



## VILLAGE OF BARKER WORK SESSION MINUTES

June 7, 2021

6:00pm

@ Barker Fire Hall

Mayor Aaron Nellist  
Deputy Mayor Seanna Corwin-Bradley  
Trustee Aaron Davis  
Trustee Jordan Gow  
Trustee Melanie Hirschman

In **Attendance:** Attorney Dan Seaman & Anthony Serianni, DPW Superintendent Mark Remington

At **6:00pm the meeting was opened** with Mayor Nellist administering the pledge of allegiance.

At **6:01pm a motion to enter into executive session** to confer with attorney was made by Deputy Mayor Corwin-Bradley and seconded by Trustee Davis.

The previous was ADOPTED. AYES-5-Nellist,Corwin-Bradley,Davis, Gow, Hirschman NAYS-0/None Motioned Carried.

In **attendance during executive session:**

All 5 Board of Trustee members, DPW Superintendent Mark Remington, Clerk-Treasurer Amanda Detschner, Daniel Seaman and Anthony Serianni

A motion to **adjourn executive session was made at 7:10pm** was made by Deputy Mayor Corwin-Bradley and was seconded by Trustee Gow.

The previous was ADOPTED. AYES-5-Nellist,Corwin-Bradley,Davis, Gow, Hirschman NAYS-0/None Motioned Carried.

**Public Comment:** None Offered.

### **Board Comment:**

Mayor Nellist: Stated there are issues with both PD departments that are complex and will have to be thoroughly weighed moving forward.

Deputy Mayor Corwin-Bradley: Asked the Clerk-Treasurer for information on Village autonomy.

Trustee Hirschman: Stated an Eagle Scout from Newfane is going to build the permanent story walk platforms for the library.

A **motion to adjourn was made at 7:23pm** by Trustee Davis and was seconded by Mayor Nellist.

The previous was ADOPTED. AYES-5-Nellist,Corwin-Bradley,Davis, Gow, Hirschman NAYS-0/None Motioned Carried.

Respectfully Submitted,

Amanda M. Detschner, CMC, RMC, CMFO  
Clerk-Treasurer

# VILLAGE OF BARKER BOARD OF TRUSTEES REGULAR MEETING MINUTES

June 14, 2021 7:00PM  
@ Barker Fire Hall



Mayor Aaron Nellist  
Deputy Mayor Seanna Corwin-Bradley  
Trustee Aaron Davis  
Trustee Jordan Gow  
Trustee Melanie Hirschman

In **Attendance:** DPW Superintendent Mark Remington, Neal Gordon, Attorney Anthony Serianni. Trustee Hirschman arrived at 7:06pm.

At **7:00pm meeting was called to order** by Mayor Nellist by administering the Pledge of Allegiance.

The **Sales tax** received for May 2021 was \$11,404.56 a \$4,256.76 increase from May 2020.

The **Approval of Minutes** for the monthly board meeting held May 10, 2021 was motioned for approval by Trustee Gow and was seconded by Trustee Davis.

The previous was ADOPTED. AYES-4-Nellist,Corwin-Bradley,Davis, Gow NAYS-0/None Motioned Carried.

## **Resolution #30-2021**

### **Authorizing a Public Hearing to Discuss Applying for a Community Development Block Grant**

Authorize a Public Hearing to discuss community development needs, and to discuss the possible submission of one or more Community Development Block Grant (CDBG) applications for the 2021 program year.

A **motion to ADOPT Resolution #30-2021** was made by Deputy Mayor Corwin-Bradley and was seconded by Trustee Gow. The previous was ADOPTED. AYES-4-Nellist,Corwin-Bradley,Davis, Gow NAYS-0/None Absent-1-Hirschman Motioned Carried.

## **Resolution #31-2021**

### **Opening the Public Hearing for Community Development Block Grant Application**

Opening the Public Hearing for Community Development Block Grant Application.

A **motion to ADOPT Resolution #31-2021** was made by Trustee Davis and was seconded by Trustee Gow.

The previous was ADOPTED. AYES-4-Nellist,Corwin-Bradley,Davis, Gow NAYS-0/None Absent-1-Hirschman Motioned Carried.

## **PUBLIC HEARING**

**FY 2021 Community Development Block Grant Application-Drainage System Study** of the Village of Barker Stormwater study due to poor drainage and extensive flooding within the Village. This study will help plan a capital improvement project and will be used to leverage additional grant funding.

The **Public Hearing was opened at 7:02pm** by Mayor Nellist. Mayor Nellist stated if there was public comment regarding the CDBG Grant. After asking twice if anyone present had public comment, no comments were offered by the public present.

## **Resolution #32-2021**

### **Closing the Public Hearing for Community Development Block Grant Application**

Closing the Public Hearing for Community Development Block Grant Application.

At **7:04pm the Public Hearing portion was closed by ADOPTING Resolution #32-2021** on a motion from Trustee Davis and was seconded by Deputy Mayor Corwin-Bradley.

The previous was ADOPTED. AYES-4-Nellist,Corwin-Bradley,Davis, Gow NAYS-0/None Absent-1-Hirschman Motioned Carried.

## **Resolution #33-2021**

### **CDBG Grant Application Signatory**

WHEREAS, the Village of Barker has held a public hearing to obtain citizen's views in relation to the application for funds; and

WHEREAS, the NYS Office of Community Renewal application process requires that the governing body of the applicant authorize the submission of the application and related actions.

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees for the Village of Barker hereby authorizes the Mayor of the Village of Barker to submit an application to the NYS Office of Community Renewal and to act in connection with the submission of the application, including the execution of all required certifications and forms and to provide such addition information as may be required

A motion to **ADOPT Resolution #33-2021** was made by Trustee Gow and was seconded by Deputy Mayor Corwin-Bradley. The previous was ADOPTED. AYES-4-Nellist,Corwin-Bradley,Davis, Gow NAYS-0/None Absent-1-Hirschman Motioned Carried.

## **Resolution #34-2021**

### **Commitment of Funds to CDBG Grant if Awarded**

Committing the Village of Barker to provide a cash match of **\$1,500.00** if awarded a Community Planning Community Development Block Grant to study and analyze the Village of Barker's stormwater drainage system and necessary remediation plans.

A motion to ADOPT Resolution #34-2021 was made by Trustee Davis and was seconded by Deputy Mayor Corwin-Bradley. The previous was ADOPTED. AYES-4-Nellist,Corwin-Bradley,Davis, Gow NAYS-0/None Motioned Carried.

A motion to accept the letter of resignation from Chief Timothy Braughler Sr. effective June 1, 2021, was made by Trustee Davis and was seconded by Trustee Gow.

The previous was ADOPTED. AYES-5-Nellist,Corwin-Bradley,Davis, Gow, Hirschman NAYS-0/None Motioned Carried.

**Introduction of Local Law Abolishing the Village of Barker Police Department given by Trustee Aaron Davis**

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

**Section 1. Findings.**

The Village Board of Trustees hereby finds as follows:

- A) The cost of maintaining a police department has become more than the Village can afford due to high increases in insurance coverage, cost of personnel and equipment, training, and other related expenses.
- B) The limitations on time and duration of coverage afforded by a part-time department are not in the best interests of the citizenry.
- C) Given the increases in police-related litigation, chances of a loss in excess of insurance limits have increased to the extent that the Village cannot sustain a loss.
- D) There is duplication of coverage, with the other police forces bearing responsibility to provide police protection to the Village.

**Section 2. Authority.**

This law is enacted pursuant to Municipal Home Rule Law Section 10 and Section 8-800 of the Village Law of the State of New York.

**Section 3. Abolition of Police Department.**

The Village of Barker Police Department is hereby abolished.

**Section 4. Effective Date.**

This law is subject to permissive referendum and shall become effective immediately upon the filing of the law with the Office of the Secretary of State.

An extensive discussion ensued about the abolishing of the Village Police Department. The process would be as follows: set a public hearing date and time, hold the public hearing following the legal requirement for posting, after the public hearing the Board can vote aye or nay or spend up to 60 days deliberating on the decision, after deliberation then the Board could vote aye or nay. If the local law is passed it would be subject to permissive referendum, the permissive referendum would require 10% of registered voters that voted in the last gubernatorial election to sign a petition passed by citizens to put the abolishment to vote of the Village residents. If no petition is submitted to the Board of Trustees, then the local law is deemed in effect. Mayor Nellist stated the timing of this is difficult and he does not want the general public to think there is something going on that isn't and he's not sure that the 90-day process is enough for public participation. Mayor Nellist stated the process for public participation needs to go above and beyond what is required for transparency. Attorney Serianni stated the public hearing could be left open for up to two monthly board meetings if the Board desired. Mayor Nellist stated this is hard decision for him because he is worried about the response to the residents and the small things will not get taken care of. Deputy Mayor Corwin-Bradley stated she whole heartedly agreed with Mayor Nellist and the goal is not to undercut the PD in order to abolish the department. Deputy Mayor Corwin-Bradley stated she is curious as to the public input responses. Mayor Nellist stated everything in the local law is true and if you look on NYS open book or see through NY you will see that the Village has spent a large sum of money on the PD over the past 20 years with little to no economic development. Deputy Mayor Corwin-Bradley stated if the PD abolishes, the Village will not have any say in regard to police protection. Trustee Davis stated that in the two years he has been on the Board the Police have only been present for 3 meetings. Trustee Hirschman questioned the calls since the Village PD operations have been suspended, have they increased or decreased? The Village Board has not seen a report from Somerset PD like they expressed they would provide every month. Mayor Nellist stated that more mischief and petty crimes happen in the summer months because of the nicer weather and no school. Mayor Nellist also stated as for the excuse of being in the most eastern part of Niagara County and needing local PD coverage because the Sheriff's response time would be greater, and is no excuse any longer. Trustee Gow stated he agrees with the abolishment of the PD and that the Village is trying to do what's best for the residents. Deputy Mayor Corwin-Bradley stated it is extremely difficult to find Officers for the part time departments due to pay rates and travel time. Trustee Hirschman inquired about having a neighborhood watch program. Mayor Nellist inquired to Attorney Serianni about the process should future Boards decide the need for a Police Department. Attorney Serianni stated the process would be the exact same, just establishing a Police Department. Deputy Mayor Corwin-Bradley stated it would be difficult to find the funds to re-establish a PD. Mayor Nellist stated if the PD is abolished a tax savings would be passed onto residents. Trustee Gow inquired if Village Board meetings could be placed on the Fire Hall sign.

**A motion to set a public hearing date for Local Law #1-2021 Abolishment of the Village of Barker Police Department for July 12, 2021, at 7:00pm** was made by Deputy Mayor Corwin-Bradley and was seconded by Trustee Gow.

The previous was ADOPTED. AYES-5-Nellist,Corwin-Bradley,Davis, Gow, Hirschman NAYS-0/None Motioned Carried.

The **Clerk-Treasurer's Financial Reports** was reviewed and accepted by the Board of Trustees.

- Village Tax collection is underway, residents can pay without penalty until July 1, 2021, and then 5% penalty for the month of July, 6% for the month of August, 7% for the month of September, 8% for the month of October. Any unpaid tax amounts as of November 1, 2021, will be turned over to NC treasurer for collection in January on the Town/County tax roll.
- Due to Governor Cuomo extending the water moratorium orders due to COVID-19, water re-levy was unable to be placed on the Village tax Roll for collection, therefore the amounts have been placed back on the water accounts for collection.
- An explanation of the Utility Moratorium extended by Governor Cuomo on May 11, 2021, was given to the Board of Trustees and a copy of the implementation plan, notice to residents and the self-certification form for entering into a DPA was provided.

An explanation of 1611 Quaker Road-North (Acct #196) was given to the Board of Trustees regarding Quarter 1 2021 water usage. This property is a duplex and is rented out to tenants. The outside meter was unable to be read, so a meter reading card was left. The tenant sent a picture of the reading to Deputy Clerk-Treasurer Jennifer Mason and was entered into the palm pilot by DPW Superintendent Mark Remington. When the bills were run the usage was 114,000 gallons. The water was used, but its unclear when exactly because the meter has had varying readings since 2016. The Board decided to forgive the penalty associated with the larger than normal bill, but the amount due stands at \$321.25. A letter will be written to explain the Board’s decision to the landlord.

A **motion to forgive water penalty in the amount of \$32.13 for account #196** was made by Trustee Davis and was seconded by Trustee Hirschman. The previous was ADOPTED. AYES-5-Nellist,Corwin-Bradley,Davis, Gow, Hirschman NAYS-0/None Motioned Carried.

The **Public Works Report** was reviewed and accepted by the Board of Trustees.

Mayor Nellist inquired about the sink hold on the corner of Coleman Road and Quaker Road and if it was part of the storm drain that is close by.

Trustee Davis inquired if the end of Woodward Avenue could be weed eated or sprayed to stop the weeds from growing. Trustee Davis also inquired about the placement of stone at the DPW area, which has not been done yet. Coordination on hauling will be set up soon.

Trustee Gow stated Mark can stop by and look at those posts to protect the fire hydrant at the end of Main Street

**Code Enforcement Report-No Report Submitted**

2 permits issued: a roof on house & garage and place siding on the garage

A small greenhouse and fence

Trustee Davis inquired about a couple properties that have long grass in the Village, one at Church Street and East Avenue and the other on Coleman Road. Mayor Nellist stated to send notices via the mail, no more verbal warnings.

**Police Report-No Report Submitted**

**Correspondence:**

2021 Dig Safely Excavator Manual and information

NYS DOT CHIPS FY 2021-2022 Notification

NYS Homes and Community Renewal- CDBG Drainage Grant FY 2020 Denial of funds

ARGO Insurance Group-May 20, 2021

ARGO Insurance Group-May 21, 2021

ARGO Insurance Group-June 1, 2021

M&T Bank- Fraudulent check in May bank reconciliation paperwork

NYS Dept. of Public Service-Water Moratorium compliance paperwork submitted

NY Releaf Conference Flyer-July 23, 2021

NYS Bankruptcy court letter of dismissal

Charter Communications- Upcoming Changes- May 14, 2021

Charter Communications-Upcoming Changes- May 28, 2021

NC Gallonage Report

**Approval of Claims and Bill Payment:**

FY END 2020-2021

Abstract 013 Voucher #'s 400-425

General Fund-\$10,557.45	Water Fund-\$145.00	T&A Fund-\$700.00	TOTAL \$11,402.45
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FY BEGIN 2021-2022

Abstract 001 Voucher #'s 1-27

General Fund-\$8,095.17	Water Fund-\$30,047.28	T&A Fund-\$1,400.00	TOTAL \$39,542.45
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A **motion to approve the above audited claims and bill payment** was made by Trustee Hirschman and was seconded by Deputy Mayor Corwin-Bradley. The previous was ADOPTED. AYES-5-Nellist,Corwin-Bradley,Davis, Gow, Hirschman NAYS-0/None Motioned Carried.

**Budget Transfers:** FY 2020-2021 End

A1640.45 Garage-Misc. \$14.00 to A1640.44 Garage-Heat

A3620.4 Building Inspector-Contractual \$20.00 to A4020.4 Vital Statistics

A7100.42 Parks-Portable Toilet \$40.00 to A7110.41 Parks Electricity

A9060.8 Medical Insurance \$542.00 to A9030.8 Social Security

A **motion to approve the above listed budget transfers** was made by Trustee Davis and was seconded by Trustee Hirschman.

The previous was ADOPTED. AYES-5-Nellist,Corwin-Bradley,Davis, Gow, Hirschman NAYS-0/None Motioned Carried.

**Public Comment** was offered by:

Neal Gordon: Inquired about any further discussion on the ROW at the end of Woodward Avenue.

**Board Comment** was offered by:

Trustee Davis: Stated he will email April from NYPA about the status of our LED streetlighting project

Mayor Nellist: Thanked Jordan for the post

A **motion for Adjournment was made at 8:04pm** by Trustee Davis and was seconded by Deputy Mayor Corwin-Bradley. The previous was ADOPTED. AYES-5-Nellist,Corwin-Bradley,Davis, Gow, Hirschman NAYS-0/None Motioned Carried.

**Next work session will be cancelled due to the 4<sup>th</sup> of July Holiday observance, July 5, 2021.**

**Next regularly scheduled meeting will be Monday, July 12, 2021 at 7:00pm at the Barker Fire Hall.**

Respectfully Submitted,

Amanda M. Detschner, CMC, RMC, CMFO