1 REC Expense
\$500	From 785.2 Miscellaneous General Expenses to 722.0 Membership Fee Expense
\$1,000	From 785.2 Miscellaneous General Expenses to 781.3 Law Dept. Expense
\$1,500	From 785.2 Miscellaneous General Expenses to 899.11 Personal Services Overtime

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

__3__ ayes __0__ nays __1__ absent

Date: May 17, 2023

Scott Jagoda
Village Clerk/Treasurer

RESOLUTION 21-2023

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 14, 2023 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 \$1,330.69 to Fire Equipment Capital Fund per 2022-2023 budget line A9501.9
Authorize transfer of \$25,000 to DPW Capital Fund per 2022-2023 budget line A9506.9

SEWER FUND

Authorize transfer of \$20,000 to Sewer Project Fund per 2022-2023 budget line G9550.9

ELECTRIC FUND

Authorize transfer of \$5,000 to Equipment Capital Fund per 2022-2023 budget line 955.8
Authorize transfer of \$10,000 to Transformer Capital Fund per 2022-2023 budget line 955.9

Resolution was introduced by Trustee Kari Doino, second by Trustee Mark Belcher with vote as follows:

__3__ ayes __0__ nays __1__ absent

Date: May 17, 2023

Scott Jagoda
Village Clerk/Treasurer

RESOLUTION 22-2023
Proposed Local Law No. 1 of the year 2023
Village of Brocton, County of Chautauqua

A Local Law Amending the Village Law Section 10-1010 For the Election of Fire Company Officers and Delegates.

Section 1. Authority

This local law is promulgated pursuant to the authority granted by:

- 1. New York Municipal Home Rule Law, § 10(1)(ii) and (ii) § 10(1)(a), (11), (12), and (14);

Section 2. Purpose

This local law is to change the date of the annual meeting of the Brocton Fire Department from the first Tuesday in April of each year to the first Tuesday in May of each year. At the annual meeting the members of the company shall elect Chiefs, Line Officers, Wardens and delegates of the Brocton Fire Department.

Section 3.

The terms of all officers shall commence on the first day of June 2024 and end the 31st of May of the following year, and each and every year thereafter.

Section 4. Effective Date

This local law shall be effective upon filing with the Secretary of State.

Resolution introduced by Trustee Mark Belcher, seconded by Trustee Bryan Woleben, voting was as follows:

__3__ ayes __0__ nays __1__ absent

Dated: May 17, 2023

Scott Jagoda
Village Clerk/Treasurer

Old Business:

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

A motion was made by Trustee Bryan Woleben, seconded by Trustee Mark Belcher to approve April 19th 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 to discuss personnel at 7:16, voting was unanimous, motion carried

A motion was made by Trustee Bryan Woleben, seconded by Trustee Mark Belcher to enter back into regular session at 7:27, voting was unanimous, motion carried.

A motion was made by Trustee Kari Doino to hire Maleah Vazquez to the Summer Youth Recreation Director position at \$16.00/hr. seconded by Trustee Bryan Woleben, voting was unanimous, motion carried.

A motion was made by Trustee Mark Belcher, seconded by Trustee Bryan Woleben to buyback 40 hours of vacation time for Joe Majkowski, Scott Jagoda, and James Dolce, voting was unanimous, motion carried.

With no further business brought before the Board, a motion was made to adjourn the meeting at 7:28p.m. by Trustee Mark Belcher seconded by Trustee Bryan Woleben. Vote was unanimous, motion carried.

Respectfully submitted by,

Scott Jagoda
Village Clerk/Treasurer