

REGULAR MEETING
SEPTEMBER 15, 2021

Board Members Present:

Trustee Bryan Woleben
Trustee Craig Miller
Trustee Greg Borst

Board Member Absent:

Trustee Mark Belcher
Mayor Art Miller

Present:

Scott Jagoda, Village Clerk/Treasurer
Rich Lewis, WWTP
Peter Clark, Attorney
Ken Becker, Streets

Trustee Miller opened the meeting with the pledge to the flag at 6:01 p.m.

Public Comments: No comments.

Department Reports:

Scott Jagoda, Village Clerk/Treasurer – The clerk introduced a letter from the Horns of Hope Convoy thanking the Village for their participation and assistance with the event. Next year’s event is scheduled for July 2, 2022.

Fire Department – Jim Rizzo, Jr. Fire Chief – The clerk noted the annual fire agreement will be renewed soon and the Town of Portland requested a review to make any changes. The Village board felt the agreement was good as is.

Village Attorney Peter D. Clark – A motion was made by Trustee Bryan Woleben with a second from Trustee Greg Borst to allow Peter to pursue collection against Anthony DiBenedetto for the amount owed under his training agreement and file a lawsuit if necessary, voting was unanimous, motion carried.

Ken Becker, Streets Dept. – Ken noted they are still working to get sidewalks done but it has been difficult getting concrete. The clerk introduced an updated IMA for the highway superintendent services with the Town of Portland, the board will review and vote on at another meeting.

Wendy Spinuzza, Code Enforcement Officer – Trustee Miller introduced the code officers report for August. There were 6 permits issued and 2 violations.

Rich Lewis - Wastewater Treatment Plant – A motion was made by Trustee Bryan Woleben with a second by Trustee Greg Borst to allow Rich Lewis to attend training to acquire a Class D water license at the cost of \$675.00, voting was unanimous, motion carried.

Electric Department – Joe Majkowski, Electric Lineman – The clerk noted the previous motion made to purchase electric poles was not going to be facilitated due to lack of stock and Hurricane Ida.

A motion was made by Trustee Bryan Woleben with a second by Trustee Greg Borst to purchase 35-Class 5/35 poles at \$299.00 each and 6-Class 3/45 poles at \$611.00 each, totaling \$14,131.00 from Bell Lumber & Pole Co. from line item 358 pending a budget transfer of \$5000.00 from line 781.8, voting was unanimous, motion carried.

Committee Reports:

Trustee Bryan Woleben – No report.

Trustee Greg Borst – No report.

Trustee Craig Miller – No report.

Trustee Mark Belcher – No report.

Mayor Report: - No report.

New Business:

RESOLUTION 25-2021

**AUTHORIZE MAYOR'S SIGNATURE
ON MUTUAL AID-FIRE EMERGENCY AGREEMENT
WITH DEPARTMENT OF CORRECTIONS**

WHEREAS, a proposed agreement between NYS Dept. of Corrections, the Village of Brocton, Brocton Fire Department, and the Town of Portland Fire Protection District No. 1 has been presented to this Board and

WHEREAS, the proposed agreement sets forth a protocol for mutual aid to the prison for fire emergency incidents, now therefore

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

Resolution introduced by Trustee Bryan Woleben and second by Trustee Greg Borst, with vote as follows:

__3__ ayes

__0__ nays

__2__ absent

Dated: September 15, 2021

Scott Jagoda
Village Clerk/Treasurer

RESOLUTION 26-2021
Proposed Local Law No. 1 of the year 2021
Village of Brocton, County of Chautauqua

A local law adopted pursuant to Cannabis Law § 131 opting out of licensing and establishing retail cannabis dispensaries and/or on-site cannabis consumption establishments within the Village of Brocton.

Section 1. Legislative Intent

It is the intent of this local law to opt the Village of Brocton out of hosting retail cannabis dispensaries and/or on-site cannabis consumption establishments within its boundaries.

Section 2. Authority

This local law is adopted pursuant to Cannabis Law § 131, which expressly authorizes cities and villages to opt-out of allowing retail cannabis dispensaries and/or on-site cannabis consumption establishments to locate and operate within their boundaries.

Section 3. Local Cannabis Retail Dispensary and/or On-Site Consumption Opt-Out

The Board of Trustees of the Village of Brocton, County of Chautauqua, hereby opts-out of allowing retail cannabis dispensaries and/or on-site cannabis consumption establishments from locating and operating within the boundaries of the Village of Brocton.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State. Pursuant to Cannabis Law § 131, this local law is subject to a permissive referendum and thus may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition, or a referendum has been conducted approving this local law.

Resolution introduced by Trustee Craig Miller, seconded by Trustee Bryan Woleben, voting was as follows:

__3__ ayes __0__ nays __2__ absent

Dated: September 15, 2021

Scott Jagoda
Village Clerk/Treasurer

RESOLUTION 27-2021

APPROVAL FOR PAYMENT OF DOG CONTROL CONTRACT WITH THE TOWN OF PORTLAND

WHEREAS a proposed contract between the Town of Portland and the Village of Brocton has been presented to this Board and

WHEREAS the proposed contract is in the amount of \$2,950.00 commencing on November 01, 2021 and ending on October 31, 2022 now therefore

BE IT RESOLVED said contract is hereby approved for payment.

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

*There was no vote and this was tabled for further discussion.

_____ ayes _____ nays __0__ absent

Dated: September 15, 2021

Scott Jagoda
Village Clerk/Treasurer

Old Business:

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

A motion was made by Trustee Bryan Woleben, seconded by Trustee Greg Borst to approve August 18th regular meeting minutes as presented in written form. Vote was unanimous, motion carried.

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

With no further business brought before the Board, a motion was made to adjourn the meeting at 6:59p.m. by Trustee Bryan Woleben seconded by Trustee Greg Borst. Vote was unanimous, motion carried.

Respectfully submitted by,

Scott Jagoda
Village Clerk/Treasurer