VILLAGE OF WOLCOTT

BOARD OF TRUSTEES

VILLAGE HALL CONFERENCE ROOM

DEPARTMENT HEAD MEETING

Aug 8, 2023

7:00 pm

Members Present: Mayor Chris Henner, Trustees: Dave Lewis, Dan Smith, Andrew Marshall and Misty Harper

Others Present: Fran Acker, Ed Wazinski, Toni M. Kellam, Nick Rizzo, OIC Brian Ritchie, Ryan Miller, Kara Chapin, Ron Lancy, Tommy Mettler, and Jerry Lasher.

Mayor Henner called the meeting to order at 7:00 pm with the Pledge of Allegiance.

**Water/Sewer Account 06270**

The landlord for property at 6119 Lake Ave has not paid the water/sewer bill and has not returned attempted contacts from the Village or the tenant regarding shut off due to non - payment. The tenant has made a payment of $120.00 and has asked if he could make weekly payments of $200.00 a week since there has been no response from the landlord. Since the water/sewer bill is in the name of the landlord, there was a discussion about the Village getting between a landlord & tenant issue. Amount due is $789.76. Trustee Smith made the motion to allow the tenant to take over responsibility of the past due and make payments of $200.00 a week until past due is paid. If payments are missed, water will be shut off the following Monday. Trustee Marshall 2nd the motion. All present voted in favor.

**Fire Department-Chief Jerry Lasher**

Chief Lasher stated the county is behind on reports so he has no hard copies to present. The Department had 32 calls last month.

E34 is in Liverpool for generator repair.

Ladder testing on the trucks is completed.

Chief Lasher presented to the board there are 2 active members who now live outside the district that the Fire Department has approved residency and needs Village Board approval. Jess Flynn Sr. and Brett Ferber. Trustee Smith made the motion to approve outside residency for the 2 mentioned members. Trustee Marshall 2nd the motion. All present voted in favor.

Trustee Smith made the motion to approve pre-payment of $50.00 for Gabe Garcia to attend annual Firefighters Drill School in Old Forge New York September 14-17. Trustee Harper 2nd the motion. All present voted in favor.

Chief Lasher mentioned a $500.00 donation was received from the South Butler Motor Sports Park.

**Police Department-OIC Brian Ritchie**

See monthly report

**Highway Department-Nick Rizzo**

Highway Department is working on Willow Drive. It has been determined that sewer already exists.

Approx. 150 feet of pipe has been received for Wilson Street.

Homestate Paving will be doing work on Oswego Street.

Shimming is planned for Auburn Street. The Town of Huron is currently too busy to help. Mr. Rizzo has reached out to Wayne County for their availability with assistance. Aiming for the end of August to do Auburn Street. Trustee Smith the motion to approve shimming asphalt on Auburn Street not to exceed $27,000.00. Trustee Harper 2nd the motion. All present voted in favor.

**Sewer Department-Tommy Mettler**

Mr. Mettler spoke with Steve Lader at the new campgrounds and confirmed sewer is hooked up but there are issues and hopes to have them taken care of within a week. Ed Wazinski, and Toni M. Kellam have information for billing the water and sewer (will be estimated) for the campgrounds. Tommy Mettler will read the meter monthly instead of quarterly. A separate sewer account will be set up.

Everything is going well. Flows are going well even with all of the rain. Pump Stations are all good with the exception of possible bad battery. Mr. Mettler is looking into.

**Water Department-Ed Wazinski**

Ed Wazinski said the water meter has been reinstalled at Lader’s Landing Campground.

Garth Moody, Water Operator, attended a training class at Watertown and is almost complete with his online training. Mr. Wazinski is going to follow up with Evan Tyler’s training and advise he can sign in on the water plant computer if needed.

Been busy reading water meters. There has been an issue with the Trimble. Toni Kellam got it taken care of.

Municipal Solutions requested the Village needs to designate a MBO-Minority & Business Officer for the Water Plant Project. Tabled so Clerk Acker can reach out to Mary Chappell for more information.

Trustee Smith made the motion to Pre-Pay Municipal Solution Invoice #19486 in the amount of $6,200.00 RE: 1523 Water WIIA/SRFA. Trustee Marshall 2nd the motion. All present voted in favor.

**Court Audit**

Trustee Smith made the motion to approve and accept the June 2023 monthly Court Audit. Trustee Harper 2nd the motion. All present voted in favor.

**Village Clerk-Treasurer**

Trustee Smith made the motion to accept and approve the May 2023 Treasurer’s report and Financials. Trustee Harper 2nd the motion. All present voted in favor.

Clerk-Treasurer Acker presented the board with the Village taxes collected to date in the amount of $578,999.39. Taxes outstanding=$101,106.85. Penalties collected =$689.99. Collections from June 1-August 8, 2023.

Clerk-Treasurer Acker notified the Village Board that it was time for the Annual Financial Report (formerly AUD). She has spoken with Trustee Harper in regards to performing an internal audit “pursuant to Village Law §4-408(e), the board of trustees must audit, or cause to be audited by an officer or employee of the village or by a certified public accountant or a public accountant engaged for that purpose, the treasurer’s annual financial report and supporting records”. Trustee Smith made the motion to approve Trustee Harper to perform internal audit per Comptroller’s guidelines with Clerk-Treasurer Acker. Trustee Marshall 2nd the motion. All present voted in favor.

**Meeting Minutes**

Trustee Marshall made the motion to accept and approve the minutes from the May 30, 2023 Meeting. Previously missed in earlier meetings. Trustee Lewis 2nd the motion. Trustees Smith and Harper abstained due to being absent from the meeting. All others voted in favor.

Trustee Smith made the motion to accept and approve the minutes from the July 11, 2023 Meeting. Trustee Harper 2nd the motion. All present voted in favor.

An amendment to the minutes for the July 18, 2023 Continuation of Public Hearing –Food Vendors changes are noted to the weekly definition: The minutes read: *A week will run Monday-Thursday.* The LL was approved with a definition that a week would be a **consecutive 7 days**. Trustee Smith made the motion to accept and approve the minutes form the Continuation of the Public Hearing on July 18, 2023 with the amendment. Trustee Harper 2nd the motion. Trustee Lewis abstained because he was absent from the Public Hearing. All others present voted in favor.

**Abstract #003**

Trustee Smith made the motion to approve Abstract #003 in the amount of $55,923.14, with vouchers numbered 102-147 and checks numbered 32247-32292. Total claims from the General Fund are $37,065.88. Total claims from the Water Fund are $8,996.65. Total claims from the Sewer Fund are $9,860.61. Trustee Lewis seconded the motion. All present voted in favor.

**Resolutions**

**Resolution No. 2023-17**

WHEREAS, the Village of Wolcott is required by the New York State Law, section 5-520 of the Village

Law of New York State to make additional appropriations on increase appropriations, and

WHEREAS, In addition, the County, Town and Village Laws allow increasing the budget at any time for Grants in aid received from the State and Federal government.

BE IT THEREFORE RESOLVED THAT the Village of Wolcott makes the following budgetary

Adjustments to the General Fund for fiscal year 2022-2023:

\_\_\_\_\_\_\_\_\_\_A/C#\_\_\_\_\_\_\_\_\_\_\_\_\_\_ITEM\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_DB.\_\_\_\_\_\_\_\_\_\_\_CR.\_\_\_\_\_\_\_\_\_

A1325.4 Clerk-Treasurer-Contractual $ 1,000.00

A1620.43 Buildings-Heat $ 403.69

A1325.1 Clerk-Treasurer-Personal Services $ 1,403.69

A1620.43 Buildings-Heat $ 281.65

A1620.4 Buildings-Contractual $ 281.65

A3510.4 Control of Dogs-Contractual $ 20.04

A3510.1 Control of Dogs-Personal Services $ 20.04

A3620.1 Safety Inspection-Personal Services $ 26.69

A3620.4 Safety Inspection-Contractual $ 26.69

A5110.41 Street Maintenance – Materials/Supplies $ 42.59

A5110.42 Street Maintenance –Power & Heat $ 42.59

A5110.2 Street Maintenance-Equipment $ 4,342.90

A5142.1 Snow Removal-Personal Services $ 305.73

A5142.4 Snow Removal-Contractual $ 2,558.73

A5182.4 Street Lighting-Contractual $ 1,478.44

A8010.41 Zoning Property Maint-Contractual $ 54.22

A8010.4 Zoning-Contractual $ 54.22

A9010.8 State Retirement $ 2,249.44

A9030.8 Social Security $ 2,249.44

Total: $8,421.22 $8,421.22

Adopted by the following vote:

Ayes: Mayor Chris Henner, Trustees: Dave Lewis, Dan Smith, Andrew Marshall and Misty Harper

Nays:

Office of the Village Clerk

Village of Wolcott

County of Wayne

I hereby certify that I have compared the foregoing copy of a resolution with the original duly adopted by the above mentioned Board at a meeting held on the 8th day of Aug, 2023 and that the same is a true copy of said original and of the whole thereof.

In Witness Whereof, I have hereunto subscribed my name and affixed the official seal of the said Board, this 8th day of Aug, 2023.

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Village Clerk

**Resolution No. 2023-18**

WHEREAS, the Village of Wolcott is required by the New York State Law, section 5-520 of the Village

Law of New York State to make additional appropriations on increase appropriations, and

WHEREAS, monies therefore, may be provided by transfer from the unexpected balance of an appropriation for contingencies, from unappropriated cash surplus on unappropriated revenues within a fund or by borrowing pursuant to the General Finance Law.

BE IT THEREFORE RESOLVED THAT the Village of Wolcott makes the following budgetary

Adjustments to the Water Fund for fiscal year 2022-2023:

\_\_\_\_\_\_\_\_\_\_A/C#\_\_\_\_\_\_\_\_\_\_\_\_\_\_ITEM\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_DB.\_\_\_\_\_\_\_\_\_\_\_CR.\_\_\_\_\_\_\_\_\_

F8310.4 Water Administration-Contractual $ 91.11

F8310.1 Water Administration-Personal Services $ 91.11

F9010.8 State Retirement $ 697.26

F9030.8 Social Security $ 697.26

Total: $ 788.37 $ 788.37

Adopted by the following vote:

Ayes: Mayor Chris Henner, Trustees: Dave Lewis, Dan Smith, Andrew Marshall and Misty Harper

Nays: None

Office of the Village Clerk

Village of Wolcott

County of Wayne

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Village Clerk

**Resolution No. 2023-19**

WHEREAS, the Village of Wolcott is required by the New York State Law, section 5-520 of the Village

Law of New York State to make additional appropriations on increase appropriations, and

WHEREAS, monies therefore, may be provided by transfer from the unexpected balance of an appropriation for contingencies, from unappropriated cash surplus on unappropriated revenues within a fund or by borrowing pursuant to the General Finance Law.

BE IT THEREFORE RESOLVED THAT the Village of Wolcott makes the following budgetary

Adjustments to the Water Fund for fiscal year 2022-2023:

\_\_\_\_\_\_\_\_\_\_A/C#\_\_\_\_\_\_\_\_\_\_\_\_\_\_ITEM\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_DB.\_\_\_\_\_\_\_\_\_\_\_CR.\_\_\_\_\_\_\_\_\_

G8130.2 Sewage Treatment-Equipment $ 9,453.43

G8130.4 Sewage Treatment-Contractual $ 9,453.43

G8130.41 Sewage Treatment & Disposal – Mat & Supp $ 2,813.06

G8120.42 Sanitary Sewers-Power/Heat $ 288.38

G8130.42 Sewage Treatment & Disposal-Power $ 2,524.68

G9010.8 State Retirement $ 431.69

G9030.8 Social Security $ 431.69

Total: $ 12,698.18 $12,698.18

Adopted by the following vote:

Ayes: Mayor Chris Henner, Trustees: Dave Lewis, Dan Smith, Andrew Marshall and Misty Harper

Nays: None

Office of the Village Clerk

Village of Wolcott

County of Wayne

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In Witness Whereof, I have hereunto subscribed my name and affixed the official seal of the said Board, this 8th day of Aug, 2023.

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Village Clerk

**Resolution No. 2023-20**

WHEREAS, the Village of Wolcott is required by the New York State Law, section 5-520 of the Village

Law of New York State to make additional appropriations on increase appropriations, and

WHEREAS, In addition, the County, Town and Village Laws allow increasing the budget at any time for Grants in aid received from the State and Federal government.

BE IT THEREFORE RESOLVED THAT the Village of Wolcott makes the following budgetary

Adjustments to the General Fund for fiscal year 2022-2023 accruals:

\_\_\_\_\_\_\_\_\_\_A/C#\_\_\_\_\_\_\_\_\_\_\_\_\_\_ITEM\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_DB.\_\_\_\_\_\_\_\_\_\_\_CR.\_\_\_\_\_\_\_\_\_

A3620.1 Safety Inspection-Personal Services $ 4,676.36

A1620.4 Buildings-Contractual $ 193.32

A3410.4 Fire Department-Contractual $ 4,457.49

A3620.4 Safety Inspection-Contractual $ 25.55

Total: $ 4,476.36 $ 4,476.36

Adopted by the following vote:

Ayes: Mayor Chris Henner, Trustees: Dave Lewis, Dan Smith, Andrew Marshall and Misty Harper

Nays: None

Office of the Village Clerk

Village of Wolcott

County of Wayne

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In Witness Whereof, I have hereunto subscribed my name and affixed the official seal of the said Board, this 8th day of Aug, 2023.

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Village Clerk

**Resolution No. 2023-21**

WHEREAS, the Village of Wolcott is required by the New York State Law, section 5-520 of the Village

Law of New York State to make additional appropriations on increase appropriations, and

WHEREAS, monies therefore, may be provided by transfer from the unexpected balance of an appropriation for contingencies, from unappropriated cash surplus on unappropriated revenues within a fund or by borrowing pursuant to the General Finance Law.

BE IT THEREFORE RESOLVED THAT the Village of Wolcott makes the following budgetary

Adjustments to the Water Fund for fiscal year 2022-2023 accruals:

\_\_\_\_\_\_\_\_\_\_A/C#\_\_\_\_\_\_\_\_\_\_\_\_\_\_ITEM\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_DB.\_\_\_\_\_\_\_\_\_\_\_CR.\_\_\_\_\_\_\_\_\_

G1990.4 Contingency Fund $ 15,951.51

G8120.42 Sanitary Sewers-Power/Heat $ 386.76

G8130.4 Sewage Treatment & Disposal-Contractl $ 15,564.75

Total: $ 15,951.51 $ 15,951.51

Adopted by the following vote:

Ayes: Mayor Chris Henner, Trustees: Dave Lewis, Dan Smith, Andrew Marshall and Misty Harper

Nays: None

Office of the Village Clerk

Village of Wolcott

County of Wayne

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In Witness Whereof, I have hereunto subscribed my name and affixed the official seal of the said Board, this 8th day of Aug, 2023.

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Village Clerk

**2023-22**

Village of Wolcott Court

David Miller – Village Justice

Kathy Wachtman – Associate Village Justice

*RESOLUTION IN OPPOSITION TO NEW YORK STATE SENATE BILL S-00139B and ASSEMBLY BILL A-1358B*

WHEREAS, New York Senate Bill number S-00139B has been passed which, if adopted by the NYS Assembly (A 1358-B) and signed by the Governor, would require all Judges presiding in the 100 largest Town and Village Courts to be licensed to practice law in the State and to have been admitted to the NYS Bar for at least five years; and

WHEREAS, The Town and Village Courts in Wayne County are among the nearly 1,200 Justice Courts in the State of New York that collectively handle close to 1 million cases each year; and

WHEREAS, The Town and Village Courts are known as the “Courts Closest to the People” and have broad jurisdiction, presiding over civil and criminal matters, thereby performing a vital role in the New York State Unified Court System; and

WHEREAS, The Village Court of Wolcott is a vital service to our residents and the Wayne County community as a whole; and

WHEREAS, The Justices in Wayne County’s Town and Village Courts have pledged to be ever mindful of their neutrality and impartiality, and render equal justice to all, while continually adhering to judicial rules of ethics and pronouncements of the New York State Commission on Judicial Conduct; and

WHEREAS, The Justices are required to be on-call 24 hours a day, 365 days a year to review/sign arrest and search warrants, perform arraignments, and issue orders of protection; and

WHEREAS, The Justices of Town and Village Courts ensure that the rights afforded to defendants by the Constitutions of the United States and the State of New York are provided and protected; and

WHEREAS, The Justices of Town and Village Courts preside over trials involving misdemeanor and violation level offenses, thereby ensuring that the victims of those offenses can be heard; and

WHEREAS, The Town and Village Courts provide a venue for Citizens to pursue a low-cost and efficient procedure for individuals to resolve civil disputes and landlord/tenant matters; and

WHEREAS, The Justices preside nightly and weekend and holiday mornings at the Wayne County Arraignment Part (‘CAP’) conducted in the County Jail, (CAP) that ensures that arrested citizens are promptly afforded legal representation, the opportunity to plead to alleged charges, and be processed for release, bail, or incarceration; and

WHEREAS, The Justices continually strive to improve the administration of justice through participation in mandatory education programs, seminars, meetings of the Wayne County Magistrates Association and the New York State Magistrates Association; and

WHEREAS, The New York State Office of Court Administration must certify all as having successfully completed mandatory training both following election and in each subsequent year; and

WHEREAS, The New York State’s Commission on Judicial Conduct’s most recent annual report (2023) identifies that only 13% of the complaints filed against the judiciary were against Town and Village judges while the remaining complaints were against either “State-paid” judges, (constituting approximately 40% of the judiciary) who accounted for approximately 67% of the complaints received, or against non-judicial entities (20%); and

WHEREAS, This Bill attempts to usurp the right of voters to elect those in their communities that they believe to be fair and impartial, and who would best serve that community, whether they be attorneys or non-attorneys; and

WHEREAS, This Bill implicitly suggests that members of a community are incapable of making informed decisions about who should sit in judgment of matters from the straight-forward to the highly complex as may arise in their local courts; and

WHEREAS, this legislative body views the intention of this Bill is not to actually improve the courts, but a blatant and unconscionable attempt by the New York State Bar Association, an organization that represents approximately only fifteen percent (15%) of the State’s attorneys, to generate increased opportunities for its members, and to dictate who voters may choose to serve in our local governments;

NOW THEREFORE, BE IT RESOLVED, That the Governing board of the Village of Wolcott strongly, and in unequivocal terms, calls on both the leadership in the Senate and Assembly, and the Governor to reject this poorly conceived and hastily fashioned seizure of voters’ rights to determine, for themselves, who they would choose to sit as their judges as has been the case for almost two hundred years.

Adopted by unanimous consent this 8th day of August 2023.

Adopted by the following vote:

Ayes: Mayor Chris Henner, Trustees: Dave Lewis, Dan Smith, Andrew Marshall and Misty Harper

Nays: None

Office of the Village Clerk

Village of Wolcott

County of Wayne

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Village Clerk

**2023-23**

**RESOLUTION TO SET MOBILE FOOD VENDOR FEES**

WHEREAS, The Village of Wolcott Board of Trustees has passed and adopted Local Law 2023-3 Chapter 73-Food Vendors which regulates mobile food vendors within the Village of Wolcott; and

WHEREAS, The Village of Wolcott determines fee schedule for said Mobile Food Vendors by said resolution; and

NOW THEREFORE, BE IT RESOLVED That the Governing board of the Village of Wolcott has set the fees for mobile food vendors as they relate to LL 2023-3, Chapter 73 to $50.00 a week.

Adopted by the following vote:

Ayes: Mayor Henner, Trustees: Dan Smith, Dave Lewis, Misty Harper

Nays: Trustee Andrew Marshall

Office of the Village Clerk

Village of Wolcott

County of Wayne

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Village Clerk

**Facilities Use Request**

Trustee Smith made the motion to officially approve use of the Falls Park on July 22, 2023 from 12:00 pm-6:00pm for a family reunion. This is an official approval. The Village Clerk provided approval when the application was presented in the office. Trustee Harper 2nd the motion. All present voted in favor.

**Mayor Henner**

Mayor Henner made the board aware the grant application for the Water Plant was submitted before the deadline.

The Mayor provided an update on the proposed dog park stating there had been a meeting with a contractor.

**Trustee Harper**

Nothing at this time.

**Trustee Marshall**

Nothing at this time.

**Trustee Smith**

Nothing at this time.

**Trustee Lewis**

Nothing at this time.

**Time for Public**

Kara Chapin thanked the Village for their support with the Old Heritage/Strawberry Festival.

She recently attended a historians’ conference and reported on upcoming events.

There will be runners through Wayne County to mark the Bicentennial-she asked for a police escort when they come through the area on 8/17/2023.

Jerry Lasher-Fire Chief mentioned 911 is working on changes.

**Executive Session**

Trustee Smith made the motion to move the meeting to executive session for a personnel and contractual matter at 8:09 pm. Trustee Harper 2nd the motion. All present voted in favor. Clerk-Treasurer Acker was asked to stay.

Trustee Smith made the motion to move the meeting back to regular session at 8:22pm. Trustee Lewis 2nd the motion. All present voted in favor.

Trustee Smith made the motion to adjourn the meeting at 8:25 pm. Trustee Harper 2nd the motion. All present voted in favor.

The next regularly scheduled Village Board of Trustees Meeting will be held on September 12, 2023 at 7:00pm in the Village of Wolcott Conference Room.

Respectfully Submitted,

Fran Acker

Fran Acker

Clerk-Treasurer