

REGULAR MEETING
AUGUST 17, 2016

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

Board Members Absent: Trustee Craig Miller

Present: Sonia Luszczak, Village Clerk/Treasurer
Peter D. Clark., Village Attorney
Tom Allen, DPW Superintendent
Philip Gerace, Fire Chief
Ryan Hazelton, Wastewater Treatment Plant Operator
Rich Lewis, Wastewater Treatment Plant Operator
Alan Gustafson, Code Enforcement Officer
James Craig, Village of Brocton Justice
Daniel Schrantz, Town of Portland Supervisor
Patty Farrell, Town of Portland Councilwoman
Jordan Patterson, Observer
Thomas Vitale

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

Public Comments:

No comments from the public.

Department Reports:

Sonia Luszczak, Village Clerk/Treasurer –Presented the Dog Control Report for July along with the July Sheriff’s report.
Informed the Board that I would be ordering 500 replacement C-7 Bulbs at \$1.42 with a discount .23 cents from Display Sales in the amount of \$620.00.
Sonia informed the Board that there will be liability insurance review for the Village on Thursday, August 18, 2016 at 1:00 p.m. Anyone of the Trustee’s is welcome to sit in.
We received notice from Southern Tier West that the records management grant that we were included with was awarded and there will be a meeting with Sarah Phearsdorf on August 24, 2016 at 9:00 am. Anyone of the Trustees are welcome to attend this meeting as well. Trustee Bryan Woleben asked that we find out if it would include Justice Craig’s records too. I would contact Sarah Phearsdorf and inquire.
Thomas Vitale called today and asked if we had made a decision regarding the position left vacant on the Zoning Board. The Village did place a notice in the paper that we were looking for anyone in the Village that would be interested in applying for this position to notify the Village office. We have not heard from anyone. A motion was made by Trustee Carol Horlacher and

second by Bryan Woleben to appoint Thomas Vitale to the Zoning Board. Vote was unanimous, motion carried. The Mayor also appointed Thomas Vitale.

Village Attorney Peter D. Clark - Peter has been working on signing documents and working with the Village Clerk on different issues.

Alan Gustafson, Code Enforcement Officer – presented his written report to the Board and Village Clerk. Alan has issued six (6) building permits for the month of July-August collecting \$193.00 in permit fees.

The one issue that was sent to court had to do with the harboring of a horse on Old Mill Road. That issue was resolved and the horse was moved.

Tri-Church Engineers continues to contact Alan on the plans for the church which worked out for the new water line just being installed on Main Street. The church wanted to go with a 2-inch tap that was completed on Main Street.

Alan also wanted to know if the Village would be scheduling a meeting to go over the Cod edification portfolio. The Village Board and Peter Clark, Village Attorney agreed that a meeting would be scheduled.

Tom Allen, Highway Superintendent – Tom requested permission to purchase sand that will be used for winter at a cost of \$2,000.00. A motion was made by Trustee Carol Horlacher and second by Trustee Gary Planty to purchase sand at a cost of \$2,000.00 to be used for the winter. Vote was unanimous, motion carried.

The CHIPS money that remains will be used to pave Green Street, Park Street and Blood Street with a balance left over for next year.

Tom will be helping install a dry hydrant down by the New Horizons Trailer Park on Route 5 tomorrow morning.

Tom asked the Board if they would like the DPW employees to remove the bushes and replace them with ones purchased from a nursery. The Mayor said that would be fine and to go ahead. Trustee Planty asked Tom whether he had been in touch with Dave Spann regarding the culvert corrections that need to be completed on Chautauqua Road. Tom stated that he will get in contact with Dave Spann and see if it was possible to find a grant available for that.

Fire Chief Phil Gerace reminded Tom that there is a leak in the back corner of the gym at the fire hall. There was discussion regarding whether there is a warranty on the roof. Trustee Bryan Woleben will contact Joe Majkowski in the Electric Department and ask if he could check to see if the drains are plugged on the roof causing the leak.

Ryan Hazelton - Wastewater Treatment Plant – Ryan stated that Miller and Sons have completed the roof on the UV building and it looks good. Trustee Gary Planty recommended that we get the last building (Office) completed before Fall. The quote that was received was for \$3,000.00 for materials and \$2,950 for labor for a total of \$5,950.00. A motion was made by Trustee Gary Planty and second by Trustee Bryan Woleben to accept the bid of \$5,950.00 from Miller and Sons Construction to replace the Office building roof with metal. Vote was unanimous, motion carried.

Trustee Carol Horlacher wanted to thank Ryan and Rich for all the work they both put into the sludge problem at the Water Treatment Plant.

Fire Department – Phil Gerace, Fire Chief – Received July report where there were 39 calls and these came within a 36-hour period. There are 2 new EMT's on staff in the fire department and 2 more firefighters are going to complete the EMT training.

Phil asked the Board for their approval on the radios that will need to be ordered and put into service by February 2017 when the new high frequency band will take effect. The cost of 4 radios and travel chargers is \$26,041.28. Trustee Bryan Woleben stated that there is still a grant with the County that is possible to fund the radios. Trustee Gary Planty stated that the AFG grant that he wrote was denied in the amount of \$66,605.00. A motion was made by Trustee Carol Horlacher and second by Trustee Gary Planty to spend the \$26,401.28 on the 4 radios at this time from the truck and equipment fund. Vote was unanimous, motion carried.

Electric Department – Village Clerk Sonia Luszczak noted that Joe Majkowski has completed all of the LED streetlights on Old Mill Road and they look great.

Committee Reports:

Trustee Gary Planty- Noted that the Youth Recreation program completed on August 11, 2016 and it was a great season. Trustee Planty wanted to thank the program director, Cynthia Ferguson and staff for a successful program and when Cynthia gets back from vacation, the Youth Rec Committee will get together to do a wrap up meeting, go over the surveys, review any program improvements and enhancements that could be done for next year. There will be one issue that will be dealt with and that is bullying. Trustee Planty stated that this is a shared program with Chautauqua County Youth Bureau, Town of Portland, Village of Brocton along with Brocton Central School facility hosting the program.

Trustee Planty spoke about the Project Clean-up Applications that were tabled at the last meeting. In regards to funding this program, the Village does have \$1,000.00 in the 2016-2017 budget for this year, the remaining \$1,970.26 left from last year's budget. Trustee Planty recommends that we use \$1,100.00 from the contingency fund for a total of \$4,070.26 that would be available for use on a first come, first serve basis. A motion was made by Trustee Gary Planty and second by Trustee Carol Horlacher to approve 10 Fay Street and 114 E. Main Street applications in the amount of \$500.00 each. Vote was unanimous, motion carried.

Trustee Bryan Woleben –received an email from Nellie Brown regarding Confined Space Training. Trustee Woleben will contact each of the Department Heads as to when would be the best time and day. This is a free service offered. Trustee Woleben will contact the Town of Portland to offer them the opportunity to attend the class.

There was a question whether this training would be considered credit hours towards the Wastewater Treatment license? Trustee Woleben will inquire and get back to them.

Trustee Carol Horlacher – has spoken to Norm Green at the Board of Elections to change the Village elections from March to November. It would not be a special election and would save the Village money as well as get more people to vote in a general election. A motion was made by Trustee Bryan Woleben and second by Trustee Carol Horlacher to take whatever steps necessary to change the Village Elections from March to November to save the Village money and better voter turnout. Vote was unanimous, motion carried. There was some discussion with

Attorney Clark if the Village election did come up for vote in November, and pass, would the March election still be held? Attorney Clark will find out and let us know.

Trustee Horlacher noted that she had conversations with Trustee Planty regarding changing the Village Board meetings from two a month to one and schedule a special meeting should the need arise. Trustee Planty had another proposal that we could have 6 months of two meeting months, March, April, May, September, October, and November and then the following would be one meeting months December, January, February, June, July and August. This will be tabled until next Village Board Meeting on September 07, 2016 at which time the Board will further discuss this issue.

Trustee Horlacher then asked that the meeting minutes be placed on the website. The Village Clerk noted that the minutes are on the webpage and that the minutes do not get sent to Phil Giambra until they are approved by the Board.

Trustee Horlacher asked Peter Clark, if the letter regarding the traffic signals was sent to Vince Horrigan, County Executive? It was sent per our Attorney, Peter Clark. Village Clerk, Sonia Luszczak will make copies of the draft that was sent to Mayor Frost for his approval and place them in the Trustee's mail boxes.

Mayor Report:

Mayor Frost had a meeting with State DEC and County Health Department inquiring if it would be possible to connect Ellicott Estates to Village of Brocton Wastewater Sewer System. The Village would need to have the Town of Portland set up a Sewer District to make this be feasible. After further discussion this would be agreeable with the Trustees. More to follow.

New Business:

Resolution 62-2016 Approval of Change Orders 2 & 3 From St. George Enterprises, Inc.

RESOLUTION 62-2016

APPROVAL OF ACCEPT CHANGE ORDERS 2 & 3 FROM S. ST. GEORGE ENTERPRISES, INC. ON WATER MAIN REPLACEMENT PROJECT

WHEREAS, St. George Enterprises, Inc. of Fredonia has been awarded the bid for the water main replacement project, and

WHEREAS, that project is continuing, and

WHEREAS, the Village of Brocton Engineer, Tolman Engineering of Jamestown, NY has reviewed the proposed change order and finds them appropriate, now therefore

BE IT RESOLVED that the Village Board of Trustees accept the change order as attached hereto, and

BE IT FURTHER RESOLVED that the Mayor may execute any needed documents subject to approve these change orders subject to any necessary approval of the Department of Health and the EFC.

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

__3__ ayes __0__ nays __1__ absent

Date: August 17, 2016

Sonia Luszcak
Village Clerk/Treasurer

Resolution 63-2016 Approval to Attend Chautauqua Region Public Works Operators Assoc. Meeting

RESOLUTION 63-2016

APPROVAL TO ATTEND CHAUTAUQUA REGION PUBLIC WORKS OPERATORS ASSOCIATION MEETING

WHEREAS Ryan Hazelton and Rich Lewis have requested approval to attend Operator Association Meeting on Wednesday, August 10th at Sunset Bay Restaurant. This is sponsored by Chautauqua Region Public Works Operators Association. The purpose of this training is Operator Training and Networking. There is no cost to attend this training. Travel will be by Village Truck.

NOW THEREFORE BE IT RESOLVED authorization is given for Ryan Hazelton and Rich Lewis to attend Chautauqua Region Public Works Operators training.

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

__3__ ayes __0__ nays __1__ absent

Dated: August 17, 2016

Sonia Luszczak
Village Clerk/Treasurer

Resolution 62-2016 Approval to Attend Water University

RESOLUTION 64-2016

APPROVAL TO ATTEND WATER UNIVERSITY

WHEREAS Clifford G. Borst, Sr. has requested approval to attend Water University Training on Wednesday, September 14th at Springville. This is sponsored by NYS American Water Works Association. The purpose of this training is to meet Operator recertification mandates. The cost is \$80.00 to attend this training. Travel will be by private vehicle.

NOW THEREFORE BE IT RESOLVED authorization is given for Clifford G. Borst, Sr. to attend Water University training.

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

__3__ ayes

__0__ nays

__1__ absent

Dated: August 17, 2016

Sonia Luszczak
Village Clerk/Treasurer

Resolution 65-2016 Approval to Attend Hydrant and Valve Safety Training

RESOLUTION 65-2016

APPROVAL TO ATTEND HYDRANT AND VALVE SAFETY TRAINING

WHEREAS Tom Allen, Pat McCloskey, and Jim Dolce have requested approval to attend Hydrant and Valve training on Wednesday, August 24, 2016 from 9:00 am through 12:00 pm.at

Cassadaga, NY. This is sponsored by E.J.P Pipeline Specialists. There is no cost for this training. Travel will be by Village truck.

NOW THEREFORE BE IT RESOLVED authorization is given for Tom Allen, Patrick McCloskey, and Jim Dolce to attend Hydrant and Valve Safety training as listed above.

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

__3__ ayes __0__ nays __1__ absent

Dated: August 17, 2016

Sonia Luszczak
Village Clerk/Treasurer

Resolution 66-2016 Approval to Adopt Post Issuance Tax Compliance Procedures

RESOLUTION 66-2016

APPROVAL TO ADOPT POST ISSUANCE TAX COMPLIANCE PROCEDURES

WHEREAS, the Internal Revenue Service has issued regulations requiring issuers of tax-exempt obligations to certify on various forms that they actively monitor compliance with federal tax rules following the issuance of such obligations; and

WHEREAS, the Village is an occasional issuer of tax-exempt obligations and thus is subject to the aforementioned compliance requirements which are critical for the preservation of the preferential tax status of those obligations; and

WHEREAS, it is therefore in the best interest of the Village to adopt formal written procedures to ensure such compliance and to designate an official responsible for the ensuring that such procedures are followed; and

WHEREAS, the Village previously adopted interim post-issuance tax compliance procedures (the "Original Procedures"); and

WHEREAS, it was intended that the Original Procedures would be periodically updated and supplemented; and

WHEREAS, Hodgson Russ LLP, as bond counsel to the Village, has prepared and has recommended that the Village adopt updated and more comprehensive post-issuance tax compliance procedures;

NOW THEREFORE, BE IT RESOLVED, that the Village hereby adopts the updated and more comprehensive post-issuance tax compliance procedures that are attached hereto as "Schedule A" and resolves to be governed thereby; and be it further

RESOLVED, that such Schedule A will be placed in its entirety in the official records, files and minutes of the Village and adhered to going forward; and be it further

RESOLVED, that this resolution shall take effect immediately upon its adoption.

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

__3__ ayes

__0__ nays

__1__ absent

Date: August 17, 2016

Sonia Luszcak
Village Clerk/Treasurer

Resolution 67-2016 Approval to Adopt Post Sec-Driven Continuing Disclosure Compliance Procedures

RESOLUTION 67-2016

APPROVAL TO ADOPT SEC-DRIVEN CONTINUING DISCLOSURE COMPLIANCE PROCEDURES

WHEREAS, the Securities Exchange Commission ("SEC") Rule 15c2-12 (the "Rule") generally prohibits underwriters from purchasing or selling municipal securities unless the issuer of such securities has entered into a continuing disclosure obligation; and

WHEREAS, the Village is an occasional issuer of municipal securities and thus has entered into continuing disclosure obligations (or will do so) from time to time; and

WHEREAS, Hodgson Russ LLP, as bond counsel to the Village, has prepared and has recommended that the Village adopt certain SEC-driven continuing disclosure compliance procedures; and

WHEREAS, the Village Board of Trustees deems it to be in the best interest of the Village to adopt formal written procedures to help ensure continuing disclosure compliance, and to designate an official responsible for ensuring that such procedures are followed;

NOW THEREFORE, BE IT RESOLVED, that the Village hereby adopts the updated the continuing disclosure compliance procedures that are attached hereto as "Schedule A" and resolves to be governed thereby; and be it further

RESOLVED, that such Schedule A will be placed in its entirety in the official records, files and minutes of the Village and adhered to going forward; and be it further

RESOLVED, that this resolution shall take effect immediately upon its adoption.

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

__3__ ayes

__0__ nays

__1__ absent

Date: August 17, 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 Gary Planty, seconded by Trustee Bryan Woleben to approve July 20th and July 25th minutes as presented in written form. Vote was unanimous, motion carried.

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

The Mayor introduced Dan Schrantz, Town of Portland Supervisor and Councilwoman Patty Farrell to the meeting.

Dan Schrantz stated that their comprehensive plan states that there be better communication between the Town of Portland and the Village of Brocton and whatever could be done to help each other, we should. Each month one of the members will attend each other's meetings to discuss anything that needs to be dealt with. Top of the agenda would be best.

There was a board meeting with Van Buren Point and the Town of Portland and it was received well with the community.

Dan gave to the Village Board a copy of their comprehensive plan and noted that the Village of Brocton was included in the Town of Portland comprehensive plan as well. Don McCord will be meeting with the Town of Portland to go over their comprehensive plan and Dan Schrantz will set up subcommittee meetings to move this forward.

Village Elections was discussed regarding changing from March to November as discussed previously.

Dan thanked the Village Board for being the lead agency on the Youth Recreation Program and if there is anything that the Town Board can do to help, please let them know. There are two councilman assigned to Youth Recreation. Trustee Gary Planty asked if the Board could get a list of committee members. Dan Schrantz will be sure to get this to the Village.

Supervisor Schrantz stated that they would like to hold a grand re-opening of Peerless Street bridge that the Village and the Town completed together. Town of Portland will set the date and time and let the Village know.

Dan spoke regarding the Chadwick Bay Meeting that looks at regional areas of the Northern County. Dan recommends that at least each of the Trustees' attend one meeting. This is a good reference to have for grants.

Dan stated that the North Chautauqua Water District had a second meeting. Many things are moving rapidly and this will be broken out into 6 small projects to allow the smaller companies to bid on the projects. Currently a grant is being sought for joint billing programs that can be used as well as checking into a possible joint maintenance program. Leak detection is extremely important for all involved so that will be included in the grant.

Dan mentioned the possibility of working together with the Code Enforcement with the Village and the Town.

Supervisor Schrantz spoke regarding putting the Justice position on the ballot to abolish the position in the Village of Brocton. It would need to be placed on a ballot and voted on in November election. Mr. Schrantz stated that possibly the Town and Village committee members could meet to discuss this. Trustee Gary Planty noted that he believes that any fines or forfeitures would be sent to the Village. After further discussion, more to follow.

A motion was made by Trustee Gary Planty and second by Carol Horlacher to go into executive session at 7:48 pm to discuss a personnel issue. Vote was unanimous, motion carried.

A motion to enter into regular session from executive session was made by Trustee Bryan Woleben and Second by Trustee Gary Planty at 8:10 pm. Vote was unanimous, motion carried.

A motion was made by Trustee Carol Horlacher and second by Trustee Bryan Woleben to increase Court Clerk Jenean Roth's salary 20% as recommended by Judge Craig at the next pay period. Vote was unanimous, motion carried.

With no further business brought before the Board, a motion was made to adjourn the meeting at 8:11 p.m. by Trustee Bryan Woleben seconded by Trustee Carol Horlacher. Vote was unanimous, motion carried.

Respectfully submitted by,

Sonia Luszcak
Village Clerk/Treasurer