

REGULAR MEETING
MAY 17, 2021

Board Members Present: Mayor Art Miller
Trustee Mark Belcher
Trustee Bryan Woleben 6:04
Trustee Craig Miller
Trustee Greg Borst

Board Member Absent:

Present: Scott Jagoda, Village Clerk/Treasurer
Rich Lewis, WWTP (left at 7:41)
Peter Clark, Attorney
Ken Becker, Streets Supervisor (left at 7:41)
Jim Rizzo, Jr., Fire Chief (left at 7:10)
Anthony Dolce, Observer (left at 7:41)
Lt. David Mistretta, Sheriff's Dept. (left at 6:48)
Several Residents (left at 7:00)

Meeting was held while observing NYS COVID-19 regulations at Portland Town Hall, 87 West Main St. Brocton, NY 14716.

Mayor Miller opened the meeting with the pledge to the flag at 6:03 p.m.

Public Comments: Dave Hazelton inquired about the cleanup of the torn down building on Highland and Mayor Miller noted that it will be cleaned soon as the project has gone out for bid and has been accepted by the county land bank.

Several residents had a discussion with Lt. David Mistretta and the board over concerns about a house in the Village constantly having illegal fires, drug activity, animal issues, 4-wheelers, etc. Lieutenant Mistretta stressed that the residents need to contact the police as often as issues arise. John Morse requested permission to raise chickens on his property and this will be looked at further by the board and zoning/code offices.

Laurel Giambra thanked the village crew for cleaning up trees around power lines to protect the sidewalks and community.

Department Reports:

Scott Jagoda, Village Clerk/Treasurer – The clerk thanked Harold Smith for safely removing a honeybee's nest at village hall.

The clerk introduced dog control reports for January-March.

The clerk noted village taxes will be mailed out next week.

Fire Department – Jim Rizzo, Jr. Fire Chief – Chief Rizzo introduced the monthly report, there were 36 calls.

Village Attorney Peter D. Clark – No report.

Ken Becker, Streets Dept. – A motion was made by Trustee Bryan Woleben with a second by Trustee Craig Miller to accept the proposal from St. George for grinding wood at the streets shop with an estimation between \$4390.00 and \$6000.00, voting was unanimous, motion carried.

Wendy Spinuzza, Code Enforcement Officer – The mayor introduced the code officers report for April. There were 6 permits issued.

Rich Lewis - Wastewater Treatment Plant – Rich noted he is recovering from shoulder surgery and should be back to work fully in a few weeks.

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

Committee Reports:

Trustee Bryan Woleben – Trustee Woleben followed up concerning the aging out of the fire department members and the county has recently created a group discussing such issues and will continue to communicate.

Trustee Greg Borst – No report.

Trustee Craig Miller – No report.

Trustee Mark Belcher – No report.

Mayor Report: - No report.

New Business:

RESOLUTION 10-2021

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 19, 2021

Scott Jagoda
Village Clerk/Treasurer

RESOLUTION 11-2021
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 Craig Miller, seconded by Trustee Bryan Woleben with vote as follows:

__4__ ayes __0__ nays __0__ absent

Dated: May 19, 2021

Scott Jagoda
Village Clerk/Treasurer

RESOLUTION 12-2021

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 Bryan Woleben with vote as follows:

__4__ ayes

__0__ nays

__0__ absent

Dated: May 19, 2021

Scott Jagoda
Village Clerk/Treasurer

RESOLUTION 13-2021

AUTHORIZING MAYOR AND TREASURER
TO SIGN CHECKS & FINANCIAL INSTRUMENTS

BE IT RESOLVED, that Mayor Art Miller 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 Greg Borst, seconded by Trustee Craig Miller with vote as follows:

__4__ ayes __0__ nays __0__ absent

Dated: May 19, 2021

Scott Jagoda
Village Clerk/Treasurer

RESOLUTION 14-2021

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:

__4__ ayes __0__ nays __0__ absent

Dated: May 19, 2021

Scott Jagoda
Village Clerk/Treasurer

RESOLUTION 15-2021

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

__4__ ayes __0__ nays __0__ absent

Dated: May 19, 2021

Scott Jagoda
Village Clerk/Treasurer

RESOLUTION 16-2021
APPROVE MAYOR'S COMMITTEES

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

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

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

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

__4__ ayes

__0__ nays

__0__ absent

Dated: May 19, 2021

Scott Jagoda, Village Clerk/Treasurer

RESOLUTION 17-2021

APPROVE MAYOR'S APPOINTMENT

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

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

Village Attorney:	Peter D. Clark
Deputy Mayor:	Trustee Craig Miller
Deputy Clerk/Treasurer:	N/A currently
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 Mark Belcher with vote as follows:

__4__ ayes __0__ nays __0__ absent

Dated: May 19, 2021

Scott Jagoda
Village Clerk/Treasurer

SECTION 1.
RESOLUTION 18-2021
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 19, 2021, the following resolution was adopted:

Moved by Trustee Greg Borst, 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 Mark Belcher AYE
Trustee Bryan Woleben AYE
Trustee Greg Borst AYE
Trustee Craig Miller AYE
Mayor Art Miller AYE

I certify that this resolution was adopted by the Board of Trustees of the Village of Brocton, New York on the 19th day of May 2021.

Scott Jagoda

Village Clerk/Treasurer

RESOLUTION 19-2021

BUDGET TRANSFERS

WHEREAS, the Village Board of Trustees has reviewed the recommendations from its auditors/accountants, Bahgat/Laurito-Bahgat, regarding budget transfers which are set forth in their letter dated May 16, 2021 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

\$3000 From A7310.1 Youth Program Personal Services to A1410.1 Clerk Personal Services

ELECTRIC FUND

\$100 From 781.6 Insurance to 783.1 Liability Insurance

\$1000 From 781.6 Insurance to 781.3 Law Dept. Expense
\$10000 From 899.6 Personal Services Other Employee to 721.1 REC Expense
\$15000 From 899.6 Personal Services Other Employee to 721.2 ZEC Expense
\$1000 From 899.6 Personal Services Other Employee to 722.0 Membership Fee Expense

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

__4__ ayes __0__ nays __0__ absent

Date: May 19, 2021

Scott Jagoda
Village Clerk/Treasurer

RESOLUTION 20-2021

BUDGET TRANSFERS

WHEREAS, the Village Board of Trustees has reviewed the recommendations from its auditors/accountants, Bahgat/Laurito-Bahgat, regarding budget transfers which are set forth in their letter dated May 16, 2021 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

Authorize transfer of \$10000 to Fire Equipment Capital Fund per 2020-2021 budget line A9501.9
Authorize transfer of \$25000 to DPW Capital Fund per 2020-2021 budget line A9506.9

SEWER FUND

Authorize transfer of \$24000 to Sewer Project Fund per 2020-2021 budget line G9550.9

ELECTRIC FUND

Authorize transfer of \$5000 to Equipment Capital Fund per 2020-2021 budget line 955.8
Authorize transfer of \$10000 to Transformer Capital Fund per 2020-2021 budget line 955.9

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

__4__ ayes

__0__ nays

__0__ absent

Date: May 19, 2021

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 Bryan Woleben, seconded by Trustee Craig Miller to approve April 21st regular meeting minutes as presented in written form. Vote was unanimous, motion carried.

A motion was made by Trustee Bryan Woleben, seconded by Trustee Mark Belcher 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 for the purpose of discussing employee benefits /personnel at 7:41pm, voting was unanimous, motion carried.

A motion was made by Trustee Bryan Woleben, seconded by Trustee Craig Miller to enter back into regular session at 7:54pm, voting was unanimous, motion carried.

A motion was made by Trustee Bryan Woleben, seconded by Trustee Craig Miller to approve the requests for vacation buyback pursuant to the village handbook for Joe Majkowski, James Dolce, and Scott Jagoda, voting was unanimous, motion carried.

With no further business brought before the Board, a motion was made to adjourn the meeting at 7:58p.m. by Trustee Bryan Woleben seconded by Trustee Greg Borst. Vote was unanimous, motion carried.

Respectfully submitted by,

Scott Jagoda

Village Clerk/Treasurer