

REGULAR MEETING
JUNE 21, 2017

Board Members Present: Mayor Richard Frost
Trustee Jason DeJoe
Trustee Bryan Woleben
Trustee Craig Miller
Trustee Carol Horlacher

Present: Sonia Luszcak, Village Clerk/Treasurer
Peter D. Clark., Village Attorney
Tom Allen, DPW Department Head
Phil Gerace, Fire Chief
Dan Schrantz, Town of Portland Supervisor
Gary Miller, Town of Portland Councilman
Rick Cole
Ann Belcher, Observer

Marie Emke	Dorothy Reading	Mary Jane Perkins
Audra Giambra	Robert North	Dennis Carlson
Janet Jarvis	Laura Higgs	Mark Lauer
Bill Horn	Sandy Miller	

Mayor Frost opened the regular meeting with the pledge to the flag at 6:30 p.m.

Public Comments:

Marie Emke stated that she was here with the group of residents who represented Evergreen Estates Trailer Park with an objection that the Village will not be reading their water meters in the trailer park. Mayor Frost told the group that they were a bit premature on this issue and the Village of Brocton has made no decision as to what course of action will be taken. The owner of the Park, sent you a letter and you did not receive a letter from the Village of Brocton. This was confirmed. Marie Emke asked the Mayor when he would like her to come back to object to the Village not reading water meters? Marie Emke stated that she does not think it would be fair for a person that lived alone to pay the same amount as a family of 5 based on the lump sum water reading. The Mayor went on to explain that there is a legal issue between the Village and the park owner. Trustee Craig Miller asked Mrs. Emke if she was satisfied with the response that they had received from the Mayor? Mrs. Emke stated that she was and they would wait to hear from the Mayor as to what the next steps would be.

Rick Cole resides on Peerless Street and would ask the Board to pass a local law enacted to restrict the use of train whistles, similar to what the City of Dunkirk passed, from 10:00 pm to 7:00 am. The whistles on the trains are getting ridiculous and with the crossing gates and lights we think it is excessive. The Mayor will look into this and see what can be done. Town Supervisor Dan Schrantz stated that Sunset Bay had the same situation and have been talking to the railroad. The Mayor thanked Rick Cole and stated that we would check into it.

Gary Miller, Town of Portland Councilman congratulated Jason DeJoe on his appointment to the Brocton Village Board. It is nice to see some young blood getting involved.

Gary stated that he has been serving on the Brocton/Portland Development Committee for some time. At their meeting last month, it was discussed how they were looking for some young blood to serve on the committee as the 5 people on the board are getting old and tired. Gary stated there was a suggestion for someone from the Village Board to serve on this committee. There is a budget fund and it is starting to deplete because the taxes on Haywood Heights as well as paying \$600-700 dollars to get it mowed. If they do not sell some lots up at Haywood Heights, their fund will be depleted very soon. What the committee is asking the Town of Portland and the Village of Brocton to consider at budget time to incorporate into their budgets money to be able to pay the taxes and upkeep. The Brocton/Portland Committee recommended setting aside \$1,000.00 or we would be open to discuss the amount. The Mayor asked Gary if they were non-profit, yes, but they still have taxes.

Dan Schrantz, Town of Portland Supervisor stated that there is joint meetings and shared services. There are so many shared services that both the Town of Portland and the Village of Brocton currently do, but there are many more things that could be considered. The NY Governor is now offering incentives and grants to Municipalities and Towns to move towards shared services. Dan stated that he felt it was time to take a strong look at what further services can be shared. "Dan reviewed notes from a Shared Service Committee from 2007 with the following members present – Dan Schrantz, Chuck Kelley, Deb Kelley, Ron Scacia, Bob Patterson, Tom Webb, Jim Minton, Gary Miller, Dave McIntyre, Rick Manzella, Jerry Boltz, Mayor Judy Gilbert, Tom Allen, Joe Majkowski, Bryan Woleben, Deland Gilbert, Dave Hazelton and Dick Maggio discussed several items – to improve the level of customer service, reduce operating costs, reduce capital spending investments, advanced economic development, improve professionalism service provided, secure additional state and federal funds. We did look at other areas for ways to save the taxpayers money by means of shared services. Here are some of the things that could be discussed, Justice, Water Billing and Zoning and Code Enforcement."

Mayor Frost and Dan have had meetings along with the Code Enforcement Officer for the Village of Brocton and the Town of Portland that we could join these two offices at the Town of Portland Hall so that when the Code Enforcement Officer was in for the Village of Brocton, he could pass out permits for both Brocton and Portland so that we would be getting full coverage for both. It would be service oriented to see if this would flow and review further if we wanted to join the offices. It would be a convenience for the residents of the Village of Brocton and the Town of Portland to be able to provide better service. Trustee Craig Miller asked if there was a reason that the Town of Portland couldn't move their office down to the Village Hall? Dan Schrantz and Mayor Frost noted that opening this office in the Village Hall could possibly be the main hub for the Water District Billing Office. Trustee Carol Horlacher asked if each of the Code Enforcement Officers could sign each other's permits? Dan Schrantz was unclear if that was possible. Right now, it would be a trial of 3 to 6 months to see if it would work.

Robert North asked the Mayor if he was allowed to ask any questions. He stated that he moved out here 7 years ago and lives at Evergreen Estates and he is 84 years old. He has a situation where he hopes, praise the Lord, that this board will understand that the senior citizens in this town with this sewer tax is out of this world. Mr. North is on a fixed income along with social security, and he only has so much income. He can't go to work as he is too old. Mr. North realizes that you Board members have matters, but the prison donates money and was told by a board member that the prison paid for the sewer to be reconditioned and that the Town did not give any money. Mr. North was told that the State paid for the sewer. He thinks that you people with hearts for us seniors would consider that we cannot make it here. Mr. North stated that he

does not go on vacations, he doesn't drink, he is a believer in God and he lives a clean life and nobody wants to help us. Mayor Frost explained that there was not any donation from the prison and they pay their fair share. Mr. North went on to explain how much his water and sewer bill is every three months.

Dan Schrantz continued with the discussion of sharing Code Enforcement offices. Mayor Frost noted that we could do that at any time. After further discussion, the Mayor and Dan Schrantz said that they both are certainly open to any cost savings for each the Village and Town. Supervisor Schrantz noted that we continue to talk about the things that could be shared and there is nothing happening. Gary Miller stated that the sharing services conversations have been going on since 1990 and it is time to move on some of the duplicated services. Trustee Craig Miller said that we should share all the services that we can to save money.

Department Reports:

Sonia Luszcak, Village Clerk/Treasurer – presented to the Village Board an invoice for Creative Technologies for yearly annual technical support. A motion was made by Trustee Craig Miller and seconded by Trustee Bryan Woleben to approve the invoice for Creative Technologies in the amount of \$695.00. Vote was unanimous, motion carried.

Gave to each Board member the minutes of the Planning Board meeting regarding Tri-Church that was held on June 13, 2017 for their review.

Wanted to let the Board know that the Mayor approved an ad with the Observer for \$55.00 Congratulating the Graduating Class of 2017. This is something that we do each year.

Received the Dog Control Officers Monthly Report for February, March, April and May.

The Clerk noted that we still have not received a sheriff report to date. Trustee Bryan Woleben contacted the Sheriff to inquire about the reporting.

The Village received a letter to John Boltz regarding the Public Protection Classification (ISO) for the Boards review.

We received a letter from Power the Way to education regarding scholarships and donation for anyone that would be interested in becoming an electric lineman.

Resolution 32-2017 additions were added with Trustee Jason DeJoe. The Mayor's committees are now updated and I have given you all one for your files.

Trustee Carol Horlacher gave to me the updated schedule for the Village and Town meetings.

The Youth Recreation attendants that did not have CPR & first aid training went to class and needed approval to pay the instructor for their attendance in the amount of \$225.00. A motion was made by Trustee Bryan Woleben and seconded by Trustee Craig Miller to approve the payment of \$225.00 for CPR & First Aid training to the instructor. Vote was unanimous, motion carried.

Village Attorney Peter D. Clark - No report

Tom Allen, Highway Superintendent – Tom handed in a quote from Lifestyle Sports for 100 yards of wood chips certified safety surfacing for the Ryckman Park playground in the amount of \$2,719.40. A motion was made by Trustee Bryan Woleben and seconded by Carol Horlacher to purchase the wood chips from Lifestyle Sports. Vote was unanimous, motion carried.

Chautauqua Road FEMA project is completed. The contractor will be sending the final invoice for payment.

Two guys from Rural Water came last week to check for a leak on Central Avenue. Rural Water confirmed that there is no leak on Central Avenue.

Tom asked for an executive session at the end of the meeting.

Alan Gustafson, Code Enforcement Officer – no report. Mayor Frost was speaking on his behalf. The gentleman that owns the old Oddfellows building has been inspected and it is far worse than anyone imagined. Alan Gustafson will be contacting some people to see if we can get this torn down.

Ryan Hazelton - Wastewater Treatment Plant – no report.

Fire Department – Phil Gerace, Fire Chief – Presented the monthly report and stated that everything was going good.

The company that we purchased the Indian pumps from have changed them to plastic and reduced the weight of them by 50 pounds. We use these pumps to fight grass fires. The fire company purchased these pumps and have donated them to the Village. Mayor Frost thanked them.

Electric Department – Joe Majkowski, Electric Lineman – Presented to the board a quote to purchase replacement LED street lights to complete the Village in all LED lightning. A motion was made by Trustee Bryan Woleben and second by Trustee Craig Miller to accept the quote from Gotttogo Electric Supply for 12-250 watt, 40- 100 watt at a cost of \$8,912.00. Vote was unanimous, motion carried.

Committee Reports:

Trustee Bryan Woleben – no report

Trustee Jason DeJoe – no report.

Trustee Craig Miller - no report

Trustee Carol Horlacher – no report

Mayor Report: - no report

New Business: Mayor Frost asked that we vote on Resolution 45-2017 first so that the new trustee would be able to vote on the other new business.

Resolution 45-2017 Approve Appointment of Jason DeJoe Village Trustee

RESOLUTION 45-2017

APPROVE APPOINTMENT OF JASON DEJOE VILLAGE TRUSTEE

WHEREAS the Mayor has appointed Jason DeJoe of Brocton, New York as Village Trustee replacing Gary Planty. who has resigned from this position,

NOW, THEREFORE BE IT RESOLVED that the Mayor's appointment of Mr. DeJoe is hereby approved, effective immediately.

Attached to this resolution is the letter from the Mayor appointing Mr. DeJoe as Village Trustee.

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

__3_ aye

__0_ nay

__1_ abstention

Dated: June 21, 2017

Sonia Luszcak
Village Clerk/Treasurer

Resolution 39-2017 Adopt Multi-Jurisdictional Hazard Mitigation Plan

RESOLUTION 39-2017

ADOPT MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

WHEREAS, the Village of Brocton, with the assistance from Ecology and Environment, Inc., has gathered information and prepared the Chautauqua County Multi-Jurisdictional Hazard Mitigation Plan; and

WHEREAS, the Chautauqua County Multi-Jurisdictional Hazard Mitigation Plans has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, Village of Brocton is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the action in the Plan; and

WHEREAS, Village of Brocton has reviewed the Plan and affirms that the Plan will be updated no less than every five years;

NOW THEREFORE, BE IT RESOLVED by the Village of Brocton Trustees that the Village of Brocton adopts the Chautauqua County Multi-Jurisdictional Hazard Mitigation Plan as this jurisdiction’s Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

Resolution was introduced by Trustee Jason DeJoe, second by Trustee Carol Horlacher with vote as follows:

 4 ayes _0_ nays _0_ absent

Date: June 21, 2017

Sonia Luszcak
Village Clerk/Treasurer

Resolution 40-2017 NY NYS Water Infrastructure Improvement Act Grant Application

RESOLUTION 40-2017

REFERENCE TO THE PROPOSED VILLAGE OF BROCTON, CHAUTAUQUA COUNTY, NY NYS WATER INFRASTRUCTURE IMPROVEMENT ACT GRANT APPLICATION

WHEREAS, the Village Board of Trustees of the Village of Brocton has determined that it is in the Village’s best interest to apply for funding to assist in the financing of its Water Transmission Line Project: and

WHEREAS, affordability for the Village’s residents and property owners is a significant concern in advancement of the proposed project: and

NOW, THEREFORE, be it RESOLVED as follows:

1. The Village Board of Trustees of the Village of Brocton authorizes Municipal Solutions to prepare applications for funding through the NYS Water Infrastructure Improvement Act.
2. The Village Board of Trustees authorizes Mayor, Richard Frost to execute the application for NYS Water Infrastructure Improvement Act grant application and any and all other contracts, documents and instruments necessary to bring about the project and to fulfill the Village of Brocton's obligations under the grant agreement.
2. This resolution shall take effect immediately.

Resolution was introduced by Trustee Craig Miller, second by Trustee Carol Horlacher with vote as follows:

4 ayes

0 nays

0 absent

Dated: June 21, 2017

Sonia Luszcak
Village Clerk/Treasurer

Resolution 41-2017 SEQRA Notice to Serve Lead Agency & Negative Declaration for the Village of Brocton Water System Improvements

RESOLUTION #41-2017

SEQRA NOTICE TO SERVE AS LEAD AGENCY &
NEGATIVE DECLARATION
FOR THE
VILLAGE OF BROCTON WATER SYSTEM IMPROVEMENTS

WHEREAS, the Village has proposed a project that will include the abandonment of the Village Water Treatment Plant and construction of the necessary infrastructure to supply the Village of Brocton with potable water from the City of Dunkirk. The infrastructure will include water main, a pump station, and a new 500,000-gallon water storage tank. The proposed main includes 10,000 linear feet of 8-inch main and 28,000 linear feet of 16-inch main along NYS Route 5 and Willow Road, along with valves, fire hydrants, and appurtenances. Due to the lower

hydraulic grade of the City of Dunkirk supply, a pump station will be constructed to pump water from the proposed main on NYS Route 5 to the proposed water storage tank, to be located at the Village Water Treatment Plant site (the Proposed Project); and

WHEREAS, in accordance with the provisions of 6 NYCRR Part 617 (SEQRA), the Proposed Project may have a significant impact on the environment to which the Village prepared an environmental assessment form; and

WHEREAS, after review of the specifics of the Proposed Project, the Village determined that it was a Type 1 action; and

WHEREAS, in accordance with the provisions of 6 NYCRR Part 617 (SEQRA), the Village adopted a resolution on May 22, 2017 declaring its intent to act as Lead Agency for the Proposed Project and circulated said intent to all Involved Agencies under a coordinated review; and

WHEREAS, no Involved Agencies challenged the intent of the Village to act as Lead Agency.

NOW THEREFORE BE IT RESOLVED, that the Village hereby designates itself as Lead Agency for the Proposed Project pursuant to 6 NYCRR Part 617.

BE IT FURTHER RESOLVED, that based upon examination of the Environmental Assessment Form (EAF), its own independent analysis of the Proposed Action, and comparison with the criteria for determining significance under 6 NYCRR 617.7, the Village finds that the Proposed Project will not have a significant environmental impact and hereby issues a Negative Declaration; and

BE IT FURTHER RESOLVED, that this determination is based on the facts and conclusions as noted in the attached EAF.

Resolution introduced by Trustee Carol Horlacher, seconded by Trustee Bryan Woleben, with vote as follows:

__4__ ayes __0__ nays __0__ absent

Dated: June 21, 2017

Sonia Luszcak
Village Clerk/Treasurer

Resolution 42-2017 Granting State of NY Authority to perform adjustment via State-let Contract

RESOLUTION 42-2017

GRANTING THE STATE OF NEW YORK AUTHORITY TO PERFORM THE
ADJUSTMENT FOR THE OWNER AND AGREEING TO MAINTAIN
FACILITIES ADJUSTED VIA STATE-LET CONTRACT

WHEREAS the New York State Department of Transportation proposes the construction, reconstruction, or improvement of US Route 20 over Slippery Rock Creek in the Village of Brocton located in Chautauqua County, Pin 15111.93, and

WHEREAS, the State will include as part of the construction, reconstruction, or improvement of the above mentioned project the 8" Ductile Iron Pipe Water Mains on the south side of US 20 (Main Street) will replace waterline in creek bed and adjust elevation of valve boxes per contract documents pursuant to Section 10, Subdivision 24, of the State Highway Law, as shown on the contract plans relating to the project and meeting the requirements of the owner, and

WHEREAS, the service life of the relocated and or replaced utilities has not been extended, and

WHEREAS, the State will provide for the reconstruction of the above-mentioned work, as shown on the contract plans relating to the above-mentioned project.

NOW, THEREFORE BE IT RESOLVED, that the Village of Brocton approves of the project the 8" Ductile Iron Pipe Water Main will replace waterline in creek bed and adjust elevation of valve boxes per contract documents and the above-mentioned work performed on the project and shown on the contract plans relating to the project and that the Village of Brocton will maintain or cause to be maintained the adjusted facilities performed as above stated and as shown on the contract plans.

BE IT FURTHER RESOLVED, that Thomas Allen has the authority to sign, with the concurrence of the Board of Trustees, any and all documentation that may become necessary as a result of this project as it relates to the Village of Brocton, and

BE IT FURTHER RESOLVED that the Clerk of the Village of Brocton is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

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

__4__ ayes __0__ nays __0__ absent

Dated: June 20, 2017

Sonia Luszczak
Village Clerk/Treasurer

I, Sonia Luszczak, duly appointed and qualified Village Clerk, do hereby CERTIFY that the foregoing resolution was adopted at a meeting held in the office of the Village of Brocton, a quorum being present on the 21st day of June, and that said copy is a true, correct and compared copy of the original resolution so adopted and that the same has not been revoked or rescinded.

WITNESSETH, my hand and seal this 21st day of June.

Sonia Luszczak, Village Clerk

Resolution 43-2017 Adopt Continued Discussions with Portland Board of Commissioners

RESOLUTION 43-2017

ADOPT CONTINUED DISCUSSIONS WITH PORTLAND BOARD OF COMMISSIONERS

WHEREAS, the Village of Brocton, is committed to effective government, high quality public service to our residents at the lowest possible tax cost to our taxpayers and

WHEREAS, we applaud the efforts of County Executive Vince Horrigan and the Chautauqua County Legislature to promote service sharing among Chautauqua County's local governments, including functional and corporate merger: and

WHEREAS, the Village of Brocton recognizes that the financial and technical support offered to local governments by Governor Andrew Cuomo and the NYS Legislature has provided our community with a unique opportunity to explore ways to permanently reduce the tax burden of our residents through collaboration and structural reform; and

WHEREAS, Village of Brocton will resolve, with assistance provided by NYS and Chautauqua County; and

NOW THEREFORE, BE IT RESOLVED the Village of Brocton Trustees will continue already begun discussion with the Portland Board of Fire Commissioners to possibly merge into one joint fire protection district, and to pursue all results of that study that are consistent with effective service delivery to our residents.

Resolution was introduced by Trustee Jason DeJoe, second by Trustee Carol Horlacher with vote as follows:

 4 ayes

 0 nays

 0 absent

Date: June 21, 2017

Sonia Luszcak
Village Clerk/Treasurer

Resolution 44-2017 Bond Resolution

RESOLUTION 44-2017

A BOND RESOLUTION, DATED JUNE 21, 2017, 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 \$7,570,500 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$7,570,500 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.

WHEREAS, the Village Board of Trustees of the Village of Brocton, in the County of Chautauqua, New York (the "Village") desires to undertake a capital improvements project for the reconstruction of and construction of improvements to the Village Water System; and

WHEREAS, the Village is in the process of submitting an application for grant funds from the New York State Environmental Facilities Corporation; and

NOW THEREFORE, BE IT RESOLVED, by the Village Board of Trustees (by the favorable vote of not less than two-thirds of all the members of the Board of Trustees) 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 installation of approximately 10,000 linear feet of 8-inch PVC water main and 28,000 linear feet of 16-inch PVC water main along NYS Route 5 and Willow Road in the Village and the connection to the 20-inch supply main in the City of Dunkirk, the construction of a new pump station including the installation of a back-up generator and chlorine feed system and the construction of a new 500,000 gallon water storage tank, as well as other improvements more fully identified in (or contemplated by) a preliminary engineering report prepared by Clark Patterson Lee, 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 estimated maximum cost of the Purpose is \$7,570,500.

SECTION 2. The Village Board of Trustees plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds of the Village in an aggregate principal amount not to exceed \$7,570,500, 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 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 a class of objects or purposes described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such 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 will 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 will 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. 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 Section 1 of this resolution. The Village then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the earlier of (a) the date hereof or (b) the date of any earlier expression by the Village of its intent to reimburse such expenditures) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration (or reaffirmation) of the Village's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. 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 10. 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 11. 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 12. 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 13. 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 14. 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 be 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 15. 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 16. 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 said Local Finance Law, in a newspaper having a general circulation in the Village and hereby designated as the official newspaper of the Village for such publication.

* * * * *

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

AYES: 5

NOES: 0

ABSENT: 0

The foregoing resolution was thereupon declared duly adopted.

Resolution 46-2017 Approval for Mayor to sign Agreement for Use of Water Infrastructure Improvements

RESOLUTION 46-2017

APPROVAL FOR MAYOR TO SIGN AGREEMENT FOR USE OF WATER INFRASTRUCTURE IMPROVEMENTS

WHEREAS an agreement between the Village of Brocton, N.Y. (“Village”) and North Chautauqua County Water District dated June 21, 2017 has been presented to this Board concerning the Village’s water transmission project for North County Water District, and

NOW, THEREFORE BE IT RESOLVED that said agreement is hereby approved and the Mayor is hereby authorized to sign said proposal on behalf of the Village of Brocton.

Resolution introduced by Trustee Carol Horlacher second by Trustee Craig Miller with vote as follows

4 ayes

0 nays

0 absent

Dated: June 21, 2017

Sonia Luszcak
Village Clerk/Treasurer

Old Business

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

A motion was made by Trustee Craig Miller, seconded by Trustee Carol Horlacher to approve May 31st minutes as presented in written form. Vote was unanimous, motion carried.

A motion was made by Trust Bryan Woleben, and seconded by Trustee Jason DeJoe to approve the written reports as presented. Vote was unanimous, motion carried.

A motion was made to go into executive session by Trustee Bryan Woleben and seconded by Trustee Craig Miller for personnel matters at 7:32 pm. Vote was unanimous, motion carried.

A motion was made to enter into regular session from executive session at 8:08 pm by Trustee Bryan Woleben and seconded by Trustee Carol Horlacher. Vote was unanimous, motion carried

No action taken.

With no further business brought before the Board, a motion was made to adjourn the meeting at 8:09 p.m. by Trustee Bryan Woleben seconded by Trustee Carol Horlacher. Vote was unanimous, motion carried.

Respectfully submitted by,

Sonia Luszcak
Village Clerk/Treasurer