

**BOARD OF TRUSTEES  
OF THE VILLAGE OF FREDONIA  
REGULAR MEETING  
9-11 Church Street  
Fredonia, NY 14063  
April 15, 2024  
7:00 P.M.**

**A. CALL TO ORDER-MAYOR FERGUSON**

I call this meeting to order on Monday, April 15, 2024 at 8:20 PM

Roll Call of the Trustees: Trustees Present: Brauchler, Espersen, Siracuse. Twichell and Wandel.

**B. PLEDGE OF ALLEGIANCE-**

**C. APPROVAL OF MINUTES-**

Upon motion duly made by Trustee Espersen and seconded by Trustee Wandel, the following resolution was passed by a 4 – 0 vote:

WHEREAS members of this Board have read the Official Minutes of the Board of Trustees Regular Meeting of April 1, 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.

**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 and addressed the Board regarding the present elected Board and the way they come up with their decisions. He blames the Board for disruption and discourse in the Village. Jim Lynden stood and addressed the Board re: the April 10<sup>th</sup> informational session at the Opera House. Also, an article in the newspaper and what agreements the mayor made to connect for emergency water. He believes we have safe water in the Village, and to please upgrade the water at the water plant. Athanasia Landis stood and addressed the Board about drawing down the reservoir and upgrading the plant and the misconceptions in the public. She also explained the different ways we can cooperate with Dunkirk, the public and each other. Fredonia will be a customer of Dunkirk, not their partner. She accused the administration of undermining the “Save the Reservoir’s” group effort in numbers and willingness to move forward. She provided 300 signatures to the clerk. Richard Leone stood to address the Board regarding the change to the Code Enforcement Office. He spoke about the Village’s decision to buy water from Dunkirk. He spoke about the water presentation at the Opera House on April 15<sup>th</sup>. and why are we talking about going to Dunkirk for water? Robert Scott stood the addressed the Board re: a spread sheet he composed and the pricing of water purchase. Please move forward with obtain detailed drawings and cost estimates for distribution improvements. Mayor Ferguson closed the public portion.

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**E. CORRESPONDENCE-**

**Correspondence dated April 5, 2024 was received from Josh Myers, Chief of the Fredonia Fire Department, requesting to remove the name Steven Zentz from the active roll.**

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

BE IT RESOLVED that the request from the Fredonia Fire Chief to remove the name Steven Zentz from the active roll of the Fire/Police Company is here by approved.

**Correspondence dated March 27, 2024 was received from Tom Degolier, President of the Fredonia Farmers Market, requesting the extended use of Barker Comon East for the 4<sup>th</sup> annual New Horizons Band Concert on Saturday, July 13, 2024.**

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

BE IT RESOLVED that the request from the president of the Fredonia Farmers Market to use Barker Common East for the 4<sup>th</sup> annual New Horizons Band Concert is hereby approved.

BE IT FURTHER RESOLVED that the is subject to the direction and control of the Fredonia Police Department.

**F. MAYOR'S REPORT-** Reported that the Village of Fredonia (VOF) will be holding an informational meeting for it's NYMS program the evening of April 26<sup>th</sup> at 6 PM. Please see attached. Took part in a Farm Festival meeting on April 3<sup>rd</sup>; April 4<sup>th</sup> a vendor's meetings with some local vendors about what is up and coming in the Village; he took part in "Viewpoint" on WDOE on April 5<sup>th</sup>; conducted interviews for the VOF Recreation Director; participated in additional budget meetings all that week; April 9<sup>th</sup>, met with Chautauqua County Mental Hygiene on a possible pride event taking place. Met with Supervisor Felt of the WWTP on the upcoming needs of the sewage plant on April 10<sup>th</sup> also attended a Chautauqua County Water Forum in the Opera House, about 90 people attended. Clear Well at the Water Treatment Plant will be getting cleaned beginning tomorrow (4/16/24). He participated in the annual Community Clean-up Day on April 14<sup>th</sup> – he thanked the Fredonia PBA and Police Department for organizing the day.

**G. TRUSTEE/COMMITTEE REPORTS-**

**Brauchler – attended the farm festival committee, happy to be a part of it.**

**Espersen – Met with Chief Myers to discuss some concerns he had; met with WWTP supervisor and happy to see his 5 year plan for improvements, he thanked officer Hodkin for organizing the community clean-up day. The water forum that was held was brought about by the Dept. of Health at the County.**

**Siracuse – New Recreation starting and she has some meetings with Safe Streets group coming up.**

**Twichell – walk on resolution and she has some questions.**

**Wandel – he recently met with the department head at the WWTP and he is doing a great job, but the plant needs some work done.**

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**H. TREASURER’S REPORT – No Report**

**I. ADDITIONAL REPORTS-**

1. Justice Court report for the month of March 2024 was read and ordered filed.
2. Code enforcement Report for the month of March 2024 was read and ordered filed.

**J. RESOLUTIONS**

ESPERSEN/SIRACUSE

BE IT RESOLVED that the Village Clerk is hereby authorized to advertise for sealed bids for the purchase of Polycationic Polymer Potable Water Coagulant Liquid Form, Poly Aluminum Chloride water coagulant Liquid Form, Poly Orthophosphate, Powdered Blend Inorganic Phosphates, Liquid Chlorine, Tri Clor Tablets 55 lb. Pails, Ferric Chloride and Synthetic Flocculate for the fiscal year beginning June 1, 2024 and ending May 31, 2025. Said bids shall be returnable on Monday May 6, 2024 at 11:00 a.m., at which time the bids will be publicly opened and read aloud in Conference Room I, Village Hall. The Village Board of Trustees reserves the right to reject all bids and to accept the bid deemed most advantageous to the Village of Fredonia.

SIRACUSE/ESPERSEN

BE IT RESOLVED that the Village Clerk is hereby authorized to advertise for sealed bids for metered fuels and water meters for the Village’s fiscal year beginning June 1, 2024 and ending May 31, 2025. Said bids shall be returnable Monday, May 6, 2024 at 11:00 a.m., at which time the bids will be publicly opened and read aloud in Conference Room I, Village Hall. The Village Board reserves the right to reject all bids and to accept the bid deemed most advantageous to the Village of Fredonia.

TWICHELL/SIRACUSE

BE IT RESOLVED that Kayla Sullivan of Liberty St., Fredonia is hereby appointed to the Part Time Position of Recreation Director at a salary of Ten-Thousand Dollars (\$10,000) annually, effective immediately.

WANDEL/BRAUHLER

BE IT RESOLVED that the regular and overtime payrolls of the various Village Departments and bills approved by the Finance Committee and set forth in Abstract #711 through #713 are hereby approved and directed paid and filed in the Village Clerk’s Office 9-11 Church St. Fredonia NY.

BRAUHLER/WANDEL

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

- \$500 from A5110.41 Street Supplies to A5110.44 Street Contractual
- \$1,500 from A7310.1 Youth Programs Personnel to A7310.41 Youth Program Supplies
- \$3,000 from A8010.1 Zoning Personnel to A8010.44 Zoning Contractual
- \$5,000 from A5142.411 Street Salt Supplies to A5110.41 Street Supplies
- \$20,000 from F9060.8 Water Fund Health Insurance to F8330.41 Water Purchase Supplies
- \$10,000 from F8330.11 Purification Overtime to F8330.41 Water Purification Supplies
- \$100 from F8340.47 Distribution Gasoline to F8330.43 Distribution Travel/Training

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SIRACUSE/BRAUCHLER

WHEREAS, according to New York State’s Property Tax Cap legislation, if a village government decides to adopt a budget with a property tax levy that exceeds the level set by the State, the Village government must pass a local law to override that cap, and;

WHEREAS, adopting said local law is not predictive of the final tax levy but will provide the Village of Fredonia Board flexibility to exceed the Property Tax Cap if it is deemed necessary, and to ensure that any State recalculation of the applicable limit will not make the Village inadvertently out of compliance, and;

WHEREAS, pursuant to section 20 of the Municipal Home Rule Law of the State of New York, a public hearing must be held on the adoption of proposed Local Law 2 of 2024 - “Local Law to Override the 2024-2025 Tax Cap Limit” Notice of such public hearing published in the official newspaper, (Observer), now, therefore,

BE IT RESOLVED, that the Village Board of Trustees of the Village of Fredonia hereby schedules a public hearing on the 24<sup>th</sup> day of April, 2024 at 7 PM in Trustees Room, second floor in Village Hall, 9-11 Church Street Fredonia New York, to receive comments on the proposed local law; and

BE IT FURTHER RESOLVED that the Village Clerk is hereby directed to publish notice of said hearing pursuant to Village Law.

**LOCAL LAW NO. OF 2024**

This local law shall be entitled “Local Law to Override the 2024-2025 Tax Cap Limit”

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

**Section 1. Legislative Intent:** It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Village of Fredonia pursuant to General Municipal Law section 3-C, and to allow the Village of Fredonia to adopt a budget for the fiscal year beginning June 1, 2024 and ending May 31, 2025 that requires a real property tax levy more than the “tax levy limit” as defined by General Municipal Law section 3-C.

**Section 2. Authority:** This local law is adopted pursuant to subdivision 5 of General Municipal Law section 3-C, which expressly authorizes the Village Board to override the tax levy limit by the adoption of a local law approved by a vote of at least 60% of the Village Board.

**Section 3. Tax Levy Limit Override:** The Village of Fredonia Board of Trustees, County of Chautauqua, is hereby authorized to adopt a budget for the fiscal year 2024-2025 that requires a real property tax levy more than the amount otherwise prescribed in General Municipal Law section 3-C.

**Section 4. Severability:** If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstances shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. Effective Date:** This Local Law shall take effect immediately after being filed with the Secretary of State.

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

BE IT RESOLVED that the request of Village Trustees, Jon Espersen, Nicole Siracuse, Mayor Ferguson to attend the NYCOM Annual Meeting and Training 2024 at the Sagamore Bolton Landing, 110 Sagamore Rd, Bolton Landing, NY 12814 is hereby approved at a cost not to exceed **Fifteen-Hundred Dollars (\$1,500)**. This Conference is sponsored by the New York State Conference of Mayors.

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

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

- \$26, 670 from F8029 Water Fund Balance to F8330.44 Water Purification Contractual

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

NYS DHSES staff Marc Rubin informed the village on April 5<sup>th</sup> that the application for the FEMA BRIC grant was eligible and complete but not ultimately selected due to the strong demand for funding from so many applicants, and

His letter notification recommended resubmitting the package for opportunity DR-4723 Sever Storm flooding, and

This submission is required to be submitted by April 30<sup>th</sup>, 2024, now, therefore

BE IT RESOLVED that the Board of Trustees of the Village of Fredonia approve the resubmission of the FEMA BRIC grant application for FEMA opportunity DR-4723.

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

WHEREAS, the Village of Fredonia Water System Improvements Project involves specific actions to improve the Village Public Water System (PWS) including but not limited to construction of an interconnection pump station and force main to pump potable water from the City of Dunkirk PWS to the Village of Fredonia PWS, decommissioning of the Village of Fredonia Water Treatment Plant, construction of a potable water storage tank, and construction of complementary improvements including but not limited to targeted modification of distribution system piping and building system improvements at various Village-owned facilities throughout the Village PWS; and

WHEREAS, environmental review of the Water System Improvements Project is required pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, that the Water System Improvements Project is classified as a Type I Action as defined under SEQRA; and

WHEREAS, the Village of Fredonia has retained LaBella Associates, D.P.C. to prepare Part 1 of the SEQRA Full Environmental Assessment Form for the project.

NOW THEREFORE BE IT RESOLVED, that in accordance with SEQRA, the Village Board of the Village of Fredonia intends to serve as Lead Agency to conduct an environmental review of its Water System Improvements pursuant to SEQRA.

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FURTHER RESOLVED, the Village Board of the Village of Fredonia will notify any Involved and Interested Agencies of its intention to act as Lead Agency for this project and will provide them with a copy of the completed and signed Part 1 of the Full Environmental Assessment Form for review.

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

WHEREAS, The Village requires new miscellaneous street equipment; including but not limited to a dump truck and loader for the Street Department; and

WHEREAS, it is the intent of the Village of Fredonia to file an application under the USDA Rural Development Community Facilities Program to purchase the miscellaneous street equipment; including but not limited to a dump truck and a loader.

WHEREAS, the Village Board of Trustees authorizes the Treasurer and the Mayor to sign all documents relating to this loan and or grant. The Village Board stated that they are favorable in purchasing this equipment and it is essential to the community, therefore;

BE IT RESOLVED the Village Board hereby authorizes the application be filed with the USDA Rural Development Community Facilities Program for the Street equipment.

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

WHEREAS, the Village previously retained its Engineer of Record, LaBella Associates to prepare a Reservoir Dam Engineering Assessment, which was submitted to NY DEC in approximately December, 2022; and

WHEREAS, LaBella Associates has continued its contact with the DEC since the 2022 submission and has advised that further services are necessary to complete the 2022 Engineering Assessment and that completion of the Assessment is required for certain grant and funding opportunities to the Village; and

WHEREAS, the Village's Engineer of Record, LaBella Associates, has the professional expertise to provide the professional services as required to address the NY DEC's concerns and amend the Engineering Assessment; and

WHEREAS, such professional services permit the Village to forego competitive bidding requirements set forth in General Municipal Law § 103; and

WHEREAS, the Village desires to engage LaBella to complete the 2022 Reservoir Dam Engineering Assessment.

NOW THEREFORE, BE IT RESOLVED, the Village hereby approves the professional services to be performed by the Village's Engineer of Record, LaBella Associates, at a cost not to exceed \$26,670.00 in accordance with the proposal dated February 12, 2024

**K. EXECUTIVE SESSION-**

Upon motion duly made by Trustee Siracuse and seconded by Trustee Brauchler, the Board entered Executive Session at 9:10 PM to discuss Attorney/Client information. It may also include the discussion of removal of an employee and advice from counsel.

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**L. MEETING SCHEDULE-** The next Village of Fredonia Workshop will take place on Wednesday April 24, 2024 at 9 AM in the Trustee Room, second floor Village Hall.

The Next Village of Fredonia Board Meeting will take place Monday, April 29, 2024 at 7 PM in the Trustee Room, second floor Village Hall.

ANNEMARIE JOHNSTON

VILLAGE CLERK