

REGULAR MEETING, TOWN OF RANDOLPH, February 7, 2018

A regular meeting of the Town Board of the Town of Randolph, County of Cattaraugus and the State of New York was held at the Municipal Building, 72 Main Street, Randolph, NY on the 7th day of February 2018.

PRESENT: Dale Senn ----- Supervisor
Tim Beach ----- Councilman
John Hale ----- Councilman
Amber Frame ----- Councilwoman
Nate Root ----- Councilman
Gretchen Hind ----- Clerk
Gary Sickles ----- Superintendent of Highways
Bridget Marshall ----- Attorney

ABSENT:

OTHERS PRESENT: Elise Gorth – Randolph Register; Dave Heckman - Code Enforcement

Supervisor Senn called the meeting to order at 7:30PM with the Pledge of Allegiance.

RESOLUTION 19-2018

APPROVAL OF MINUTES

On a motion of Councilman Beach, seconded by Councilman Hale, the following resolution was

ADOPTED Ayes 5 Beach, Hale, Senn, Frame, Root
Nays 0

Resolved that the minutes of January 3, 2018 be approved as presented.

REPORT OF TOWN OFFICIALS

TOWN JUSTICE

Justice Greeley supplied the Board with an annual report.

CODE ENFORCEMENT

2 permits for a total of \$100 were issued for January 2018.

RACDC- NO REPORT

Monthly Report of the Supervisor

BLB provided reports for January 2018 to the Board.

CLERK

Clerk Hind submitted the monthly report for January 2018 to the Board. The local shares were Town-\$4770.95 Supervisor - \$266.52.

SUPERINTENDENT OF HIGHWAYS

Superintendent Sickles gave a detailed report on the activities for the month a January 2018.

WATER/SEWER

Water Project update was provided to the Board by MDA Engineers.

SAMPLE HILL

No activity.

COMMUNICATIONS

Communication was received from:

- The Village of Falconer
- Robert Griffith Jr.
- Cattaraugus County

OLD BUSINESS

RESOLUTION 20-2018

DOG CONTROL OFFICER

On a motion of Councilman Beach seconded by Councilman Hale, the following resolution was

ADOPTED Ayes 4 Hale, Senn, Frame, Beach
 Nays 0
 Abstain 1 Root

Resolved that the Town appoints Eric Butler as the Dog Control Officer with a \$200 a month salary.

RESOLUTION 21-2018

TOWN HISTORIAN

On a motion of Councilman Beach seconded by Councilman Root, the following resolution was

ADOPTED Ayes 5 Hale, Senn, Frame, Beach, Root
 Nays 0

Resolved that the Town appoints Nancy Olejniczak as the Town Historian with an annual salary of \$300.

NEW BUSINESS

RESOLUTION 22-2018

AUDIT OF TOWN CLERK BOOKS

On a motion of Councilman Beach, seconded by Councilwoman Frame, the following resolution was

ADOPTED Ayes 5 Beach, Hale, Senn, Frame, Root
 Nays 0

Resolved that after the Board audited the Clerk's books prior in the evening, that the records of the Town Clerk for 2017 having been duly examined and found all fees have been turned over to the proper officials.

RESOLUTION 23-2018

COURT AUDIT

On a motion of Councilman Root, seconded by Councilman Beach, the following resolution was

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ADOPTED Ayes 5 Beach, Hale, Senn, Frame, Root
 Nays 0

Resolved that after Supervisor Senn audited the books of the Justice Department prior to the Board meeting, the Board approves the audit as recommended by Supervisor Senn: Pursuant to Town Law Section 123 the criminal and civil dockets of the Town Justice for 2017 having duly examined and the fines and fees have been turned over to the proper officials.

RESOLUTION 24-2018

DWSRF

On a motion of Councilman Beach seconded by Councilwoman Frame, the following resolution was

ADOPTED Ayes 5 Hale, Senn, Frame, Beach, Root
 Nays 0

Resolved that the Town approves:

Pay Application No. 6 for DWSRF Contract No. 5 with STC as submitted for \$60,260.00.

Pay Application No. 1 for DWSRF Contract No. 5E as submitted for \$96,710.00.

MDA Invoice #7854 for \$5,593.52.

RESOLUTION 25-2018

CATTARAUGUS COUNTY FOUNDRY SITE

On a motion of Councilman Beach seconded by Councilman Hale, the following resolution was

ADOPTED Ayes 5 Hale, Senn, Frame, Beach, Root
 Nays 0

Resolved that the Town accepts the proposal from the County Land Bank to turn the former Foundry property on Sheldon Street over to the Town after the County has completed the rehab of the property.

RESOLUTION 26-2018

UNIFIED SOLAR PERMIT

On a motion of Councilman Beach, seconded by Councilman Root, the following resolution was

ADOPTED Ayes 5 Hale, Senn, Frame, Beach, Root
 Nays 0

Resolved that the Town approves the Unified Solar Permit as follows:

THE NEW YORK STATE
UNIFIED SOLAR PERMIT

WHEREAS, The Town of Randolph Board of Trustees (Town Board) duly adopted the "NYS Fire Prevention and Building Construction" code to provide minimum requirements to safeguard the public safety; and

WHEREAS, The Town of Randolph Code Enforcement Officer, who administers and enforces all provisions of the New York State Uniform Fire Prevention and Building Code, the New York State Energy Code, and the Town Code; and

WHEREAS, The Town of Randolph requires the issuance of a building permit for the construction, enlargement, alteration, repair, removal or demolition of any building or other structure; and

WHEREAS, The New York State Uniform Fire Prevention and Building Code regulates the design, construction, installation, alteration and repair of equipment and systems using solar systems; and

WHEREAS, The New York State Energy Research and Development Authority has developed a New York State Unified Solar Permit that reduces the cost for solar projects by streamlining municipal permitting processes; and

WHEREAS, The Town Board desires to promote the streamlining of the application process for small-scale photovoltaic system installations by adopting the New York State Unified Solar Permit application form and implementing the new procedures,

NOW THEREFORE, BE IT RESOLVED, the Town Board hereby adopts the New York State Unified Solar Permit application form and procedures for the installation of small scale photovoltaic systems; and it is further

RESOLVED, The Town of Randolph Code Enforcement Officer is hereby directed to use said New York State Unified Solar Permit application form and procedures in the issuance of building permits for the installation of small-scale photovoltaic systems; and it is further

RESOLVED, Any further actions required of the Town to effect the foregoing are hereby authorized and the Town Supervisor is hereby authorized to execute and deliver any instruments, documents or the like as required to effect the same.

RESOLUTION 27-2018

ESTABLISHING ENERGY BENCHMARKING REQUIREMENTS FOR CERTAIN MUNICIPAL BUILDINGS POLICY

On a motion of Councilman Hale seconded by Councilman Root, the following resolution was

ADOPTED Ayes 5 Hale, Senn, Frame, Beach, Root
 Nays 0

Resolved that the Town approves the Energy Benchmarking Requirements for certain Municipal Buildings Policy as follows:

**ESTABLISHING ENERGY BENCHMARKING REQUIREMENTS FOR
CERTAIN MUNICIPAL BUILDINGS**

WHEREAS, buildings are the single largest user of energy in the State of New York. The poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use; and

WHEREAS, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Town of Randolph is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

WHEREAS, the Town of Randolph Town Board desires to use Building Energy Benchmarking - a process of measuring a building's energy use, tracking that use over time,

and comparing performance to similar buildings - to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of Randolph; and

WHEREAS, the Town of Randolph Town Board desires to establish procedure or guideline for Town of Randolph Town Board staff to conduct such Building Energy Benchmarking; and

NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED, that the following specific policies and procedures are hereby adopted;

BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES

§1. DEFINITIONS

(A) “Benchmarking Information” shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) “Building Energy Benchmarking” shall mean the process of measuring a building’s Energy use, tracking that use over time, and comparing performance to similar buildings.

(C) “Commissioner” shall mean the head of the Department.

(4) “Covered Municipal Building” shall mean a building or facility that is owned or occupied by the Town of Randolph that is 1,000 square feet or larger in size.

(5) “Department” shall mean the Town Clerk’s Office.

(6) “Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(7) “Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(8) “Energy Use Intensity (EUI)” shall mean the kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.

(9) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(12) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(13) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

§2. APPLICABILITY

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.

(2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS

(1) No later than May 1, 2018, and no later than May 1 every year thereafter, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than September 1, 2018 and by September 1 of each year thereafter for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Municipal Building individually:

(i) The status of compliance with the requirements of this Policy; and

(ii) The building address, primary use type, and gross floor area; and

(iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and

(iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

§5. MAINTENANCE OF RECORDS

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants

and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

§6. ENFORCEMENT AND ADMINISTRATION

(1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.

(2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.

(3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Town Board including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

§7. EFFECTIVE DATE

This policy shall be effective immediately upon passage.

§8. SEVERABILITY

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

RESOLUTION 28-2018

NYSTCA CONFERENCE

On a motion of Councilman Beach, seconded by Councilman Root, the following resolution was

ADOPTED	Ayes	5	Hale, Senn, Frame, Beach, Root
	Nays	0	

Resolved that the Town authorizes Clerk Hind to attend the NYSTCA Conference in Albany April 23-25, 2018.

RESOLUTION 29-2018

NYSEG POLE REPLACEMENT- CONEWANGO RD.

On a motion of Councilman Beach, seconded by Councilman Hale, the following resolution was

ADOPTED	Ayes	5	Hale, Senn, Frame, Beach, Root
	Nays	0	

Resolved that the Town authorizes NYSEG to enter Town property for the purpose of pole replacement as long as all DEC regulations are complied with.

RESOLUTION 30-2018

NYS DOT UNDERTAKING

On a motion of Councilman Root, seconded by Councilwoman Frame, the following resolution was

ADOPTED Ayes 5 Hale, Senn, Frame, Beach, Root
 Nays 0

Resolved that the Town authorizes Supervisor Senn to sign Undertaking (Perm 1) with the NYSDOT.

RESOLUTION 31-2018

RESOLUTION BY THE TOWN OF RANDOLPH TOWN BOARD APPROVING AND ENDORSING THE TOWN OF RANDOLPH IN ITS APPLICATION TO NYS HOMES AND COMMUNITY RENEWAL FOR FUNDING UNDER THE RANDOLPH MAIN STREET REVITALIZATION

On a motion of Councilman Beach, seconded by Councilman Root, the following resolution was

ADOPTED Ayes 5 Hale, Senn, Frame, Beach, Root
 Nays 0

WHEREAS, the Town of Randolph desires to apply for \$20,000 in financial assistance through the 2018 Consolidated Funding Application (CFA) under the Randolph Main Street Revitalization; and

WHEREAS, the application proposes funding to assist property owners to complete building renovations to downtown “main street” buildings on Main Street; and

WHEREAS, the proposed funding will contribute to ongoing community revitalization efforts; and

WHEREAS, the grant application requires that the applicant obtain the approval and endorsement of the governing body of the municipality in which the project will be located.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Randolph Town Board of the Town of Randolph approves and endorses the 2018 Randolph Main Street Revitalization for assistance prepared and to be submitted by the Town of Randolph.

RESOLUTION 32-2018

WATER/SEWER TRAINING

On a motion of Councilman Beach, seconded by Councilman Hale, the following resolution was

ADOPTED Ayes 5 Beach, Hale, Senn, Frame, Root
 Nays 0

Resolved that the Board authorizes employees to attend trainings:

- Jason Beaver – March 13th Mayville NY
- Pat Oyer – March 13th Mayville NY
- Donald McEwain – March 13th – Springville, NY

RESOLUTION 33-2018

NYS RETIREMENT STANDARD WORKDAY RESOLUTION

On a motion of Councilman Hale, seconded by Councilman Beach, the following resolution was

ADOPTED Ayes 5 Root, Hale, Senn, Frame, Beach
 Nays 0

Resolved that the Town of Randolph/30474 hereby establishes the following standard work day for these titles and will report the officials to the New York State and Local Retirement System based on their record of activities:

<u>TITLE</u>	<u>Standard day</u>	<u>Name</u>	<u>Current Term</u>	<u>ROA</u>
Councilwoman	6.5	Amber Frame	1/1/16-12/31/19	1.82

RESOLUTION 34-2018

CHANGE IN TITLE

On a motion of Councilman Beach, seconded by Councilman Hale, the following resolution was

ADOPTED Ayes 5 Root, Hale, Senn, Frame, Beach
 Nays 0

Resolved that the Board changes James Matson’s title from Provisional Water Treatment Plant Operator to WasteWater Operator.

RESOLUTION 35-2018

BUDGET TRANSFER

On a motion of Councilwoman Frame, seconded by Councilman Beach, the following resolution was

ADOPTED Ayes 5 Hale, Senn, Frame, Root, Beach
 Nays 0

Resolved that the Town authorizes the following budget transfer:

\$94 From SL5182.4 – Street Lighting – Contractual
\$100 To SL5182.1 – Street Lighting - Personal

\$8 From SL5182.4 – Street Lighting – Contractual
\$8 To SL9030.8 – Employee Benefits – Social Security

RESOLUTION 36-2018

EXECUTIVE SESSION

On a motion of Councilman Beach, seconded by Councilman Hale, the following resolution was

ADOPTED Ayes 5 Beach, Hale, Senn, Frame, Root
 Nays 0

Resolved that the Board enter into Executive Session at 8:55PM for discussion regarding the employment of a particular person.

RESOLUTION 37-2018

EXECUTIVE SESSION

On a motion of Councilman Hale, seconded by Councilman Beach, the following resolution was

ADOPTED Ayes 5 Beach, Hale, Senn, Frame, Root
 Nays 0

Resolved that the Board return to regular session at 9:05PM.

RESOLUTION 38-2018

AUDIT OF BILLS

On a motion of Councilman Hale, seconded by Councilman Beach, the following resolution was

ADOPTED Ayes 5 Beach, Hale, Senn, Frame, Root
 Nays 0

Resolved that the bills be paid on Abstract #2 in the following amounts:

General Fund	No. 9-49	\$93,498.32
Street Lighting District		4,027.04
Refuse District		4,795.66
Fire District		147,075.00
Snow Removal		
Highway Fund	No. 3-23	87,572.24
FEMA Repairs		
Sewer Fund	No. 79 (2), 3-16	17,784.06
Water Fund	No. 5-26	26,392.48
WATER CAPITAL PROJECT – DWSRF #18013	No. 2-4	162,563.68

With no further business, on a motion from Councilman Beach, seconded by Councilman Hale, the meeting was adjourned at 9:10 pm. Carried unanimously.

Gretchen A. Hind, Town Clerk