

## Public Hearing and Regular Meeting #9

A Public Hearing and Meeting of the Mayor and Board of Trustees of the Village of Sloan was held on February 7, 2017, 7:00pm at the Village 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

**Roll Call:** Trustee Tammy Bayes  
Trustee Doreen Spence  
Trustee Thomas Ferrucci  
Trustee Barry Ping  
Mayor James Niwinski- Absent

### Public Hearing

Time Warner Cable Northeast LLC, l/k/a  
Charter Communications Franchise Renewal Agreement

### Legal Notice Reading

**PLEASE TAKE NOTICE** that the Village of Sloan will hold a Public Hearing on February 7, 2017 at 7:00 p.m. at the Village Municipal Building, 425 Reiman Street, Sloan, New York regarding granting a cable television franchise agreement by and between the Village of Sloan and Time Warner Cable Northeast LLC, l/k/a Charter Communications.

A copy of the agreement is available for public inspection during normal business hours at the Village Clerk's office, 425 Reiman Street, Sloan New York. At such public hearing, all persons will be given an opportunity to be heard. Written and oral statements will be taken at that time. Time limitations may be imposed for each oral statement, if necessary.

Mark Meyerhofer, Charter Communication Director, Government Affairs presentation

Public Comment- None

### Regular Meeting

#### Approval of Regular Meeting Minutes of January 10, 2017, and Audit Meeting Minutes of January 25, 2017

Motion by Deputy Mayor Ping, Second by Trustee Ferrucci

Ayes: Deputy Mayor Ping, Trustee Spence, Trustee Bayes, Trustee Ferrucci

Nays: None Absent: Mayor Niwinski

#### Approval of Budget Modification #4 of the 2016/2017 General Fund Budget as follows:

From:	Amount:	To:
5110.400 General Repairs- Contractual	\$1,008.00	5110.200 General Repairs- Equipment

Motion by Trustee Ferrucci, Second by Trustee Spence

Ayes: Deputy Mayor Ping, Trustee Spence, Trustee Bayes, Trustee Ferrucci

Nays: None Absent: Mayor Niwinski

#### Approval of Abstract 020, voucher 372, and Abstract 021, vouchers 373 through 397 for a total payment of \$28,799.10 of the 2016/2017 General Fund Budget.

Motion by Trustee Bayes, Second by Trustee Ferrucci

Ayes: Deputy Mayor Ping, Trustee Spence, Trustee Bayes, Trustee Ferrucci

Nays: None Absent: Mayor Niwinski

### Department Reports

Youth Recreation- Andrea Wojtanik: Recreation Center hours, Easter Egg Event scheduled for 4/15/2017, Summer program review

Fire- Alan Wieberg: Purchase of new Fire Truck to replace 1994 equipment, need for long-term capital planning and replacement in the Fire Department

Code Enforcement- Vincent Ferraraccio: 2016 report of building permits, housing court cases, storm drainage inspects, special use permits, junk yard inspections

Attorney- James Vallone: Review of fire truck purchase contract, Time Warner Cable Franchise, DEC Order on Consent

Trustees- Bayes: Soup on Sunday March 5, 2017 12:30pm

Ping: Fire Department Installation and special award from FASNY and NYS to William Schroeder for 70 years of service to the Sloan Active Hose Company #1, AMVETS Post #72 fundraiser at Overtime Sport's Bar on February 19, 2017

### Fire Hall Requests

Zakary Darlak 2/25/2017

Debora Striewing 3/11/2017

Bob Halsey 4/22/2017

Pat Orzeszek 4/29/2017

George Hughson 5/5/2017

Nicholas D'Agostino 9/16/2017

Eddie Kasprzyk 10/8/2017

Motion by Trustee Spence, Second by Deputy Mayor Ping

Ayes: Deputy Mayor Ping, Trustee Spence, Trustee Bayes, Trustee Ferrucci  
Nays: None

Absent: Mayor Niwinski

### Resolutions

#### *Resolution 2017-29 TWC Franchise Agreement*

An application has been duly made to the Village of Sloan, County of Erie, New York, by Time Warner Cable Northeast LLC, I/k/a Charter Communications, a limited liability company organized and existing in good standing under the laws of the State of Delaware doing business at 2604 Seneca Avenue, Niagara Falls, NY 14305, for the approval of renewal agreement for Time Warner Cable's cable television franchise for fifteen (15) years commencing with the date of approval by the Public Service Commission.

The Franchise Renewal Agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings.

A public hearing was held in the Village of Sloan, New York on February 7, 2017 at 7:00P.M. and notice of the hearing was published in the Cheektowaga Bee on February 2, 2017.

NOW, THEREFORE, the Board of the Village of Sloan finds that:

1. Time Warner Cable Northeast LLC has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. Time Warner Cable Northeast LLC has the financial, legal and technical ability to provided these services, facilities and equipment as set forth in its proposal attached; and
3. Time Warner Cable Northeast LLC can reasonably meet the future cable related community needs and interests, taking into account the cost of meeting such needs and interests.

BE IT FURTHER RESOLVED that the Board of the Village of Sloan hereby grants the cable television franchise of Time Warner Cable Northeast LLC and the Village of Sloan for fifteen (15) years commencing with the date of approval by the Public Service Commission and expiring fifteen (15) years hence.

BE IT FURTHER RESOLVED that the Board of the Village of Sloan hereby confirms acceptance of the Franchise Renewal Agreement.

Motion by Trustee Ferrucci, Second by Deputy Mayor Ping

Ayes: Deputy Mayor Ping, Trustee Spence, Trustee Bayes, Trustee Ferrucci

Nays: None

Absent: Mayor Niwinski

#### *2017-30 EPG #67711 Designating Signatory*

NOW, THEREFORE, BE IT

RESOLVED that Mayor of the Village of Sloan is authorized to execute a Grant Agreement with the New York State Environmental Facilities Corporation and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the Village of Sloan's obligations under the Engineering Planning Grant Agreement

Motion by Trustee Spence, Second by Trustee Ferrucci

Ayes: Deputy Mayor Ping, Trustee Spence, Trustee Bayes, Trustee Ferrucci

Nays: None

Absent: Mayor Niwinski

#### *2017-31 EPG #67711 Authorizing Local Match*

NOW, THEREFORE, BE IT

RESOLVED that the Village of Sloan authorizes and appropriates a minimum of 20% local match as required by the Engineering Planning Grant Program for the Sloan Engineering Funding Grant #67711 project. Under the Engineering Planning Grant Program, this local match must be 20% of the grant award. The maximum local share appropriated subject to any changes agreed to by the Mayor shall not exceed \$25,000.00 based upon a total estimated project cost of \$125,000.00. The Mayor may increase this local match through the use of in kind services without further approval from the Village of Sloan.

Motion by Trustee Bayes, Second by Trustee Ferrucci

Ayes: Deputy Mayor Ping, Trustee Spence, Trustee Bayes, Trustee Ferrucci

Nays: None

Absent: Mayor Niwinski

#### *2017-32 EPG #67711 SEQR Determination*

Whereas, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations section 617.5) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law:

NOW, THEREFORE, BE IT

RESOLVED that the Village of Sloan hereby determines that the proposed Sloan Engineering Funding Grant #67711 project is a Type II action in accordance with subparagraph(18), which constitutes the information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action; and is therefore not subject to review under 6 NYCRR Section 617.

Motion by Deputy Mayor Ping, Second by Trustee Ferrucci

Ayes: Deputy Mayor Ping, Trustee Spence, Trustee Bayes, Trustee Ferrucci

Nays: None

Absent: Mayor Niwinski

*2017-33 Fire Truck Purchase*

Motion by Deputy Mayor Ping, Second by Trustee Ferrucci authorizing James Niwinski, Mayor of the Village of Sloan, to enter into a contract with Rosenbauer South Dakota LLC for the purchase of a Rosenbauer Commander Custom Chassis Pumper through the National Joint Power Alliance bidding process, in an amount not to exceed \$467,419.00.

Ayes: Deputy Mayor Ping, Trustee Spence, Trustee Bayes, Trustee Ferrucci  
Nays: None  
Absent: Mayor Niwinski

Junk Yard Licenses

Motion by Deputy Mayor Ping, Second by Trustee Ferrucci that, upon the approval of Vincent Ferraraccio, Code Enforcement Officer, the Board of the Village of Sloan hereby approves Junkyard licenses for Marks Auto Parts, Greg's Auto Parts, MiniVans & SUV's of WNY, 2060 Auto Parts, M&M U-Pull-It, 2150 Auto Recycling and Suburban Collision for the 2017 year.

Ayes: Deputy Mayor Ping, Trustee Spence, Trustee Bayes, Trustee Ferrucci  
Nays: None  
Absent: Mayor Niwinski

Public Comment- None

Adjournment

Motion by Deputy Mayor Ping, Second by Trustee Spence to adjourn meeting at 7:27pm.

Ayes: Deputy Mayor Ping, Trustee Spence, Trustee Bayes, Trustee Ferrucci  
Nays: None  
Absent: Mayor Niwinski

Respectfully Submitted,

Debra M. Smith  
Village Clerk/Treasurer