

REGULAR MEETING, TOWN OF RANDOLPH, October 13, 2021

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 13<sup>th</sup> day of October 2021.

PRESENT: Dale Senn ---- Supervisor  
Amber Frame ---- Councilwoman  
Bob Learn ---- Councilman  
Cody Uhl ---- Superintendent of Highways  
Gretchen Hind ---- Town Clerk

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

OTHERS PRESENT: Elise Gorth – Randolph Register; Don McElwain and Ashton O’Brien-Water/Sewer; Jeff Greeley – Town Justice; Kyle Brown-Planning Board.

REGULAR MEETING

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

PUBLIC HEARING – LOCAL LAW 2-2021 OF THE TOWN OF RANDOLPH ENTITLED: A LOCAL LAW TO OPT OUT OF ALLOWING ON-SITE CANNABIS CONSUMPTION SITES IN THE TOWN OF RANDOLPH THAT WOULD OTHERWISE BE ALLOWED UNDER CANNABIS LAW ARTICLE 4

Notice of the Public Hearing was published in the Post-Journal on September 18,2021. The Supervisor stated that the Public Hearing on the proposed Local Law #2-2021 of the Town of Randolph was now open and asked if there was any interested person who desired to be heard.

The following persons appeared in favor of the proposed Local Law #2-2021 of the Town of Randolph: Carol Zieres and Sandra Brace

The following persons appeared in opposition to the Local Law #2-2021 of the Town of Randolph: NO ONE PRESENT

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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 Learn and seconded by Councilwoman Frame, whereupon the Supervisor declared the public hearing on the proposed Local Law 2-2021 opting out of on-site cannabis consumption establishments in the Town of Randolph.

PUBLIC PARTICIPATION

Resident and newspaper editor Elise Gorth was present and spoke to the board about executive sessions and the reasons why a board can enter into one. She distributed information to those present detailing the legal reasons. She spoke regarding her frustration from the September meeting in where the board entered into Executive Session and then came out and gave the hourly highway employees a retroactive raise. She stated that wages are not a reason to enter into Executive Session and should be discussed in an open meeting in accordance with the Open Meetings Law.

RESOLUTION 92-2021

MEETING MINUTES

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

ADOPTED      Ayes    3            Senn, Learn, Frame  
                     Nays    0

Resolved that the Board approves the meeting minutes from September 8, 2021 as submitted.

REPORT OF TOWN OFFICIALS

TOWN JUSTICE

Councilman Learn asked Justice Greeley about the Clerk wage on his proposed 2022 budget. Justice Greeley explained that the increase comes from additional office hours required to the increased workload from new laws.

CODE ENFORCEMENT

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3 permits issued for \$200 for September 2021.

RACDC- No report.

Monthly Report of the Supervisor – September financial report was provided to the Board by BLB.

CLERK

The monthly report for September 2021 to the Board was submitted to the Board. The local shares were Town-\$2,594.10; Supervisor - \$868.93.

Attorney Bridget Marshall entered the meeting.

SUPERINTENDENT OF HIGHWAYS

Superintendent Uhl provided a detailed report on the activities for the month of September 2021.

WATER/SEWER

A detailed report was given to the Board regarding September 2021 activities.

SAMPLE HILL

Two footers poured for grave stones.

COMMUNICATIONS - None

OLD BUSINESS

RESOLUTION 93-2021

LOCAL LAW 2-2021 OF THE TOWN OF RANDOLPH ENTITLED: A LOCAL LAW TO OPT OUT OF ALLOWING ON-SITE CANNABIS CONSUMPTION SITES IN THE TOWN OF RANDOLPH THAT WOULD OTHERWISE BE ALLOWED UNDER CANNABIS LAW ARTICLE 4

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

ADOPTED      Ayes    3            Learn, Senn, Frame

                  Nays    0

Local Law No 2-2021  
Town of Randolph, County of Cattaraugus

OPT OUT OF ALLOWING ON-SITE CANNABIS CONSUMPTION SITES IN THE TOWN OF RANDOLPH

Section 1. Legislative Intent

It is the intent of this local law to opt out of allowing on-site cannabis consumption sites in the Town of Randolph that would otherwise be allowed under Cannabis Law Article 4.

Section 2. Authority

This local law is adopted pursuant to Cannabis Law § 131 which expressly authorizes the town board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of cannabis on-site consumption licenses within the jurisdiction of the town and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law § 24.

Section 3. Local Opt-Out

The Town Board of the Town of Randolph hereby opts out of allowing on-site cannabis consumption sites from being established and operated within the town's jurisdiction.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Permissive Referendum/Referendum on Petition

This local law is subject to a referendum on petition in accordance with Cannabis Law § 131 and the procedure outlined in Municipal Home Rule Law § 24.

Section 5. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION 94 -2021

RESCIND RESOLUTION 85-21: ARPA FUNDING EXPENDITURE – EMPLOYEE BONUS

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

ADOPTED Ayes 3 Senn, Frame, Learn

Nays 0

Resolved that the Town rescinds Resolution 85-21 providing all Town employees a bonus through ARPA funding.

RESOLUTION 95 -2021

ARPA FUNDING EXPENDITURE – PREMIUM PAY – ESSENTIAL EMPLOYEES

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

ADOPTED Ayes 3 Senn, Frame, Learn

Nays 0

Resolved that the Town provide premium pay through ARPA funds to essential employees as listed in the Town's Public Employer Health Emergency Plan for their willingness to come in and work during the Covid-19 pandemic as follows: full-time essential employees - \$1,200; part-time essential employees - \$600.

SEWER PLANT WI-FI – Waiting for additional quotes.

NEW BUSINESS

RESOLUTION 96 -2021

2021 TENTATIVE BUDGET

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

ADOPTED Ayes 3 Learn, Frame, Senn

Nays 0

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Resolved that the Town of Randolph approves the 2022 Tentative Budget after the increase of \$1,000 to A1410.1 and an increase of SS1-9060.8 for a total of \$13,000 are made as the 2022 Preliminary Budget.

RESOLUTION 97-2021

PUBLIC HEARING FOR 2022 PRELIMINARY BUDGET DATE

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

ADOPTED     Ayes    3        Learn, Frame, Senn  
                  Nays    0

Resolved that the Town of Randolph schedule the Public Hearing on the 2022 Preliminary Budget for November 3, 2021 at 7:30 PM.

RESOLUTION 98-2021

WILLIAMSON LAW BOOK CONTRACT

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

ADOPTED     Ayes    3        Learn, Frame, Senn  
                  Nays    0

Resolved that the Town approves and authorizes Supervisor Senn to sign the Williamson Law Book Water/Sewer Annual Support Contract.

RESOLUTION 99-2021

TAP GRANT – CPL REIMBURSEMENT REQUEST #9

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

ADOPTED     Ayes    3        Learn, Frame, Senn  
                  Nays    0

Resolved that the Town authorizes payment to CPL in the amount of \$128,743.38 for engineering services on reimbursement request #9 for the TAP grant.

RANDOLPH CEMETERY ASSOCIATION

Bob Learn stated that the Randolph Cemetery Association would like to publicly thank Supervisor Senn for facilitating the copying of new maps for them.

RESOLUTION 100-2021

BUDGET MODIFICATIONS & TRANSFERS

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

ADOPTED      Ayes    3      Learn, Frame, Senn  
                     Nays    0

Resolved that the Board authorizes the following budget modifications and transfers:

GENERAL FUND

Budget Transfers:

\$2,400.00	FROM	A1990.4 - CONTINGENT
\$2,400.00	TO	A5132.2 – GARAGE - EQUIPMENT
43.00	FROM	A1990.4 - CONTINGENT
43.00	TO	A8010.41 – Zoning – Contractual – Zoning Board

RESOLUTION 101-2021

AUDIT OF BILLS

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

ADOPTED      Ayes    3      Learn, Frame, Senn  
                     Nays    0

ABSTRACT #10

General Fund	No. 215-240	\$45,266.56
Street Lighting District		1,142.95
Refuse District		621.65

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Fire District		
Snow Removal		
Highway Fund	No. 151-167	21,761.91
TAP CAPITAL PROJECT	No. 4	128,743.38
Sewer Fund	No. 84-95	5,350.97
Water Fund	No. 147-172	12,430.79
WATER CAPITAL PROJECT – DWSRF #18013	No.	

With no further business, on a motion from Councilman Learn, seconded by Councilwoman Frame, the meeting was adjourned at 9:32 PM. Carried unanimously.

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Gretchen A. Hind, RMC/CMC, Town Clerk