

**BOARD OF TRUSTEES
OF THE VILLAGE OF FREDONIA
REGULAR MEETING
9-11 Church Street
Fredonia, NY 14063
March 4, 2024
7:00 P.M.**

At a regular meeting of the Board of Trustees of the Village of Fredonia, duly called and held on the 4th day of March at 7:00 PM. in the Trustee Room, second floor, Village Hall in Fredonia, New York and public notice of the time and place of this meeting has been given to the news media and conspicuously posted in one or more designated public locations in accordance with Section 104 of the Open Meetings Law.

Mayor Ferguson did not start the meeting until he spoke about the reason for the brown water some residents experienced during the day.

Mayor Ferguson called on legislature Susan Parker and various county personnel to explain a power point presentation for the safe streets project (see handout attached to minutes)

Complete Streets are designed and operated to enable safe access for all users. In 2015 Chautauqua County adopted a policy for projects for complete streets in communities. As of 2024, there is \$650k in Capital Projects funding for complete street projects located on County Roads. In 2022, Legislator Susan Parker reached out to the Village of Fredonia for a possible crosswalk project. Business owners were asked for their input. Brian Luce with the Fredonia Planning Board suggested they look at the project as well and to get involved; Susan Parker stated that this project was brought to the Village and was discussed at various Board Meetings, and the Police Chief and the DPW Supervisor are involved and they had input into the project.

A. CALL TO ORDER-MAYOR FERGUSON

I call this meeting to order on Monday, March 4, 2024 at 7:00 PM

Roll Call of the Trustees: Trustees Brauchler, Espersen, Siracuse, Twichell and Wandel
Mayor Ferguson, Attorney Guglielmi

B. PLEDGE OF ALLEGIANCE-

C. APPROVAL OF MINUTES-

Upon motion duly made by Trustee Siracuse and seconded by Trustee Wandel, the following resolution was unanimously adopted:

WHEREAS members of this Board have read the Official Minutes of the Board of Trustees Regular Meeting of February 20, 2024 now, therefore

BE IT RESOLVED that the Board hereby approves the minutes as entered into the Official Minutes, and
BE IT FURTHER RESOLVED that the reading of the minutes be dispensed with.

MARCH 4, 2024

CONTINUED

D. PUBLIC PORTION-

This portion of the meeting is for public comment. Any member of the public wishing to speak, once recognized, shall stand at the microphone, and state their name and address.

Speakers will be allowed three (3) minutes if speaking for themselves or five (5) minutes if speaking on behalf of a group. I will ask the speakers to refrain from remarks that are in poor taste, slanderous, or not germane to any action taken or contemplated by the Board. Rob Clark stood to address the Board regarding exploring for ground water, the Farm Festival moving forward, the reservoir and Trustee Espersen's being the sole point of contact with LaBella. Sam Drayo stood and addressed the Board re: workshop meetings taking place during the morning on Wednesdays. He also discussed the redactions from the LaBella Report and who made the decision. Richard Leone stood to address the Board regarding the LaBella redactions; he suggests building a brand-new plant with the latest technology. Tom Carpenter stood to address the Board regarding the Board's decision to connect to Dunkirk for water. He believes there will be a massive population boom in our area and thinks improving the reservoir is the best option. Jim Lynden stood to address the Board and asked the Board to table the water rate increase. Patrick Sexton stood to address the Board regarding all the work that goes into the Village Administration. He believes the Village needs to find where the wasted water is going before they raise rates. He is in favor of keeping and improving the reservoir. He does not trust corporations and believes LaBella is a corporation. Robert Scott stood to address the Board regarding ground water exploration, due to the conversation he had with county reps on December 26th. He does not agree with looking for ground water. He also discussed other Village projects and their funding. Mark Twichell stood to address the Board regarding the funding for LaBellas' ground water study and how it might be useful for other areas. Greg Krauza stood to address the Board regarding the Farm Festival and how and why it is not being held. How can we keep the 55-year tradition and hold it? He would be happy to be a part of a group that would look into keeping it going. He would like the Board to let that group exist. He also stated that he has spoken to many people who feel the water budget may be over funded or underfunded. He asked that a small group be put together who do not share the same background, to go over the numbers and accept fact-based results. The Clerk read 2 letters from the public (see attached). The mayor closed the public portion.

E. CORRESPONDENCE-

Correspondence dated January 29, 2024 was received from Rick Davis Executive Director of the 1891 Fredonia Opera House requesting the use of West Barker Common and Gazebo for the annual Bach Festival Fundraiser on Saturday June 1, from 7 am to 4 pm.

Upon motion duly made by Trustee Twichell and seconded by Trustee Wandel, the following resolution was unanimously adopted:

BE IT RESOLVED that the request from Rick Davis, Executive Director of the 1891 Fredonia Opera House, Inc., to use West Barker Common, the Gazebo and occupation of the first 3 parking spaces on the north side of Church Street for a Bach & Brats, Bake Sale and Basket Auction fundraiser to support the presentation of the Bach and Beyond Baroque Music Festival, on Saturday, June 1, 2024, from 7:00 a.m. to 4:00 p.m. is hereby approved with the stipulation that the group will be responsible for cleanup, and

BE IT FURTHER RESOLVED that the first three parking spaces closest to Park Place will be occupied with a “grill station” for the duration of the event, along with the hanging of a banner over Temple Street , and
BE IT FURTHER RESOLVED that the event is subject to the direction of the Police Department and the Village receiving a Certificate of Insurance in the amount of \$1 million dollars naming the Village as an additional insured, which has been received.

Correspondence dated February 1, 2024 was received from Jazmine Torres, president of Music Industry Club (MIC), requesting use of Barker Common for a small music/vendor festival to take place Saturday April 20th and Sunday April 21st from 11 AM to 9 PM.

Upon motion duly made by Trustee Siracuse and seconded by Trustee Brauchler, the following resolution was unanimously adopted:

BE IT RESOLVED that the request from the MIC to hold a “Fredchella” – a showcase of 8 – 10 local bands as well as multiple local vendors in Barker Common on Saturday April 20th and Sunday April 21st from 11 AM to 9 PM is hereby approved and

BE IT FURTHER RESOLVED that the Village Clerk will receive a certificate of insurance showing the Village as an additional insured in the amount of 1 million dollars and the event is subject to the direction and control of the Fredonia Police Department.

A letter of resignation dated February 21, 2024 was received from Firefighter Nate Osborne, resigning his position effective immediately

Upon motion duly made by Trustee Espersen and seconded by Trustee Brauchler, the following resolution was unanimously adopted:

WHEREAS, the Board of Trustees received a letter of resignation from firefighter, Nate Osborne, with an effective date of February 21, 2024, now therefore

BE IT RESOLVED, that the Board accepts Ms. Osborne’s letter of resignation effective February 21 , 2024.

BE IT FURTHER RESOLVED the mayor is hereby authorized to write a thank letter to Mr. Osborne thanking him for his service to the Village of Fredonia.

Correspondence dated February 21, 2024 was received from Jacob Kantner to use the Gazebo and Barker Comon on Saturday May 11, 2024 from 12 PM to 8:30 PM for the Reverberation Music Festival.

Upon motion duly made by Trustee Siracuse and seconded by Trustee Espersen, the following resolution was unanimously adopted:

BE IT RESOLVED that the request from Jacob Kantner to use the Gazebo and Barker Common, May 11, 2024 for the Reverberation Music Festival is hereby approved as set forth below:

On Saturday, May 11th, activities will begin at 12 PM and end by 8:30 PM, sundown. There will be live music at the gazebo throughout the entire even. All performers are students from SUNY Fredonia. In between acts we will have readings from the latest issue of the Fredonia Literary Magazine, the Trident. Also, there will be student vendors selling their crafts throughout Barker Common. I respectfully request the following:

1. Use of West Barker Common and the Gazebo from 12 PM to 8:30 PM.

2. Parking Meters bagged as “No Parking” around the perimeter of West Barker Common starting at 12 PM. Musicians/Vendors will use this space for loading and unloading.
 3. Picnic tables (as many as possible) placed right in front of the gazebo in West Barker Common.
 4. Trash receptacles placed throughout the park.
- BE IT FURTHER RESOLVED that the Village Clerk will receive a certificate of insurance showing the Village as an additional insured in the amount of 1 million dollars and the event is subject to the direction and control of the Fredonia Police Department.

Correspondence dated February 19, 2024 was received from Festivals Fredonia requesting exclusive use of Village Property, specifically Barker Common during the festival hours know as Fredonia Easter Festival on Saturday March 23, 2024.

Upon motion duly made by Trustee Brauchler and seconded by Trustee Siracuse, the following resolution was unanimously adopted:

BE IT RESOLVED that the request from Festivals Fredonia to use West Barker Common and Gazebo from 9 AM to 2 PM on Saturday March 23, 2024 is hereby approved as set forth below:

1. Activities around the park will include craft vendors and children’s activities; meet and greet with Peter Cottontail; Easter egg hunt in Barker Common.
2. Extra trash receptacles/barrels throughout the West side of Barker Common Park to accommodate potential trash.

Correspondence dated February 19, 2024 was received from Festivals Fredonia requesting permission to hang banners across Temple Street across telephone wires located between Family Church Fredonia and Fredonia Village Hall.

Upon motion duly made by Trustee Siracuse and seconded by Trustee Wandel, the following resolution was unanimously adopted:

BE IT RESOLVED that the request to hang banners across Temple Street for the following events is hereby approved: (2 weeks prior to the event)

Easter Festival March 23 (**March 11**); Italian Heritage Festival June 22 (**June 10**); Red, White & Blues Festival September 6 -7 (**August 26**); Harvest Moon Festival October 18-19 (**Oct 7**); Miracle on Main December 2, 2024 (**November 25**).

F. MAYOR’S REPORT- Mayor Ferguson addressed some of the plans being discussed for the Village. He noticed an article stating that “Fredonia is on a downward spiral” , which he completely disagrees with. There is a possible downtown Buffalo brewery looking to come to Fredonia; the WCA home will possibly be used to house veterans; Water Street is having 1-, 2- and 3-bedroom apartments being worked on; the Village will be taking part in the Fredonia State Job Fair on Wednesday; He met with both Chief’s to review the Emergency Action Plan for the Village; he attended a volunteer Firemen’s meeting to discussed a monument that will be placed in front of the Fire Station.

He attended the Planning Board Meeting on Feb 27, which discussed the potential vendor law. Met with Community leaders to discuss police station opportunities; met with Go-Bike about possible bike routes throughout the Village; Feb 21 he attended the Barker Library Board of Directors Meeting;

G. TRUSTEE/COMMITTEE REPORTS-

Brauchler – No Report

Espersen- Met with Volunteer Fireman to discuss the company mergers that were voted on at a previous meeting and public hearing; met with the Treasurer re: emergency funding for deficiencies at the WTP, the work is not considered emergency; he attended the student protest on March 1st in Barker Common and spoke on behalf of the mayor;

Siracuse- asked what the budget transfer they are voting on is for; looking for and finding groundwater does satisfy an item on the counties list (not enough capacity); it is also phased in sections, which means we can stop at any time.

Twichell- she attended the planning board meeting; she is not in favor if a vendor charge; Barker Library and Museum have a lot of events planned for 2024.

Wandel- he is working with the planning board for a vendor law; he is on the DPW committee; he toured the WWTP and states that it is critical to the Village, they also have a new supervisor.

H. TREASURER’S REPORT –

I. ADDITIONAL REPORTS-

1. Code Enforcement Report for the month of January 2024 was read and ordered filed.

J. RESOLUTIONS

**RESOLUTION ADOPTING LOCAL LAW NO. 1 OF 2024
AMENDING THE CHARTER OF THE VILLAGE OF FREDONIA**

Upon motion duly made by Trustee Siracuse and seconded by Trustee Espersen, the following resolution passed by a 3 – 2 vote; Trustees Twichell and Wandel voting Nay.

WHEREAS, Proposed Law No. 1 of 2024, amending the Code of the Village of Fredonia, has been prepared and submitted to the Village Board of Trustees to consider for adoption; and

WHEREAS, Proposed Local Law No. 1 of 2024 would increase the current water rate and is entitled “Local Law Amending Section 287-8A of the Code of the Village of Fredonia to Provide for an Increased Water Rate;” and

WHEREAS, pursuant to Section 20 of the Municipal Home Rule Law of the State of New York, a public hearing was duly held on Tuesday, February 20, 2024, and all parties in attendance were permitted an opportunity to speak in support of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, the Board of Trustees of the Village of Fredonia, after due deliberation, finds it in the best interest of the Village to adopt said Local Law, now, therefore

BE IT RESOLVED, the Village of Fredonia hereby adopts said Local Law as Local Law No. 1 of 2024 entitled, “Local Law Amending Section 287-8A of the Code of the Village of Fredonia to Provide for an Increased Water Rate,” a copy of which is attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED, the Village of Fredonia Clerk is hereby directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Village of Fredonia, and to give due notice of the adoption of said Local Law to the Secretary of State by filing the same with the Secretary of State as required by law.

LOCAL LAW NO. 1 OF 2024

This local law shall be entitled “Local Law Amending Section 287-8A of the Code of the Village of Fredonia to Provide for an Increased Water Rate.”

Be it enacted by the Board of Trustees of the Village of Fredonia as follows:

SECTION 1. Section 287-8A of the Code of the Village of Fredonia, last amended on June 1, 2023, by Local Law No. 1 of 2023, is hereby amended to read as follows:

Section 287-8A. Rates for metered water service within the Village of Fredonia:

- A. For water supplied by the Village of Fredonia from and after February 19, 2024 and for each quarterly period thereafter, the following rates are hereby fixed and shall be collected on all water metered service within the Village of Fredonia: at a rate of \$6.95, per 1,000 gallons.

Note: Water Rates to the Town of Pomfret and Town of Dunkirk Water Districts or other outside of Village water customers shall be increased accordingly as provided by the contracts with the Village of Fredonia and such outside water customer.

SECTION 2. This local law shall take effect immediately upon filing with the Secretary of State of the State of New York as required by law.

TRUSTEE	VOTED
Brauchler	aye
Espersen	aye
Siracuse	aye
Twichell	nay
Wandel	nay

Upon motion duly made by Trustee Wandel and seconded by Trustee Brauchler, the following resolution was defeated by a 3 – 2 vote; Trustees Espersen, Twichell and Wandel voting nay

BE IT RESOLVED that pursuant to section 5-520 of Village Law, the following budget transfers are hereby approved

- \$28,000 from F8029 Water Fund Balance to F8330.44 Filtration Contractual

TRUSTEE	VOTED
Brauchler	aye
Espersen	nay
Siracuse	aye
Twichell	nay
Wandel	nay

Upon motion duly made by Trustee Espersen and seconded by Trustee Siracuse and carried unanimously, the following resolution was moved to be tabled.

WHEREAS, the Village of Fredonia used the LaBella engineering study to select an option for where the Board would like to receive the water for the Village from; and

WHEREAS, the Board of Trustees selected option three of the LaBella report; and

WHEREAS, LaBella PLLC, Rochester, NY, has offered a proposal in the amount of up to \$27,400 for the exploration of groundwater options for the Village; therefore,

BE IT RESOLVED the Village Board hereby authorizes LaBella PLLC to prepare the Groundwater Exploration report in the amount of up to \$27,400.

Upon motion duly made by Trustee Siracuse and seconded by Trustee Espersen, the following resolution was moved to be tabled;

WHEREAS, the Village of Fredonia requires the clearwell sediment debris to be removed at the Water Treatment Plant; and

WHEREAS, Allen Marine Services; Tonawanda, NY has supplied a quote for the removal of the debris in the clearwell for a total not to exceed \$19,800; and

WHEREAS, the removal of the debris from the clearwell is necessary for the Village; therefore,

BE IT RESOLVED the Village Board hereby authorizes the clearwell sediment debris removal to be completed by Allen Marine Services for a total not to exceed \$19,800.00

K. EXECUTIVE SESSION-

Upon motion duly made by Trustee Siracuse and seconded by Trustee Espersen, and carried unanimously, the Board entered Executive Session to discuss certain individuals' employment with the Village at 8:45 PM.

Upon motion duly made by Trustee Siracuse and seconded by Trustee Twichell and carried unanimously, the Board exited Executive Session at 9:07 PM , with no vote taken.

Upon motion duly made By Trustee Siracuse and seconded by Trustee Espersen and carried unanimously, the Board exited the regular Board Meeting at 9:08 PM

L. MEETING SCHEDULE- The next Village of Fredonia Workshop will take place on Wednesday March 13, 2024 at 9 AM in the Trustee Room, second floor Village Hall.

The Next Village of Fredonia Board Meeting will take place Monday, March 18, 2024 at 7 PM in the Trustee Room, second floor Village Hall.

ANNEMARIE JOHNSTON

VILLAGE CLERK