



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

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

**Attendance**

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

- **Sales tax** received for January 2023 was \$18,867.58 a decrease of \$1,181.91 from January 2022
- **Approval of Minutes** for the monthly board meeting held January 9, 2023

**Renew the Highway Department Shared Services Agreement with the Town of Somerset for 2023**

**Renew the Water Department Shared Services Agreement with the Town of Somerset for 2023**

**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.

**Set a public hearing date for Local Law #1-2023 Notice of Defect for Monday, March 13, 2023 at 7:00pm**

**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          |
| 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 & labor |
| Water Line Tie In-Commercial            |                                    |
| Village Property Tax Search             | \$20.00                            |
| Faxing -incoming and outgoing           | \$2.00                             |
| Copies- Blk & White                     | \$0.25                             |
| Copies- Color                           | \$0.50                             |

### Request for 30 day waiver request for liquor license application

Mark Everston applying for Sam's Tavern LLC @ 1693 East Avenue, Barker, NY 14012

#### Clerks Report

- ✓ 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
- ✓ 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. 17<sup>th</sup> 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

#### Public Works Report

#### Code Enforcement Report

1 permit issued- Roof

#### 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

**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

**Public Comment**  
**Board Comment**  
**Adjournment**

**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**