

**VILLAGE BOARD OF TRUSTEES
ANNUAL REORGANIZATIONAL
MINUTES 4/6/15**

Deputy Mayor Robert Cochran presiding

MEMBERS: Al Holbrook, Dave Brooker, Mike Catalano

OTHERS: Vince Luce, Becky Jackson, Becki Betts-Paternosh,
Kyle Sunday, Venn Blakely, Kyle Sunday, Andrew
Thompson, Tom Tarpley, Ann Kneer, Andrew Webster

MAYOR/BOARD

6:30 p.m. Mayor, Trustees meet a Fire Hall for Annual Inspection.

7:00 p.m. “Welcome to and Swearing in” of newly elected and re-elected board members.

7:15 p.m. Proposed General Budget Public Hearing.

Deputy Mayor Cochran opened the Public Hearing for any comments from the public. The hearing will run consecutively with the regular meeting. Treasurer Becki Betts-Paternosh reported that the amount of the levy was \$1,351,768 for a tax rate of 10.6072 which is 22.88¢ over last year.

MINUTES

The board made a motion to approve the minutes of March 16, 2015 by Trustee Brooker seconded by Trustee Catalano and was carried unanimously.

ANNUAL APPOINTMENTS

The board approved the following Annual Appointments on a motion made by Trustee Holbrook, seconded by Trustee Brooker and was carried unanimously.

**VILLAGE OF WESTFIELD
ANNUAL ORGANIZATIONAL MEETING
APPOINTMENT LIST- APRIL 6, 2015**

UNIT OR NAME	TERM	THIS TERM EXPIRES
Village Administrator Vincent E. Luce	2 years	2017
Village Clerk Vincent E. Luce	2 years	2017
Village Treasurer-Financial Manager Rebecca Betts-Paternosh	2 years	2017
Deputy Village Clerk Rebecca Jackson	2 years	2017
Deputy Village Treasurer Kyle Sunday	2 years	2017

Deputy Mayor Robert Cochran		1 year	2016
Village Attorneys		1 year	2016
Stephen Zanghi, Esq.			
Joel Seachrist, Esq.			
Feldman Kieffer LLP (Labor Relations & HR)			
Peter Clark, Esq.			
Acting Justice		1 year	2016
Jerry LaPorte			
Emergency Coordinator		1 year	2016
Robert Genthner			
Fire Department Liaisons to the Mayor and Board		2 years	2017
Police Department Liaison:		1 year	2016
David Brooker			
Public Works Department Liaison:		1 year	2016
DPW Advisory			
Mike Catalano			
Electric Department Liaison:		1 year	2016
DPW Advisory			
Mike Catalano			
Water & Sewer Department Liaison:		1 year	2016
DPW Advisory			
Mike Catalano			
Fire Department Liaison:		1 year	2016
Mike Catalano			
Cable TV Liaisons:		1 year	2016
Vacant			
Board of Ethics		2 year terms	2017
Vacant			
Holiday Decorating/Beautification Committee			
Marilyn Hemmer	Chair	1 year term	2016
Department of Public Works Advisory Board			
Todd Swanson	Chair	5 years	2017
Jerry LaPorte		5 years	2020
Tim Abbey		5 years	2018
Bill Culligan		5 years	2016
Mike Catalano		1 year	2016
Michael Head		5 years	2019
John Poshka		5 years	2020
Zoning Board of Appeals			
Stephen Zanghi	Chair	2 years	2017
John Hanmann		5 years	2018
Daniel Vendel		5 years	2018
Richard A. Koerner, Jr.		5 years	2018
William F. Christ		5 years	2018

Planning Board		
Diana Holt	5 years	2020
Don McCord	5 years	2016
Darlene Golibersuch	5 years	2016
Rick Mathews	5 years	2017
John Paul Wolfe	5 years	2017
Vacancy (Alternate)	1 year	2016
Westfield Development Corporation Liaison		
Robert Cochran	1 year	2016
Harassment Prevention Committee		
David Brooker	1 year	2016
Vacant		
Youth Recreation Commission		
Tim Sanderson	3 years	2018
Roxanne Baideme	3 years	2016
Shannon Baum	3 years	2018
Arthur Miller	3 years	2018
Recreation Department Board Liaison:		
Robert Cochran	1 year	2016
Registrar of Vital Statistics:		
Town Clerk Tim Smith	4 years	2017
Historian		
Marybelle Beigh	1 year	2016

Official Designations

- | | |
|------------------------|---|
| 1. Meeting Time/Day | <i>3rd Monday of each month. Except instances, the meeting will be held the next day on Tuesday</i> |
| 2. DPW Advisory Board | <i>Fourth Thursday of each month or as otherwise designated</i> |
| 3. Depositories | <i>Community Bank
Key Bank of Western New York, N.A.</i> |
| 3. Official Newspapers | <i>The Westfield Republican
The Dunkirk Evening Observer</i> |
| 4. Mileage | <i>57.54 per mile</i> |

RESOLUTIONS 4,5,6,&7-2015

The following Resolutions were approved on a motion made by Trustee Catalano, seconded by Trustee Brooker and was carried unanimously.

RESOLUTION #4-2015

DESIGNATION OF FINANCIAL DEPOSITORIES

Whereas, the board of trustees has determined that Village Law '4-412(3)(2) requires the designation of banks or trust companies for the deposit of all Village monies;

NOW THEREFORE BE IT RESOLVED:

- Section 1. That the board of trustees does hereby designate the following institutions as depositories of all monies received by the Village Treasurer, Clerk, and receiver of taxes.

Names of Institutions:

Community Bank
Key Bank of Western New York, N.A.
Chase Bank
JP Morgan Chase Bank
NYClass

**RESOLUTION #5-2015
ADVANCE APPROVAL OF CLAIMS**

Whereas, the board of trustees has determined to authorize payment in advance of audit of claims for public utility services, postage, freight and express charges, and

Whereas, the claimant and officer incurring or approving the same shall be jointly and severally liable for any amount disallowed by the board of trustees.

NOW THEREFORE BE IT RESOLVED:

Section 1. That the board of trustees authorizes payment in advance of audit of claims for public utility services, postage, freight and express charges and all such claims shall be presented at the next regular meeting for audit and the claimant and officer incurring or approving the same shall be jointly and severally liable for any amount disallowed by the board of trustees.

**RESOLUTION #6-2015
MILEAGE ALLOWANCE**

Whereas, the board of trustees has determined to pay a fixed rate for mileage as reimbursement to officers and employees of the Village who use their personal automobiles while performing their official duties on behalf of the Village.

NOW THEREFORE BE IT RESOLVED:

Section 1. That the board of trustees shall approve reimbursement to such officers and employees at the rate of 57.54 per mile.

**RESOLUTION #7-2015
ATTENDANCE AT SCHOOLS AND CONFERENCES**

Whereas, there is to be held during the coming official year a) the New York State Conference of Mayors Annual Meeting and Training School; b) the New York State Conference of Mayors and Fall Training School for Fiscal Officers and Municipal Clerks; c) the relevant schools, conferences, meetings for the purpose of improving Village operations and

Whereas, it is determined by the board of trustees that attendance by certain municipal officials and employees at one or more of these meetings, conferences or schools benefits the municipality;

NOW THEREFORE BE IT RESOLVED:

That the following officers and employees are hereby authorized to attend the following schools: Mayor, Board Members, Administrator/Clerk, Deputy Clerk, Treasurer, Deputy Treasurer and Superintendents; SCHOOLS: Mayors Conference in May; Fall Training School; Annual Highway Schools and any others that may fall into this category.

BE IT FURTHER RESOLVED:

Any schools, conferences, meetings not described herein shall be reviewed and approved by the Village Administrator.

That these resolutions shall take effect immediately.

RESOLUTION #8-2015

The following Resolution was approved on a motion made by Trustee Holbrook, seconded by Trustee Catalano and was carried unanimously.

RESOLUTION #8-2015

Denial of Applications for Refund and Credit of Real Property Taxes for the Years 2010-2012 Submitted by Level 3 Communications LLC

WHEREAS, Level 3 Communications LLC (Level 3) filed applications for refunds and credits of real property taxes for the years 2010, 2011, and 2012 pursuant to Real Property Tax Law section 556 for each of the parcels set forth below, and

WHEREAS, the County Director of Real Property Tax has investigated the circumstances of the applications and transmitted a written report of the investigation, and

WHEREAS the County Director of Real Property Tax denied said applications for corrected tax rolls on form RP-554 dated August 18, 2014, and

WHEREAS, the Village of Westfield Board of Trustees has determined that the aforesaid applications should be denied for the following reasons:

- (1) Applicant's property constitutes real property under Real Property Tax Law (RPTL) Section 102(12)(f) and (i);
- (2) The application fails to establish a clerical error, an unlawful entry or an error in essential fact as defined in Article 5 and Section 550 of the RPTL;
- (3) Applicant's proper remedy is to bring a tax certiorari proceeding under Article 7 of the RPTL. Applicant failed to follow those procedures and the time period in which to do so Under Article 7 has expired;
- (4) No administrative grievance or complaint was filed pursuant to Section 524 of the RPTL;
- (5) The applications contain conclusory allegations with respect to fiber optic cables and fails to contain detailed and sufficient evidence and proof with respect to the identity, location, composition and usage of its property and lines;
- (6) The RCN case which Applicant relies upon is factually and legally distinguishable from the circumstances involving the Level 3 property located in Chautauqua County and, in any event, is in a different department and not binding on the courts in the Appellate Division, Fourth Department;
- (7) Level 3 has no right to a refund or credit because it paid the taxes without an appropriate written protest;
- (8) The applications should be denied on public policy grounds because the Applicant voluntarily deferred its challenge to the public assessments and exposed the municipalities and school districts to retroactive disruption of their budgets; and
- (9) The applications are untimely and barred by the applicable statute of limitations; therefore be it

RESOLVED, that the applications for refund and credit submitted by Level 3 Communications LLC for the following parcels are hereby denied for the reasons set forth in numbered paragraphs 1-9 above:

Westfield	067201-672-9999-760.700.1883	\$198,988.00
Westfield	067201-672-9999-710.000.1883	\$29,074.00

RESOLUTION 9-2015

The following Resolution was approved on a motion made by Trustee Holbrook, seconded by Trustee Catalano and was carried unanimously.

Denial of Applications for Corrected Tax Roll for the Year 2014 Submitted by
Level 3 Communications LLC

WHEREAS, Level 3 Communications LLC (Level 3) filed applications for corrected tax rolls for the year 2014 pursuant to Real Property Tax Law section 554 for each of the parcels set forth below, and

WHEREAS, the County Director of Real Property Tax has investigated the circumstances of the applications and transmitted a written report of the investigation, and

WHEREAS the County Director of Real Property Tax denied said applications for corrected tax rolls on form RP-554 dated February 23, 2015, and

WHEREAS, the Village of Westfield Board of Trustees has determined that the aforesaid applications should be denied for the following reasons:

- (1) Applicant's property constitutes real property under Real Property Tax Law (RPTL) Section 102(12)(f) and (i);
- (2) The application fails to establish a clerical error, an unlawful entry or an error in essential fact as defined in Article 5 and Section 550 of the RPTL;
- (3) Applicant's proper remedy is to bring a tax certiorari proceeding under Article 7 of the RPTL. Applicant failed to follow those procedures and the time period in which to do so Under Article 7 has expired;
- (4) No administrative grievance or complaint was filed pursuant to Section 524 of the RPTL;
- (5) The applications contain conclusory allegations with respect to fiber optic cables and fails to contain detailed and sufficient evidence and proof with respect to the identity, location, composition and usage of its property and lines;
- (6) The RCN case which Applicant relies upon is factually and legally distinguishable from the circumstances involving the Level 3 property located in Chautauqua County and, in any event, is in a different department and not binding on the courts in the Appellate Division, Fourth Department;
- (7) Level 3 has no right to a refund or credit because it paid the taxes without an appropriate written protest;
- (8) The applications should be denied on public policy grounds because the Applicant voluntarily deferred its challenge to the public assessments and exposed the municipalities and school districts to retroactive disruption of their budgets; and
- (9) The applications are untimely and barred by the applicable statute of limitations; therefore be it

RESOLVED, that the applications for corrected tax rolls for the year 2014 submitted by Level 3 Communications LLC for the following parcels are hereby denied for the reasons set forth in numbered paragraphs 1-9 above:

Westfield	067201-672-9999-760.700.1883	\$198,988.00
Westfield	067201-672-9999-710.000.1883	\$29,074.00

AMEND PRIOR REQUEST FROM ARTS & CRAFTS

The YWCA requests to modify their previous application to include sales of winery and other local products for consumption and to suspend the Open Container Local Law for that time period when vendors are open during the Arts & Crafts Festival just within the park area which was approved on a motion made by Trustee Brooker, seconded by Trustee Catalano and was carried unanimously.

SPRING CLEANUP

Ed LeBarron reported that Spring Cleanup will begin April 27th with notification going out at the end of this week. He also noted that the 24th is the final day for application for a tree.

SEWER DEPARTMENT

AWARD OF SPCF/WATER ANNUAL SUPPLIES BID

The board tabled awarding the bid for the above until the next meeting on April 20th.

AWARD SLUDGE HAULING BID

The board made a motion to approve the award in the amount of \$164.50 per load to Bestway Container Service on a motion made by Trustee Catalano, seconded by Trustee Brooker and was carried unanimously. No other bids were received.

ELECTRIC DEPARTMENT

APPROVE TO HIRE O'BRIEN & GERE

The board made a motion by Trustee Brooker, seconded by Trustee Catalano and was carried unanimously to hire O'Brien & Gere to do an OSHA Arc Flash Study as recommended by The DPW Board.

TREASURER

UNPAID WATER & SEWER BILLS TO TAXES

The board made a motion to approve the addition of unpaid water and sewer bills to the taxes in the amount of \$9,997.47 by Trustee Holbrook, seconded by Trustee Brooker and was carried unanimously.

CLERK

WARRANTS

The following warrants were approved on a motion made by Trustee Catalano, seconded by Trustee Holbrook and was carried unanimously.

Water #53	\$12,277.79
Sewer #51	18,246.16
General #46	28,580.58

The Deputy Mayor closed the Public Hearing for the Proposed General Fund Budget.

ACTION

The board made a motion to approve the General Fund Budget on a motion made by Trustee Catalano, seconded by Trustee Brooker, and was carried unanimously.

EXECUTIVE SESSION

The board made a motion to enter into Executive Session to discuss particular Electric Department personnel by Trustee Catalano seconded by Trustee Brooker and was carried unanimously.

The board made a motion to close the Executive Session on a motion made by Trustee Brooker, seconded by Trustee Catalano, and was carried unanimously.
ACTION

Action taken as a result of the Executive Session is as follows:

On a motion by Trustee Catalano, seconded by Al Holbrook with Trustee Cochran voting Yes and Trustee Brooker voting No, the board approved the Memorandum of Agreement with the Union contingent upon adding a statement that the Memorandum of Agreement has been entered into without prejudice or precedence and this MOA does not set a precedent for any current or future bargaining unit employers.

There being no further business to come before the board the meeting was adjourned on a motion made by Trustee Holbrook, seconded by Trustee Brooker, and was carried unanimously.

Respectfully Submitted by:

Vincent E. Luce
Administrator/Clerk