

REGULAR MEETING
APRIL 20, 2016

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

Present: Sonia Luszczak, Village Clerk/Treasurer
Peter D. Clark., Village Attorney
Jim Rizzo, Jr., Fire Chief
Ryan Hazelton, Wastewater Treatment Plant
Rich Lewis, Wastewater Treatment Plant
Nancy Smith, Deputy Clerk/Treasurer
Thomas Schmitt
Mary Ann Langlie
Philip Gerace
Ann Belcher, Observer

Mayor Frost opened the regular meeting with the pledge to the flag at 7:00 p.m.

Public Comments: Tom Schmitt and Mary Ann Langlie requested to speak to the board regarding the water taps being installed for the Water Main Replacement near their property. After some discussion, it was noted that there would need to be an executive session before the Board and the Mayor could speak to them.

Department Reports:

Sonia Luszczak, Village Clerk/Treasurer –Mayor Frost presented the Sheriff Report for March, along with the Dog Control report for March.

Each Board Member was presented with the list of the newly elected Executive Officers and regular Officers.

Jim Rizzo, Jr, Fire Chief – Noted the fire department will be hosting the mock DWI drill next month.

There will be a meeting regarding mobile and portable radios for the fire department. The County will be switching over to the new radios frequency very soon. The fire department has been taking great strides in keeping control of the budget in light of the expense. With the help of Trustee Woleben, after the bid process, the fire department would like to purchase two or three radios this year, and then the remaining, next budget year. The fire department is hoping the grants come through for the cost to purchase the radios. Mayor Frost questioned how the new radios would affect the way the fire

department does their job? Fire Chief Rizzo noted that the new radios will have to be used to communicate with Mayville, as well as each other in fire trucks.

Jim Rizzo has been working closely with the new incoming Fire Chief, Philip Gerace before the transition of duties.

The Mayor tabled the quotes received for the damage received to the fire department door frame.

Tom Allen, Highway Superintendent – Trustee Bryan Woleben gave the Board members the report regarding the guard rail posts for the new bridge on Peerless Street stating they should be in Monday or Tuesday of next week. Road work should begin the week of the 25th.

The water line is moving along and the new pick up will be here soon.

Trustee Planty commented that we budgeted \$31,079.98 from NYS DOT for Chips with an increase from 2016-2017 PAVE of \$7,094.31 for a total amount of \$38,174.29. There was a rollover from last year, so the total amount available is \$73,177.99.

Wastewater Treatment Plant – Ryan Hazelton reported that the transfer switch for the generator was completed and is now in operation.

The Miller Boys completed the roofs. There are two other roofs that should be replaced if possible this budget year. Trustee Planty noted that this probably would not be possible. The UV building will be the next one to be completed. We have \$5,000. In capital projects for budget year 2017, so if you could wait until May, then they could be completed.

Ryan noted that they will be completing their disinfecting in May, in the process of getting the vaults in the water and cleaning out the pump stations throughout the Village and discovered that they are filled with grease. Ryan will investigate the legalities of going to each of the restaurants in the Village making sure that their grease traps are in use and being cleaned out regularly. The Mayor inquired as to what restaurants that Ryan was talking about; The Hotel, Cave's Deli, Country Fair, American Legion, The Green Arch. Mayor Frost recommended that Ryan make a list to make sure that all of them were checked and to get with Alan Gustafson, Code Enforcement Officer to help.

Trustee Planty noted that during the SPEDES inspection of the Wastewater Treatment Plant, it was noted that we needed to have on hand the "As Built Plans" at the plant. These have been located and are now on hand at the plant.

Ryan stated that when the generator was serviced by EPS, it was discovered that the generator was oversized for the plant and there was a need to install a load bank to change the load to 300 kilowatts that would run for two (2) hours. Quotes were obtained and Becc Electric was the lowest quote of \$1240.50. This should be looked at.

Committee Reports:

Trustee Gary Planty passed out to each of the Trustee's and Mayor the overtime report that was started with former Mayor Hazelton. Trustee Planty went on to explain what the report showed and how to read it. DPW is in good shape as to budget amounts and should be under budget. The Water Department is budgeted for \$25,000, they are over budget at \$28,045.00 with two months remaining. Sewer department is budgeted for \$10,000 and currently they are \$10,226, which shows over with two months. Trustee Horlacher questioned why the overtime was so high in November, to which it was stated that Rich Lewis was at school, so there was only one person to cover the plant. Electric budget for overtime is \$3,000 with 2,140 and is in line to not go over. After further discussion regarding why the Water Treatment Plant overtime was so high, it was noted that there currently is further investigating.

Trustee Carol Horlacher- Stated that she and Trustee Gary Planty spoke to Tony Modiferri with NYMPA regarding OE refund and Carol would like to attend the NYMPA meeting in May to discuss setting up a fund for the electric transformer. More to follow.

Trustee Craig Miller – no report.

Trustee Bryan Woleben – no report.

Mayor Report:

Mayor Frost continues to look at the project at 10 East Main as it is deteriorating quickly and he is moving quickly to get this resolved. More to follow once further meetings are scheduled.

New Business:

Resolution 35-2016 Sewer Rate Increase Call for Public Hearing

RESOLUTION 35-2016

SEWER RATE INCREASE CALL FOR PUBLIC HEARING

WHEREAS the Board of Trustees of the Village of Brocton has determined that it is necessary to increase the sewer rental rates due to the increased costs for the recent waste water treatment plant improvements and increased operation and maintenance expenses, and

WHEREAS proposed Local Law No. 1 of 2016 of the Village of Brocton proposing to increase the sewer rates has this day been laid upon the desks of the members of Board of Trustees, and

WHEREAS said proposed Local law reads as follows:

SECTION 1. This Local Law shall be entitled “A Local Law Increasing the Sewer Rental Charges for Use of the Village sewer system.

SECTION 2. Section B of Article V of Local Law No. 2 of 1983 is hereby repealed and a new Section B in place thereof is hereby enacted to read as follows:

Section B. The three components of sewer rental charges referred to in Article III of this Local Law are hereby fixed quarterly as follows:

1. On all real property within the Village of Brocton as follows effective June 1 2016:
 - a. \$.35 per \$1000 assessed valuation.
 - b. \$25.00 per unit charge.
 - c. \$6.03 for each 1000 gallons of metered water.
2. On all real property outside of the Village of Brocton, except Lakeview Shock Prison which pays the Village under contract with the Village, as follows effective

June 1, 2016:

- a. \$8.11 for each 1000 gallons of metered water.
No unit charge or assessed value charge is imposed for outside of Village customers.

3. Water consumption shall be determined by actual water meter reading by the Village which will be taken quarterly where practicable. Where actual water meter readings cannot be made or are not practicable due to a faulty meter or other reason, water consumption may be estimated by the Village based on prior water metered consumption or any other reasonable method.

SECTION 3. This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York.

NOW THEREFORE BE IT RESOLVED that a public hearing be held before the Board of Trustees of the Village of Brocton on May 4th, 2016 at 6:15 PM at the Village Offices at 34 West Main Street, Brocton, N.Y. to consider the question of the enactment of said proposed Local Law, and

BE IT FURTHER RESOLVED that the Village Clerk is hereby authorized to cause notice of said public hearing to be published in the Observer as required by law.

Resolution was introduced by Trustee Gary Planty, second by Trustee Bryan Woleben with vote as follows:

__4__ ayes __0__ nays __0__ absent

Date: April 20, 2016

Sonia Luszcak
Village Clerk/Treasurer

Resolution 36-2016 Amend Village of Brocton Employee Handbook, Section D, Chapter 3, add Specialized Training

RESOLUTION 36-2016

AMEND VILLAGE OF BROCTON EMPLOYEE HANDBOOK, SECTION D, CHAPTER 3, ADD SPECIALIZED TRAINING

WHEREAS the Board of Trustees of the Village of Brocton has determined that it is necessary to amend the employee handbook to add a specialized training reimbursement section,

BE IT RESOLVED that Section D, Chapter 3 of the Village of Brocton Employee handbook is hereby amended effective on June 1, 2016 thereafter for newly hired full time employees,

Chapter 3, Section D, Page 4:

Requires a Village Employee to pay back all or a percentage of required specialized job training should they receive training in a specialized program such as required by the Village, State, or other regulatory agency, etc.. Current positions covered by this provision shall be Wastewater Treatment Plant Operator, Water Treatment Plant Operator, Water/Sewer Distribution DPW worker.

Specialized training costs shall include, but not limited to pay received while at training, training registration fees, course fees, course materials, course required equipment, and /or any other related costs expended by the Employer for specialized training. This training has been determined to be a cost of \$5,000.00, so the maximum amount for reimbursement will be structured from this amount.

An Employee covered by this provision shall reimburse the Village as follows:

- a. Those Employees with less than one (1) year service with the Village, after receiving specialized training and upon leaving the employ of the Village, shall pay back one hundred percent (100%) of the specialized training costs as defined above. (\$5,000.00)
- b. Those Employees with less than two (2) years but one (1) or more years of service with the Village, after receiving the specialized training and upon leaving the employ of the Village, shall pay back seventy-five percent (75%) of the specialized training costs as defined above. (\$3,750.00)
- c. Those Employees with less than three (3) years, but two (2) or more years of service with the Village, after receiving the specialized training and upon leaving the employ of the Village, shall pay back fifty percent (50%) of the specialized training costs as defined above. (\$2,500.00)
- d. Those Employees with less than four (4) years, but three (3) or more years of service with the Village, after receiving the specialized training and upon leaving the employ of the Village, shall pay back twenty-five percent (25%) of the specialized training costs as defined above. (\$1,250.00)
- e. Those Employees with four (4) or more years of service with the Village, after receiving the specialized training, shall pay back zero percent (0%) of the specialized training costs as defined above. (\$0.00)

BE IT FURTHER RESOLVED, the Board of Trustees reserve the right to amend or repeal this Section D at any time as it may determine to be in the best interest of the Village.

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

__4__ ayes

__0__ nays

__0__ absent

Date: April 20, 2016

Sonia Luszcak
Village Clerk/Treasurer

Resolution 37-2016 Approval to Attend Pipeline Safety Training

RESOLUTION 37-2016

APPROVAL TO ATTEND PIPELINE SAFETY TRAINING

WHEREAS Thomas Allen has requested approval to attend Pipeline Safety on Wednesday, May 19, 2016 at Webb's Captains Table, Mayville, NY. This is sponsored by Dig Safely, New York. The purpose of this training is for emergency response planning information, safety initiatives, leak recognition and response, defining High Consequence Areas and Product Hazards and Characteristics. There is no cost to attend this training and travel will be by the Village Pickup.

NOW THEREFORE BE IT RESOLVED authorization is given for Thomas Allen to attend the Pipeline Safety training.

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

__4__ ayes __0__ nays __0__ absent

Dated: April 20, 2016

Sonia Luszcak
Village Clerk/Treasurer

Resolution 38-2016 Budget Transfers

RESOLUTION 38-2016

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 April 18, 2016 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

\$2,000 From A1990.4 Contingent Account to A1325.4 Treasurer Contractual

\$ 900 From A1990.4 Contingent Account to A1620.4 Shared Services Building

WATER FUND

\$5,000 From F9010.8 Employee Benefits State Retirement to F8330.11 Water Purification Overtime

\$2,000 From F9010.8 Employee Benefits State Retirement to F8340.1 Trans & Distribution Personal Services

SEWER FUND

\$3,000 From G9010.8 Employee Benefits State Retirement to G8130.11 Sewage Treatment Overtime

\$8,000 From G9010.8 Employee Benefits State Retirement to G8130.4 Sewage Treatment Contractual

ELECTRIC FUND

\$1,000 From 810.13 NYS Retirement to 358.0 Poles, Towers, Fixtures

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

__4__ ayes __0__ nays __0__ absent

Date: April 20, 2016

Sonia Luszcak
Village Clerk/Treasurer

Resolution 39-2016 Amend Resolution 25-2016 Designating Regular Meeting

RESOLUTION 39-2016

AMEND RESOLUTION 25-2016 DESIGNATING REGULAR MEETING

WHEREAS, the Village Board of Trustees on April 6, 2016 passed Resolution 25-2016 designating regular meetings, and

WHEREAS, the Regular Meetings of the Board of Trustees of the Village of Brocton be held on the first and third Wednesdays of each month at 7:00 pm at the Village Offices, 34 West Main Street, Brocton New York, with meetings for the months of June, July and August to be held on the third Wednesday only, at the discretion of the Mayor.

BE IT RESOLVED, the Village Board of Trustees amends the meeting time will be 6:30 pm effective June 1, 2016.

BE IT FURTHER RESOLVED, this resolution supersedes any previous resolution regarding meeting dates or times of this Board.

Resolution introduced by Trustee Gary Planty, seconded by Trustee Bryan Woleben with vote as follows:

4 ayes _0_ nays _0_ absent

Dated: April 20, 2016

Sonia Luszcak
Village Clerk/Treasurer

Resolution 40-2016 Approval of 2016/2017 General Budget

RESOLUTION 40-2016

APPROVAL OF 2016/2017 GENERAL BUDGET

WHEREAS, THE Mayor has presented the 2016-2017 General Budget to the Village Board, and a Public Hearing having been held on April 6, 2016, as provided by law,

NOW THEREFORE, the Village Board of Trustees adopts the budget for the fiscal year commencing June 1, 2016 and ending May 31, 2017 making appropriations for the conduct of Village Government and establishing the rates of compensation for officers and employees for such period.

NOW THEREFORE, BE IT RESOLVED THAT there be levied and assessed against the real property of the Village of Brocton the following sums for Village Government and other charges for the fiscal year 2016/2017 at a tax rate of \$11.034771 per thousand assessed valuations.

Total Taxes:	\$288,945
Delinquent Water/Sewer Charges:	\$ 4,944
Total Real Property Taxes & Other Charges on the roll	\$293,889

BE IT FURTHER RESOLVED that the Village Clerk-Treasurer be and is hereby directed to levy, assess and apportion upon the real and personal property liable to taxation of the Village of Brocton a tax rate of \$11.034771 per thousand dollars of valuation upon said assessment roll and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to execute a warrant to the Village Treasurer as required by law, and

BE IT FURTHER RESOLVED that the warrant to the Village Clerk-Treasurer be executed and delivered for the collection of unpaid taxes and assessment, water and sewer rentals outstanding and unpaid together with interest and penalties as provided by law, and

BE IT FURTHER RESOLVED that the warrant is executed and delivered to Village Treasurer as required by law.

NOW THEREFORE, the Village Board of Trustees adopts the budget for the fiscal year commencing June 1, 2016 and ending May 31, 2017 making appropriations for the

conduct of Village Government and establishing the rates of compensation for officers and employees for such period.

The Village of Brocton hereby approves the 2016 – 2017 General Budget in the amount of \$681,747 with expected revenues of \$325,357; \$67,445 from the unreserved fund balance and \$288,945.00 to be raised from taxes.

AND BE IT FURTHER RESOLVED, that copy of said budget is attached to these minutes.

Resolution introduced by Trustee Woleben with thanks to the Budget Officer, former Mayor Hazelton, seconded by Trustee Gary Planty with the following votes cast:

Trustee Gary Planty	__Aye__
Trustee Bryan Woleben	__Aye__
Trustee Carol Horlacher	__Aye__
Trustee Craig Miller	__Aye__
Mayor Frost	__Aye__

__5__ ayes

__0__ nays

__0__ absent

Dated: April 20, 2016

Sonia Luszcak
Village Clerk/Treasurer

Resolution 41-2016 Approval of 2016/2017 Electric Budget

RESOLUTION 41-2016

APPROVAL OF 2016 - 2017 ELECTRIC BUDGET

WHEREAS, the Mayor has presented the 2016 – 2017 Electric Budget to the Village Board and

WHEREAS, a Public Hearing having been held to review the 2016 – 2017 Electric Budget on April 6, 2016,

NOW THEREFORE, BE IT RESOLVED that the Village of Brocton hereby approves the 2016 – 2017 Electric Budget in the amount of \$798,300, with expected revenues of \$798,300 and \$0 from the unreserved fund balance.

Resolution introduced by Trustee Craig Miller, seconded by Trustee Carol Horlacher with the following vote:

__4__ ayes __0__ nays __0__ absent

Dated: April 20, 2016

Sonia Luszcak
Village Clerk/Treasurer

Resolution 42-2016 Approval of 2016/2017 Water Budget

RESOLUTION 42-2016

APPROVAL OF 2016 – 2017 WATER BUDGET

WHEREAS, The Mayor has presented the 2016 – 2017 Water Budget to the Village Board and,

WHEREAS, a Public Hearing having been held to review the 2016 – 2017 Water Budget on April 6, 2016,

NOW THEREFORE BE IT RESOLVED that the Village Board of Trustees hereby approves the 2016 – 2017 Water Budget in the amount of \$738,923 with expected revenues of \$605,000 and \$133,923 from the unreserved fund balance.

Resolution introduced by Trustee Carol Horlacher, seconded by Trustee Craig Miller with the following vote:

__4__ ayes __0__ nays __0__ absent

Dated: April 20, 2016

Sonia Luszcak
Village Clerk/Treasurer

Resolution 43-2016 Approval of 2016/2017 Waste Water Budget

RESOLUTION 43-2016

APPROVAL OF 2016 – 2017 WASTE WATER BUDGET

WHEREAS, the Mayor has presented the 2016 – 2017 Sewer Budget to the Village Board, and

WHEREAS, a Public Hearing having been held to review the 2016 – 2017 Sewer Budget on April 6, 2016,

NOW THEREFORE BE IT RESOLVED that the Village of Brocton Board of Trustees hereby approves the 2016 – 2017 Waste Water Budget in the amount of \$510,530 with expected revenues of \$436,000 and \$74,530 from the unreserved fund balance.

Resolution introduced by Trustee Planty, seconded by Trustee Bryan Woleben, with the following vote:

 4 ayes

 0 nays

 0 absent

Dated: April 20, 2016

Sonia Luszcak
Village Clerk/Treasurer

Old Business:

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

A motion was made by Trustee Bryan Woleben, seconded by Trustee Gary Planty to approve April 6th minutes as presented in written form. Vote was unanimous, motion carried.

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

A motion was made by Trustee Gary Planty, seconded by Trustee Carol Horlacher to enter into executive session at 7:54 p.m. to discuss communication and possible litigation. Vote was unanimous, motion carried.

A motion to return to regular session was made by Trustee Gary Planty and second by Carol Horlacher at 8:18 p.m. Vote was unanimous, motion carried.

Mayor Frost explained to Tom Schmitt and Mary Ann Langlie that after review of the water tap issue it would need to be reviewed further with our Attorney, Peter Clark for comment. Mary Ann Langlie asked when they could expect to hear from the Village. Attorney Peter Clark spoke to the Mr. Schmitt and Mary Ann Langlie regarding the letter that was sent to the Village and took offense to things that were stated. Attorney Clark noted that we would get back to them.

With no further business brought before the Board, a motion was made to adjourn the meeting at 8:22 pm by Trustee Gary Planty seconded by Trustee Bryan Woleben. Vote was unanimous, motion carried.

Respectfully submitted by,

Sonia Luszcak
Village Clerk/Treasurer