

**REGULAR MEETING, TOWN OF RANDOLPH, October 12, 2016**

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 12<sup>th</sup> day of October 2016.

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

ABSENT: Bridget Marshall ----- Attorney  
Nate Root ----- Councilman

OTHERS PRESENT: Elise Gorth – Randolph Register; Dave Heckman - Code Enforcement; Jeffery Greeley-Town Justice; Kyle Brown, Trevor O’Neil and Dave Messenger- Planning Board; Caleb Henning-MDA Engineers; Tom Lecceadone-ThisisRandolphNY; Janice Finch, Jason Riddell-Residents.

**PUBLIC HEARING**

The Supervisor stated that the Public Hearing on the proposed Comprehensive Plan was now open and asked if there was any interested person who desired to be heard.

Planning Board Chairman, David Messenger explained in detail the Comprehensive Plan and its function.

The following persons appeared in favor of the proposed Comprehensive Plan:  
NO ONE PRESENT

The following persons appeared in opposition to the proposed Comprehensive Plan: NO ONE PRESENT

The Town Clerk reported that the following pertinent written communications had been received: NO COMMUNICATION RECEIVED

The Supervisor inquired as to whether there were any other persons present who wished to be heard. No one appeared, on a motion from Councilman Hale and seconded by Councilwoman Frame, whereupon the Supervisor declared the public hearing closed.

\* \* \*

Attorney Marshall entered at 8:00 PM

**CALL MEETING TO ORDER**

Supervisor Senn called the meeting to order at 8:05PM.

RESOLUTION 123-2016

**APPROVAL OF MINUTES**

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

ADOPTED      Ayes    4            Hale, Senn, Frame, Beach  
                     Nays    0

Resolved that the minutes of September 14 and October 3, 2016 be approved as presented.

## **REPORT OF TOWN OFFICIALS**

### **TOWN JUSTICE**

Justice Greeley stated he had 99 charges and 78 defendants in September. His training is complete for the year.

### **CODE ENFORCEMENT**

Dave Heckman provided the Board with a report for the month of September 2016. 9 permits were issued with total fees collected of \$275.00. Code Officer Heckman thanked the Highway, Water and Fire Departments for their assistance in securing the Laundry Mat and Bakery Building after his recent Condemnation. He stated he will be issuing appearance tickets. He does not believe the structures are in imminent danger of collapse, but are very dangerous.

**RACDC**- No Report.

### **Monthly Report of the Supervisor**

The September 2016 Report was provided to the Board by BLB.

### **CLERK**

Clerk Hind submitted the monthly report for September 2016 to the Board. The local shares were \$1079.77.

### **SUPERINTENDENT OF HIGHWAYS**

Superintendent Sickles supplied the Board with a report on the activities for the month of September 2016. Superintendent Sickles also inquired about the purchase of new truck to replace his truck by using excess highway fund balance. He provided the Board with state contract bid prices.

**WATER/SEWER** - Report from MDA provided to the Board by Caleb Henning. Caleb discussed that additional properties needing pits had been identified. The Town could add them to Contract #6 with a change order or put them into the next contract.

### **SAMPLE HILL CEMETERY**

## **OLD BUSINESS**

### **SHARED SERVICE AGREEMENTS**

The Shared Service Agreement with the NYS DOT, Planning Board alternate and BAR appointments were tabled.

RESOLUTION 124-2016

**McNALLIE/FISHER BUILDING DEBRIS CLEAN-UP AIR QUALITY MONITORING**

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

ADOPTED    Ayes    4            Hale, Senn, Frame, Beach  
                 Nays    0

Resolved that the Town contract with Sienna Environmental Technologies for Asbestos Project Monitoring, Air Sampling Technician and PCM Laboratory Analysis Services for 112-114 Main Street as stated in the Scope of Services.

RESOLUTION 125-2016

**TOWN OF RANDOLPH COMPREHENSIVE PLAN**

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

ADOPTED    Ayes    4            Hale, Senn, Frame, Beach  
                 Nays    0

Resolved that the Town of Randolph adopt the Comprehensive Plan as presented by the Planning Board.

**NEW BUSINESS**

RESOLUTION 126-2016

**DWSRF**

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

ADOPTED    Ayes    4            Hale, Senn, Frame, Beach  
                 Nays    0

Resolved that the Town approves:

    Pay Application No. 3 for DWSRF Contract No. 6 with JD Northrup for \$112,380.16,  
    Pay Application No. 2 for DWSRF Contract No. 4 with Moody & Assoc. for \$78,282.85  
    and Change Order C4-1 Contract No. 4 with Moody Assoc. for \$43,141.35.

RESOLUTION 127-2016

**WILLIAMSON LAW BOOK COMPANY - WATER/SEWER SOFTWARE SUPPORT**

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

ADOPTED    Ayes    4            Hale, Senn, Frame, Beach  
                 Nays    0

Resolved that the Town authorizes Supervisor Senn to sign the Annual Software Support Contract with Williamson Law Book Company for Water/Sewer Billing.

RESOLUTION 128-2016

**BUDGET TRANSFER & MODIFICATION**

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

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

Resolved that the following budget transfers and modification be made:

**GENERAL FUND**

**Budget Transfer:**

\$ 431.00	FROM	A1990.4 - CONTINGENT
\$ 431.00	TO	A3650.4 - DEMOLITION OF UNSAFE BUILDINGS
\$ 100.00	FROM	A1990.4 - CONTINGENT
\$ 100.00	TO	A8010.4 - ZONING - CONTRACTUAL

**HIGHWAY FUND**

**Budget Modification:**

We resolve to increase the Highway Fund 2016 budget for monies received from the sale of equipment by increasing accounts DA2665 - Sales of Equipment and DA5110.4 - General Repairs, Contractual by \$20,070.

RESOLUTION 129-2016

**SICK LEAVE DONATION PROGRAM**

On a motion of Councilman Beach seconded by Councilman Hale, the following resolution was ADOPTED Ayes 4 Hale, Senn, Frame, Beach  
Nays 0

Resolved that the Town of Randolph adopts the following Sick Leave Donation Program effective immediately:

ARTICLE II, Sick Leave Donation Program

§ Intent.

- A. The intent of the leave donation program is to provide a means to assist employees who, because of long-term personal illness or injury, have exhausted their leave benefits, vacation time, comp time and other accruals and would otherwise be subject to a severe loss of income during a continuing absence from work.
- B. The program is not intended to provide supplemental income which would result in compensation levels exceeding normal wages for employees who have other sources of substitute income, such as that provided by disability insurance programs.

§ Eligibility to donate.

- A. In order to donate sick credits, an employee must meet the following eligibility criteria:
  - (1) The employee must be employed by the Town of Randolph; and
  - (2) The employee must have a minimum balance of at least 10 days after making a donation to the sick leave program.
- B. An employee may donate a total of 10 sick days every six months as long as the individual donor has a sick leave balance of at least 10 days after making the donation.
- C. Donations must be made in full-day (8-10 hours) units, regardless of the work schedule or percentage of employment of the donor or the recipient. The work schedule or employment percentage of the intended recipient is not a factor in determining the minimum units of donation.
- D. The identity of donors may not be disclosed by the Town. All donations must be made through the use of a signed consent form.
- E. An employee who has submitted his/her resignation or retirement or who has received notice of termination of employment can only donate 10 days' credit.

§ Eligibility to receive donations.

- A. In order to receive donated leave credits, an employee must meet the following eligibility criteria:
  - (1) The employee must be a full-time employee or otherwise eligible to earn leave credits.
  - (2) The employee must have completed at least one cumulative year of service.
  - (3) The employee must be absent due to a nonoccupational personal illness or disability for which medical documentation satisfactory to management is submitted as required.
  - (4) The employee must be expected to be absent for at least two biweekly payroll periods following exhaustion of leave credits, vacation time, comp time and other accruals.
  - (5) The employee must have donated sick leave time to the sick leave program.
- B. The requirement that a person donate sick credits to the sick leave program shall not become effective until one year from the effective date of this Article. The eligibility of an employee to participate in this program shall be approved by the Town Board. There is no maximum number of days which a recipient employee may accept; provided, however, that donated credits cannot be used to extend employment beyond the point it would otherwise end by operation of law, rule or regulation. Similarly, there is no maximum number of donors from whom an eligible employee may accept donations.
- C. An employee's continuing eligibility to participate in this program must be reviewed by the Town Board at least every 30 days and more frequently if appropriate. Current standards as to what constitutes medical documentation satisfactory to management for purposes of determining medical disability continue to apply.

§ Use of donated credits.

- A. Time donated to the sick leave program will be distributed equally until such time as all leave donated to the program is exhausted.
- B. Donated credits may be used only after exhaustion of all leave credits, vacation time, comp time and any other accrued time of the recipient.
- C. When the employee requests to use donated credits after exhaustion of leave credits, vacation time, comp time and any other accruals, the donated credits must be used in full-day units based on his/her work schedule.
- D. Normally, donated credits are only available for periods of continuous absence which are expected to continue for at least two biweekly payroll periods following exhaustion of leave accruals. However, in certain cases of intermittent absence in connection with catastrophic illness, the Town Board may waive the two-biweekly-payroll-period-continuous-absence requirement. The Town Board may also take into account reoccurrence of illness and disability in determining an employee's eligibility. In no event may any exception be granted to the requirements that all leave credits, vacation time, comp time and any other accruals be exhausted.

§ Status of recipients.

- A. Recipient employees are deemed to be on leave without pay status for attendance and leave purposes while charging donated leave credits. They do not earn annual leave accruals or observe holidays nor do they receive personal leave or vacation bonus days if their anniversary dates fall while they are using donated leave credits. In such cases,

the personal leave anniversary date changes to the date of return to work, and personal leave is granted on the adjusted anniversary date.

- B. In some cases, donations may be received on an intermittent basis. For example, in the first payroll period of participation in the program, the employee may receive donations of four days, in the second payroll period, two days and so on. Credits which have been donated must be used each pay period prior to placing the employee on leave without pay for the balance of that pay period.
- C. While charging donated credits, the employee continues to have health insurance premiums, retirement contributions and other payroll deductions withheld from his or her paycheck, so long as the paycheck is of an amount sufficient to cover these deductions.
- D. Employees using donated leave continue to receive retirement service credit for days in pay status.

§ Solicitations.

The town may not solicit donations on the employee's behalf. While the town is expected to cooperate with those soliciting on an employee's behalf with respect to responding to inquiries concerning an employee's eligibility to participate in the program, the town may not release any medical information.

RESOLUTION 130-2016

**TRAINING – DAVID HECKMAN**

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

ADOPTED     Ayes    4            Hale, Senn, Frame, Beach  
                  Nays    0

Resolved that the Code Enforcement Officer, David Heckman be authorized to attend the upcoming training and the Board authorizes the payment of the training.

RESOLUTION 131-2016

**EXECUTIVE SESSION**

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

ADOPTED     Ayes    4            Hale, Senn, Frame, Beach  
                  Nays    0

Resolved that the Board enter into Executive Session regarding the wage of a particular employee at 9:00PM

Councilman Root entered the meeting at 9:02PM.

RESOLUTION 132-2016

**EXECUTIVE SESSION**

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

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

Resolved that the Board enter into Regular Session at 9:45 PM.

RESOLUTION 133-2016

**ADOPTION OF THE 2017 TENTATIVE BUDGET AS PRELIMINARY BUDGET**

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 Board will stay consistent with the NYS minimum wage standards and add \$.70 per hour to Town employees' wages for 2017. After these changes are made, the Board adopts the Tentative Budget as the 2017 Town of Randolph Preliminary Budget.

RESOLUTION 134-2016

**SCHEDULE PUBLIC HEARING FOR 2017 TOWN OF RANDOLPH PRELIMINARY BUDGET**

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

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

Resolved that the Board schedules the Public Hearing for the 2017 Town of Randolph Preliminary Budget for November 9, 2016 at 7:30PM.

RESOLUTION 135-2016

**AUDIT OF BILLS**

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

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

Resolved that the bills be paid on Abstract #10 in the following amounts:

General Fund	No. 246-269	\$16,225.16
Street Lighting District		1,709.03
Refuse District		1,687.22
Debt District		0
Snow Removal		0
Highway Fund	No. 152-165	69,317.70
FEMA Repairs	No.	0
Fire District	No.	0
Sewer Fund	No. 64-72	2,565.55
Water Fund	No. 110-122	3,535.99
WATER CAPITAL PROJECT - DWSRF #18013	No. 27-30	225,164.23

TOWN BOARD MEETING

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With no further business, on a motion from Councilman Beach, seconded by Councilwoman Frame, the meeting was adjourned at 10:05 pm. Carried unanimously.

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Gretchen A. Hind, Town Clerk