

## Regular Meeting #11, Re-Organization and Public Hearings

A Meeting of the Mayor and Board of Trustees of the Village of Sloan was held on April 12, 2022, 7:00pm at the Sloan Municipal Building, 425 Reiman Street, Village of Sloan, County of Erie, and State of New York. Meeting called to order at 7:00pm.

### Pledge of Allegiance

<b>Roll Call:</b>	Mayor Thomas Ferrucci	Present
	Trustee Eric Czubaj	Present
	Trustee Paula Bruscani	Absent
	Trustee Linda Ostempowski	Present
	Trustee Jennifer Kregg	Present

### Re-Organization Meeting

#### Mayoral Appointments

Motion by Mayor Ferrucci to appoint Trustee Eric Czubaj as Deputy Mayor for a term of one-year, effective immediately.

Motion by Mayor Ferrucci, Second by Trustee Kregg to appoint Joseph Coffta, Raymond Bienik and Robert Jaroszewski as Fire Commissioners for a term of one year, effective immediately.

Ayes: Mayor Ferrucci, Trustee Czubaj, Trustee Ostempowski, Trustee Kregg

Nays: None

Absent: Trustee Bruscani

Motion by Mayor Ferrucci, Second by Trustee Ostempowski to appoint Michele Kramarsyck as a member of the Zoning Board of Appeals for a term of three years and Mary Maly as a member of the Zoning Board of Appeals for a term of one year, effective immediately.

Ayes: Mayor Ferrucci, Trustee Czubaj, Trustee Ostempowski, Trustee Kregg

Nays: None

Absent: Trustee Bruscani

Motion by Mayor Ferrucci, Second by Trustee Ostempowski to appoint Trustee Paula Bruscani as the Internal Audit Chairperson and Liaison to the Clerk's Office for a term of one year, effective immediately.

Ayes: Mayor Ferrucci, Trustee Czubaj, Trustee Ostempowski, Trustee Kregg

Nays: None

Absent: Trustee Bruscani

Motion by Mayor Ferrucci, Second by Trustee Kregg to appoint Trustee Eric Czubaj as the Director of the Youth and Senior Recreation Department for a term of one year, effective immediately.

Ayes: Mayor Ferrucci, Trustee Czubaj, Trustee Ostempowski, Trustee Kregg

Nays: None

Absent: Trustee Bruscani

Motion by Mayor Ferrucci, Second by Trustee Kregg to appoint Trustee Linda Ostempowski as the Board Liaison for the Village Sanitation Compliance and Police Advisory Committee for a term of one year, effective immediately.

Ayes: Mayor Ferrucci, Trustee Czubaj, Trustee Ostempowski, Trustee Kregg

Nays: None

Absent: Trustee Bruscani

#### Official Depository

BE IT RESOLVED, that KeyCorp Bank, headquartered in Cleveland, Ohio is designated an official depository of this corporation; and

FURTHER RESOLVED, that all drafts, checks and other instruments or orders for payment of monies drawn against the account or accounts of this corporation with said Depository shall be signed by any two of the following:

Thomas Ferrucci, Eric Czubaj, Paula Bruscani and Debra Smith; and

FURTHER RESOLVED, that said depository is authorized to place to the credit of the accounts of this corporation, and that said depository is hereby directed to accept and/or pay and/or apply any draft, check, instrument or order for the payment of money, or any proceeds thereof, drawn on any account when signed as required by this resolution by manual, stamp, facsimile or other mechanical signature without limit to amount, without inquiry and without regard to the disposition of any such item or proceeds thereof.

Motion by Trustee Ostempowski, Second by Mayor Ferrucci

Ayes: Mayor Ferrucci, Trustee Czubaj, Trustee Ostempowski, Trustee Kregg

Nays: None

Absent: Trustee Bruscani

Official Newspaper

Motion by Trustee Kregg, Second by Trustee Ostempowski to approve the Cheektowaga Bee as the official newspaper of the Village of Sloan.

Ayes: Mayor Ferrucci, Trustee Czubaj, Trustee Ostempowski, Trustee Kregg

Nays: None

Absent: Trustee Bruscani

Mileage Reimbursement

Motion by Trustee Ostempowski, Second by Trustee Czubaj to approve reimbursement of mileage at a rate of \$58.5/mile to Village officials and employees who use their personal vehicles while performing their official duties, effective for the 2022/2023 fiscal year.

Ayes: Mayor Ferrucci, Trustee Czubaj, Trustee Ostempowski, Trustee Kregg

Nays: None

Absent: Trustee Bruscani

Procurement Policy

Motion by Trustee Ostempowski, Second by Trustee Kregg to approve the Village of Sloan’s Procurement Policy as amended on July 28, 2021 by Resolution 2022-8, effective immediately.

Ayes: Mayor Ferrucci, Trustee Czubaj, Trustee Ostempowski, Trustee Kregg

Nays: None

Absent: Trustee Bruscani

Attendance at Village Meetings, Schools and Conferences

Motion by Mayor Ferrucci, Second by Trustee Ostempowski to approve attendance at various NYCOM meetings, schools and conferences, County and Village Association meetings and training sessions by Village officers and designated employees whereby attendance benefits the municipality to participate in said schools, conferences and meetings.

Ayes: Mayor Ferrucci, Trustee Czubaj, Trustee Ostempowski, Trustee Kregg

Nays: None

Absent: Trustee Bruscani

Village Hall Hours and Schedule of Board Meetings

Motion by Mayor Ferrucci, Second by Trustee Ostempowski to approve Village Hall office hours as follows: Monday through Friday, 8:30am to 4:00pm; and the Board of Trustee meetings as follows: Second Tuesday of each month at 7:00pm and the fourth Wednesday of each month at 5:30pm, subject to amendments as approved by the Board of Trustees.

Ayes: Mayor Ferrucci, Trustee Czubaj, Trustee Ostempowski, Trustee Kregg

Nays: None

Absent: Trustee Bruscani

**Budget Public Hearing**

LEGAL NOTICE OF PUBLIC HEARING

Notice is hereby given, pursuant to Village Law §5-508, a Public Hearing will be held before the Board of Trustees for the Village of Sloan at the Municipal Building, 425 Reiman Street on the 12th of April, 2022 at 7:00pm for the purpose of review and possible adoption of the 2022/2023 Preliminary Budget. Further, take note that the proposed salary for the Mayor is \$9,800/year, Deputy Mayor is \$5,600/year and the three (3) Trustees is \$5,000/year. A copy of the Tentative Budget is available for review beginning April 7, 2022, in the Village Clerk’s Office, 425 Reiman Street, Monday through Friday, 9:00am to 4:00pm.

BUDGET PRESENTATION- Debra Smith, Budget Director

Review of 2022/2023 Preliminary Budget amendments, revenues, appropriations, tax rate, assessed valuation, equalization rate and comparisons.

Public Comment on Preliminary Budget- None

**Village Code Amendment Public Hearing**

LEGAL NOTICE OF PUBLIC HEARING

Notice is hereby given, a Public Hearing will be held before the Board of Trustees for the Village of Sloan at the Municipal Building, 425 Reiman Street on the 12th of April, 2022 at 7:00pm for proposed changes to Village Code Chapter 317 “Parks” (4) Prohibited Acts; and Chapter 455 “Zoning” by adding Article IX Cannabis Business(es). Proposed Amendments are available for review beginning April 7, 2022, in the Village Clerk’s Office, 425 Reiman Street, Monday through Friday, 9:00am to 4:00pm.

ATTORNEY PRESENTATION- Cara Smith, Vallone Law Firm

Review of Marijuana Regulation Taxation Act (MRTA) and proposed changes to Village Code Chapters 317 and 455.

Public Comment on Village Code Amendments

Vincent Ferraraccio- Village Code Enforcement Officer

## Regular Meeting

### Approval of Regular Meeting Minutes of March 8, 2022 and Audit Meeting and Work Session Minutes of March 23, 2022, as submitted.

Motion by Mayor Ferrucci, Second by Trustee Ostempowski

Ayes: Mayor Ferrucci, Trustee Czubaj, Trustee Ostempowski, Trustee Kregg

Nays: None

Absent: Trustee Bruscani

### Approval of Abstract 021, vouchers 399 through 430, of the 2021/2022 General Fund Budget for a total payment of \$52,975.70.

Motion by Trustee Ostempowski, Second by Trustee Kregg

Ayes: Mayor Ferrucci, Trustee Czubaj, Trustee Ostempowski, Trustee Kregg

Nays: None

Absent: Trustee Bruscani

### Approval of Abstract 018 of the Capital Sewer Project Budget, vouchers 36 and 37, for a total payment of \$14,937.61.

Motion by Mayor Ferrucci, Second by Trustee Ostempowski

Ayes: Mayor Ferrucci, Trustee Czubaj, Trustee Ostempowski, Trustee Kregg

Nays: None

Absent: Trustee Bruscani

### Department Reports

Highway- Robert Smith: Two rounds of street sweeping and one full round of tree trimming completed, Wrazen Park installation of new swings and moving of Youth Recreation equipment underway.

Seniors- Debra Smith: Polish luncheon on April 7th and Easter luncheon scheduled for April 14<sup>th</sup>.

Code Enforcement- Vincent Ferraraccio: NYS Mandate Multi-Dwelling Inspection Program

### Board Reports

Ostempowski: May 6<sup>th</sup> Gierlach Post Meat Raffle, upcoming plant sale with pickup scheduled for May 21<sup>st</sup> Bulk pickup rules and dates

Kregg: Little Free Pantry Easter treats, April 30<sup>th</sup> prescription drug drop-off at police station

Czubaj: Youth Recreation Easter Event outline for April 16, 2022, planned updates to Griffith Park Sports Courts and concrete walkways, Employment opportunity for Seasonal Recreation, removal of old basketball courts.

Ferrucci: 2022 Sanitary Sewer Project update, Curbing and Storm work to be completed on Celina and Mann Streets.

### Fire Hall Requests

Anthony Dicenzo 4/9/2022

Mitch Carlson 4/30/2022

Daryl Hedrick 5/7/2022

Theresa Kiszewski 5/14/2022

April Teed 5/15/2022

William Bateau 8/5/2022

Mark Zawadzki 8/14/2022

Motion by Trustee Ostempowski, Second by Trustee Czubaj

Ayes: Mayor Ferrucci, Trustee Czubaj, Trustee Ostempowski, Trustee Kregg

Nays: None

Absent: Trustee Bruscani

### 2022/2023 Preliminary Budget Amendments

Motion by Mayor Ferrucci, Second by Trustee Ostempowski to amend the 2022/2023 Preliminary Budget as follows:

Increase Revenue Account Code 3501.0 (CHIPS Revenue) by \$20,000

Increase Expenditure Account Code 5112.205 (Permanent Road Improvements) by \$20,000

Ayes: Mayor Ferrucci, Trustee Czubaj, Trustee Ostempowski, Trustee Kregg

Nays: None

Absent: Trustee Bruscani

### Resolutions

#### 2022-36 2022/2023 Budget Adoption

Motion by Trustee Kregg, Second by Trustee Ostempowski to adopt the 2022/2023 Preliminary Budget as amended, for a total General Fund Appropriation of \$3,068,190, a property tax levy of \$1,228,594 with a corresponding tax rate of \$7.011623 per \$1000 of assessed valuation.

Ayes: Mayor Ferrucci, Trustee Czubaj, Trustee Ostempowski, Trustee Kregg

Nays: None

Absent: Trustee Bruscani

*2022-37 Village Code Amendment Chapter 317 and 455*

Whereas, on March 31, 2021, New York State legalized adult-use cannabis by passing the Marijuana Regulation and Taxation Act (MRTA), and

Whereas, the MRTA allows local governments to pass local laws and regulations governing the time, place and manner of the operation of licensed adult-use cannabis retail dispensaries and on-site consumption locations, and

Whereas, the Board of the Village of Sloan has conducted a Public Hearing on April 12, 2022 on the proposed amendments to the Village Code, (1) Chapter 317 “Parks” by adding 317-4, subsection N under Prohibited Acts to include “Smoke a lighted cigar, cigarette, pipe, or any other matter or product which contains tobacco, nicotine substance, or cannabis including the use of an electronic smoking device that created an aerosol or vapor in any part of the park” and (2) Chapter 455 “Zoning” by adding Article IX entitled “Cannabis Business(s)”, as attached and made part of this Resolution, Now Therefore Be It

Resolved, that the Board of the Village of Sloan does hereby approve the amendments to Village Code Chapter 317 “Parks” by adding 317-4, subsection N under Prohibited Acts to include “Smoke a lighted cigar, cigarette, pipe, or any other matter or product which contains tobacco, nicotine substance, or cannabis including the use of an electronic smoking device that created an aerosol or vapor in any part of the park” and (2) Chapter 455 “Zoning” by adding Article IX entitled “Cannabis Business(s)”, and Chapter 455 “Zoning”, effective immediately.

Motion by Trustee Kregg, Second by Trustee Czubaj

Ayes: Mayor Ferrucci, Trustee Czubaj, Trustee Ostempowski, Trustee Kregg

Nays: None

Absent: Trustee Bruscani

*2022-38 Village Code Amendment Chapter 205*

Whereas, Village Code Chapter 205 “Construction Code, Uniform”, subsection 16 authorizes the Board to amend the Fee Schedule Attachment A as needed, and

Whereas, the Code Enforcement Officer has recommended the adoption of an Excessive Inspection Call-Back Fee to be approved by resolution of the Board of the Village of Sloan, and

Whereas, the recommended fee of \$75.00 be added to Attachment 1 “Fee Schedule” authorizing the Code Enforcement Officer to assess against the property owner for each inspection after the second inspection in which violation of a state or local building code are found and where the status of the violation has not progressed adequately or been satisfactorily completed, and

Whereas, a property owner shall be afforded the right to apply for a waiver by appealing to the Board of the Village of Sloan, Now Therefore Be It

Resolved, that the Board of the Village of Sloan approves the amendment to Attachment A of Village Code Chapter 205 by adding a \$75.00 Excessive Inspection Call-Back Fee and Further

Resolved, that the Board of the Village of Sloan approves the addition of Chapter 205-15, subsection F as follows: “Request for waivers of the Excessive Inspection Call-Back Fee imposed by the Code Enforcement Officer shall be addressed to the Board of Trustees in writing and must detail the circumstances justifying the waiver. The Board may grant a waiver when extraordinary circumstances have been shown to exist. Said circumstances include, but are not limited to, weather, financial hardship, family situations and illness”, effective immediately.

Motion by Mayor Ferrucci, Second by Trustee Ostempowski

Ayes: Mayor Ferrucci, Trustee Czubaj, Trustee Ostempowski, Trustee Kregg

Nays: None

Absent: Trustee Bruscani

*2022-39 CDBG Subrecipient Agreement*

WHEREAS, the Town of Cheektowaga (hereinafter referred to as the “Town”) and the Village of Sloan (hereinafter referred to as the “Village”) have entered into a cooperation agreement for the purpose of undertaking or assisting in undertaking essential community development and housing assistance activities and publicly assisted housing under the Housing and Community Development Act of 1974, as amended (hereinafter referred to as the “HCD Act”), Public Law 93-383; and

WHEREAS, the Town has received grant funds from the Department of Housing and Urban Development (HUD) for the purpose of the HCD Act; and

WHEREAS, the Town desires to enter into an agreement with the Village for the purpose of undertaking eligible activities under the HCD Act.

NOW, THEREFORE, IT IS MUTUALLY AGREED BY AND BETWEEN THE PARTIES HERETO, as follows:

WHEREAS, the Town receives a Federal Grant provided by the United States Department of Housing and Urban Development (HUD) pursuant to the Housing and Community Development Act of 1974 (PL 93-383) through Community Development Block Grant Program (CDBG) for the purposes which include the urgent need to supplement private and public spending for economic development, housing and human service needs in the nation’s metropolitan centers; and

WHEREAS, the Town has received funds under the HCD Act and Regulations Promulgates pursuant thereto (hereinafter referred to as “Regulations”) in the form of a grant, for supporting various community level programs to meet those needs; and

WHEREAS, the Supervisor, as Chief Executive Officer of the Town of Cheektowaga has, pursuant to the Regulations, designated the Department of Community and Economic Development as the Town Department to administer funds; and  
WHEREAS, the Village has proposed to the Town's Department of Community and Economic Development a Program entitled, Street Curbing/Gutter Infrastructure Program (hereinafter referred to as the "Program") which has been included in the Town's 2022 Annual Action Plan approved and accepted by HUD; and  
WHEREAS, the members of the Town Board duly approved the Town's 2022 Annual Action Plan at the Town Board meeting on which included the Village's proposed Program; and  
WHEREAS, the Program qualified under the low-mod benefit national objective defined in the Regulations; and  
WHEREAS, the parties hereto wish to agree upon the terms and conditions for the management and delivery of services for the Village's implementation of the Program; and  
NOW, THEREFORE, in consideration of the foregoing and the covenants and conditions set forth herein, the parties agree to the definitions, exhibits and attachments and made part of this Agreement.

Motion by Mayor Ferrucci, Second by Trustee Kregg

Ayes: Mayor Ferrucci, Trustee Czubaj, Trustee Ostempowski, Trustee Kregg

Nays: None

Absent: Trustee Bruscani

*Resolution 2022-40 Insituform Change Order 1*

Whereas, on April 28, 2021, the Village of Sloan awarded a contract for the furnishing of Cleaning, Televising and Rehabilitation of Sanitary Sewer Facilities through Cured in Place Pipe (CIPP) Projects Insituform Technologies LLC of 17988 Edison Avenue, Chesterfield, Missouri 63005; and

Whereas, this contract was for the period of June, 2021 through March 2, 2022; and

Whereas, upon the recommendation of the Village Engineer, Wm. Schutt and Associates, the Village is required to approve a Change Order extending the contract period by 170 days or until August 19, 2022; Now Therefore Be It

Resolved, that the Board of the Village of Sloan hereby approves Change Order No. 1 for the furnishing of Cleaning, Televising and Rehabilitation of Sanitary Sewer Facilities through Cured in Place Pipe (CIPP) Projects with Insituform Technologies LLC; and Be It Further

Resolved, that Change Order No. 1 is effective immediately, hereby attached and made part of this resolution.

Motion by Mayor Ferrucci, Second by Trustee Czubaj

Ayes: Mayor Ferrucci, Trustee Czubaj, Trustee Ostempowski, Trustee Kregg

Nays: None

Absent: Trustee Bruscani

*2022-41 Fire Department Fundraiser*

Motion by Trustee Ostempowski, Second by Trustee Kregg authorizing the Sloan Active Hose Company No. 1 to conduct a Sportsman Raffle fundraiser in October, 2022 for ticket sales based on the daily NYS Lottery numbers.

Ayes: Mayor Ferrucci, Trustee Czubaj, Trustee Ostempowski, Trustee Kregg

Nays: None

Absent: Trustee Bruscani

Obsolete Equipment

Motion by Trustee Ostempowski, Second by Trustee Czubaj to declare obsolete a Gas Meter GX-2009, Serial # 893044786RN and Inventory #1848 by the Sloan Fire Department and to dispose of the same.

Ayes: Mayor Ferrucci, Trustee Czubaj, Trustee Ostempowski, Trustee Kregg

Nays: None

Absent: Trustee Bruscani

Public Comment

John Staniszewski

Adjournment

Motion by Mayor Ferrucci, Second by Trustee Czubaj to adjourn meeting at 8:16pm.

Ayes: Mayor Ferrucci, Trustee Czubaj, Trustee Ostempowski, Trustee Kregg

Nays: None

Absent: Trustee Bruscani

Respectfully Submitted,

Debra M. Smith  
Village Clerk/Treasurer