

REGULAR MEETING  
MAY 20, 2020

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

Board Member Absent:

Present: Scott Jagoda, Village Clerk/Treasurer  
Peter Clark, Attorney  
Rich Lewis, WWTP

Meeting was held on Zoom videoconferencing.

Mayor Frost opened the workshop/regular meeting with the pledge to the flag at 6:00 p.m.

**Workshop:** No discussion, Mayor Frost moved directly into regular meeting.

**Public Comments:** None.

**Department Reports:**

**Scott Jagoda, Village Clerk/Treasurer** – The Clerk noted requests for food trucks and no permits are required at this time but may need to re-evaluate for the future.  
A motion was made by Trustee Bryan Woleben with a second by Trustee Craig Miller to cancel the 2020 Summer Youth Recreation Program due to concerns with COVID-19, voting was unanimous, motion carried.

**Village Attorney Peter D. Clark** – No report.

**Ken Becker, Streets Dept.** – No report.

**Wendy Spinuzza, Code Enforcement Officer** – No report.

**Rich Lewis - Wastewater Treatment Plant** – A motion was made by Trustee Art Miller with a second by Trustee Bryan Woleben to allow Rich Lewis to purchase 25 lamps and 1 Ballast kit from Koester in the amount of \$7,368.00, voting was unanimous, motion carried.

**Fire Department – Phil Gerace, Fire Chief** – The monthly fire department report was presented, they had a total of 20 calls for the month.

**Electric Department – Joe Majkowski, Electric Lineman** – The clerk noted Joe has installed around 125 new meter heads.

**Committee Reports:**

**Trustee Bryan Woleben** – No report.

**Trustee Art Miller** – No report.

**Trustee Craig Miller** – No report.

**Trustee Carol Horlacher** – No report.

**Mayor Report:** - A motion was made by Trustee Craig Miller with a second by Trustee Bryan Woleben to purchase flowerpots as usual for telephone poles, voting was unanimous, motion carried.

The board discussed allowing Ron Burgun to enter the Cave’s deli building with the intention of salvaging the ansel system and any tin and décor to possibly use at the Green Arch restaurant as part of the restoration, the board agreed in coordination with Peter Clark checking the legality and proper insurance protocols.

Mayor Frost offered condolences on behalf of himself and the village to former Mayor J. Dale Abram and his family on the passing his mother Fern.

**New Business:**

**RESOLUTION 13-2020**

**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

\_\_0\_\_ absent

Dated: May 20, 2020

Scott Jagoda  
Village Clerk/Treasurer

## RESOLUTION 14-2020

### 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 Art Miller, seconded by Trustee Bryan Woleben with vote as follows:

\_\_4\_\_ ayes

\_\_0\_\_ nays

\_\_0\_\_ absent

Dated: May 20, 2020

Scott Jagoda  
Village Clerk/Treasurer

RESOLUTION 15-2020

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 57.5 cents per mile.

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

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

\_\_4\_\_ ayes

\_\_0\_\_ nays

\_\_0\_\_ absent

Dated: May 20, 2020

Scott Jagoda  
Village Clerk/Treasurer

RESOLUTION 16-2020

AUTHORIZING MAYOR AND TREASURER  
TO SIGN CHECKS & FINANCIAL INSTRUMENTS

BE IT RESOLVED, that Mayor Richard L. Frost 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 Craig Miller with vote as follows:

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

Dated: May 20, 2020

Scott Jagoda  
Village Clerk/Treasurer

## RESOLUTION 17-2020

### 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, 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 \$9999.00 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 \$9999.00 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 \$9999.00 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 Carol Horlacher, seconded by Trustee Art Miller with vote as follows:

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

Dated: May 20, 2020

Scott Jagoda  
Village Clerk/Treasurer

RESOLUTION 18-2020

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 Craig Miller, seconded by Trustee Art Miller with vote as follows:

\_\_4\_\_ ayes

\_\_0\_\_ nays

\_\_0\_\_ absent

Dated: May 20, 2020

Scott Jagoda  
Village Clerk/Treasurer

**RESOLUTION 19-2020  
APPROVE MAYOR'S COMMITTEE**

WHEREAS, Mayor Richard L. Frost has appointed the following Trustees to serve on committees as listed:

Audit: (6 mos.)	April – Sept:	1 Carol Horlacher	Bryan Woleben
	Oct – March:	2 Craig Miller	Art Miller
Electric		Carol Horlacher	Craig Miller

Fire Department	Craig Miller	Bryan Woleben
Insurance (Liability & Medical)	Art Miller	Carol Horlacher
Law Enforcement	Craig Miller	Bryan Woleben
Office	Craig Miller	Carol Horlacher
Recreation	Carol Horlacher	Bryan Woleben
Streets	Bryan Woleben	Carol Horlacher
Tax Review	Carol Horlacher	Art Miller
Water	Craig Miller	Art Miller
Wastewater	Art Miller	Carol Horlacher
Zoning/Fire Insp Code Enforcement	Bryan Woleben	Craig Miller
Planning	Carol Horlacher	Art Miller
Grants	Art Miller	Bryan Woleben
Department Heads	Carol Horlacher	Art Miller
Shared Services	Craig Miller	Bryan Woleben

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

\_\_4\_\_ ayes

\_\_0\_\_ nays

\_\_0\_\_ absent

Dated: May 20, 2020

Scott Jagoda, Village Clerk/Treasurer

## RESOLUTION 20-2020

### APPROVE MAYOR'S APPOINTMENT

WHEREAS, Mayor Richard L. Frost has appointed the following personnel and employees as listed,

NOW THEREFORE BE IT RESOLVED, the following Appointments of Mayor Richard L. Frost are hereby approved

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

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

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

Dated: May 20, 2020

Scott Jagoda  
Village Clerk/Treasurer

## RESOLUTION 21-2020

### RELEVY WATER/SEWER LIENS TO TAXES

WHEREAS the Village Clerk/Treasurer has presented to this Board a list of delinquent water and sewer rentals due to the Village of Brocton, now therefore

BE IT RESOLVED that said delinquent amounts, together with penalties as provided by law, shall be entered into or attached to the minutes of this meeting, and

BE IT FURTHER RESOLVED that such delinquent water and sewer rentals are hereby levied against the real property liable for such payment in the same manner as Village taxes and said amounts shall be set forth in a separate column in the annual tax rolls of the Village, and

BE IT FURTHER RESOLVED that the amounts so levied shall be collected in the same manner and at the same time as provided by law for the collection of the Village taxes, and

BE IT FURTHER RESOLVED that said delinquent water and sewer rentals, together with penalties, be forwarded to the County of Chautauqua Department of Finance to be included on the 2020/2021 Village taxes for the real property liable for said amounts.

SBL	Account	Owner	Water	Sewer	Total
144.16-2-24	D0490	RIFORGIATO, DENEEN	\$189.45	\$321.78	\$511.23
144.16-2-24	D0510	RIFORGIATO, DENEEN	\$77.60	\$160.24	\$237.84
144.16-2-28	D0600	RANSOM, KAREN	\$55.49	\$134.89	\$190.38
144.16-2-32	D0830	COLLINS, MELISSA & JUSTIN	\$400.55	\$600.55	\$1,001.10
144.16-2-34	D0660	MARSHALL, CHARLES	\$15.32	\$104.75	\$120.07
144.16-2-49	D3800	HAWK, THOMAS	\$51.00	\$86.83	\$137.83
144.16-2-55	D1430	RIZZO JR., JAMES	\$432.19	\$660.42	\$1,092.61
144.20-1-5	D3890	ANZALONE, WILLIAM	\$17.50	\$163.75	\$181.25
144.20-1-6	C0640	ABBEY, ROBERT & CHARLENE	\$97.74	\$164.21	\$261.95
144.20-2-2	D1250	WDOWIASZ, CHRISTOPHER	\$80.23	\$162.36	\$242.59
144.20-2-36	C1740	COLLINS, MELISSA	\$50.09	\$107.42	\$157.51
144.20-3-31	C1060	JOHNSON, NEIL	\$43.91	\$91.21	\$135.12
145.17-3-49	A1440	DELAND, MICHAEL & ANGELA	\$28.02	\$66.48	\$94.50
145.09-1-11	D2430	ZAPPIE, KRISTIN	\$94.66	\$192.98	\$287.64
145.13-1-21	B0560	VANDERPOOL, REV. NORMA	\$76.50	\$150.59	\$227.09
145.13-1-9	B0380	KRAUTER, JULIANA	\$218.71	\$384.30	\$603.01
145.17-1-28	B1190	BALLES, JAMIE	\$249.98	\$343.84	\$593.82
145.17-1-44	A1450	BATES, DAWN	-\$9.80	\$148.38	\$138.58
145.17-1-64	C2440	BRIGHAM, SEASON	\$263.78	\$424.46	\$688.24
145.17-2-27	A2600	CAVE, MICHAEL	\$51.00	\$134.91	\$185.91
145.17-2-33	A2730	HARRELL, RICHARD	\$34.37	\$78.72	\$113.09
145.17-2-33	A2740	HARRELL, RICHARD	\$134.48	\$195.36	\$329.84
145.17-3-43	A1980	CASH, DENNIS	\$232.08	\$356.89	\$588.97
145.17-3-52	A1630	KANE, VINCENT	\$127.50	\$178.80	\$306.30
161.08-1-20	D3590	ZIMMERMAN, JOSEPH	\$89.89	\$201.08	\$290.97
161.08-2-16	A0840	COLBURN, STEVE	\$32.55	\$80.04	\$112.59
161.08-2-21	C0280	SMITH, LENNY	\$20.00	\$39.62	\$59.62
162.09-1-13	A2360	ANDREWS, DONALD & JOANNE	\$239.75	\$407.09	\$646.84
162.09-1-25	B2020	OBDUILLO CORP	\$134.49	\$281.60	\$416.09
162.09-1-44	A0220	ALEXANDER, SARA	\$69.16	\$119.88	\$189.04
162.09-1-69	A1110	WAZANEY, MICHAEL	\$28.57	\$76.57	\$105.14
			\$3,626.76	\$6,620.00	\$10,246.76

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

\_\_4\_\_ ayes

\_\_0\_\_ nays

\_\_0\_\_ absent

Dated: May 20, 2020

Scott Jagoda  
Village Clerk/Treasurer

SECTION 1.  
**RESOLUTION 22-2020**  
**DELEGATE PROXY VOTER FOR NYMPA MEETING**

At a regular meeting of the Board of Trustees of the Village of Brocton, New York, held on May 20, 2020, the following resolution was adopted:

Moved by Trustee Carol Horlacher, seconded by Trustee Bryan Woleben

WHEREAS, the Board of Trustees of the Village of Brocton, New York, is a municipal member of the New York Municipal Power Agency, and

WHEREAS, in accordance with the bylaws of New York Municipal Power Agency, each municipal member may cast one vote on each transaction properly brought before this meeting,

NOW THEREFORE BE IT RESOLVED, that (the NYMPA Board of Directors or another delegate as the municipal may desire) be and is hereby designated as the accredited delegate of the Village of Brocton, New York.

On roll call: Affirmative:   5   Negative:   0    
Trustee Art Miller            AYE  
Trustee Bryan Woleben        AYE  
Trustee Carol Horlacher       AYE  
Trustee Craig Miller           AYE  
Mayor Richard Frost           AYE

I certify that this resolution was adopted by the Board of Trustees of the Village of Brocton, New York on the 20th day of May 2020.

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Scott Jagoda

Village Clerk/Treasurer

## RESOLUTION 23-2020

### 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 18, 2020 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

**\$644** From A1450.4 Elections Contractual to A1920.4 Municipal Association Dues  
**\$852** From A9010.8 State Retirement to A9060.8 Hospital & Medical Insurance

#### ELECTRIC FUND

**\$1,100** From 123 Inventory to 368 Consumer Meters  
**\$600** From 781.8 Engineer to 781.31 Law Dept. Expense  
**\$5,000** From 899.6 Personal Services to 721.1 REC Expense  
**\$4,000** From 899.6 Personal Services to 721.2 ZEC Expense

#### RESERVE TRANSFERS

##### GENERAL FUND

Authorize transfer of \$30,000 to DPW Capital Fund per 2019-2020 budget line A9506.9

##### SEWER FUND

Authorize transfer of \$24,000 to Sewer Project Fund per 2019-2020 budget line G9550.9

##### ELECTRIC FUND

Authorize transfer of \$5,000 to Equipment Capital Fund per 2019-2020 budget line 955.8  
Authorize transfer of \$35,000 to Transformer Capital Fund per 2019-2020 budget line 955.9

Resolution was introduced by Trustee Bryan Woleben second by Trustee Carol Horlacher with vote as follows:

\_\_4\_\_ ayes

\_\_0\_\_ nays

\_\_0\_\_ absent

Date: May 20, 2020

Scott Jagoda  
Village Clerk/Treasurer

**Old Business:**

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

A motion was made by Trustee Carol Horlacher, seconded by Trustee Craig Miller to approve April 15<sup>th</sup> regular meeting/public hearing minutes as presented in written form. Vote was unanimous, motion carried.

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

A motion was made by Trustee Bryan Woleben, seconded by Trustee Carol Horlacher to pay all employees up to 40 hours of vacation and personal time unused due to COVID-19, voting was unanimous, motion carried.

With no further business brought before the Board, a motion was made to adjourn the meeting at 7:02 p.m. by Trustee Craig Miller seconded by Trustee Bryan Woleben. Vote was unanimous, motion carried.

Respectfully submitted by,

Scott Jagoda  
Village Clerk/Treasurer