

PUBLIC HEARING AND REGULAR MEETING
May 4, 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
Tom Allen, DPW Superintendent
Phil Gerace, Fire Chief
Seth Strahan, 3rd Assistant
Ryan Hazelton, Wastewater Treatment Plant
Nancy Smith, Deputy Clerk/Treasurer
Alan Gustafson, Code Enforcement Officer
Ann Belcher, Observer

Mayor Frost opened the public hearing meeting with the pledge to the flag at 6:15 p.m.

Public Comments: With no public in attendance, Mayor Frost went on to explain that the reason for the meeting was for an increase in the sewer rate. Trustee Planty wanted to explain as to why there was a need for an increase due to several reasons. As Ryan Hazelton continues to work towards his Operator 3A license we must contract to have an Operator 3A on staff. There was a change in procedures how the Department of Corrections handles solid waste which lead to a reduction in funds coming to the Village as well as old debt that once that gets paid will reduce the debt. With the plant only operating at 1/3 of its capacity, it does not run as efficient. There is a possibility that we could expand our sewer district with the possibility of getting 60 new customers from Ellicott Estates and we will be speaking to the County Executive regarding using the Annex for the overflow at the County Jail. It is possible that in two years we could relook at the increase and possibly back down the increase.

Resolution #44-2016 Amend Resolution 35-2016 Sewer Rate Increase Call for Public Hearing was introduced

RESOLUTION 44-2016

AMEND RESOLUTION 35-2016 SEWER RATE INCREASE CALL FOR PUBLIC HEARING

WHEREAS, the Village Board of Trustees on April 20, 2016 passed Resolution 35-2016 Sewer Rate Increase Call for Public Hearing, and

WHEREAS the Board of Trustees of the Village of Brocton has determined that it is necessary to increase the sewer 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 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 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 was 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.

BE IT FURTHER RESOLVED, the Village Board of Trustees moves to amend Section 2. Section B of Article V of Local Law No. 2 of 1983 is hereby repealed and a new Section B, a). \$1.40 per \$1000 assessed valuation in place thereof is hereby enacted

BE IT FURTHER RESOLVED, this resolution supersedes any previous resolution of this Board.

Resolution was introduced by Trustee Gary Planty, second by Trustee Craig Miller with vote as follows:

__4__ ayes

__0__ nays

__0__ absent

Date: May 04, 2016

Sonia Luszcak
Village Clerk/Treasurer

With no further business brought before the board, a motion to adjourn the public hearing at 6:26 p.m. was introduced by Trustee Bryan Woleben and second by Gary Planty. Vote was unanimous, motion carried.

Mayor Frost opened the regular meeting with the pledge to the flag at 6:30 p.m.

Public Comments: None

Department Reports:

Sonia Luszcak, Village Clerk/Treasurer –Presented two project clean up applications for the Board consideration. A motion was made to accept the project clean-up for 69 Central Avenue in the amount of \$500.00 for removal of a tree that was interfering with the electrical wires by Trustee Gary Planty and second by Trustee Bryan Woleben. Vote was unanimous, motion carried.

A motion was made to accept the project cleanup of \$500.00 for 114 East Main Street for siding and a new deck by Trustee Gary Planty and second by Craig Miller. Vote was unanimous, motion carried.

Village Clerk stated that we had received a letter of resignation from the Chairman of the Zoning Board. After further discussion it was noted who the following people were currently serving on the Board, Lynette Borst, Kari Doino, Kate Tripi, Donna Frost. Trustee Planty wanted to thank and recognize Mr. MacIntyre for his service and volunteering on the Zoning Board.

The Board of Trustees were presented with the April Dog Control report.

Ryan Miller- Little League Coach approached the Mayor regarding the safety of the kids and parents at the Little League Field. I sent via email a copy of the schedule for the games to Undersheriff Holder requesting their presence during the games. Trustee Planty recommended that they use the coverage and rearrange times to accommodate the coverage.

Alan Gustafson, Coder Enforcement Officer – presented to the Board his report of activities that have occurred in the past month. There was discussion regarding 101 Old Mill Road as well as some properties on Lake Avenue are in bad shape. Alan toured Jamestown Plastic Company for a fire inspection.

Alan and Ryan Hazelton had a discussion and inspection of all the restaurants in the Village for the use of grease traps that each facility should have. After further discussion, it was stated that for them to install the traps would be \$300.00 to make them in compliance of the ordinance. The grease can create a mess with the pumps at the Wastewater Treatment Plant. This is still up for discussion.

Tom Allen, Highway Superintendent – told the Board that Big Trash would be held on Saturday be at the Village barns from 8:00 a.m. to 2:00 p.m.

Tom noted that he had signed an agreement for four (4) years with the DOT. This is a normal contract for the year.

Gravel has been hauled in for the new Peerless Street bridge and it is possible that the Town of Portland will be available to help with grading. Once that is completed the guardrails will be put in and blacktop. It is possible to have the bridge open by the end of June or the first of July.

The new pick up came in and the new plow will be installed on the 11th.

The new water line is moving slowly, but moving.

Wastewater Treatment Plant – Ryan Hazelton just reiterated the issue of the grease traps. Also he stated that he would be ordering the Load Bank and also Trustee Planty introduced a motion, second by Trustee Carol Horlacher to have Miller and Son's Construction proceed with replacement of the UV building roof in the amount of \$5,950.00. Vote was unanimous, motion carried. There is one further roof to be completed and that is the main office building.

Phil Gerace, Fire Chief – the three EMT’s that are attending school are passing in their classes and there are 2 guys starting Tech Rescue. The fire department will be holding a mock DWI drill at the School at 1:15 p.m. on Friday. Anyone that would like to attend, please feel free. The bridge washing that was scheduled for tonight has been cancelled due to scheduling and will be rescheduled next week.

Joe Majkowski, Electric Lineman – Trustee Planty gave the report for Joe that the poles have been set down at the new Peerless Street bridge and rerouting of the electric lines will be done. He will be adding new LED lights on the road and bridge.

Committee Reports:

Trustee Gary Planty wanted to make sure there was a correction on the CHIPS money that the Village would be receiving an additional \$3,000.00 not \$38,000.00.

Trustee Planty will be attending a meeting at the Gerace County Office building regarding Insurance Consortium from 1:30 – 2:30 p.m. Trustee Planty gave a copy to Trustee Craig Miller regarding the inspection of the dam and the issues that needed to be completed.

There was interviews completed with Trustee Planty, Trustee Woleben and Cynthia Ferguson, Recreation Director for the upcoming Youth Recreation Program. At the next meeting, they will have the resolutions on the hires.

Trustee Carol Horlacher- no report

Trustee Craig Miller – no report.

Trustee Bryan Woleben – no report.

Mayor Report:

Mayor Frost wanted to send his congratulations to Dan Palmer for being elected to the NYS Broadcasters Hall of Fame.

Estimates were reviewed for the damage that was done to the door frame at the Fire Hall. Mayor Frost noted that he was right that the Insurance company was incorrect in using the wrong carrier, but would still not cover the damages done. After further discussion, a motion was made by Trustee Carol Horlacher and second by Craig Miller to accept the lowest bid from R.T. Logistics in the amount of \$1,640.00 to repair the door frame at the Fire Hall. This was the lowest bid. Trustee Planty was unclear as to where the funding would come to make this repair. It was discussed to take the amount out of the snow equipment.

New Business:

Resolution 45-2016 Amend Approval of 2016/2017 General Budget

RESOLUTION 45-2016

AMEND 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:	\$ 5,493
Total Real Property Taxes & Other Charges on the roll	\$294,438

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.

BE IT FURTHER RESOLVED, THE Village Board of Trustees moves to amended the amount of delinquent Water/Sewer charges and Total Real Property Taxes & other Charges on the roll to be corrected as follows:

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

Resolution introduced by Trustee Bryan Woleben, seconded by Trustee Carol Horlacher with vote as follows

 4 ayes

 0 nays

 0 absent

Dated: May 4, 2016

Sonia Luszcak
Village Clerk/Treasurer

Resolution 46-2016 Approval to Attend Pipeline Safety Training

RESOLUTION 46-2016

APPROVAL TO ATTEND PIPELINE SAFETY TRAINING

WHEREAS Richard Lewis and Bryan Woleben have 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 Richard Lewis and Bryan Woleben to attend the Pipeline Safety training.

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

__4__ ayes __0__ nays __0__ absent

Dated: May 04, 2016

Sonia Luszczak
Village Clerk/Treasurer

Resolution 47-2016 Approval to Attend RTCR Sample Plan Development Workshop

RESOLUTION 47-2016

APPROVAL TO ATTEND RTCR SAMPLE PLAN DEVELOPMENT WORKSHOP

WHEREAS Clifford G. Borst, Sr., E. Mark Snyder and Thomas Kawski have requested approval to attend RTCR Sample Plan Development & Pb & Cu in Flint, MI. and LCR Monitoring Plan on Wednesday, May 11, 2016 at Stockton Volunteer Fire Hall, Stockton, NY. This is sponsored by Chautauqua County Water Works Association. The purpose of this training is to meet operator's re-certification mandates. Cost for this training will be \$25.00 each with lunch included. Travel will be by own vehicles.

NOW THEREFORE BE IT RESOLVED authorization is given for Clifford G. Borst, Sr., E. Mark Snyder and Thomas Kawski to attend RTCR Sample Plan Development & Pb & Cu in Flint, MI. and LCR Monitoring Workshop training as listed above.

Resolution introduced by Trustee Carol Horlacher, second by Trustee Gary Planty with vote as follows:

__4__ ayes __0__ nays __0__ absent

Dated: May 4, 2016

Sonia Luszcak
Village Clerk/Treasurer

Resolution 48-2016 Approval to Attend 2016 Highway School

RESOLUTION 48-2016

APPROVAL TO ATTEND 2016 HIGHWAY SCHOOL

WHEREAS Thomas Allen has requested approval to attend 2016 Highway School on Wednesday, June 5th through the 8th. 2016 at Ithaca College, Ithaca, NY. This is sponsored by Association of Towns. The purpose of this training is Americans with Disability Act, Legal Panel New Superintendents Big Picture, Piggybacking and Purchasing, Pavement Preservation, Guiderail and Roadside Safety, CHIPS – Local Funds and Snow and Ice Control. The cost to attend this training is \$110.00 with estimated cost of Food and Lodging of \$225.00.

NOW THEREFORE BE IT RESOLVED authorization is given for Thomas Allen to attend 2016 Highway School.

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

__4__ ayes __0__ nays __0__ absent

Dated: May 4, 2016

Sonia Luszcak
Village Clerk/Treasurer

Resolution # 49-2016 Proposed New Water District # 8 for the Town of Portland

RESOLUTION 49-2016

PROPOSED NEW WATER DISTRICT #8 FOR THE
TOWN OF PORTLAND

WHEREAS the Town of Portland has requested approval to purchase water from the Village of Brocton for a proposed new Water District # 8 was presented to this Board, and

BE IT RESOLVED that this Board hereby determines that the sale of water to the new proposed Town Water District #8 will not render insufficient the supply of water to Village of Brocton residents and.

BE IT FURTHER RESOLVED that upon the completion of the North Chautauqua County Water District this proposed agreement would be null and void.

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

__4__ ayes

__0__ nays

__0__ absent

Dated: May 4, 2016

Sonia Luszczak
Village Clerk/Treasurer

Old Business

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

A motion was made by Trustee Gary Planty, seconded by Trustee Bryan Woleben to approve April 20th 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 Bryan Woleben to enter into executive session at 7:15 p.m. to discuss safety issue. Vote was unanimous, motion carried.

A motion to return to regular session was made by Trustee Gary Planty and second by Bryan Woleben at 7:20 p.m. Vote was unanimous, motion carried. No action taken

With no further business brought before the Board, a motion was made to adjourn the meeting at 7:21 pm by Trustee Carol Horlacher seconded by Trustee Bryan Woleben. Vote was unanimous, motion carried.

Respectfully submitted by,

Sonia Luszcak
Village Clerk/Treasurer