

**Village of South Dayton Regular Meeting**  
**April 13, 2022**  
**7:00 pm**

**CALL TO ORDER**

Mayor Killock called the meeting to order at 7:00 pm. The Pledge of Allegiance was recited.

**ROLL CALL**

Mayor Robert Killock	Present
Trustee Melinda Frederickson	Present
Trustee Jonathan Mosher	Present
Trustee Lynn Rupp	Present
Clerk/Treasurer Barbara Scott	Present

Guests: Paul Batt, Karen Strickland, Timothy Wilkey, Karen Wutz

**OATH OF OFFICE**

The following individuals took an Oath of Office to support the Constitution of the United States and the Constitution of the State of New York, and to faithfully discharge their duties:

Robert W. Killock	Mayor
Lynn J. Rupp	Trustee
Barbara L. Scott	Clerk/Treasurer

**MEETING MINUTES**

Board members reviewed the Board Meeting Minutes from March 9, 2022. Mayor Killock asked for a motion to approve the minutes. Trustee Rupp made a motion to approve the Minutes. Trustee Frederickson seconded the motion. AYE 4. NAY 0. Carried.

**TRUSTEE FREDERICKSON**

Trustee Frederickson reported:

- The Easter Egg Hunt on April 3, 2022 was a success. 108 children and donations totaling \$109.00.
- The ambulance bay is cleaned and ready for Music in the Park.
- All the bands for the summer concerts are booked.

Mayor Killock wants to honor the red and blue at one of the summer concerts. We could have a representative from the Fire Department, the Sheriff's office, military. Senator George Borrello would come to a concert in July. The concert on July 6<sup>th</sup> is a possible date.

**TRUSTEE MOSHER**

Trustee Mosher reported:

- The benches and trash can have been pressure washed.

**TRUSTEE RUPP**

Trustee Rupp reported:

- The sweeper truck is at Arrigo's for service.
- Trustee Rupp rolled the lawn at the water tank.
- Pricing a new lawn mower with rear discharge. Obtained price from Rodgers & Sons. Kubota diesel mower. Price \$15,800.00. Would have to be ordered.

Board Members discussed ideas how to pay for a new lawn mower. Mayor Killock asked for a motion to look for funding. Trustee Mosher made a motion to look for funding for the new mower. Trustee Frederickson seconded the motion. AYE 4. NAY 0. Carried.

**DPW**

Tim Wilkey reported:

- Scott Moynihan was hired as a full time Laborer.
- Plowed snow
- Doing cold patch
- Helping NYS with the catch basin project
- Doesn't know if the Village will get millings from Rte 322 project
- Sink hole on Mechanic Street – working with the State to repair the sluice that came apart. Street will be closed a couple days.
- Brush and weeds – first and third Mondays
- Load of sand for the Playground,
- Turned water on at the Depot and Playground
- Spring work
- Street broom
- Pot holes

Trustee Rupp commented it was nice to see both DPW workers doing separate projects. Trustee Frederickson said Scott Moynihan did a nice job cleaning up the Park before the Easter Egg Hunt. Karen Strickland thanked the DPW for thawing the pipes at the Depot before the train arrived.

## **DEPOT**

Karen Strickland reported:

- Senator George Borrello will be at the Depot on June 11<sup>th</sup> from 10:00 – 11:00 am with the Dairy Princess.
- Depot received a donation of \$1,600.00 from Council on the Arts. Want to have workshops this summer.
- Beck Electric will be coming this week to look at the Depot electric service.

Trustee Frederickson asked if Beck Electric could also look at the Gazebo. There is an open electrical box and problems with a utility pole. Karen Strickland will tell Beck Electric.

## **MAYOR KILLOCK**

Mayor Killock reported:

- Working on Budget for 2022-2023. There will be a public hearing on Wednesday, April 20<sup>th</sup> at 7 pm in the Library. The meeting will be announced in the Post Journal on April 14<sup>th</sup>.
- Town Hall Meeting with Senator George Borrello and Assemblyman Joe Giglio on April 12<sup>th</sup>. Well attended and informative.
- Coordinating the upcoming Water and Sewer projects.

## **PUBLIC COMMENT PERIOD**

- Paul Batt asked which Park Street properties are owned by Shawn Howard, and which properties he pays the water/sewer bills for. Clerk/Treasurer Scott replied 3 Park Street (Apt 2 & 3), 5 Park Street, 9 Park Street. Batt then inquired why the tenant in Apt 1 at 3 Park Street pays her own water/sewer bills. Mayor Killock and the Trustees did not know, but suggested it was a landlord/tenant agreement. Timothy Wilkey confirmed that apartment has its own meter.
- Karen Wutz asked for confirmation that there is no zoning in the Village of South Dayton. Mayor Killock confirmed there is no zoning. Wutz expressed concern about the 2 trailers and activity at the end of Second Avenue. Mayor Killock explained the Village is aware of the activity at that property. The Code Enforcement Officer contacted Cattaraugus County and a stop work order was issued until necessary information is provided by the land owner and permits are issued. Mayor Killock commented the property is considered residential so if any business is to be conducted at that address, it will have to be reclassified as commercial.

## **OLD BUSINESS**

Mayor Killock reviewed items discussed at the previous Board Meeting.

- David Heckman was hired as a Code Enforcement Officer to replace Gary Brecker. Brecker is retiring at the end of April.
- Playground – In the Spring, a partition will be installed in the Boys Room between the toilet and the urinal. Playground rental will require a \$250.00 security deposit for parties and events. \$200.00 will be returned if the playground is in order after the event.
- Dog Control fines will not be increased.
- Plowing – Steven Smuda helped with plowing.
- DPW Employees – We hired Scott Moynihan as a full time DPW employee. We will hire at least one seasonal employee who will work about 20 hours/week for 14-16 weeks during the summer months.
- Bulk Trash large item pick up will be Monday, April 25<sup>th</sup>.

## **NEW BUSINESS**

Mayor Killock reported:

- The Village received notification from Barton & Loguidice of bid results and the contractors who were being suggested for 3 contracts based on the bids that were received. Mayor Killock said 3 resolutions had to be voted on for those contracts:

**RESOLUTION NO. 4-1 of 2022 for the Village of South Dayton**

**RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. 1A – GENERAL CONSTRUCTION ALTERNATE BID NO.1 FOR THE VILLAGE OF SOUTH DAYTON WATER SYSTEM IMPROVEMENTS PROJECT**

At a regular meeting of the Village Board of Trustees of the Village of South Dayton, held on April 13, 2022, the following resolution was adopted by the Village Board of Trustees.

WHEREAS, the Village of South Dayton (Village) is the owner of the Water System Improvements Project ("Project"); and

WHEREAS, pursuant to New York State Municipal Law, bids for Contract No. 1A – General Construction were received, publicly opened and read aloud on April 5<sup>th</sup>, 2022 at the Village of South Dayton Village Hall.

WHEREAS, the Village's Engineering Consultant, Barton & Loguidice, D.P.C. (B&L), tabulated and analyzed the bids received, and S. St. George Enterprises, Inc. submitted the lowest bid for the Base Bid and both Alternate Bids.

WHEREAS, B&L provided a Recommendation of Award letter to the Village for Contract No. 1A of the Water System Improvements Project which recommended for the Village to award Contract No. 1A to S. St. George Enterprises, Inc. for Alternate Bid No.1 in the amount of \$1,664,690.00.

NOW, THEREFORE, BE IT RESOLVED that based on the recommendation of B&L, the Village of South Dayton Board of Trustees hereby awards Contract No. 1A – General Construction Alternate Bid No. 1 of the Water System Improvements Project to S. St. George Enterprises, Inc. in the amount \$1,664,690.00.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

WHEREFORE, the foregoing Resolution was put to a vote of the members of the Board of Trustees of the Village of South Dayton by a motion from Trustee Mosher and seconded by Trustee Rupp on April 13, 2022, the result of which vote was as follows:

	Aye	Nay
Robert Killock, Mayor	X	___
Melinda Frederickson, Trusee	X	___
Jonathan Mosher, Trustee	X	___
Lynn Rupp, Trustee	X	___

DATED: April 13, 2022

I hereby certify that this resolution was adopted on April 13, 2022 and is recorded in the Meeting Minutes of the Village of South Dayton Board of Trustees.

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Barbara L. Scott Clerk/Treasurer

**RESOLUTION NO. 4-2 of 2022 for the Village of South Dayton**

**RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. 1B – ELECTRICAL CONSTRUCTION FOR THE VILLAGE OF SOUTH DAYTON WATER SYSTEM IMPROVEMENTS PROJECT**

At a regular meeting of the Village Board of Trustees of the Village of South Dayton, held on April 13, 2022, the following resolution was adopted by the Village Board of Trustees.

WHEREAS, the Village of South Dayton (Village) is the owner of the Water System Improvements Project ("Project"); and

WHEREAS, pursuant to New York State Municipal Law, bids for Contract No. 1B – Electrical Construction were received, publicly opened and read aloud on April 5<sup>th</sup>, 2022 at the Village of South Dayton Village Hall.

WHEREAS, the Village's Engineering Consultant, Barton & Loguidice, D.P.C. (B&L), tabulated and analyzed the bids received, and Gerwitz & McNeil Electric, Inc. submitted the lowest bid.

WHEREAS, B&L provided a Recommendation of Award letter to the Village for Contract No. 1B of the Water System Improvements Project which recommended for the Village to award Contract No. 1B to Gerwitz & McNeil Electric, Inc. for the amount \$237,445.00.

NOW, THEREFORE, BE IT RESOLVED that based on the recommendation of B&L, the Village of South Dayton Board of Trustees hereby awards Contract No. 1B – Electrical Construction of the Water System Improvements Project to Gerwitz & McNeil Electric, Inc. in the amount \$237,445.00.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

WHEREFORE, the foregoing Resolution was put to a vote of the members of the Board of Trustees of the Village of South Dayton by a motion from Trustee Rupp and seconded by Trustee Mosher on April 13, 2022 the result of which vote was as follows:

	Aye	Nay
Robert Killock, Mayor	X	___
Melinda Frederickson, Trusee	X	___
Jonathan Mosher, Trustee	X	___
Lynn Rupp, Trustee	X	___

DATED: April 13, 2022

I hereby certify that this resolution was adopted on April 13, 2022 and is recorded in the Meeting Minutes of the Village of South Dayton Board of Trustees.

\_\_\_\_\_  
Barbara L. Scott Clerk/Treasurer

**RESOLUTION NO. 4-3 of 2022 for the Village of South Dayton**

**RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. 1C – WATER TREATMENT TANK IMPROVEMENTS FOR THE WATER SYSTEM IMPROVEMENTS PROJECT**

At a regular meeting of the Village Board of Trustees of the Village of South Dayton, held on April 13, 2022, the following resolution was adopted by the Village Board of Trustees.

WHEREAS, the Village of South Dayton (Village) is the owner of the Water System Improvements Project ("Project"); and

WHEREAS, pursuant to New York State Municipal Law, bids for Contract No. 1C – Water Treatment Tank Improvements were received, publicly opened and read aloud on April 5<sup>th</sup>, 2022 at the Village of South Dayton Village Hall.

WHEREAS, the Village's Engineering Consultant, Barton & Loguidice, D.P.C. (B&L), tabulated and analyzed the bids received, and Procore Industrial, Inc. submitted the lowest bid.

WHEREAS, B&L provided a Recommendation of Award letter to the Village for Contract No. 1C of the Water System Improvements Project which recommended for the Village to award Contract No. 1C to Procore Industrial Inc., for Alternate Bid No.1 in the amount of \$269,000.00.

NOW, THEREFORE, BE IT RESOLVED that based on the recommendation of B&L, the Village of South Dayton Board of Trustees hereby awards Contract No. 1C – Water Treatment Tank Improvements Alternate Bid No. 1 of the Water System Improvements Project to Procore Industrial Inc., in the amount of \$269,000.00.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

WHEREFORE, the foregoing Resolution was put to a vote of the members of the Board of Trustees of the Village of South Dayton by a motion from Trustee Mosher and seconded by Trustee Frederickson on April 13, 2022 the result of which vote was as follows:

	Aye	Nay
Robert Killock, Mayor	X	___
Melinda Frederickson, Trusee	X	___
Jonathan Mosher, Trustee	X	___
Lynn Rupp, Trustee	X	___

DATED: April 13, 2022

I hereby certify that this resolution was adopted on April 13, 2022 and is recorded in the Meeting Minutes of the Village of South Dayton Board of Trustees.

\_\_\_\_\_  
Barbara L. Scott Clerk/Treasurer

**NEW BUSINESS (continued)**

- The Sewer Project will be bidding soon. The Village is required to add additional disinfectant to the wastewater.
- The Village has contacted Congressman Reed about project funding through bonds that may be available.
- A tentative budget has been prepared and is ready for review. Trustee and Mayor salaries will be increased.
- Suggestion that Trustees and Mayor be paid monthly instead of semi-annually. Clerk/Treasurer Scott said that employees who are not paid bi-weekly are paid monthly, so it would make sense. Mayor Killock asked for a motion to change Trustee and Mayor pay periods. Trustee Mosher made a motion to change Trustee and Mayor pay frequency from semi-annual to monthly. Trustee Rupp seconded the motion. AYE 4. NAY 0. Carried.
- Consider 4 year terms for the Mayor and Trustees. If the Village changed the terms of elected officials, the process would be coordinated with Cattaraugus County Board of Elections, and would require several months of planning to be on the ballot for voting in March 2023.
- Obtaining pricing for a future purchase of a plow truck and sander. The Sterling may need to be replaced but we want to keep it at least one more year. May consider a plow attachment for the Ford F250.
- The balance in the Trust & Agency account (payroll account) is maintained at \$100.00. Mayor Killock would like that account to maintain a \$5,000.00 balance so funds would be in place to cover payroll in the event a bank transfer is not processed when it should be. Mayor Killock asked for a motion to transfer \$5,000.00 to the Trust & Agency Account. Trustee Frederickson made a motion to transfer \$5,000.00 to the Trust & Agency Account. Trustee Mosher seconded the motion. AYE 4. NAY 0. Carried.
- Local Law 1987-1 states the Building Code Official is a public official, but Local Law 2012-1 refers to the position as Building Code Enforcement Officer. Mayor Killock asked for a motion to contact the Village's Attorney to determine if the Local Law can be amended to refer to the position as Code Enforcement Officer and/or Building Inspector. Trustee Rupp made a motion to contact the Village's Attorney to determine if the Local Law can be amended. Trustee Frederickson seconded the motion. AYE 4. NAY 0. Carried.
- NYCOM sent notice that state gas tax will be suspended for a period, and volunteer fire departments can post fees for transport.
- The Village's AIM payment will increase next year, and there will be an increase in CHIPS funding.
- The Depot needs to secure \$1,350.00 from the community to receive a grant that will assist with the cost of electrical repairs. Mayor Killock asked for a motion that the Village donate \$340.00 to the Depot for matching funds. Trustee Mosher made a motion that the Village donate \$340.00 to the Depot. Trustee Frederickson seconded the motion. AYE 4. NAY 0. Carried.
- The list of committees and members of those committees are as follows:

**Public Works**

Oversight	Robert Killock, Lynn Rupp, Jonathan Mosher
Streets/Sidewalks	Lynn Rupp, Jonathan Mosher
Water	Melinda Frederickson, Robert Killock
Sewer/Ditch Cleaning	Jonathan Mosher, Robert Killock

**Trees**

Chairman	Jonathan Mosher
Committee	Timothy Wilkey, Lynn Rupp

**Paper Plans for Sidewalks, Ditch Cleaning, Updating Old Village Ordinance**

Chairman	Robert Killock
Committee	Lynn Rupp, Appointee

**Audits**

Chairman	Barbara Scott
Committee	Robert Killock, Sally Harris

**Ethics Committee**

Chairman	Melinda Frederickson
Committee	Appointee

**Music in the Park**

Chairman	Melinda Frederickson
Committee	Karen Strickland, Robert Killock, Jonathan Mosher

**Celebrations and Beautification**

Chairman	Melinda Frederickson
Committee	Karen Strickland, Sherry Batt, Paul Batt, Rebecca Wightman

**Library Committee**

Chairman	Karen Strickland
Committee	Dane Scott, Kenneth Howard

**Tourism/Amish Trail**

Chairman Melinda Frederickson  
Committee Jonathan Mosher, Appointee

**Depot**

Chairman Karen Strickland  
Committee Lynn Rupp

**Friends of the Depot**

Chairman Darin Ackley  
Committee Dennis Ackley, Gary Ackley, Pam Ackley, Quentin Dye,  
Jerry Greenlee, William Neubeck, Jack Reinard,  
Terry Rogers, Bill Van Wormer, Peg Van Wormer

**Economic Development**

Everyone

- Mileage reimbursement allowance is currently \$.50 per mile. Mayor Killock asked for a resolution to change the mileage reimbursement allowance to the current IRS rate of \$.58.5 per mile.

**RESOLUTION NO. 4-4 of 2022 for the Village of South Dayton**

**RESOLUTION TO CHANGE THE MILEAGE REIMBURSEMENT ALLOWANCE TO \$.58.5 PER MILE**

At a regular meeting of the Village Board of Trustees of the Village of South Dayton, held on April 13, 2022, the following resolution was adopted by the Village Board of Trustees.

WHEREAS, the Board of Trustees has determined to pay a fixed rate for mileage as reimbursement to Officers and employees of the Village who use their personal vehicles while performing their official duties on behalf of the Village.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees shall approve reimbursement to such officers and employees at the rate of \$.58.5 per mile which is the IRS rate for 2022.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

	Aye	Nay
Robert Killock, Mayor	X	___
Melinda Frederickson, Trusee	X	___
Jonathan Mosher, Trustee	X	___
Lynn Rupp, Trustee	X	___

DATED: April 13, 2022

I hereby certify that this resolution was adopted on April 13, 2022 and is recorded in the Meeting Minutes of the Village of South Dayton Board of Trustees.

\_\_\_\_\_  
Barbara L. Scott Clerk/Treasurer

**CLERK/TREASURER**

Clerk Scott reported:

- Checking accounts have been opened at Cattaraugus County Bank (CCB) in South Dayton. We will gradually eliminate checking accounts at Evans Bank in Forestville.
- Village received \$24,763.38 from Cattaraugus County for unpaid property taxes in 2021.
- A \$250,000 Bond Anticipation Note for the Sewer Project and a \$500,000 Bond Anticipation Note for the Water Project is scheduled to close on April 14<sup>th</sup>. When funds are awarded, \$250,000 will be wired to the BAN Project account at CCB, and \$500,000 will be wired to the CDBG account at Evans Bank.
- At the last meeting, we had over \$16,000.00 in unpaid water bills. Termination warning letters were mailed. Payment must be made by April 15<sup>th</sup> or service will be terminated. We have received about \$8,000.00 of the unpaid water bills. Service termination will occur on Monday, April 18<sup>th</sup> for accounts that have not made a payment.

**NEXT BOARD MEETING**

Mayor Killock stated the next regular Board Meeting will be Wednesday, May 11, 2022 at 7:00 pm, in the Village Library.

**ADJOURNMENT**

Mayor Killock asked for a motion to adjourn the meeting. Trustee Mosher made a motion to adjourn. Trustee Rupp seconded the motion. AYE 4. NAY 0. Carried. The meeting adjourned at 8:42 pm.

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Barbara L. Scott  
Clerk of Board