**VILLAGE BOARD OF TRUSTEES**

**2/18/2020 MINUTES**

Mayor Michael VandeVelde presiding

MEMBERS: Dennis Lutes, Al Holbrook, Mike Catalano, Rob Cochran

OTHERS: Vince Luce, Becki Paternosh, Rob Genthner, Bonnie Rae Strickland, Andrew Thompson, Andrew Webster, Ed LeBarron, Chris Reese, Sandy Brown

**MAYOR/BOARD**

MINUTES

**The board made a motion to approve the minutes of January 21st by Trustee Cochran, seconded by Trustee Holbrook and was carried unanimously.**

RESOLUTION #3-2020/NIAGARA HYDROPOWER CONTRACT EXTENSION

**The following resolution was approved by Trustee Holbrook, seconded by Trustee Cochran and was carried unanimously.** Andrew Thompson explained this contract will extend through the year 2040.

At a meeting of the Village Board of Trustees held on Tuesday, February 18, 2020, at 7:30 p.m. held at the Eason Hall, 23 Elm Street, Westfield, New York 14787,

The following resolution was offered by Trustee Holbrook, seconded by Trustee Catalano and was adopted.

BE IT RESOLVED, that the Village Board of Trustees hereby approves the execution of the AGREEMENT FOR THE SALE OF NIAGARA PROJECT WHOLESALE POWER AND ENERGY.

This Resolution will take effect immediately.

RESOLUTION #4-2020/REQUESTING AMENDMENTS TO NEW YORK STATE’S CRIMINAL JUSTICE REFORMS

**The board made a motion to approve the following resolution by Trustee Catalano, seconded by Trustee Cochran and was carried unanimously.**

WHEREAS while there was a need to reform New York’s criminal justice statutes during the 2019 state legislative session, it is widely recognized that several of the drastic changes in the laws pertaining to discovery are overly broad and vague and are having unintended consequences at the municipal level; and

WHEREAS the dramatically shortened time period in which prosecutors must disclose evidence to defendants and the broad expansion of the matters to which such discovery mandates apply will have significant cost, tax and justice implications for cities and villages with police departments, local justice courts or code/parking enforcement departments; and

WHEREAS the discovery reforms mandate prosecutors disclose evidence to the defense within 15 days of arraignment for criminal charges (even if the defendant is not in custody); and

WHEREAS drastically enlarging the scope of material that a prosecutor must review and deliver within 15 days will overwhelm the ability of city and village officials and employees to prosecute cases while managing their misdemeanor and felony caseloads, and will make it impossible to prosecute vehicle and traffic and local code infractions and violations in compliance with the new discovery mandates; and

WHEREAS arraignment must now take place within 20 days of desk appearance ticket issuance, thereby requiring justice courts, many of which convene monthly, to meet more frequently; and

WHEREAS cities and villages will not reap savings from the bail reform's reduction of the burden on county jails; and

WHEREAS municipalities are already challenged with operating within the now-permanent 2% tax cap and have not received an increase in general purpose state aid in 11 years.

NOW THEREFORE BE IT RESOLVED THAT the Village of Westfield supports the following set of amendments proposed by the New York State Conference of Mayors that are consistent with the intent of the criminal justice reforms but which will allow for more effective and affordable implementation:

* Ensure that cities and villages are provided with additional financial and operational support to offset the cost of these mandated measures;
* Allow 60 days for prosecutors to disclose evidence to the defense for criminal charges;
* Exclude from the accelerated discovery requirements any charge not involving a misdemeanor or felony;
* Adjust the 20-day arraignment requirement to accommodate local courts that meet on a monthly basis;
* Allow prosecutors to withhold sensitive information, such as victim contact information, without having to obtain a court order.

AND BE IT FURTHER RESOLVED that this duly adopted resolution of the Village of Westfield be forwarded to Governor Andrew Cuomo, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, Senator George Borello and Assembly Member Andrew Goodell, the New York State Conference of Mayors, and local media outlets.

MT. BALDY ROAD SEQR REVIEW & APPROVAL FOR TIMBER SALE

**The board made a motion to approve the Mt. Baldy Road SEQR declaring the watershed management timber harvest project will have no significant impact on the environment by Trustee Cochran, seconded by Trustee Holbrook and was carried unanimously.**

WBCC FIRST FRIDAY DISCUSSION

**The board made a motion by Trustee Catalano, seconded by Trustee Cochran and was carried unanimously to approve the First Fridays with the requests and areas listed in the letter submitted and to approve for the “Cruise In” on Elm Street with street closure only in conjunction with the First Fridays.**

**POLICE DEPARTMENT**

MONTHLY REPORT/OVERTIME

**The board made a motion to approve the Monthly Report by Trustee Lutes, seconded by Trustee Catalano and was carried unanimously.**

REQUEST EXECUTIVE SESSION

**FIRE DEPARTMENT**

MONTHLY REPORT

**The board made a motion to approve the Monthly Report by Trustee Holbrook, seconded by Trustee Lutes and was carried unanimously.**

NEW MEMBERS

**The board made a motion by Trustee Catalano, seconded by Trustee Holbrook and was carried unanimously to approve the following new members: Heather Fleck, Michael Tewinkle and Ricky Schrader. Also, Kristina Norton contingent upon her background check.**

DISCUSS M-291

**In the interest of the officers of the Fire Department’s wishes, it was motioned by Fire Department Liaison, Trustee Catalano, seconded by Trustee Cochran and was carried unanimously to declare M-291 as surplus and to remove it from service as recommended by the Officers of the Fire Department of Westfield.**

**RECREATION DEPARTMENT**

PROGRAM REPORT

**The board made a motion to approve the Program Report by Trustee Lutes, seconded by Trustee Catalano and was carried unanimously.**

RECREATION COMMISSION MEMBER

**The board made a motion by Trustee Holbrook, seconded by Trustee Catalano and was carried unanimously to approve Wade Dellow as Rec. Commission member representing the Town of Westfield replacing Tim Smith with a term expiring in 2023.** Recreation Director Andrew Webster thanked Tim Smith

for his service.

**CODE ENFORCEMENT**

MONTHLY REPORT

**The board made a motion to approve the Code Office Monthly Report by Trustee Holbrook, seconded by Trustee Lutes and was carried unanimously.**

The Code Officer updated the board on the Medical Health Building Project that is scheduled to begin in March. The permit will be issued in two parts; first the foundation and then the building permit to follow. The Insurance Certificates are required first.

**PUBLIC WORKS**

REFUSE COLLECTION, SPRING CLEANUP BID AWARD

**The board made a motion by Trustee Holbrook, seconded by Trustee Catalano and was carried** **unanimously to award the Refuse Collection, Spring Cleanup Bid to Bestway Service up to 2023 with the possibility for a 2-year extension at that time when the rate would have to be re-negotiated.**

SHARED SERVICE AGREEMENT-NYSDOT

Ed LeBarron explained to the board that the State offers assistance with paving, and/or extra truck or equipment available, they will send over for us when needed, i.e. storms, disaster declared, etc. He further explained we currently have this agreement and it is up for a 4-year renewal.

**The board made a motion by Trustee Catalano, seconded by Trustee Lutes and was carried unanimously to approve the NYSDOT Shared Service Agreement in the amount of up to a total not to exceed $25,000/Yr.**

PUBLIC WORKS PARKING LOT UPDATE

Is on the agenda to be completed for this year barring any other projects that do not automatically come up, this is our priority.

**WATER & SEWER DEPARTMENT**

Andrew Thompson reported that Robert Burgess has passed his 3A Operator test, so he will be another certified operator. Congratulations to Robert.

The Mayor noted that there is a Water District Meeting on March 17th for others who would like to attend.

**ELECTRIC DEPARTMENT**

REQUEST FOR PURCHASE OF VOLTAGE REGULATORS

**The board made a motion to approve the request to purchase 3 voltage regulators from T&R Electric in the amount of $13,500 on a motion made by Trustee Lutes, seconded by Trustee Cochran and was carried unanimously.**

The board discussed perhaps having an Open House in the summer for everyone to come and view the new electric building and all the improvements which were completed.

**TREASURER**

APPROVAL OF REVENUE & EXPENSE REPORTS

**The board made a motion to approve the Revenue and Expense Reports by Trustee Holbrook, seconded by Trustee Catalano and was carried unanimously.**

**CLERK**

The Clerk noted that we received the William G. Pulmeroy Historic Roadside Marker Foundation Grant for $1,100 to put up a historic marker in Moore Park with a target date of May 2nd. This Grant recognizes the achievements of Westfield Resident Vincent Powers who won the Kentucky Derby at age 28 in 1909 atop the horse, “Wintergreen”.

WARRANTS

**The following warrants were approved on a motion made by Trustee Cochran, seconded by Trustee Holbrook and was carried unanimously:**

**Sewer W#45 $43,566.16**

**Water W#50 18,422.47**

**Capital W#18 6,283.87**

**General W#41 130,623.23**

**Electric W#48 25,915.10**

**The board made a motion by Trustee Cochran, seconded by Trustee Holbrook and was carried unanimously to enter into Executive Session to discuss Personnel.**

EXECUTIVE SESSION

**Following discussion, the Executive Session was ended on a motion made by Trustee Holbrook, seconded by Trustee Lutes and was carried unanimously.**

ACTION

Action taken as a result of the Executive Session is as follows:

**The board made a motion by Trustee Holbrook, seconded by Trustee Cochran and was carried unanimously to approve upgrading Officer Corbin Meleen to**

**Step 6 effective February 19, 2020. His current rate is $27.83/Hr. In August it will be $28.28/Hr. Officer Meleen has really stepped up to the plate assisting the Chief with all the new Criminal Justice reform requirements.**

**There being no further business to come before the board, the meeting was adjourned on a motion made by Trustee Catalano, seconded by Trustee Lutes and was carried unanimously.**