

**VILLAGE BOARD OF TRUSTEES
OCTOBER 15, 2018 MINUTES**

PRESIDING: Mayor Michael VandeVelde

MEMBERS: Robert Cochran, Mike Catalano, Al Holbrook, Dennis Lutes

STAFF: Vince Luce, Ed LeBarron, Bonnie Rae Strickland, Andrew Webster, Rob Genthner, Becki Paternosh, Marybelle Beigh

PUBLIC: Greg and Rose Wentzel, Don McCord, Austin Presto, Austin Ohlsson, Ann Kneer, Dakota Alexander

MAYOR/BOARD:

Mayor VandeVelde welcomed everyone and led the Pledge of Allegiance to the Flag.

MINUTES APPROVAL: The September 17, 2018 minutes were approved on a motion by A. Holbrook/ D. Lutes and carried with the exception of changing the “R” in the motion for the minute’s approval of August, 2018 to an “M” for Michael Catalano

RESOLUTION(s) 19-2018 and 20-2018 IEEP Delegate and NYMPA Delegate Proxy Resolution respectively, were both approved on a motion by M. Catalano/R. Cochran and carried.

RESOLUTION 21-2018 (see below) was approved SUBJECT TO PERMISSIVE REFERENDUM, on a motion offered up by M. Catalano and seconded by R. Catalano and the Clerk asked for a roll call vote with the following voting:

Michael VandeVelde, Mayor voting	Yea
Robert Cochran, Trustee voting	Yea
Michael Catalano, Trustee voting	Yea
Alan Holbrook, Trustee voting	Yea
Dennis Lutes, Trustee voting	Yea

There were no abstentions filed or recorded for this vote.

RESOLUTION #21-2018

AN AMENDING AND RESTATING BOND RESOLUTION, DATED October 15, 2018, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF WESTFIELD, CHAUTAUQUA COUNTY, NEW YORK (THE “VILLAGE”), FURTHER AMENDING THE BOND RESOLUTION THAT WAS ADOPTED ON JANUARY 7, 2014 AND AMENDED ON MARCH 14, 2016, AND AUTHORIZING A SEWER SYSTEM CAPITAL IMPROVEMENTS PROJECT, AT AN ESTIMATED MAXIMUM COST OF \$8,170,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$8,170,000 OF THE VILLAGE, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE VILLAGE TREASURER.

WHEREAS, on March 14, 2016, the Village Board of Trustees of the Village of Westfield, Chautauqua County, New York (the “Village”) adopted an amended and restating bond resolution (the “2016 Amending Bond Resolution”) entitled:

AN AMENDING AND RESTATING BOND RESOLUTION, DATED MARCH 14, 2016, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF WESTFIELD, CHAUTAUQUA COUNTY, NEW YORK (THE "VILLAGE"), AMENDING THE BOND RESOLUTION THAT WAS ADOPTED ON JANUARY 7, 2014, AND AUTHORIZING A SEWER SYSTEM CAPITAL IMPROVEMENTS PROJECT, AT AN ESTIMATED MAXIMUM COST OF \$6,616,400 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$6,616,400 OF THE VILLAGE, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE VILLAGE TREASURER.
and

WHEREAS, the Village has previously issued a bond anticipation note and a short-term financing obligation through the NYS Environmental Facilities Corporation pursuant to the 2016 Amending Bond Resolution, but has not yet entered into permanent financing arrangements thereunder (i.e., the issuance of long-term serial bonds); and

WHEREAS, due to an expansion in the scope of the project, the Village Board of Trustees wishes to modify the 2016 Amending Bond Resolution for the primary purposes of increasing: a) the estimated maximum cost of the project from \$6,616,400 to \$8,170,000 and b) the amount of serial bonds authorized to be issued from \$6,616,400 to \$8,170,000, and to make other modifications to the 2016 Amending Bond Resolution as may be consistent with law; and

WHEREAS, the Village Board of Trustees now wishes to amend and restate (in its entirety) the 2016 Amending Bond Resolution for the reasons identified above, and to make other modifications to the 2016 Amending Bond Resolution as may be consistent with law; and

NOW THEREFORE,

BE IT RESOLVED, by the Village Board of Trustees of the Village (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Village is hereby authorized to undertake a sewer system capital improvements project including, but not limited to, improvements to the wastewater treatment plant (commonly known as the "Water Pollution Control Facility") generally consisting of grit system and screening improvements, stage 1 and stage 2 aeration basin improvements, main pump station improvements, aerobic digester improvements, clarifier improvements, sludge thickener improvements, generator improvements, wastewater treatment plant control system improvements, improvements to the septage receiving station and aerobic digestion system, replacement of sludge feed pump, replacement of the ultraviolet disinfection system and emergency backup generator, and control building improvements, as well as other improvements more fully identified in (or contemplated by) revised reports prepared with the assistance of a consulting engineering firm, and including all preliminary work and necessary equipment, materials and site work and all preliminary costs and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The amended estimated maximum cost of the Purpose is \$8,170,000.

SECTION 2. The Village Board of Trustees plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds in an aggregate amount not to exceed \$8,170,000 of the Village, hereby authorized to be issued therefor pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received including, but not limited to, an Economic Development Administration grant and a NYS Environmental Facilities Corporation grant. Unless paid from other sources or charges, the cost of such improvements is to be paid by the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that the Purpose is an object or purpose described in subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the Village are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there shall annually be levied on all the taxable real property of the Village a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Village Board of Trustees pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village. Without in any way limiting the scope of the foregoing delegation of powers, the Village Treasurer, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Village.

SECTION 8. The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Village then reasonably expects to reimburse any such expenditures (to the extent made after January 7, 2014 or within 60 days prior to the earlier of (a) January 7, 2014 or (b) the date of any earlier expression by the Village of its intent to reimburse such expenditures) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration (or reaffirmation) of the Village's original declaration of its "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Village Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 10. The Village Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12,

promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Village has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under SEQRA is necessary.

SECTION 12. To the extent applicable, the Village Treasurer is hereby authorized to execute and deliver in the name and on behalf of the Village a project financing agreement prepared by the New York State Environmental Facilities Corporation ("EFC") (the "SRF Project Financing Agreement"). To the extent applicable, the Village Treasurer and the Village Clerk and all other officers, employees and agents of the Village are hereby authorized and directed for and on behalf of the Village to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including, but not limited to, the SRF Project Financing Agreement.

SECTION 13. In the absence or unavailability of the Village Treasurer, the Deputy Treasurer is hereby specifically authorized to exercise the powers delegated to the Village Treasurer in this resolution.

SECTION 14. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Village is not authorized to expend money, or

(b) the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice, or

2. such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 15. This Resolution is subject to permissive referendum pursuant to Section 36.00 of the Local Finance Law. The Village Clerk is hereby authorized and directed to publish (one time) and post (in at least six conspicuous public places within the Village and at each polling place), this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten days after the date of adoption of this resolution.

SECTION 16. If no petitions are filed in the referendum period, the Village Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the official newspaper(s) of the Village, or if no newspaper(s) have been so designated, then in a newspaper having a general circulation in the Village, and hereby designated as the official newspaper of the Village for such publication.

SECTION 17. Nothing in this amendment shall affect the validity of the original January 7, 2014 bond resolution or the 2016 Amending Bond Resolution, or any actions taken thereunder, and any such actions are hereby ratified.

* * *

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

AYES: Michael VendeVelde, Mayor; Robert Cochran, Trustee; Michael Catalano, Trustee; Alan Holbrook, Trustee; Dennis Lutes, Trustee

NOES: None

ABSENT: None

The foregoing resolution was thereupon declared duly adopted.

HALLOWEEN OBSERVANCE SCHEDULE: The Board approved Halloween to be held on Wednesday, October 31, 2018 from 6pm to 8pm in the Village and also authorized the Scary Parade to begin at Tops Market at 6pm utilizing fire and police department apparatus to lead and accompany the parade to the Fire Hall for donuts and cider and prizes to be provided by the Rotary Club. D. Lutes/M. Catalano.

2019 HOLIDAY AND VILLAGE BOARD SCHEDULE: The Board approved both of these schedules as presented on a motion by R. Cochran/A. Holbrook and M. Catalano/R. Cochran respectively. A. Holbrook asked for physical copies in the mailboxes as well.

UPDATED HARASSMENT/ SEXUAL HARASSMENT PREVENTION POLICY: The Board approved the updated Harassment/Sexual Harassment Prevention Policy below on a motion by A. Holbrook/D. Lutes and carried.

VILLAGE OF WESTFIELD
Harassment/Sexual Harassment Prevention Policy
February 25, 2000
Revised October 15, 2018

The Village of Westfield is committed to fostering and maintaining a work environment free of harassment and intimidation of employees for any reason, including, but not limited to, sex, race, age, national origin, religion, color, ethnicity, sexual orientation, gender identity, transgender status, disability status, or veteran status. Sexual harassment or any form of sexual discrimination is particularly disruptive to the values and mission of this organization. Accordingly, the Village of Westfield has a zero-tolerance policy for any form of sexual harassment, and all employees are required to work in a manner that prevents sexual harassment in the workplace.

Sexual Harassment is against the law. All employees have a legal right to a workplace free from sexual harassment, and employees can enforce this right by filing a complaint internally with the Village of Westfield, with a government agency, or in court under federal, state, or local antidiscrimination laws.

The Village of Westfield's Sexual Harassment Policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business with the Village of Westfield. Any employee or other covered person who feels that they have been sexually harassed should report it so that any violation of this Policy can be corrected promptly. All supervisors and managers are required to report suspected sexual harassment.

Sexual harassment is defined as any unwelcome behavior of a sexual nature that relates to the gender, gender identity, sexual orientation, transgender status, or sexual activity of an individual, and has the purpose or effect of creating an intimidating or hostile environment. Sexual harassment encompasses the full range of coercive, unwelcome behavior, and may be physical, verbal, or visual in nature. Such conduct may include, but is not limited to, flirtations, touching, propositions, and verbal abuse of a sexual nature or any similar activity or unwelcome advances creating a threatening or hostile work environment. The display of sexually suggestive objects or pictures is specifically prohibited.

Personal harassment, sexual harassment, or offensive conduct in the workplace committed by other employees, co-workers, paid or unpaid interns, non-employee contractors, vendors, and suppliers that

creates, by intent or effect, a hostile work environment is also prohibited. A sexually harassing hostile work environment consists of words, signs, jokes, pranks, intimidation, or physical violence, which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment, or any other terms, conditions, or privileges of employment.

No supervisor, manager, project manager, or team leader is to threaten or insinuate, either explicitly or implicitly, that an employee's or applicant's refusal to submit to sexual advances will in any way affect matters of employment, performance evaluation, compensation, promotion, job duties, assignments, or other conditions of employment. Similarly, no supervisor is to favor any applicant or employee because that person has performed or shown a willingness to grant sexual favors. Sexual harassment may also include conduct where there are no adverse tangible job consequences.

Any employee of The Village of Westfield who believes that the actions or words of a supervisor, employee, or agent of the Village constitute harassment is encouraged to report such incident or behavior as soon as possible to their immediate supervisor, or to the Village Clerk, or to the Mayor if the charge involves conduct by a supervisor. Complaints of harassment or intimidation may be made either verbally or in writing using the annexed complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note on the form that the complaint is on another employee's behalf. The Village of Westfield will maintain confidentiality to the extent possible, and investigations will be kept confidential unless confidentiality cannot be guaranteed due to the very nature of the investigatory process. Written records of all complaints shall be maintained, and access shall be limited to those responsible for the investigation.

All complaints or information about suspected sexual harassment, whether verbal or written, will be investigated. Investigations will be conducted in a timely manner. All persons involved, including complainants, witnesses, and alleged perpetrators will be accorded due process to protect their rights to a fair and impartial investigation.

The principle responsibility for conduct of the investigation rests with the Harassment/Sexual Harassment Prevention Committee.¹ All complaints will be investigated expeditiously to ascertain the facts of the allegation. Investigations of suspected sexual harassment will be completed within 30 days of the receipt of a verbal or written complaint. Following the completion of the investigation, a confidential written report will be prepared and submitted to the appropriate parties for review. In all cases, the complaining employee(s) shall be advised of the findings and conclusions of the investigation.

If applicable, the report will include recommendations for corrective action. If indicated, remedial steps may include means to rectify the situation for the complainant(s), management or organizational changes necessary to abate the hostile environment, and/or disciplinary action taken against offenders up to and including termination of employment.

The Village of Westfield strictly prohibits retaliation against the good faith reporting of suspected sexual harassment. No person covered by this policy shall be subject to adverse employment action, including termination, discipline, and/or discrimination, or otherwise subject to adverse employment action because

¹ Effective November 1, 2018, the Sexual Harassment Prevention Committee will be made up of the Mayor, or in his/her absence, the Deputy Mayor, the Village Justice, the Village Clerk and the Chief of Police. The Village's Human Resources Legal Counsel will be involved during any complaint investigation process.

the employee or covered person reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The Village of Westfield has a zero-tolerance policy for such retaliation. Accordingly, any employee of the Village of Westfield who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination from employment. However, any person who willfully makes a false accusation or claim against another person will face disciplinary action.

Any employee, paid or unpaid intern, or non-employee contractor who believes they have been a victim of such retaliation should inform a supervisor, manager, or the Sexual Harassment Prevention Committee. An employee, paid or unpaid intern, or non-employee contractor who believes they have been a victim of such retaliation may also seek assistance in other available forums, as explained in the section below.

Sexual Harassment is not only prohibited by the Village of Westfield, but it is also prohibited by state, federal, and, where applicable, local law. Accordingly, aside from the internal process outline above, employees may also choose to contact the following governmental entities at any time for further guidance:

New York State Division of Human Rights (DHR)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court. Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged discrimination. An individual may not file with DHR if they have already filed an HRL complaint in state court. Complaining internally to The Village of Westfield does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment. You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR. DHR will investigate your complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines. DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400, www.dhr.ny.gov. Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State

United States Equal Employment Opportunity Commission (EEOC)

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court. The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-

6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Contact the Westfield Police Department if the harassment involves physical touching, coerced physical confinement, or coerced sex acts. This conduct may constitute a crime and the Westfield Police Department should be contacted immediately.

Training

The Village will continue with annual training of all Village Employees and Volunteer Firefighters, Board Members and others who may interact in an ongoing capacity with any Village Employee or Staff Person.

Upon hire with the Village of Westfield, all employees shall receive a copy of this policy and acknowledge receipt of said policy.

POLICE DEPARTMENT: The Monthly Report for September 2018 shows a total of 481 incidents with 90 incidents taking place in the Town of Westfield. There were 10 Penal and Vehicle/Traffic Arrests for September and 55 Vehicle and Traffic tickets issued. 4 of the Vehicle /Traffic tickets were written in Town of Westfield.

The Overtime Report for September shows 9 overtime hours with 12 Hours of Holiday Pay, 1.5 Overtime hours spent in the Town of Westfield for a total of 22.5 hours of Overtime. These reports were approved on a motion by R. Cochran Seconded by D. Lutes and carried unanimously.

EXECUTIVE SESSION AFTER THE REGULAR SESSION: The Chief asked for an executive session to discuss the employment history of a particular person in the Police Department.

MAIN AND PORTAGE STREET HISTORIC LIGHT FIXTURE LIGHT OUTPUT DISCUSSION: The Police Chief has safety concerns and the Village has received complaints regarding the visibility at the School Crossing for student safety and the Crossing Guard. These concerns resulted in another discussion about the light output from the Historic Lights on Main and South Portage Streets. All parties involved (Village Board, Planning Board, Police Dept., Electric Dept., have been attempting to reach an agreement. All parties agree that adequate and safe lighting that is energy efficient is important. Equally important is an understanding of the aesthetic and the history of the lights during the Route 20 Reconstruction project also weighs the conversation.

Don McCord, Chair of the Planning Board discussed his research on the Main and Portage Street lighting requirements. He noted that because of the differing widths from the middle turn lane on 20 compared to the width of 394, each require a different amount of lumens output. The challenge has been identifying an energy efficient led bulb-fixture that puts out bright enough lumens to cast light out onto the street taking into consideration the street width differences; but not getting something so bright that it mitigates the effect of the historic lights and burns away energy savings. Don has spent considerable time on this topic and presented a fact-based overview back on April 28th at a special meeting of the Planning Board. He has also contacted DOT officials to better understand how they approached the proper lighting requirements. It was noted that Don and Andrew Thompson found a bulb/fixture on Amazon that could work but that it may not fit exactly in the current lamp configuration. Andrew is still researching other similar bulb/fixtures with the same output lumens. The Village Board agreed that several bulbs should be purchased and put together to get a better idea of their brightness.

Al Holbrook noted in his early morning walks that the one new bulb spec'd by Andrew and Don and installed in front of CVS Pharmacy is brighter and much more noticeable. All agreed the existing Callary Pear Trees shade out the lights too much. Don mentioned that the Village applied for a grant with the NYS DEC Urban & Community Forestry Program to remove those trees and plant something with a lighter tree canopy to facilitate light output. We will hear most likely in December if we are successful.

FIRE DEPARTMENT: The Mayor read the monthly fire department report noting a total of 47 calls comprised of 8 fire calls, 2 MVA's, 32 EMS calls (6 calls to Absolut of Westfield) and 3 mutual aid and 2 falls alarms. M. Catalano/D. Lutes and carried.

FIRE DEPARTMENT BYLAWS DISCUSSION: As promised by the Mayor at the September meeting, when he went to NYCOM's Fall Training School he met with two different NYCOM attorneys to ask about the Village Board's role relative to Fire Department By-Laws. He noted he received two different answers. One attorney said the Village has no power to change bylaws whatsoever. Another Attorney said that Department Wide Bylaws do have to be approved by the Village Board because the Fire Department is no different then any other Village Department. However, the same counsel indicated that Fire Company specific bylaws, can only be changed by the specific company of the Fire Department. Furthermore, although the Village Board may or may not have the authority to change Fire Department bylaws, the Village Board could pass a rule, policy, resolution or local law and if any Fire Department Bylaws run contrary to that Village Board approved rule, policy, resolution or local law, the Village Board approved "decision" trumps the fire department bylaw that may contradict it.

The Mayor and Trustee Holbrook are now going to review the newest Fire Department Bylaws to determine which ones are overall Department Bylaws and which ones are company specific. They are also referring this to Village counsel for his review and input.

RECREATION DEPARTMENT: Recreation Director Andrew Webster presented the program report for September 2018. Approved by D. Lutes/R. Cochran and carried.

HISTORIAN REPORT: The Historian report(s) for August and September 2018 were approved unanimously. A. Holbrook, M. Catalano.

CODE ENFORCEMENT: The Code~Zoning Enforcement Report for September 2018 showed 2 Building Permits issued generating \$1,471.88 in fees and 11 "Other" Permits Issued generating \$350 in fees. The report was approved unanimously. M. Catalano/D. Lutes.

PUBLIC WORKS DEPARTMENT: The monthly overtime report for September 2018 included 10.5 scheduled overtime hours and no call-out or emergency overtime hours. Approved unanimously on a motion by D. Lutes/A. Holbrook.

Ed presented the Fall Leaf Pick Up schedule just for information purposes and that it will begin on Monday, October 29, 2018.

Ed informed the board of his accrued unused vacation time noting 39 days. He presented his vacation schedule for the Board for their information and awareness.

The Chautauqua County Historical Society at the McClurg Museum requested the Village Board to consider a recommendation they have for a Parking Restriction around the East Main Street access

driveway to the McClurg. The Board approved the request as submitted R. Cochran/D. Lutes and carried unanimously.

Ed requested an Executive Session after the public part of the meeting to discuss the employment history of a particular individual in the Public Works Department.

WATER & SEWER DEPARTMENT: The Board approved the overtime reports for the Water & Sewer Department noting 27.9 hours at the Water Plant and 9 hours at the Sewer Plant. R. Cochran/M. Catalano and M. Catalano/D. Lutes respectively and both motions were carried.

PHASE 2 SEWER PLANT UPGRADE PROJECT: On a motion by D. Lutes/M. Catalano and carried, the Board approved moving forward with the additional Sewer Plant upgrades as recommended by the DPW Advisory Board after consultation with the Village's (Wendel Engineers). The bulk of the principal and interest payments on the zero percent loan from EFC will be covered based on the rate increase several years ago which allowed us to plan for plant improvements either by doing projects ourselves or financing them when required if the project (like this one) is much larger. Either way, the payout for this will not increase the sewer fund's expenditures any more than already. This was set up intentionally to work away on these projects over time.

ELECTRIC DEPARTMENT: The monthly/overtime report for September 2018 was approved noting 96 hours of total overtime for the month. All of these hours are attributable to emergency call outs due to storms and power outages. R. Cochran/D. Lutes and carried.

The purchase of the new bucket truck was tabled for now.

TREASURER: No overtime for the Treasury office for September 2018.

The revenue and expense reports for each fund were approved on a motion by A. Holbrook/M. Catalano and carried.

The unpaid water and sewer charges by town residents with Village water and sewer utilities in the amount of \$2,164.86 were approved to be added to the Town's 2019 Tax Levy on a motion by R. Cochran/D. Lutes and carried unanimously.

CLERK: No overtime for Eason Hall for September 2018.

The Board approved the warrants for 10/1/18 and 10/15/18 as presented on a motion by A. Holbrook/M. Catalano and carried unanimously.

10/1/18

General Fund	W21	\$69,438.21
Electric	W22	\$200,110.05
Water	W24	\$15,343.52
Sewer	W25	\$19,981.72
Electric Dis.	W23	\$60,000.00
Water Proj.	W25	\$37,367.68
WPCF Upgrade	W23	\$510,996.05
Parking Lot	W24	\$5,978.62

10/15/18

General W23		\$59,371.22
Electric	W25	\$54,898.54
Water	W27	\$15,388.18
Sewer	W27	\$36,220.61
CAP- Parking Lot W25		\$3620.02

QUESTIONS/COMMENTS FROM VISITORS:

John Douglas of 127 Bourne Street (Mobile Home Park Owner) asked if anyone had a chance to review the 84' drainage tube issue in a section of weeds/swamp. Ed advised he had not had a chance yet to look at it and get an estimate together yet but he will soon.

EXECUTIVE SESSION: The Board entered into Executive Session to discuss the employment history of particular individuals in both the Police and Public Works Departments on a motion by R. Cochran/D. Lutes and carried unanimously.

The Board exited Executive Session on a motion by M. Catalano/D. Lutes and was carried unanimously.

ACTION AS A RESULT OF THE EXECUTIVE SESSION: The Board approved Police Chief Rob Genthner's recommendation to hire Adam Tanner as a full-time starting patrolman effective 9/21/18 on a motion by A. Holbrook/M. Catalano and carried unanimously.

The Board approved Public Works Superintendent Ed LeBarron's recommendation to permanently hire Probationary Public Works Department Laborer Anthony Leone effective October 15, 2018 on a motion by R. Cochran /D. Lutes and carried unanimously.

OTHER OPEN SESSION BUSINESS:

FIRE DEPARTMENT CAMERAS:

The Board recognized that the Fire Department is one of the last Village Departments to have any kind of safety surveillance cameras installed to protect Volunteers and any owned property and assets. Therefore, the Board authorized the Fire Chief to move forward with getting a cost estimate to install safety and security cameras in the Fire Hall. Village Staff will help the Chief by contacting a vendor the Village has successfully used in the past entitled FSC Systems. Trustee A. Holbrook abstained from voting on this issue given his membership in the Fire Department.

ADJOURNMENT

There being no further business, the Board adjourned the meeting on a motion by D. Lutes/ A. Holbrook and carried unanimously.

Respectfully Submitted by:

Vincent Luce
Village Clerk