

Village of Portville

2023 Organizational Meeting

April 3, 2023

Present: Anthony Evans, Mayor
Joseph McLarney, Deputy Mayor
Michael DeBarbieri, Trustee
Matthew Reisman, Trustee
Oriana Osgood, Clerk
Andrew Hall, DPW Superintendent

Excused: Ronald G. Lott, Jr., Trustee

Attendees: Sydney Evans

Meeting opened with the pledge to the flag at 6:00 p.m.

On March 21, 2023 the following officials were elected:

Anthony Evans - 4-year term (Mayor)

Ronald G. Lott, Jr. - 4-year term (Trustee)

Matthew Reisman - 4-year term (Trustee)

On March 27, 2023, Oath of Office was administered by Mayor, Anthony Evans and Village Justice, Judy McClain to the following elected officials:

Anthony Evans - 4-year term (Mayor)

Ronald G. Lott, Jr. - 4-year term (Trustee)

Matthew Reisman - 4-year term (Trustee)

Appointments of the Mayor:

Deputy/Mayor	Joseph McLarney
Clerk	Oriana Osgood
Treasurer	Thomas Crosson
Superintendent of Public Works	Andrew Hall
Flood Control	Andrew Hall
Sewer Inspector	Andrew Hall
Assistant Supt. Public Works	Matthew Chiapuso
Village Justice	Judy McClain
Officer in Charge	Mark Crosson
Public Prosecutor	Derek Hafner

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Code Enforcement
Dog Control Officer
Registrar (Town Clerk)
Voting Machine Inspector
Official Village Attorney
Official Village Newspaper

Ed Jennings
Denise Barber
Yvonne Rogers
Catt. County Board of Elections
Benjamin Smith, Esq.
Olean Times Herald

Board of Appeals:

Robert Fairbanks, Chair
Frank Aloï, Sr.
Andrew Lee
Joseph Ray Sprout
Emily Woodhead

Code Committee:

Robert Fischer, Chair
Kay Anderson
Michael DeBarbieri
Becky Johnstone
Val Latten
Joanne McAndrew

Tree Committee:

Robert Johnstone, Chair
Joseph DeShaw
Sydney Evans
Beverly Jones
Ann Sutter
Johneta Wilson

Land Use Committee:

Jeff Latten, Chair
Robert Fischer
Andrew Hall

Motion to accept the current By-Laws.

Motion: Michael DeBarbieri **2nd:** Matthew Reisman **ALL AYES**

Motion to accept the current Procurement Policy.

Motion: Michael DeBarbieri **2nd:** Matthew Reisman **ALL AYES**

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Motion to accept the current Investment Policy.

Motion: Michael DeBarbieri 2nd: Matthew Reisman **ALL AYES**

Motion to accept the current Personnel Policy.

Motion: Michael DeBarbieri 2nd: Matthew Reisman **ALL AYES**

Motion to accept the current Workplace Violence Prevention Policy.

Motion: Michael DeBarbieri 2nd: Matthew Reisman **ALL AYES**

Motion to accept the current Sexual Harassment Prevention Policy.

Motion: Michael DeBarbieri 2nd: Matthew Reisman **ALL AYES**

**RESOLUTION #03-23 RESOLUTION THAT THE VILLAGE BOARD
AUTHORIZE ADVANCE APPROVAL OF CLAIMS.**

WHEREAS, The Village Board of Trustees has determined to authorize payment in advance of audit of claims for public utility services, postage, freight and express charges; and

WHEREAS, all such claims must be presented at the next regular meeting for audit; and

WHEREAS, the claimant and the officer incurring or approving the claim are jointly and severally liable for any amount the Board of Trustees disallows.

NOW, THEREFORE, BE IT RESOLVED:

Section 1. That the Board of Trustees authorizes payment in advance of audit of claims for public utility services, postage, freight and express charges. All such claims must be presented at the next regular meeting for audit and claimant and the officer incurring or approving the claims are jointly and severally liable for any amount the Board of Trustees disallows.

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Section 2. That this resolution is effective immediately.

Moved: Joseph McLarney **2nd:** Michael DeBarbieri **ALL AYES**
Resolved: Joseph McLarney
Resolution is carried.

**RESOLUTION #04-23 RESOLUTION THAT THE VILLAGE BOARD
AUTHORIZE A MILEAGE ALLOWANCE.**

WHEREAS, The Village Board of Trustees has determined to pay a fixed rate for mileage as reimbursement to village officers and employees who use their personal automobiles while performing their official village duties;

NOW, THEREFORE, BE IT RESOLVED:

Section 1. That the Board of Trustees will approve reimbursement to such officers and employees at the of 65.5 cents per mile.

Section 2. That this resolution is effective immediately.

Moved: Matthew Reisman **2nd:** Michael DeBarbieri **ALL AYES**
Resolved: Matthew Reisman
Resolution is carried.

**RESOLUTION #05-23 RESOLUTION AUTHORIZING ATTENDANCE
AT SCHOOLS AND CONFERENCES.**

WHEREAS, there is to be held during the coming official year:

- a) NYCOM's Winter Legislative Meeting;
- b) NYCOM's Annual Meeting and Training School;
- c) NYCOM's Fall Training School;
- d) NYCOM's Public Works Training School;
- e) Any county association meetings; and

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WHEREAS, attendance by certain municipal officials and employees at one or more of these meetings, conferences or schools benefits the municipality;

NOW, THEREFORE, BE IT RESOLVED:

Section 1. That the following officers and employees are authorized to attend schools, trainings, conferences with prior Board permission.

Section 2. That this resolution is effective immediately.

Moved: Michael DeBarbieri **2nd:** Joseph McLarney **ALL AYES**

Resolved: Michael DeBarbieri

Resolution is carried.

RESOLUTION #06-23 RESOLUTION THAT THE VILLAGE BOARD DESIGNATES COMMUNITY BANK, N.A. AND FIVE STAR BANK AS DEPOSITORIES.

WHEREAS, The Village Board of Trustees has determined that the Village Law §4-412(3)(2) requires the designation of banks or trust companies for the deposit of all village monies;

NOW, THEREFORE, BE IT RESOLVED:

Section 1. That the Board of Trustees designates the following institutions as depositories of all monies received by the Village Treasurer, Clerk and receiver of taxes. Names of Institutions: Community Bank, N.A. and Five Star Bank.

Section 2. That this resolution is effective immediately.

Moved: Joseph McLarney **2nd:** Matthew Reisman **ALL AYES**

Resolved: Joseph McLarney

Resolution is carried.

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**RESOLUTION #07-23 RESOLUTION ADOPTING RULES OF
PROCEDURE FOR THE BOARD OF TRUSTEES OF THE VILLAGE OF
PORTVILLE, NEW YORK.**

WHEREAS, The Village Law §4-412 provides that the Board of Trustees may determine its own rules of procedure;

NOW, THEREFORE, BE IT RESOLVED, the following rules of procedure are adopted pursuant to Village Law §4-412, effective immediately.

- 1. REGULAR MEETINGS:** The Board of Trustees' Regular Meetings are held on the 3rd Monday of each month, commencing at 6:00 p.m. in the Village Hall Board room.
- 2. SPECIAL MEETINGS:** Special Meetings of the Board of Trustees are all Board meetings other than Regular Meetings. A Special Meeting may be called by the Mayor or any Trustee upon notice to the entire Board. Notice must be given to each member of the Board of Trustees by telephone, in person, or email at least 24 hours in advance of the meeting unless an emergency requires the meeting to be held on less than 24-hours' notice.
- 3. QUORUM:** A quorum of the Board must be physically present to conduct business. A quorum of the five-member Board of Trustees is three, regardless of vacancies.
- 4. EXECUTIVE SESSIONS:** Executive sessions must be held in accordance with NYS Public Officers Law §105. All executive sessions must be entered into by a motion made from a properly noticed and conducted open meeting.
- 5. AGENDAS:** The agenda is to be prepared by the Clerk at the direction of the Mayor. The Mayor or any Trustee may have an item placed on the agenda. When possible, items for the agenda must be provided to the Clerk in writing or via email at least 24 hours before the meeting's start time. The agenda must be

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prepared by noon on the day of the meeting. However, items may be placed on the agenda at any time. If necessary, a supplemental agenda may be distributed at the beginning of the meeting.

- 6. VOTING:** Pursuant to the New York State Village Law and General Construction Law, each member of the Board has one vote. The Mayor may vote on any but must vote in case of a tie. A majority of the totally authorized voting power is necessary to pass a matter unless otherwise specified by State law. A vote upon any question must be taken by ayes and noes, and the names of the members present and their votes must be entered in minutes.

7. GENERAL RULES OF PROCEDURE:

- a) The Mayor presides at the meeting. In the Mayor's absence, the Deputy Mayor presides at the meetings of the Board. The presiding officer may debate, move and take any action that may be taken by other members of the Board. Board members are not required to rise, but must be recognized by the presiding officer before making motions and speaking.
- b) Every motion must be seconded before being put to a vote; all motions must be recorded in their entirety in the Board's minutes.
- c) Once recognized, a member may not be interrupted when speaking unless it is to call him/her to order. If a member is called to order, they must stop speaking the question of order is determined, and, if in order, they must be permitted to proceed. There is no limit to the number of times a member may speak on a question. Motions to close or limit debate may be entertained and require a two-thirds vote to pass.

8. GUIDELINES FOR PUBLIC COMMENT:

- The public may speak only during the Public Comment period of the meeting or at such other time as a majority of the Board allows.
- Speakers must step to the front of the room.

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- Speakers must give their name, address and organizations, if any.
- Speakers must be recognized by the presiding officer.
- Speakers must limit their remarks to five minutes on a given topic.
- Speakers may not yield any remaining time they may have to another speaker.
- Board members may, with the permission of the Mayor, interrupt a speaker during their remarks, but only for the purpose of clarification or information.
- All remarks must be addressed to the Board as a body and not to any member thereof.
- Speakers must observe the commonly accepted rules of courtesy, decorum, dignity and good taste.
- Interested parties or their representatives may address the Board by written communications.

9. MINUTES:

- a) The Clerk is responsible for taking the minutes of the Board. Minutes must consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon. Minutes must be taken at executive session of any action that is taken by formal vote. Executive session minutes must consist of a record or summary of the final determination of such action, and the date and vote thereon; provided, however, that such summary need not include any matter which is not required to be made public by the NYS Freedom of Information Law (FOIL).
- b) Minutes must also include the following:
 - Name of the Board;
 - Date, place and time of meeting;
 - Notation of the presence or absence of Board members and time of arrival or departure if

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different from time of call to order and adjournment;

- Name and title of other village officials and employees present and the approximate number of attendees;
 - Record of communications presented to the Board;
 - Record of reports made by Board or other village personnel; and
 - Time of adjournment; and signature of Clerk or person who took the minutes if not the clerk.
- c) Minutes should not contain a summary of the discussion leading to action taken or include verbatim comments unless a majority of the Board resolves to have the Clerk do so.
- d) The Clerk is responsible for creating a draft of the minutes within the timeframe provided for under the New York State Open Meetings Law. The Board of Trustees approves the minutes at the next Board meeting. Amendments to the Clerk's minutes require approval of the Board of Trustees by a majority vote.

10. SAMPLE ORDER OF BUSINESS OF THE BOARD OF TRUSTEES:

- a) Call to order;
- b) Roll call;
- c) Approval of minutes of previous meeting;
- d) Appropriations;
- e) Auditing;
- f) Report of officers and committees (list);
- g) Public comment period;
- h) Old business;
- i) New business;
- j) Adjournment.

11. GUIDELINES FOR USE OF RECORDING EQUIPMENT: All members of the public and all public officials are allowed to tape or video record public meetings. Recording is not allowed during

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executive sessions. Recording should be done in a manner which does not interfere with the meeting. The Mayor may determine whether the recording is being done in an intrusive manner taking into consideration, but not limited to, brightness of lights, distance from the deliberations of the Village Board, size of equipment, and the ability of the public to participate in the meeting. If the recording is determined to be intrusive and interferes with the meeting, the Mayor may direct that the recording be stopped or undertaken in a different manner or location.

12. ADJOURNMENT: Meetings may be adjourned by motion.

13. AMENDMENTS TO THE RULES OF PROCEDURE: The foregoing procedures may be amended from time to time by a majority vote of the Board.

Moved: Matthew Reisman **2nd:** Michael DeBarbieri **ALL AYES**

Resolved: Matthew Reisman

Resolution is carried.

Motion to adjourn at 6:20 p.m.

Motion: Joseph McLarney **2nd:** Michael DeBarbieri **ALL AYES**

Public Hearing Board Meeting for 2023-2024 Annual Budget and Public Presentation Regarding Infrastructure Projects by Matthew Zarbo, P.E. will be held on: April 17, 2023 at 5:00 p.m.

Next Board Meeting will also be held on: Monday, April 17, 2023, at 6:00 p.m.