

REGULAR MEETING
MARCH 4, 2015

Board Members Present: Mayor David Hazelton
Trustee J. Dale Abram
Trustee Dale Van Vlack, Jr.

Board Member Absent: Trustee Bryan Woleben

Present: Julie Planty, Deputy Clerk/Treasurer
Samuel Drayo Jr., Village Attorney
Tom Allen, Highway Superintendent
Joe Majkowski, Electric Lineman
Jim Rizzo, Jr., Fire Chief
Alan Gustafson, Code Enforcement Officer
Craig Miller
Ann Belcher, Observer

Mayor Hazelton opened the regular meeting with the pledge to the flag at 7:30 p.m.

Public Comments: Craig Miller came to once again challenge the rent charge that appears on the bills. He asked why this charge did not appear on the Village taxes as it is a tax against the assessment of his property for the rent charge. Sam Drayo, Jr. Village Attorney explained to Mr. Miller how it is complicated and it really is a sewer tax and that the formula that was used is fair. Mr. Miller went on to say that he does not have a receipt of the amount of money that he pays towards this rent charge for his income tax as it is tax deductible. Trustee J. Dale Abram went on to explain that the tax was on his sewer and if he did not have a sewer he would not be charged. Trustee Gary Planty went on to explain that the new billing program would not accept any new wording, so we picked “rent” charge. Mr. Drayo explained to Mr. Miller that is what the law calls “Sewer Rent” is used across New York State. Per the Mayor, the cost amounts to \$140.00 and if you deduct 30% you would be dealing with about \$42.00. Mr. Miller stated that the tax payer is entitled to that money (tax) according to the IRS and was the Village Board prepared to issue receipts for this tax to all the residents? The Mayor explained that he currently receives a receipt with the “rent charge”. Mr. Miller feels that he is being double taxed – once for the property tax and then again for the Rent charge. The Mayor said that we could add the total rent charge on to the tax line but it would not generate income the Village would need to work with. The Mayor explained that we would check with our accountant and ask what they feel about advalorem. After more discussion on this matter, the Mayor told Mr. Miller that someone would get back to him.

Department Reports:

Tom Allen, Highway Superintendent – They have been very busy this past month with water issues and thanked the people that have been shoveling out the hydrants. It certainly helps the Village crew. Tom went on to say that he would recommend that residents allow water in their homes run a very small stream to prevent the pipes from freezing. He is showing that the frost line is 43 inches which has changed since last month's 24 inches. It would be in the best interest of the residents to let the water run a very small stream. There will be drainage problems once the weather breaks and it starts to thaw. The Mayor reiterated his thanks as well as comments from the community for how well his crew had maintained the roads and keeping the snow cleared.

Joe Majkowski, Electric Department Head reported he received the electric permit with the requirements needed for the new Dollar General store transformers and had presented quotes. The Mayor asked how many transformers would be ordered for this project. Joe explained that he would order 4 – one would be a 400 amp service along with three brackets to mount them. There was a concern if Joe ordered the transformers and the company backed out would the Village be able to recoup the costs. The Village Attorney, Sam Drayo, Jr. will compose a letter to send to the engineer that the Village of Brocton will be reimbursed for the \$6,425.00, the cost of the transformers, should the project cease to move forward. A motion was made by Trustee J. Dale Abram to authorize Joe Majkowski to purchase 4 15 KBA transformer with cluster brackets in the amount of \$6,425.00 with a guarantee from the engineer should the project not go through, second by Trustee Gary Planty. Vote was unanimous, motion carried.

Alan Gustafson, Code Enforcement Officer handed in his February monthly report showing he issued 2 permits. He has been doing a lot of office work during this slow period. He has been in communication with Dollar General regarding subdividing the lot. There was discussion about the property located at 64 Peerless Street and the demolition permit. Alan would follow up with the owner of the property. A motion was made by Trustee Dale VanVlack and second by Trustee Gary Planty authorizing the subdividing of the parcel of land being held by Dollar General providing the remaking lot is still sufficient to accommodate further building. Vote was unanimous, motion carried.

Jim Rizzo, Jr. Fire Chief – attended the Fire Chief's Association Meeting and one main topic was changing to the new narrow band radios. The County is currently working on a deal to purchase all the radio's needed for the fire department. There was a question regarding whether the current pagers would work with the new radios. The Chief will check into that and get back to the Mayor. There was orientation for the 4 new members that joined the fire department and have seen them on several fire calls. Trustee J. Dale Abram asked if the new members had to take a essentials test, at which Fire Chief stated that they have two years to make a decision. Two of them are talking about going through Firefighter 1 class.

Julie Planty, Deputy Clerk/Treasurer no report.

Sam Drayo, Jr, Village Attorney requested an executive session to review legal questions.

Committee Reports:

Trustee Gary Planty stated that Jim Rizzo, Jr. Fire Chief and Trustee Bryan Woleben will get together to review grants coming soon to purchase the radios. He was surfing the Web and came upon the Village of Brocton page and the wealth of information that has many important points for the residents to get ahold of any of the Trustees, or Department Heads as well as links to information that can be very helpful, example, Library, school. There was more discussion regarding the Wastewater Treatment Plant new Utility Training employee Richard Lewis. Trustee Planty has been working on the MSDS and chemical disposal. The Village Clerk asked to set up a meeting with the Wastewater Treatment Plant, the office committee to discuss invoicing DOC. Trustee Planty will be meeting with Randy Hardy @ 10:00 am on March 5, 2015 from the NYS Thruway regarding guidelines and chemical usage. Trustee Planty, Village Clerk and Cynthia Ferguson have been working on the Youth Recreation grant for 2015.

Trustee Dale VanVlack no report.

Trustee J. Dale Abram no report.

Mayor Report:

Mayor Hazelton sent the Board the information on the option to pay utility bills with a credit card. With permission from the board the Mayor will have a bank representative come and talk further on this.

A reminder about the grand opening for the new Southern Chautauqua Federal Credit Union on March 6, 2015 at 10:00 a.m.

The Mayor reported to the Board about the regional water meeting held on Tuesday, March 3rd on the smaller project now under way. This was approved and currently they are moving forward they now will begin drawing up the inter-municipal agreements and they have hired Attorney Yaw out of Jamestown. There was a concern that there would be a conflict of interest with our Attorney Sam Drayo, Jr. representing both the Village of Brocton and Village of Fredonia. This has been confirmed that it will not be an issue.

Joe Majkowski, Electric Lineman took more pictures of 10 East Main Street and we have reviewed them on the computer. The Mayor received a telephone call from the Chautauqua County Land Bank that there is a possibility they could offer assistance with some partial funding. If we do use their funding the Village would have to have something in mind for the vacant land as it could not remain empty. The Mayor also called Mr. Zink regarding the loan program who stated that he had not heard anything to date.

The Mayor would like to move the meeting dates for April from the 1st to April 8th for a public hearing at 7:00 pm to review the budget and April 15th to April 22nd to adopt the budget. A motion was made by Trustee Dale VanVlack second by Trustee Gary Planty to move the April meeting dates to April 8th and 22nd and to schedule a public hearing at 7:00 pm on April 8th. Vote was unanimous, motion carried.

The Mayor has completed the application for the Town of Portland Ambulance Service and found that it would need to have insurance. After a discussion with Randy Graham from Slone Melhuish it was decided that the Village could name the Town of Portland Ambulance Service as a secondary policy with no additional cost to the Village. A motion was made by Trustee Gary Planty second by J. Dale Abrams to name the Town of Portland Ambulance Service as an additional insured on our insurance policy. Vote was unanimous, motion carried.

The Mayor discussed scheduling a workshop meeting to discuss the Employee Handbook and would like to set it up soon.

New Business:

Resolution 12-15 Establish Last Day to Pay Water/Sewer Delinquent Accounts Before Re-levy to Taxes

RESOLUTION 12-15
ESTABLISH LAST DAY
TO PAY WATER/SEWER
DELINQUENT ACCOUNTS BEFORE
RELEVY TO TAXES

WHEREAS, the Village of Brocton Board of Trustees establishes the last day Water and sewer customers can make payments on their delinquent accounts as Wednesday, April 8, 2015, therefore

BE IT RESOLVED, water and sewer accounts with delinquent balances after the established date of April 8, 2015 will be re-levied onto the Village Taxes.

Resolution introduced by Trustee J. Dale Abram, second by Trustee Gary Planty with vote as follows:

3 ayes 0 nays 1 absent

Dated: March 4, 2015

Sonia Luszcak
Village Clerk/Treasurer

Resolution 13-15 Approval to Attend MEUA Winter Engineering Workshop

RESOLUTION 13-15

APPROVAL TO ATTEND MEUA WINTER ENGINEERING
WORKSHOP

WHEREAS Joe Majkowski has requested approval to attend the Winter Engineering Workshop, sponsored by MEUA on Thursday and Friday, March 19th and 20th, 2015 at Embassy Suites Hotel, 6646 Old Collamer Road in Syracuse, NY. The registration fee is \$80.00 and travel will be by village vehicle. There will be one night of lodging in the amount of \$121.00 as well as tolls.

NOW THEREFORE BE IT RESOLVED authorization is approved for Joe Majkowski to attend the Winter Engineering workshop as listed.

Resolution introduced by Trustee Dale VanVlack, second by Trustee Gary Planty with vote as follows:

3 ayes 0 nays 1 absent

Dated: March 4, 2015

Sonia Luszczak
Village Clerk/Treasurer

Resolution 14-15 Designate Proxy for MEUA Semi Annual Conference

I certify, the following resolution was duly adopted at a meeting of the Board of Trustees of the Village of Brocton NY duly called and held on March 4, 2015 at the Village Offices, 34 West Main Street, Brocton, NY.

Sonia Luszczak
Village Clerk/Treasurer

RESOLUTION 14-15
DESIGNATE PROXY FOR MEUA SEMI ANNUAL CONFERENCE

WHEREAS the Village of Brocton New York is a municipal member of the Municipal Electric Utilities Association of New York State, and

WHEREAS, the Semi-Annual Conference of the Municipal Electric Utilities Association of New York State has been called on April 29, and April 30, 2015 to be held at the Embassy Suites Hotel, 6646 Old Collamer Road, East Syracuse, New York 13057 and

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

NOW THEREFORE BE IT RESOLVED, that MEUA Executive Committee be and is hereby designated as the accredited delegate of the Village of Brocton New York.

Resolution introduced by Trustee Gary Planty, second by Trustee J. Dale Abram with roll call vote as follows:

Trustee J. Dale Abram:	___Aye___
Trustee Gary Planty:	___Aye___
Trustee Dale Van Vlack Jr:	___Aye___
Trustee Bryan Woleben:	___Absent___
Mayor David Hazelton:	___Aye___

Dated: March 4, 2015

Sonia Luszcak
Village Clerk/Treasurer

Old Business:

The website still under works and Trustee Gary Planty covered.

The Mayor reported that the General Code is moving forward.

A motion was made by Trustee Gary Planty, seconded by Trustee Dale VanVlack to authorize payment of signed approved vouchers. Vote was unanimous, motion carried.

A motion was made by Trustee Gary Planty, seconded by Trustee Dale VanVlack to approve February 18th minutes as presented in written form. Vote was unanimous, motion carried.

A motion was made by Trustee J. Dale Abram, seconded by Trustee Dale VanVlack to approve the written reports as presented. Vote was unanimous, motion carried.

A motion was made by Trustee Dale VanVlack, seconded by Trustee J. Dale Abram to go into executive session at 8:20 p.m. to discuss a contract. Vote was unanimous, motion carried.

Mayor Hazelton wanted to discuss issues that were missed in the regular session before going into executive session.

There was a discussion regarding two separate letters that were received regarding excess charges for water and sewer charges. It is normal policy to reduce the water charges not sewer charges. The Mayor asked that this be tabled until the Water committee could review. A motion was made by Trustee Gary Planty and second by Trustee J. Dale Abram to table and request with action at a later date. Vote was unanimous, motion carried.

Village Attorney Sam Drayo, Jr. had an amendment on the proposed contract for the DOCS. There was some discussion as to the changes on the contract. The Mayor would like to take action that Albany accept the contract as quickly as possible. There are three State Agencies that the Village deals with for approval. DOCS has approved, Attorney General has approved and we are waiting for approval from the State Comptroller. The Village Attorney went over some of the major changes with the Board – F & G The State Comptroller wanted the contingency reduced from \$481,000 to \$275,000. Sam spoke to the engineer Rex Tolman and he believes the contingency will cover the water lines. This reduces the project from 6M to 5,945,000. DOCS is responsible for 32% of the project as they use that percentage in water. DOCS and the Attorney General have agreed to the terms of the current contract when going out to bid for the project that the Village can accept bids no higher than 33% more without their approval. The State Comptroller is requesting that we get approval from all agencies for anything over a \$1.00. The new contract allows flexibility in the limit of \$10M for operating costs over a 20 year period. There will be a surcharge if the prison goes over a certain limit of water usage.

A motion was made by Trustee J. Dale Abram, seconded by Trustee Gary Planty to go into executive session at 8:34 p.m. to discuss the contract. Vote was unanimous, motion carried

Mayor Hazelton asked the board for a motion to enter into regular session at 8:51 p.m. from executive session. A motion was made by J. Dale Abram seconded by Trustee Gary Planty. Vote was unanimous, motion carried.

A motion was made by Trustee Dale VanVlack seconded by Trustee Gary Planty to approve the amendment to the contract proposal with the Department of Corrections as

prepared by the Village Attorney with any minor adjustments the Village Attorney can make them and forwarded to DOCS for their approval and Mayor's signature at a later date. Vote was unanimous, motion carried.

A motion was made to adjourn the meeting at 8:52 pm by Trustee J. Dale Abram seconded by Trustee Gary Planty. Vote was unanimous, motion carried.

Respectfully submitted from recorded and written minutes by,

Sonia Luszcak
Village Clerk/Treasurer