

**MAYOR JAMES M. JAROSZYNSKI
TRUSTEE ANTHONY CAVALLARO
TRUSTEE TIMOTHY DUNN
TRUSTEE ALAN GUSTAFSON JR.
TRUSTEE ANNETTE MILLER**

**GREGORY PETERSON, ATTORNEY
CINDY CAPESTRANI, VILLAGE CLERK
PAULA SPUNAUGLE, TREASURER
BRYCE WEBSTER, FIRE CHIEF-excused
PAUL CAPITANO, CODE ENFORCEMENT OFFICER
CARL CAPRINO, DPW SUPERINTENDENT
LAURIE BECKER, LIBRARY DIRECTOR**

The regular meeting of the Village of Falconer Mayor and Board of Trustees was held on Tuesday, April 9, 2024 at 6:03 P.M. in the Firemen's Exempt Hall with Mayor James Jaroszynski presiding.

Pledge of Allegiance & Roll:

Trustee Gustafson, Trustee Dunn, Trustee Cavallaro, Trustee Miller and Mayor Jaroszynski were all present.

Visitors

Nina Gustafson Brian Nelson Becky Dewey Chris Blakeslee- Post Journal

PRIVILEGE OF THE FLOOR

VISITORS ARE ALLOWED A MAXIMUM OF THREE (3) MINUTES TO ADDRESS THE BOARD. THIS IS **NOT** THE TIME OR PLACE FOR A DEBATE. IT IS A MEETING FOR THE BOARD TO CONDUCT VILLAGE BUSINESS. ALL COMPLAINTS/REQUESTS WILL BE CONSIDERED AND REVIEWED AT A LATER TIME.

Visitor Comments

- Brian Nelson – Falconer Vac Shop questioned why the village could not promote the fundraiser that he was doing to benefit the Falconer Library on the village website/Facebook page. He was renting out his chairs for the day to view the Solar Eclipse with the proceeds going to the library. Mayor Jaroszynski replied that the village website/Facebook are to be used for municipal information only, not fundraisers or promotions that are associated with a business.

Minutes

Trustee Dunn made a motion, seconded by Trustee Cavallaro, to approve the minutes of the March 11, 2024 Work Session Board of Trustees Meeting. Roll: Gustafson: Aye, Dunn: Aye, Cavallaro: Aye, Miller: Aye, and Jaroszynski: Aye. Nays: none. Carried.

Trustee Dunn made a motion, seconded by Trustee Miller, to approve the minutes of the March 11, 2024 Regular Board of Trustees Meeting. Roll: Gustafson: Aye, Dunn: Aye, Cavallaro: Aye, Miller: Aye, and Jaroszynski: Aye. Nays: none. Carried.

2024-2025 Budget Presentation Hearing

Trustee Dunn made a motion, seconded by Trustee Gustafson, to open the Public Hearing on the 2024-2025 budget.

The proposed 2024-2025 budget reflects a real property tax rate of \$8.58/\$1000 of assessment, which is a proposed tax increase of \$0.106. This proposed increase is within the limits of the NYS Property Tax Cap Law.

Proposed Budget 2024-2025 as presented

Appropriations	\$1,650,543
Revenues	\$1,650,543
Balanced Budget	(\$ 0)

There were no questions or comments on the budget as presented.

Trustee Gustafson made a motion, seconded by Trustee Dunn, to close the Public Hearing for the 2024-2025 budget. Roll: Gustafson: Aye, Dunn: Aye, Cavallaro: Aye, Miller: Aye, and Jaroszynski: Aye. Nays: none. Carried.

Trustee Dunn made a motion, seconded by Trustee Cavallaro to approve the 2024-2025 budget as presented. Roll: Gustafson: Aye, Dunn: Aye, Cavallaro: Aye, Miller: Aye, and Jaroszynski: Aye. Nays: none. Carried.

Mayors Remarks

- Mayor Jaroszynski thanked the Falconer Community for Our Youth organization, supported by the Falconer Fire Department, Town of Ellicott Police and the Falconer Community for the nice job at the recent Easter Egg Hunt that was held on March 23rd.
- Falconer Clean-up Day will be held on May 4th starting at 9am. There will be a complimentary hot dog lunch for the volunteers from 11 am to noon. Dumpsters will be provided for village residents from 9am to 1 pm at the DPW garage.

Fire Chief

The Fire Chief's March report was reviewed and noted that the department responded to 33 EMS incidents, 28 cancelled in route, 2 building fires, 1 water/steam leak, 1 passenger vehicle fire, 1 brush fire, 1 grass fire, 1 motor vehicle accident w/injuries, 1 steam/gas mistaken for smoke, 1 assist invalid, 1 smoke detector malfunction, 1 motor vehicle accident w/no injuries, 1 power line down, 1 alarm system malfunction, 1 steam, vapor, fog or dust mistaken for smoke, 75 calls.

Mutual Aid Breakdown - March 2024

Given: Jamestown-7, Kennedy-4, Gerry-1, Fluvanna-1, Ellington-1, total 14

Received: Medic 74-12, Alstar-13, A-73-2, Gerry-1, Kennedy-3, Frewsburg-1 total 32

Highlights:

- Trustee Cavallaro announced that the Fire Department Annual Inspection Dinner will be held on Saturday, May 4th at the Falconer Moose at 6pm.

Code Enforcement

The March code officer report was reviewed. It was noted 5 building permits totaling \$350 were issued, totaling \$860 year-to-date.

Highlights:

- Working to resolve garbage issue with owner of the Boney apartment building.
- 8 code violation door hangers were given out for unlicensed/inspected vehicles.
- 410 W. Falconer Street code violation door hanger given for Amish carport with no permit.
- Certified letter (2nd notice) sent to 8 N. Dow Street for garbage and debris around property.

Trustee Cavallaro thanked CEO for the addressing the unlicensed vehicles, he sees that one has already been moved.

Department of Public Works

The DPW report was submitted for the period March 7, 2024 – April 4, 2024.

Sidewalk Quotes

- The sidewalk replacement quotes were tabled until the next meeting. As per the procurement policy, public works contracts over \$35K are subject to competitive bidding. A legal notice will be posted in the newspaper requesting RFP's. Sidewalk replacements will be funded from CHIPS money once the state budget is passed.

Traffic Light Repair Quote – Corner of Elmwood and South Work Street

- The board reviewed a quote for a signal replacement from Northeast Signal for \$12,911, a quote for a CPU board replacement from New England Traffic Solutions for \$4,686 and the City of Jamestown DPW installation fee (\$100 per hour per employee). After discussing the options, the board asked Superintendent Caprino to get clarification from Kristopher Brown from the Jamestown DPW Traffic Division if the CPU board is also needed if the board decides on the signal replacement quote. They would also like to know what option he recommends and how long each option is guaranteed for before a decision can be made.

Tree Removal Quotes

- The board reviewed quotes from Mathews Trees Service, Great Lakes Tree Service and Maple Springs Tree Service for the removal of three trees in Falconer Park. Treasurer Spunaugle noted there is money the beautification fund to pay for the tree removal. Great Lakes Tree Service provided the lowest price. Trustee Dunn made a motion, seconded by Trustee Gustafson to use Great Lakes Tree Services. Roll: Gustafson: Aye, Dunn: Aye, Cavallaro: Aye, Miller: Aye, and Jaroszynski: Aye. Nays: none. Carried.

Landscaping Quotes for village properties

- The board reviewed quotes from Webster Land Services, Klice Lawn & Landscape, and Bloomquist Landscaping. Attorney Peterson noted that there is no conflict of interest regarding Webster Land Services. Trustee Cavallaro made a motion, seconded by Trustee Dunn to accept Webster Land Services quote for \$3,827.52. Roll: Gustafson: Aye, Dunn: Aye, Cavallaro: Aye, Miller: Aye, and Jaroszynski: Aye. Nays: none. Carried.

Replacement of Equipment

- Superintendent Caprino provided the board with prices on 4 pieces of equipment to review, the 7600 Dump Truck, Brush Chipper, Loader and the Pelican Sweeper. Superintendent Caprino would like to replace the Pelican Sweeper when asked by Trustee Cavallaro for his recommendation. The village will receive \$95K trade allowance on our existing 2017 Elgin Pelican Sweeper if we commit by April 15, 2024 to an existing stock build slot scheduled for December 2024 completion. The trade will not take place until the new sweeper is completed, which will be during our sweeper off season. We will have \$139K in the street equipment fund at the end of this fiscal year and have the rest of this year to generate the balance needed to pay for the sweeper's Sourcewell Contract price of \$179,661 after the trade. Trustee Dunn made a motion, seconded by Trustee Cavallaro to purchase the Elgin Sweeper according to the revised quote received with the trade value of \$95K for our current sweeper. Roll: Gustafson: Aye, Dunn: Aye, Cavallaro: Aye, Miller: Aye, and Jaroszynski: Aye. Nays: none. Carried.

There was no discussion on the other equipment quotes since we do not have plans this year to purchase another piece of equipment and prices will likely change by next year. Once this fiscal year closes out the board can look at allocating additional money to the equipment fund to save for the next piece of equipment that needs to be replaced.

Old Picnic Tables

- Superintendent Caprino asked the board what to do with a few extra picnic tables that are left over after replacing all the wood picnic tables with the new metal frame ones. Attorney Peterson

stated that our Procurement Policy has the procedure for disposing of village property. It was suggested to check to see if the Fire Department has a need for additional picnic tables as long as they are in decent shape before any tables get disposed of.

Library

The March 11, 2024 – April 9, 2024 Library report was reviewed.

Highlights:

- The library handed out over 600 glasses for the safe viewing of the Solar Eclipse on April 8th. The glasses were provided by both the Chautauqua Cattaraugus Library System and the county.
- The Thursday night Summer Band Concert schedule is set.
July 11th – Miranda Wilcox July 25th – New Horizons Band
July 18th – Pearl City Jazz August 1st – Razz & Friends
- The library was filled with over 30 quilted table runners in March, courtesy of library patron, Sue Johnson. An art display by students in Aleida Foulk's Advanced Artists classes from Falconer Central School will be featured during the month of April.
- We will be celebrating National Library Week, April 7 – 13th.
- Special thanks to DPW employee, Avery Faulkner for all his help cleaning up and fixing the public restroom last month.

Committees:

Finance:

- Nothing to report

Legal:

- A few topics will be addressed later in the meeting.

Public Safety:

- The Dog Control Report for March was reviewed.
- The board reviewed the listing of the four dogs residing at 132 E. James Street as requested from a previous board meeting for the special dog permit. The Animal Control Officer enforces the village code, notifying residents that board more than two dogs or cats to obtain a special permit from the Clerk's office. Any special permits issued will be reported to the board at the monthly board meetings.
- The Fire Advisory Board recently met with the Fire Chief to finalize the FEMA and State of NY Grant for submission.
- Trustee Cavallaro and Clerk Capestrani met with Southern Tier Graphics at the firehall to look at a few computer issues they were having. They repaired 2 computers; one was running slow and the other one was not working at all. We plan to have Southern Tier schedule a second visit to look another computer that is not working before any new computers are purchased.

Downtown Development:

- Nina Gustafson reported on her meeting at the Town of Ellicott board meeting regarding joining the village in starting up a local development. They liked the idea, were worried about the start-up cost and would like some time to think about it. Local development corporations are a non-profit arm of the municipality, that assist in applying for grant funding that can be utilized for business development or funding that is available for housing development or improvements.
- Val-Pro, a cleaning supply business, has recently moved into the back of the old Taylor Rental Building on W. Main Street in Falconer.

Farmers Market:

- Nothing new to report

Parks:

- Starting to look into developing a permit for the use of the park for future profit organization events and the fees for that use.
- Still gathering information for converting the tennis courts into pickleball courts. The board needs to look at both options, replacing or resurfacing the existing courts to determine what is the best option for the village. We also need to look into grant funding to help cover the costs for either option.

Pine Hill Cemetery:

- The cemetery has been busy cleaning up for spring and has had 4 burials in the past few weeks.

Planning/Zoning Board:

- Once a new Planning Board member is appointed, the Planning Board will be setting a date for another meeting to continue the discussion about the proposed changes to the Peddler, Vending and Soliciting Law to include food trucks.

Old Business:

- ***Merriam Street Parking***

Jim Roach from Falconer Printing is requesting the board to designate “No Parking” on the east side of Merriam Street 165 feet south from East Main Street. Parking on Merriam Street is causing issues with trucks backing into their loading dock on Merriam Street. Any change to the parking would require a change to the village code and notification to those impacted. The board proposes to send letters to the surrounding residents notifying them that there has been a request to change the parking on Merriam Street and ask for any objections to the change at the next board meeting.

- ***Falconer Softball Fundraiser Request***

The Falconer District girls’ softball program is requesting permission to hold a glove drive on East Avenue in front of Falconer School. The girls would remain on the sidewalk with signs, while the parents/coaches would offer a glove to passer byes, to raise money for the program. Trustee Dunn made a motion, seconded by Trustee Miller to allow the girls softball team to have a glove drive on East Avenue in front of Falconer School as long as it is on a weekend and not a school day. Roll: Gustafson: Aye, Dunn: Aye, Cavallaro: Aye, Miller: Aye, and Jaroszynski: Aye. Nays: none. Carried.

- ***Procurement Policy/Best Value Bid***

Attorney Peterson reviewed the Town of Ellicott Best Value Bidding Local, and noted that we do not have in our policy “Piggybacking of purchases”, which is section F in their policy that we can add by resolution to our current procurement policy.

Trustee Dunn made a motion, seconded by Trustee Gustafson that we adopt Town of Ellicott’s Best Value Competitive Bidding and Procurement Policy section F and all its’ sub sections, into our procurement policy and then we would approve our procurement policy with that added. Roll: Gustafson: Aye, Dunn: Aye, Cavallaro: Aye, Miller: Aye, and Jaroszynski: Aye. Nays: none. Carried.

- ***Sunshine Fund***

This fund is a voluntary, internal fund used to send co-workers flowers for life events such as funerals. If any employee wants to contribute, please stop in the village clerks' office.

- ***Resolution to dispose of village surplus & unusable inventory***

A list was provided to the board with surplus and unusable inventory. Attorney Peterson noted that this is consistent with the procurement policy, anything that is no longer usable is inventoried and brought to the board for approval to be disposed of. Any surplus/unusable inventory from the library should be handled in the same way. The surplus list will be distributed to the other village departments to see if there is a need for any of the items before they are disposed of.

Trustee Gustafson made a motion, seconded by Trustee Dunn to approve the unusable inventory from the list dated 4/5/2024 to be disposed or recycled. Roll: Gustafson: Aye, Dunn: Aye, Cavallaro: Aye, Miller: Aye, and Jaroszynski: Aye. Nays: none. Carried.

New Business:

- ***Addendum to Wastewater Services Agreement – discussion***

Peter Fuller explained to the board that the addendum adding an additional percentage to the wastewater user fee will be used to pay the \$74K that the village currently owes for the recent repairs done to the pump station. Once the \$74K is paid, the fund will be used for any future repairs/updates to the pump station. The current Falconer rate is at 225% of the Jamestown rate. The first 25% that was added to the user sewer fees is to repair the sewer lines, the next agreed upon percentage will be to repair the pump station.

Trustee Dunn made a motion, seconded by Trustee Miller to accept the First Addendum to Wastewater Services Agreement as presented to the board this 9th day of April, 2024 for an additional 25%. Roll: Gustafson: Aye, Dunn: Aye, Cavallaro: Aye, Miller: Aye, and Jaroszynski: Aye. Nays: none. Carried.

- ***Annual Organizational Approval in compliance with Village Law 50524***

Trustee Gustafson made a motion, seconded by Trustee Dunn in compliance with Village Law 50524 regarding the Annual Organizational Meeting, to approve all of the items listed below: Roll: Gustafson: Aye, Dunn: Aye, Cavallaro: Aye, Miller: Aye, and Jaroszynski: Aye. Nays: none. Carried.

- Community Bank, M&T Bank and NYCLASS as Village of Falconer depositories
- Designation of the Jamestown Post-Journal as the official newspaper for the publishing of legal notices
- Continued participation in the Chautauqua County Mutual Aid Agreement
- Reappointment of Village Treasurer, Deputy Treasurer, Village Clerk, Deputy Clerk, Village DPW Superintendent, and Deputy Village DPW Superintendent.
- Appointment of committee members (as listed)
- Authorization payment in advance of audit of claims for public utility services, postage, freight and express charges, insurances and other charges that become due prior to the Board meeting that otherwise would incur late fee charges,
- Attendance by municipal officials and employees at schools, conferences, seminars, associated organization meetings, etc., conducted for the benefit of the Village of Falconer
- Reimbursement to such officers and employees the fixed mileage rate as set by the IRS as reimbursement for use of personal automobiles while performing their official duties on behalf of the Village
- All regular board meetings that fall on a Monday holiday will be held the Tuesday immediately following the holiday
- The present Procurement Policy
- The present Disaster Plan

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- The present Public Health Emergency Plan
- Setting the 2025 Organizational Meeting of the Village of Falconer as Monday, January 13, 2025 at 6:00p.m.

Correspondence:

- ***Abstract Audit – Trustee Gustafson***

Trustee Gustafson’s letter, dated April 9, 2024, which acknowledged his review on April 8, 2024 of the unpaid vouchers for Abstract #11 (FY 23/24) and bank reconciliations from M&T Bank, Community Bank and NYCLASS for the month of February 2024 was placed into record.

- ***Planning Board Resignation***

Chris Hannon notified the board of his resignation from the Planning Board.

Abstracts

Motion: It is moved by Trustee Dunn and seconded by Trustee Cavallaro that Abstract #11, General Fund in the amount of \$45,411.88 be approved for payment. Roll: Gustafson: Aye, Dunn: Aye, Cavallaro: Aye, Miller: Aye, and Jaroszynski: Aye. Nays: none. Carried.

Motion: It is moved by Trustee Gustafson and seconded by Trustee Dunn that Abstract #11, Cemetery Fund in the amount of \$923.21 be approved for payment. Roll: Gustafson: Aye, Dunn: Aye, Cavallaro: Aye, Miller: Aye, and Jaroszynski: Aye. Nays: none. Carried.

Motion: It is moved by Trustee Miller and seconded by Trustee Gustafson that Abstract #11 Library Fund in the amount of \$1,534.84 be approved for payment. Roll: Gustafson: Aye, Dunn: Aye, Cavallaro: Abstain, Miller: Aye, and Jaroszynski: Aye. Nays: none. Carried.

Motion: It is moved by Trustee Cavallaro and seconded by Trustee Dunn that Abstract #11, General Fund Hand Items in the amount of \$5,595.55 be approved for payment Roll: Gustafson: Aye, Dunn: Aye, Cavallaro: Aye, Miller: Aye, and Jaroszynski: Aye. Nays: none. Carried.

Trustee Gustafson made a motion, seconded by Trustee Dunn to move into executive session to discuss current litigation regarding annexation and the lease of real property at 8:10 p.m. Roll: Gustafson: Aye, Dunn: Aye, Cavallaro: Aye, Miller: Aye, and Jaroszynski: Aye. Nays: none. Carried.

There was no action taken during the executive session.

A motion to exit the executive session was made by Trustee Dunn and seconded by Trustee Cavallaro at 8:54 p.m. Ayes-all. Motion carried.

A motion was made by Trustee Cavallaro and seconded by Trustee Dunn to accept the one-year lease agreement for 29-37 W. Main St. offered by Brian Nelson contingent upon changing the last sentence of the agreement to state that either party can give thirty days’ notice to terminate the contract. Ayes-all. Motion carried.

Trustee Gustafson made a motion, seconded by Trustee Miller, to adjourn the regular meeting at 8:55 p.m. Ayes-all. Motion carried.

*Respectfully submitted,
Cindy Capestrani, Village Clerk*