

REGULAR MEETING
FEBRUARY 1, 2017

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 Department Head
Phil Gerace, Fire Chief
Nancy Smith, Deputy Clerk
Town Supervisor, Dan Schrantz
Ann Belcher, Observer

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

Public Comments: No public comments

Department Reports:

Sonia Luszczak, Village Clerk/Treasurer – reported that the Village had received the Sheriff report of December.

I wanted to mention that Affordable Care Act Update that was placed in the Trustee's mailboxes. The Enhanced Police Protection Agreement with Chautauqua County Sheriff. Trustee Bryan Woleben will give the sheriff the Mayor's telephone number to leave the information when they arrive in the Village to patrol and to call when they leave. The Village Board can then compare the report with the telephone calls. Mayor Frost noted that he would be interested in contacting Westfield Police Department regarding sharing the service of their police. Trustee Craig Miller noted that possibly we could contact Fredonia Police Department as well to see if this is something they would be interested in.

Regarding the agreement with the Town of Portland Water District #8. It is for the Town of Portland to be the lead agency and the Mayor to be directed to sign the agreement. A motion was made by Trustee Bryan Woleben and second by Trustee Carol Horlacher to approve the Town of Portland being the lead agency for Water District #8 and approval for the Mayor to sign the agreement. Vote was unanimous, motion carried.

The Clerk received via mail a request to hold the Darren Manzella/Lapeira Memorial Run on July 29, 2017 at the American Legion. A motion was made by Trustee Bryan Woleben and second by Trustee Craig Miller to allow the run to take place and allow the Fire Department to help. Vote was unanimous, motion carried.

We received via mail a letter from Charter (TWC) Franchise Renewal which was not to run out until October 4, 2019. Peter Clark, Village Attorney stated that he would contact them to review. This is tabled for now.

We received from Concord Grape Belt Heritage a membership for 2017 in the amount of \$25.00. A motion was made by Trustee Craig Miller and seconded by Gary Planty to approve the membership to Concord Grape Belt Heritage Association in the amount of \$25.00. Vote was unanimous, motion carried.

Received from the Deputy Clerk, Nancy Smith electric write offs in the amount of \$2,423.81 for 19 over-due accounts. A motion was made by Trustee Craig Miller and second by Trustee Carol Horlacher to approve the write-offs. Vote was unanimous, motion carried.

Rita Stonefoot came into the office with the receipts for the Brocton/Portland Seniors.

Village Attorney Peter D. Clark - Peter continues to work on the questions from General Code so that the Village can receive the updated book.

He would also like to have an Executive Session for several things and possible Litigation.

Tom Allen, Highway Superintendent – Tom Allen stated that all things are moving along smoothly.

Alan Gustafson, Code Enforcement Officer – No report.

Ryan Hazelton - Wastewater Treatment Plant – No report.

Fire Department – Phil Gerace, Fire Chief – Handed in the Monthly Activity Report for January. Everything is going good.

The portable radios are sitting in Mayville waiting to be programmed and should be ready in the next 60 days. The chief also noted that he does not see the March 1st deadline for the new radios to be in use.

Electric Department – Joe Majkowski, Electric Lineman - left a quote from T&R Electric Supply, Inc. for the Trustees to approve for 4-transformers for stocking items for shop. The cost was \$6,079.00 with money in his budget to cover the items. A motion was made by Trustee Gary Planty and second by Carol Horlacher to approve the purchase of the transformers for \$6,079.00 from T&R Electric Supply, Inc. Vote was unanimous, motion carried. Trustee Gary Planty wanted to make known what a great job Joe and Frank are doing keeping the trees trimmed and keeping our electric on during the high wind storms we have been having lately. Mayor Frost wanted to note that as well and that all our workers do a great job.

Committee Reports:

Trustee Gary Planty – Noted that after review of a water leak for a Water/Sewer account that was being estimated for some time, he believes that the Village should apply a credit of \$37.00 for Water and \$37.00 for Sewer to this Village resident due to the review by the Water Committee. A motion was made by Trustee Gary Planty and second by Trustee Bryan Woleben to approve the credit to Water/Sewer at the cost of \$74.00. Vote was unanimous, motion carried.

Trustee Bryan Woleben – in regards to the community center roof that was leaking, Barber's came and removed a drain and resealed it. According to the Fire Chief there has not been any

leaking. To date we have not received an invoice so we are hoping that it will be a warranty thing.

Trustee Carol Horlacher – attended a MEUA meeting in Syracuse regarding the Clean Energy Act that was passed by New York Governor Mario Cuomo. There will be an electric increase in March as a renewable energy charge and then in May as zero emission charge. These charges will go through 2030 with the cost of \$2.00 per month being added to utility bills. These charges will increase as times goes on. It is not a Village increase but is a State mandated increase. Letters will be going out with the utility payments. Trustee Horlacher noted that we will need to contact our billing software to program the charges to be listed on our bills moving forward.

Mayor Report: Mayor Frost noted that everything is moving, although slowly, it is moving.

New Business:

Resolution 04-2017 Approval for Clifford G. Borst, Sr. to Attend WNYWWC Workshop

RESOLUTION 04-2017

APPROVAL FOR CLIFFORD G. BORST, SR. TO ATTEND WNYWWC ANNUAL WORKSHOP

WHEREAS Clifford G. Borst, Sr. has requested approval to attend WNYWWC Annual Workshop on Wednesday, February 15, 2017 at the Clarion Inn in Batavia, NY. This is sponsored by Chatfield Engineers, P.C. and Koester Associates. The purpose of this training is for the operator’s re-certification mandates. Cost for this workshop will be \$25.00 with lunch included. Travel will be by his own vehicle.

NOW THEREFORE BE IT RESOLVED authorization is given for Clifford G. Borst, Sr. to attend WNYWWCA Annual Workshop.

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

__4__ ayes

__0__ nays

__0__ absent

Dated: February 1, 2017

Sonia Luszcak
Village Clerk/Treasurer

Resolution 05-2017 Approval for Ryan Hazelton to Attend Grade 3 Supervision Course

RESOLUTION 05-2017

APPROVAL FOR RYAN HAZELTON TO ATTEND GRADE 3 SUPERVISION
AND TECHNICAL OPERATIONS COURSE

WHEREAS, Ryan Hazelton has requested approval to attend Grade 3A Supervision and Technical Operations Course presented by Morrisville Environmental Training Center on October 23 - 27, 2017 at Morrisville, NY. The registration fee is \$575.00. Travel will be by personal vehicle at an estimated cost of \$230.00. The estimated cost for food and lodging will be \$780.00.

This 30-hour course meets NYS DEC requirements for Grade 3A License.

NOW THEREFORE BE IT RESOLVED, authorization is approved for Ryan Hazelton to attend the course as listed.

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

4 ayes

0 nays

0 absent

Date: February 1, 2017

Sonia Luszczak
Village Clerk/Treasurer

Resolution 06-2017 Approval for Ryan Hazelton and Rich Lewis to Attend CRPWOA Meeting

RESOLUTION 06-2017

APPROVAL FOR RYAN HAZELTON AND RICHARD LEWIS TO ATTEND
CHAUTAUQUA REGION PROFESSIONAL WASTEWATER OPERATORS
ASSOCIATION MEETING HELD MARCH 8, 2017 AT STOCKTON HOTEL

WHEREAS Ryan Hazelton and Rich Lewis have requested approval to attend the meeting of Chautauqua Region Professional Wastewater Operators Association on Wednesday, March 8, 2017 at Stockton Hotel, Stockton, NY. This is sponsored by Chautauqua Region Professional Wastewater Operators Association. The purpose of this meeting is to lay-out a yearly training schedule for wastewater credits. There is no cost for this meeting and travel will be by Village vehicle.

NOW THEREFORE BE IT RESOLVED authorization is given for Ryan Hazelton and Rich Lewis to attend.

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

__4__ ayes __0__ nays __0__ absent

Dated: February 1, 2017

Sonia Luszcak
Village Clerk/Treasurer

Resolution 07-2017 Approval for Mayor Frost to sign proposal for Municipal Solutions

RESOLUTION 07-2017

APPROVAL FOR MAYOR TO SIGN PROPOSAL WITH MUNICIPAL
SOLUTIONS IN CONNECTION WITH THE VILLAGE OF BROCTON'S
WATER TRANSMISSION PROJECT FOR THE NORTH COUNTY WATER
DISTRICT

WHEREAS a proposal between the Village of Brocton, N.Y. ("Village") and Municipal Solutions, Inc. of LeRoy, N.Y. ("Solutions") dated January 4, 2017 has been presented to this Board regarding providing certain financial services by Solutions to the Village concerning the Village's water transmission project for North County Water District, and

WHEREAS said proposal provides that Solutions will provide the following services to the Village:

I. Bond Anticipation Note Borrowing Scope of Services.

- II. Long-term closing with the Drinking Water State Revolving Fund.
- III. General Financial Services.
- IV. Conflicts of Interest and Other Required Disclosures.
- V. Miscellaneous, and

WHEREAS the total fee of this contract is estimated not to exceed \$17,000, including expenses,

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

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

4 ayes _0_ nays _0_ absent

Dated: February 1, 2017

Sonia Luszcak
Village Clerk/Treasurer

Old Business

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

A motion was made by Trustee Craig Miller, seconded by Trustee Carol Horlacher to approve January 4th and Workshop meeting January 18th minutes as presented in written form. Vote was unanimous, motion carried.

A motion was made by Trustee Bryan Woleben and second by Trustee Gary Planty to approve written reports as presented. Vote was unanimous, motion carried.

A motion was made by Trustee Craig Miller and second by Trustee Carol Horlacher to go into executive session at 6:57 pm to discuss a possible litigation issue. Trustee Gary Planty also had a personnel issue to discuss. Vote was unanimous, motion carried.

A motion to enter regular session from executive session at 7:35 p.m. was made by Trustee Carol Horlacher and second by Trustee Gary Planty. Vote was unanimous, motion carried. There was no action taken. Village Attorney Peter Clark noted that there was a discussion that we need a resolution for the Mayor to sign the consent order with the Department of Environmental Conservation which will have a small addition of language with the Village Board and the DEC approval. A motion was made by Trustee Craig Miller and second by Bryan Woleben to make the change with the appropriate language and allow the Mayor to sign the consent order. Vote was unanimous. Motion carried.

Town Supervisor, Dan Schrantz presented the Village a copy of the Town of Portland Comprehensive Plan. The Town of Portland is still looking for committee members to join and help research the comprehensive plan and try to implement some of the items that were listed. Mayor Frost noted that Dan Schrantz and the Mayor have been meeting once a week to talk about more shared services that could be completed between both the Village and Town. There was discussion regarding sharing the Village Justice position. Nothing can happen until the term ends and the Village passes a local law and then do a local referendum to do away with the Justice position. Trustee Gary Planty made a statement that in the Conference of Mayor handbook, it states that, “when the Village does not have a Village Court, the Town court must handle all criminal or civil cases arising in the Town and Village including adjudicating violations of Village local laws. All fines and penalties imposed for the violation of a Village local law are the property of the Village. Thus, even if a Village does not have a Village Justice court, fines imposed for violations of the Village’s laws are the property of the Village and must be remitted to the Village by the State Comptroller after the Town Justice remits the money to the Justice Court Fund.”

Mayor Frost asked Dan Schrantz who was on the IDA Board. Dan Schrantz stated that he believed that the following were on the IDA committee – David Hazelton, Gary Miller, Al Kowski, and James Rizzo. There has been talk that they might possibly add someone from the Village Board and one from the Town Board.

Dan Schrantz gave an update on the \$270,000.00 grant that the Town of Portland had received. They are completing paperwork for a joint water billing program as well as securing leak detection equipment to help save money by detecting leaks quicker.

Rural Water will be coming out for a meeting next week to see what type of leak detection equipment they would recommend to purchase as they are leaders in that field.

Regarding the easements that are needed for the North County Water District there was a meeting with many residents signing and it should be out for bid this Spring. There is a possibility that it may be out for bid as one project or several small projects due to funding. There will be a Chadwick Bay meeting to discuss funding next week.

Dan believes that we could see water running in the Fall. Mayor Frost noted that there is a possibility that we could see water running into Brocton and Portland by September.

Lastly, the zoning committees from each the Town, (Patti Farrell and Jerry Boltz) and Village (Bryan Woleben and Craig Miller) could get together to review and talk about sharing the Zoning Code Enforcement Officer.

Dan noted Trustee Bryan Woleben is scheduled to attend the March meeting for the Town. It has been re-scheduled for March 15, 2017 at 7:00 p.m.

After further discussion, the Mayor thanked Town Supervisor Dan Schrantz for coming to the meeting and on board for sharing services.

With no further business brought before the Board, a motion was made to adjourn the meeting at 7:57 p.m. by Trustee Carol Horlacher seconded by Trustee Bryan Woleben. Vote was unanimous, motion carried.

Respectfully submitted by,

Sonia Luszczak
Village Clerk/Treasurer