

VILLAGE OF MAYVILLE -REGULAR BOARD MEETING 7:00 P.M. 7/14/15

Board Present -Mayor Bova, Trustees: Syper, Jacobson, Flurie, Smead.

Board absent - None.

Others Present - John Crandall; Village Clerk, Jennifer Obert; Village Treasurer, John Buxton; DPW Superintendent, Ed Cannon; Code Enforcement Officer, Mark Smith, Post Journal.

Meeting called to order at 7:00 p.m.

Pledge to the flag.

Board members discussed hiring Donald Emhardt to assist with fire inspections in the Village of Mayville.

**RESOLUTION:** Resolved to approve the minutes of the meeting of the Board of Trustees of the Village of Mayville held on June 9, 2015 and Special Meeting held on June 24, 2015 with no additions or corrections.

Introduced by Trustee Smead.

Seconded by Trustee Syper.

Ayes - Trustees Smead, Syper, Jacobson, Flurie, Mayor Bova.

Nays - None.

Privilege of the floor was offered with no one speaking.

Department of Public Works report presented and attached.

Electric Department report presented and attached.

Water Department report presented and attached.

Building Inspector's report presented and attached.

**RESOLUTION:** Resolved to approve the Purchase of One (1) new John Deere Z920M Commercial Zero Turn Mower from Z& M Ag and Turf Rte.394 Falconer, NY 14733 at a cost of \$7,487.00 State Contract Pricing Contract #PC66663 copy of quote attached.

Introduced by Trustee Syper.

Seconded by Trustee Jacobson.

Ayes - Trustees Syper, Jacobson, Flurie, Smead, Mayor Bova.

Nays - None.

**RESOLUTION:** Resolved to approve the Purchase and installation of a 16 channel surveillance Camera System for the Department of Public Works from FSC Systems at a cost of \$3,550.00 quote is attached.

Introduced by Trustee Jacobson.

Seconded by Trustee Syper.

Ayes - Trustees Jacobson, Syper, Flurie, Smead, Mayor Bova.

Nays - None.

DPW Superintendent John Buxton updated the board on the rewiring project that has taken place in the museum area of the depot and the tremendous job that had been done by Doug Marshall  
. of the Historical Society for arranging the entire project.

**RESOLUTION:** Resolved to award the fuel bid for FY-15/16 to Lictus Keystone Inc. 8799 West Main Street Clymer, NY 14724 the lowest and only qualified bid received copy attached.

Introduced by Trustee Syper.

Seconded by Trustee Jacobson.

Ayes - Trustees Syper, Jacobson, Flurie, Smead, Mayor Bova.

Nays - None.

**RESOLUTION:** Resolved that the Village of Mayville Investment Policy has been reviewed and updated to allow for a maximum amount of \$5,000,000.00.

Introduced by Trustee Smead.

Seconded by Trustee Syper.

Ayes - Trustees Smead, Syper, Jacobson, Flurie, Mayor Bova.

Nays - None.

**RESOLUTION:** Whereas the Village of Mayville has regulations that clearly state no dogs are allowed within the Lakeside Park at any time and

Whereas the current regulation is not easily enforced and

Whereas local residents and visitors are using the area to walk their dogs regardless of the current regulations and

Whereas within the Lakeside park a Youth Recreation Day Camp Program is run each summer for a period of 6 weeks and the Beach is open to the public for a period of 9 weeks and

Whereas due to the safety concerns for all those children in the Day Camp Program and all those visitors to the public Beach the following changes shall be made to the Lakeside Park Regulations

Be it resolved that during the operation of the Village of Mayville Youth Recreation Day Camp no dogs shall be allowed past the sidewalk or fenced in areas of the park and that no dogs shall be allowed in the beach area of the park at any time throughout the entire year and

Be it further resolved that any pet excrement shall be cleaned up from any dog in those areas where dogs will be allowed by the owner and

Be it finally resolved that these regulations shall become effective with the passing of this resolution copy of current regulations are attached.

Introduced by Trustee Flurie.

Seconded by Trustee Syper.

Ayes - Trustees Flurie, Syper, Jacobson, Smead, Mayor Bova.

Nays - None.

#### RULES

Bathing allowed only when lifeguards are on duty.

Beach open 10:00 AM - 7:00 PM June 15<sup>th</sup> thru August 15<sup>th</sup>, 2015

No beer or liquor allowed in Park.

All refuse shall be placed in trashcans.

No one allowed in Park after 11:00 PM.

**No dogs shall be permitted in Park.**

#### RATES

There shall be no charge for entrance to the park or use of the pavilion, however reservations for the pavilion, will continue to be taken at the Clerk's Office. Details for rental of the Carlson Community Center are available at the Village Clerks Office.

#### DATES

The 2015 Lakeside Park season shall be 9 weeks.

Opening date - Monday, June 15<sup>th</sup>.

Last day open - Saturday, August 15<sup>th</sup>

**RESOLUTION:**

Section 209-i of the General Municipal sets the rules that apply when an active volunteer firefighter offers his or her services to assist another fire department outside of the boundaries of the fire district and/ or volunteer fire department he or she serves. That statute was recently amended. Previously, the statute provided a mechanism for a volunteer firefighter to offer his or her services to the jurisdictional officer in command of the local fire department (other than his or her fire department) at an individual fire or emergency scene or on an ongoing basis.

However, in order for our active volunteer firefighters to have the protections afforded by that other fire department to its members under the Volunteer Firefighters Benefits Law ["VFBL"] in case of injury or illness incurred at such scenes the injury or illness would have to arise after the jurisdictional officer in command had accepted his or her services. There was no VFBL insurance coverage provided to such Good Samaritans unless and until their services were accepted by the jurisdictional officer in command.

Section 209-i of the General Municipal, as amended, and effective on June 15, 2015, will now permit a fire district to afford this protection to its volunteer firefighters under its VFBL insurance coverage when the volunteer firefighter stops to assist at the emergency scene of another fire department from the time that the volunteer firefighter stops and enters that emergency scene until the jurisdictional officer in command of the other fire department arrives, take control of the scene, and decides whether or not to continue to utilize the services the volunteer firefighter of this fire department who has offered his or her assistance.

If the jurisdictional officer in command accepts such services, the volunteer firefighter must follow the orders and direction of that officer at the scene. He or she will then be covered by that other fire department's VFBL insurance coverage from that point forward.

If the jurisdictional officer in command does not accept such services, the volunteer firefighter must follow the order to stand down and must safely remove him (her) self from the fire or emergency scene. All VFBL insurance coverage ceases with that refusal to accept services. Volunteer firefighters should be guided accordingly.

The following rules of this fire district shall govern volunteer firefighters of this fire district when they come upon an emergency scene of another fire department outside of the territorial boundaries of this fire district and area covered by our fire department:

1. The amendment of Section 209-i of the General Municipal, effective on June 15, 2015, has not created any new duty to act in such circumstances. The amendment of Section 209-i of the General Municipal, effective on June 15, 2015, has not created any authorization for members of this fire department to self-dispatch themselves to the emergency scenes of other fire departments. The statute creates the opportunity to act when a volunteer firefighter of our fire department, "has knowledge of a fire or other emergency at or near the place where he is for the time being." General Municipal Law § 209-i [McKinney].
2. It is meant to provide the option of VFBL insurance coverage if an active volunteer firefighter happens to come upon an emergency scene or is close by and decides to render assistance.
3. It remains the policy of this Board of Fire Commissioners that active members of our fire department are not to respond to the emergency scenes of other fire departments at a distance which is not near their current location. If the emergency is not nearby, they are to wait for our fire department to be summoned for mutual aid assistance by that fire department.
4. In the event that an active member of our fire department comes upon an emergency scene in another jurisdiction and renders assistance he or she is expected to follow the safety precautions and rules that pertain to our fire department until the jurisdictional officer in command arrives at the scene and takes over command.

5. In the event that an active member of our fire department comes upon an emergency scene in another jurisdiction and renders assistance he or she is expected to take normal scene safety precautions for him (her) self and others at the emergency scene.

6. In the event that an active member of our fire department comes upon an emergency scene in another jurisdiction and renders assistance he or she is expected to follow the protocols for fire suppression, emergency rescue and emergency medical assistance as he or she has been trained to perform.

7. Members are reminded that simply stopping to assist another person(s) may not involve a fire department emergency in this other jurisdiction and these rules and this coverage applies when the fire department of that jurisdiction is summoned for emergency assistance.

8. Active members are under no obligation to ignore the lack of necessary safety equipment or the staffing necessary to take an action.

9. In determining whether or not to offer assistance in such situations active volunteer firefighters should consider the duty classification and restrictions, if any, placed upon them by the District/ Department Physician as a result of their most recent district/ department physical examination, and be guided accordingly.

10. If an active member of our fire department does stop and render assistance at an emergency scene in another jurisdiction, he or she is to submit a written report to the Chief of Department within twenty four (24) hours of completion of such assistance. At a minimum the report shall provide; a. the date, time and location of the emergency,

b. the nature of the emergency,

c. the nature of the assistance that he or she rendered,

d. the name of the fire department that responded to the emergency,

e. the name and rank of the jurisdictional officer in command at the scene,

f. whether his or her assistance was accepted or declined by the jurisdictional officer in command after arrival,

g. the action if any taken by such person after his or her services were accepted or denied,

h. the date and time that his or her services were completed,

i. whether or not he or she is complaining of an illness or injury as a result of such service,

j. the nature of such illness or injury, and

k. whether or not such illness or injury was reported to the host fire department.

**IT IS THEREFORE RESOLVED**, that based upon the foregoing it is the intention of the Board of Trustees of the Village of Mayville Fire Department to make available to the active members of the Mayville Fire Department the protections of Section 209-i, subp. 1-b, of the General Municipal, as amended, and effective on June 15, 2015, and to afford to any active member injured, rendered ill, or dying as a result of rendering services outside of our jurisdiction at the emergency scene of another fire department the protections of the Volunteer Firefighters Benefits Law, and insurance coverage provided thereunder until such time as the jurisdictional officer in command arrives at the scene, and

**IT IS FURTHER RESOLVED**, that whenever an active volunteer firefighter of the Mayville Fire Department provides services under Section 209-i of the General Municipal after responding to such scene near the place where he or she is for the time being and there is no jurisdictional officer in command present, such active volunteer firefighter shall report to such officer when he or she arrives and offer his or her assistance to such other fire company or fire department. If such offer of assistance is not accepted, the active volunteer firefighter of the Mayville Fire Department

*must immediately cease providing assistance, stand down and safely exit the emergency scene. If such assistance is accepted he or she shall follow the orders of the jurisdictional officer in command.*

*The adoption of the foregoing policy in the form of a resolution was duly put to a vote and upon roll call the vote was as follows:*

Introduced by Trustee Syper.

Seconded by Trustee Smead.

Ayes - Trustees Syper, Smead, Jacobson, Flurie, Mayor Bova.

Nays - None.

**RESOLUTION:** Resolved to enter into a standard concession agreement with the County of Chautauqua Industrial Development Agency to hold the 1<sup>st</sup> annual Chautauqua Gran Fondo bicycle ride on Saturday, August 29, 2015 within the Village of Mayville Lakeside Park as the starting area for the event.

Introduced by Trustee Syper.

Seconded by Trustee Smead.

Ayes - Trustees Syper, Smead, Jacobson, Flurie, Mayor Bova.

Nays - None.

**RESOLUTION:** Resolved to approve the Purchase of one Allied 700 BR Ho-Pac with mounting bracket, hydraulic plate compactor from Rusert Equipment LLC. PO Box 1131, Orchard Park, NY 14127 at a cost of \$4,999.00 the lowest quote received quote tabulation attached.

Introduced by Trustee Jacobson.

Seconded by Trustee Flurie.

Ayes - Trustees Jacobson, Flurie, Syper, Smead, Mayor Bova.

Nays - None.

**RESOLUTION:** Resolved to authorize the following Budget transfers FY-14/15.

**Increase**

A-3410.42 EMS, Other \$ 50.00

**Decrease**

A-3410.4 Fire & Ambulance, Other \$ 50.00

Introduced by Trustee Syper.

Seconded by Trustee Smead.

Ayes - Trustees Syper, Smead, Jacobson, Flurie, Mayor Bova.

Nays - None.

**RESOLUTION:** Resolved to authorize the following Budget transfers FY-15/16.

**Increase**

A-8160.411 Spring Cleanup, Other \$ 100.00

**Decrease**

A-1990.4 Contingent \$ 100.00

Introduced by Trustee Jacobson.

Seconded by Trustee Smead.

Ayes - Trustees Jacobson, Smead, Syper, Flurie, Mayor Bova.

Nays - None.

**RESOLUTION:** Resolved to approve payment of bills for Abstract #2 as follows:

General Fund	\$857,195.12
Water Fund	\$98,685.56
Electric Fund	\$133,106.32

and that included in the above are the following transfers to savings:

General Fund	\$505,000.00
Electric Fund	\$20,000.00

Introduced by Trustee Jacobson.

Seconded by Trustee Smead.

Ayes - Trustees Jacobson, Smead, Syper, Flurie, Mayor Bova.

Nays - None.

Privilege of the floor was offered.

John Buxton DPW Superintendent spoke to the board regarding the Mayville Cemetery Comprehensive Regulations that had been reviewed by the board members to be placed on next month's agenda to be approved.

Mayor Bova appoints Ann E. Weidman Chairperson of the Village of Mayville Tourism Business Committee.

**RESOLUTION:** Resolved to confirm the appointment of Ann E. Weidman Chairperson of the Village of Mayville Tourism Business Committee.

Introduced by Trustee Jacobson.

Seconded by Trustee Syper.

Ayes - Trustees Jacobson, Syper, Flurie, Smead, Mayor Bova.

Nays - None.

**RESOLUTION:** Resolved to adjourn the Regular Meeting of the Board of Trustees of the Village of Mayville on Tuesday, July 14, 2015 at 8:25 P.M.

Introduced by Trustee Jacobson.

Seconded by Trustee Smead.

Ayes - Trustees Jacobson, Smead, Syper, Flurie, Mayor Bova.

Nays - None.