

BUDGET SESSION MEETING MINUTES
February 13, 2023 6:00pm
@ Barker Fire Hall

In **Attendance:** Mayor Nellist, Trustee Davis, Trustee Quiett, Trustee Hirshman, DPW Superintendent Mark Remington & Clerk-Treasurer Detschner. Deputy Mayor Bradley attended via Zoom.

The **meeting was called to order at 6:00pm** by Mayor Nellist administering the Pledge of Allegiance.

Mayor Nellist began by reviewing the comparison chart for surrounding Towns & Villages regarding the fees charged on their fee schedule, its necessary for the Village to update its fees and add necessary permits to accommodate new technologies/installations. The fees had not been updated since 2001. The Board agreed that the proposed fees set forth in the Board meeting agenda were sufficient and should be adopted.

A review of water rates occurred by analyzing the data presented to the Board of Trustees regarding the recent increase in the price charged by Niagara County. After careful consideration, the Board felt that raising the rates for 2nd quarter 2023 beginning April 1st will be:

- 0- 5,000 Gallons -\$86.50 (minimum bill)
- Next 30,000 Gallons-\$3.25/M
- Next 65,000 Gallons-\$2.50/M
- Over 100,000 Gallons-\$2.05 /M

The Board felt it was necessary to offset the cost of the water due to the limited funds in the water fund. Rates can be revised in the future if needed.

The Board then moved onto revenue account codes in the general and water fund. After the revenue account codes were agreed upon, general fund expenditure codes were discussed and viewed from A1010.1 to A1620.44.

The **budget meeting was adjourned at 6:56pm** by Trustee Davis and was seconded by Trustee Hirschman. The previous was ADOPTED. AYES-4-Nellist, Davis, Hirschman, Quiett NAYS-0/None ABSENT-1-Corwin-Bradley Motion Carried.

VILLAGE OF BARKER BOARD OF TRUSTEES
REGULAR MEETING MINUTES
February 13, 2023 7:00PM
@ Barker Fire Hall



Mayor Aaron Nellist
Deputy Mayor Seanna Corwin-Bradley-via Zoom
Trustee Aaron Davis
Trustee Melanie Hirschman
Trustee David Quiett

In **Attendance:** DPW Superintendent Mark Remington, Kathie Smith, Judy Remington. Deputy Mayor Corwin-Bradley joined the meeting via Zoom until 7:21pm.

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

The **Sales tax** received for January 2023 was \$18,867.58 a decrease of \$1,181.91 from January 2022.

The **Approval of Minutes** for the monthly board meeting held January 9, 2023 was motioned for approval by Trustee Quiett and was seconded by Trustee Hirschman.

The previous was ADOPTED. AYES-4-Nellist, Davis, Hirschman, Quiett NAYS-0/None ABSENT-1-Corwin-Bradley Motion Carried.

A motion to **renew the Highway Department Shared Services Agreement with the Town of Somerset for 2023** was made by Trustee Davis and was seconded by Trustee Hirschman.

The previous was ADOPTED. AYES-4-Nellist, Davis, Hirschman, Quiett NAYS-0/None ABSENT-1-Corwin-Bradley Motion Carried.

A motion to **renew the Water Department Shared Services Agreement with the Town of Somerset for 2023** was made by Trustee Hirschman and was seconded by Trustee Davis.

The previous was ADOPTED. AYES-4-Nellist, Davis, Hirschman, Quiett NAYS-0/None ABSENT-1-Corwin-Bradley Motion Carried.

Mayor Nellist introduced Local Law #1-2023 to the members of the public present. A brief discussion ensued about how our insurance company has requested this be adopted to limit the liability of the Village in case of a claim.

Introduction of Local Law #1-2023 NOTICE OF DEFECT

SECTION 1. FINDINGS.

Where claims for bodily injury or damage to property are asserted against the Village of Barker arising out of alleged defective conditions of property owned by or in the care, custody or control of the Village, adequate notice to the Village of any such conditions, if found to exist, is necessary. Whether the Village has received actual or constructive notice of such alleged defective conditions is often a question of fact which can lead to uncertainty and possible unwarranted finding of liability against the Village. To assure that the Village received notice of an alleged defective condition and is able to respond in a prompt and reasonable manner, the Village Board considers it important that such prior notice be in writing. It is the purpose of this chapter to require that notice of defective conditions of Village property be given to the Village by prior written notice actually received by the Village in order to provide for the safety, health, protection and general welfare of the persons and property of the Village of Barker.

SECTION 2. LIABILITY OF THE VILLAGE IN CERTAIN ACTIONS.

No civil action shall be maintained against the Village of Barker for damages or injuries to person or property sustained in consequence of any street, highway, bridge, culvert, sidewalk or crosswalk being defective, out of repair, unsafe, dangerous or obstructed or for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any sidewalk, crosswalk, street, highway, bridge or culvert unless written notice of the defective, unsafe, dangerous or obstructed condition or of the existence of the snow or ice, relating to the particular place, was actually given to the Village Clerk and there was a failure or neglect within a reasonable time after the receipt of such notice to repair or remove the defect, danger or obstruction complained of, or to cause the snow or ice to be removed, or the place otherwise made reasonably safe.

SECTION 3.

No civil action shall be maintained against the Village of Barker for injuries to person or property sustained in consequences of any property owned or maintained by the Village of Barker being out of repair, unsafe, dangerous or obstructed unless written notice of the out of repair, defective, unsafe, dangerous or obstructed condition actually given to the Village Clerk, and there was a failure or neglect within a reasonable time after receipt of such notice to repair or remove the out of repair, defect, defective, unsafe, dangerous or obstructed condition after a reasonable time of such notice.

SECTION 4.

The Village Clerk shall maintain a separate record of any and all written notice which shall be received pursuant to the provisions of this law.

SECTION 5.

Electronic submissions, including email, social media or any other electronic means shall not constitute a valid prior written notice as required pursuant to the terms of this law.

SECTION 6. SEVERABILITY.

If any part or provision of this chapter, or the application thereof, to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgement shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this chapter, or application thereof to other persons or circumstances.

SECTION 7.

This Local Law is adopted pursuant to the terms of Village Law 6-628, Municipal Home Rule Law including section 10(1)(i) thereof and New York State Constitution Article IX including the power to enact Local Laws relating to municipalities property.

SECTION 8. TERM.

This law shall take effect immediately upon filing with the Secretary of State.

A motion to set a public hearing date for Local Law #1-2023 Notice of Defect for Monday, March 13, 2023 at 7:00pm was made by Trustee Davis and was seconded by Trustee Quiett.

The previous was ADOPTED. AYES-4-Nellist, Davis, Hirschman, Quiett NAYS-0/None ABSENT-1-Corwin-Bradley Motion Carried.

Resolution #3-2023 Amending the Fee Schedule for the Village of Barker

WHEREAS, pursuant to Village of Barker code, the Village Board may establish fee rates for various applications/permits/fees for services provided by the Village,

WHEREAS, the Village updated its fee schedule to reflect current price increases and applicable permit categories

NOW THEREFORE BE IT RESOLVED, That the Village Board of Trustees of the Village of Barker hereby adopts the following fee schedule for applications/permits/services pursuant to Village code effective immediately.

Single & Family Homes (up to 2000 sq ft)	\$250.00
Single & Family Homes (OVER 2000 sq ft)	\$250.00+\$0.15/ sq ft over 2000
Multiple Dwelling (up to 5 units)	\$300.00
Multiple Dwelling (MORE than 5 units)	\$300.00+\$25.00/additional unit
Commercial & Industrial Construction	\$300.00
Garages (attached & detached)	\$50.00
Accessory Building (including sheds) up to 200 sq ft	\$50.00
Accessory Building (including sheds) OVER 200 sq ft	\$50.00+\$0.05/ sq foot over 200
Additions and Remodels-Residential	\$50.00
Additions and Remodels-Industrial	\$150.00
Swimming Pool- above ground, inground & inflatable	\$40.00
Wood Stoves and Fireplaces	\$30.00
Decks and Porches	\$40.00
Fences	\$30.00
Roof	\$30.00
Demolition	\$25.00
Building Permit renewal-1 year extension ONLY	50% of fee issued
Generator	\$25.00
EV Charging Station	
**one permit for each station installed	\$25.00
Solar Panels	\$50.00
Fire Inspection	\$25.00
Variance Application	\$200.00
Water Line Tie In-Residential	\$300.00
	\$300.00+meter & materials &
Water Line Tie In-Commercial	labor
Village Property Tax Search	\$20.00
Faxing -incoming and outgoing	\$2.00
Copies- Blk & White	\$0.25/ page
Copies- Color	\$0.50/ page

A motion to adopt **Resolution #3-2023 amending the fees schedule** for the Village of Barker was made by Trustee Hirschman and was seconded by Trustee Quiett.

The previous Resolution was ADOPTED. AYES-4-Nellist, Davis, Hirschman, Quiett NAYS-0/None ABSENT-1-Corwin-Bradley Motion Carried.

A motion to approve the request for 30 day waiver request for liquor license application for Mark Everston applying for Sam’s Tavern LLC @ 1693 East Avenue, Barker, NY 14012 was made by Trustee Davis and was seconded by Trustee Quiett.

The previous was ADOPTED. AYES-4-Nellist, Davis, Hirschman, Quiett NAYS-0/None ABSENT-1-Corwin-Bradley Motion Carried.

The Clerk-Treasurer’s Financial Reports were reviewed and accepted by the Board of Trustees.

- ✓ To date no applications have been received for the Deputy Clerk-Treasurer position, after reposting the position and paying to have it advertised in the Lockport Union Sun & Journal

An extensive discussion about increasing the pay rate to \$16.50/hour and reposting the position in the newspaper, around the Village, on NC Civil Service Job Postings, on Facebook and the Village’s website ensued. The Board unanimously agreed to increase the hourly wage to \$16.50/hour and offer it could negotiated based on experience of the applicant. Mayor Nellist stated it was acceptable for the Clerk to close the office two days next week due to staffing issues, Thursday, February 23 & Friday, February 24th the Village Hall will be closed for business.

- ✓ Unpaid water as of March 31, 2023 will be re-levied onto the Village tax roll for the property, final notices of the deadline will be sent on Feb. 17th to all unpaid customers
- ✓ Friday, March 10, 2023 is the last day for residents to register with the Niagara County Board of Elections to be able to vote on March 21, 2023
- ✓ Last day to file petition for the Village Election is Tuesday, February 14, 2023 by 5:00pm

The Board of Trustees discussed the Grapevine app that’s up for renewal and decided to cancel the subscription due to the low number of residents utilizing the app.

Mayor Nellist gave a brief update regarding the Phase II bid of the new Village Hall/Library building. Mayor Nellist stated the Village is waiting on a review by an outside architect to advise the Village on next steps on how to proceed. Village counsel is also viewing contracts in place to determine who owns the plans to date. B&L responded to our proposed changes, but ultimately will not budge on the HVAC system, stating NYS building code. In order to get the bid to where it needs to be they pulled work out of the bid that the Village would have to do on our own before the building could open that would cost the Village approximately another \$200,000. As soon as some answers come in a special meeting will be called and next steps taken.

The **Public Works Report** was viewed and accepted by the Board of Trustees. Mayor Nellist stated he was happy to have the issue behind the Lions Club resolved, which consisted of the Village repairing the drainage line and the Lions Club installing 3 drains on their property to alleviate water issues with their building. Mayor Nellist also inquired about the Wedding at the Lake Park scheduled for July 29, 2023, if the party wants to have the a tent/food/music etc. at the Lake Park then they need to complete a facilities use agreement and get a certificate of insurance naming the Village as additionally insured. The party is aware and has not responded as to how they would like to proceed.

The **Code Enforcement Report** was reviewed and accepted by the Board of Trustees.
1 permit issued- Roof

Mayor Nellist inquired about the unsafe structure at 8736 Main Street that was in court for non-compliance of their CEO violation, but CEO Remington was informed by the Judge that she closed the case without any remedy of the unsafe structure. A re-violation will be given to start the process over again.

Correspondence: NC Treasurer’s Office-2022 Annual Breakdown of Sales Tax, Mortgage Tax & Snow & Ice Removal monies
National Grid-ESO supplier information
NYCOM annual membership dues notice
NYS DOT letter- CHIPS-\$23,822.50, PAVE NY-\$6319.26, EWR-\$5100.56, POP-\$1974.22, TOTAL \$37,216.54
Charter Communications-Upcoming programing changes-January 30, 2023
NC Gallonage Report

Approval of Claims and Bill Payment: Abstract 009 Voucher #'s 277-311
General Fund-\$17,320.77 Water Fund-\$579.93 T&A Fund-\$1,400.00 TOTAL \$19,300.70
A motion to approve the claims and bill payment audited by the entire Board of Trustees was made by Trustee Quiett and was seconded by Trustee Hirschman.
The previous was ADOPTED. AYES-4-Nellist, Davis, Hirschman, Quiett NAYS-0/None ABSENT-1-Corwin-Bradley Motion Carried.

Budget Transfer: A8010.4 Zoning Contractual \$1.00 to A7550.4 Celebrations
A8160.4 Refuse Collection-Contract \$1,000.00 to A8140.4 Storm Sewers
A motion to approve the above budget transfers was made by Trustee Hirschman and was seconded by Trustee Quiett.
The previous was ADOPTED. AYES-3-Nellist, Hirschman, Quiett NAYS-1-Davis ABSENT-1-Corwin-Bradley Motion Carried.

No **Public Comment** was offered.

Board Comment was offered by:
Trustee Quiett: Inquired about feedback from public hearing regarding NYSEG and the substantial bills customers were receiving after COVID, which were happening to customers all over NYSEGS territory.
Trustee Davis: Stated he would like to move forward with the purchase of the sound system he sent around to the Board members from Rock view audio, which consisted of two speakers, equalizer, microphone and stands.
A **motion to approve the purchase of the sound system for \$509.95 from Rockville Audio** from Board Contractual expenditure line was made by Trustee Davis and was seconded by Trustee Hirschman.
The previous was ADOPTED. AYES-4-Nellist, Davis, Hirschman, Quiett NAYS-0/None ABSENT-1-Corwin-Bradley Motion Carried.
Trustee Davis stated he would also like the Village to look into GIS for location of curb boxes, water mains, stormwater system, fire hydrants and other infrastructure. Possibly the use of ARPA funds could cover the cost and it would allow future Village employees the ability to have the knowledge that DPW Superintendent Mark Remington possess from 20+ years’ on the job experience.
Mayor Nellist: inquired about the lead service replacement program from the state, which nothing has been released yet.

A motion for **Adjournment was made at 7:46pm** by Trustee Quiett and was seconded by Trustee Davis.
The previous was ADOPTED. AYES-4-Nellist, Davis, Hirschman, Quiett NAYS-0/None ABSENT-1-Corwin-Bradley Motion Carried.

Budget Session Meeting- February 21, 2023 @ 6:00pm at the Village Hall
Budget Session Meeting- February 27, 2023 @ 6:00pm at the Village Hall
Next work session will be Monday, March 6, 2023 @ 6:00pm at the Barker Fire Hall
Next regularly scheduled meeting will be Monday, March 13, 2023 @ 7:00pm at the Barker Fire Hall

Respectfully Submitted,

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