

REGULAR MEETING, TOWN OF RANDOLPH, December 12, 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 12th day of December 2018.

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

ABSENT:

OTHERS PRESENT: Elise Gorth – Randolph Register; Dave Heckman – Code Enforcement; Cody Uhl – Deputy Highway Superintendent; Sonya Chadwick – Assessor; Bob Learn – resident.

Supervisor Senn called the meeting to order at 7:30PM with the Pledge of Allegiance followed by a moment of silence for Assessor Jean Shields who passed away.

PUBLIC HEARING

The Supervisor stated that the Public Hearing on the proposed Local Law 1-2018 Establishing A Single Appointed Assessor was open.

The following persons appeared in favor of the proposed Local Law 1-2018 Establishing A Single Appointed Assessor: NO ONE PRESENT

The following persons appeared in opposition to the proposed Local Law 1-2018 Establishing A Single Appointed Assessor: 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 Beach and seconded by Councilman Root, whereupon the Supervisor declared the public hearing closed.

RESOLUTION 143-2018

Local Law No. 1-2018

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

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

Resolved that TOWN OF RANDOLPH

Local Law No. 1 of the year 2018

A LOCAL LAW "ESTABLISHING A SINGLE APPOINTED ASSESSOR"

Be it enacted by the Town Board of the Town of Randolph as follows:

- § 1. Legislative Intent.
- § 2. Abolition of the Offices of the Board of three elected assessors.
- § 3. Appointment.
- § 4. Term of Office.
- § 5. Qualifications.
- § 6. Inconsistency.
- § 7. Severability.
- § 8. No Referendum.
- § 9. Effective Date.

§ 1. Legislative intent:

To establish the office of a single appointed assessor pursuant to Real Property Tax Law §328. It is the intent of this local law to abolish the board of three elected assessors in the Town of Randolph and to substitute therefore a single appointed assessor to be appointed pursuant to Real Property Tax Law §310.

§ 2. Abolition of the Offices of the Board of three elected assessors:

The offices of the three elected assessors as previously established and continued by the Town of Randolph are hereby abolished effective December 31, 2018.

§ 3. Appointment:

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In place and stead of the board of three elected assessors, the Town of Randolph shall have one (1) single assessor to be appointed by the Town Board of the Town of Randolph. Such initial term of office will be will be from January 1, 2019 to September 30, 2019.

§ 4. Term of Office:

The term of office for said appointed assessor shall be six (6) years, with the current term beginning October 1, 2019 and terminating on September 30, 2025.

§ 5. Qualifications:

The qualifications for the office of appointed assessor shall be the minimum qualifications and standards set by the State Board of Equalization and Assessment as of the date of appointment to the office.

§ 6. Inconsistency:

All other laws and ordinances of the Town of Randolph that are inconsistent with the provisions of this local law are hereby repealed; provided however, that such repeal shall only be to the extent of such inconsistency and in all other respects this local law shall be in addition to such other local laws or ordinances regulating and governing the subject matter covered by this local law.

§ 7. Severability:

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, words, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 8. No Referendum:

This local law shall not be subject to a referendum.

§ 9. Effective Date:

This local law shall take effect upon filing with the Office of the Secretary of State, pursuant to §328 of the Real Property Tax Law, and the term of all elected assessors shall terminate December 31, 2018.

PUBLIC PARTICIPATION

Randy Glenn, Evans Agency, presented the Town with the details of the insurance policy and recommended the Town stay with Selective Insurance for 2019.

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RESOLUTION 144-2018

APPROVAL OF MINUTES

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

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

Resolved that the minutes of November 7, 2018 be approved as presented.

REPORT OF TOWN OFFICIALS

TOWN JUSTICE – No Report

CODE ENFORCEMENT

1 permits for a total of \$100 was issued for November 2018.

RACDC- A quarterly report was provided to the Board

Monthly Report of the Supervisor

BLB provided reports for November 2018 to the Board.

CLERK

Clerk Hind submitted the monthly report for November 2018 to the Board. The local shares were Town-\$2,807.21 and to Supervisor - \$144.00.

SUPERINTENDENT OF HIGHWAYS

A report on the activities for the month November 2018 was provided.

WATER/SEWER

Don McElwain stated the month was filed with routine maintenance and that the turbine pump at Hatchery Road was still not working.

SAMPLE HILL

No activity.

ER CEMETERY-No Report

RANDOLPH CEMETERY – No Report

DOG CONTROL-No Report

COMMUNICATIONS

RESOLUTION 145-2018

HEALTH INSURANCE

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

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

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Resolved that the Town continue the same Health Insurance with Univera Healthcare.

The Cattaraugus County Landbank submitted correspondence informing the Town they will be demolishing two (2) properties: 3081 Cold Spring Road and 5 Dean Street.

Town Justice Greeley supplied the Board with written documentation that the court records are available for examination as of 1/1/2019.

OLD BUSINESS

Conewango Sewer District -No new information.

NEW BUSINESS

Deputy Highway Superintendent discussed the need to hire a highway employee. After a discussion,

RESOLUTION 146-2018

Temporary Full-time Employee

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

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

Resolved that the Town approves the hiring of a temporary full-time highway employee at \$13.50 per hour.

RESOLUTION 147-2018

WEEDEN RD. WATER LINE INSTALLATION NEW CUSTOMER

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

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

Resolved that the Town requests that Chris and Erica Dybka's contractor dig and install a 4" line back to the corner. Dybka's are responsible to pay for installation from Wadsworth's to their curb stop.

RESOLUTION 148-2018

HIGHWAY SUPERINTENDENT RETIREMENT

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

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

Resolved that the Town accepts Gary Sickles Jr. retirement resignation from the Highway Superintendent position with regrets effective December 31, 2018.

RESOLUTION 149-2018

APPOINT HIGHWAY SUPERINTENDENT

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

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

Resolved that the Town appoints Cody Uhl as Highway Superintendent effective January 1, 2019.

RESOLUTION 150-2018

CREATE APPOINTED ASSESSOR POSITION

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

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

Resolved that the Town creates an Appointed Assessor position.

RESOLUTION 151-2018

CREATE APPOINTED ASSESSOR CLERK POSITION

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

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

Resolved that the Town creates an Appointed Assessor position.

RESOLUTION 152-2018

APPOINT ASSESSOR AND ASSESSOR CLERK

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

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

Resolved that the Town appoint Sonya Chadwick as the Town Assessor and Kris Wadsworth as the Assessor Clerk effective January 1, 2019 with a term to expire September 30, 2019.

RESOLUTION 153-2018

APPROVE SEWER & WATER RELEVIES AS SENT TO COUNTY

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

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

Resolved that the Town approves the Water and Sewer Relevies as sent to the County.

VERDIN CLOCK COMPANY

No action taken on the maintenance agreement with Verdin Clock Company.

RESOLUTION 154-2018

APPOINT BOARD OF ASSESSMENT REVIEW MEMBER

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

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

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Resolved that the Town reappoints Harold Kovel to the Board of Assessment Review for a five (5) year term ending September 30, 2023.

RANDOLPH CEMETERY

No action was taken on the Randolph Cemetery until more conversations are held with the Division of Cemeteries.

RESOLUTION 155-2018

ASSESSOR PAY

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

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

Resolved that the Town authorize final payroll payment to recently deceased Assessor Jean Shields.

RESOLUTION 156-2018

NYS ARCHIVES GRANT

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

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

Resolved that the Town authorizes a grant submittal to NYS Archives for a Local Government Records Management Improvement Fund (LGRMIF) Grant.

RESOLUTION 157-2018

CATTARAUGUS COUNTY CONTRACTS - WIC & SENIOR WELLNESS

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

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

Resolved that the Town authorizes entering into the annual contract with Cattaraugus County for the Senior Wellness and Nutrition Program Site and WIC Program Clinic Space.

RESOLUTION 158-2018

CATTARAUGUS COUNTY CONTRACTS - SECURITY SERVICES

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

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

Resolved that the Town authorizes entering into the annual contract with Cattaraugus County for the Security Services.

RESOLUTION 159-2018

PULLEN RETAINER AGREEMENT

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

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

Resolved that the Town authorizes entering into the annual Retainer Agreement with Richardson & Pullen, PC.

RESOLUTION 160-2018

PAY REMAINING 2018 INVOICES

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

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

Resolved that the Town authorizes the payment of any remaining 2018 invoices at the end of the month.

RESOLUTION 161-2018

WATER SEWER OPERATOR RESIGNATION

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

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

Resolved that the Town accepts David Fischer's resignation/retirement as Water/Sewer Operator effective February 14, 2019 with regrets.

RESOLUTION 162-2018

BUDGET MODIFICATION & TRANSFERS

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 authorizes the following Modifications and Transfers:

GENERAL FUND:

\$214 From A1920.4 - Special Items - Municipal Dues

\$214 To A8010.4 - Zoning - Contractual

Modification:

We resolve to transfer the remaining budget funds in budget line A9950.9 - Transfer to Capital Reserve of \$10,000 to the General Fund Capital Reserve as stated in the 2018 budget.

HIGHWAY FUND:

\$30,000 From DA5110.1 - General Repairs - Personal

\$30,000 To DA5142.1 - Snow Removal - Personal

\$20,000 From DA5110.1 - General Repairs - Personal

\$20,000 To DA5142.4 - Snow Removal - Contractual

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Modification:

We resolve to increase the Highway Fund 2018 expenditure budget for the sale of scrap materials. This will increase accounts DA2650-Sale of Scrap Materials and DA5130.4 - Machinery-Contractual by \$103

We resolve to transfer the remaining budget funds in budget line DA9950.9 - Transfer to Capital Reserve of \$5,000 to the Highway Fund Capital Reserve as stated in the 2018 budget.

WATER FUND:

Modification:

We resolve to transfer the remaining budget funds in budget line SW9950.9 - Transfer to Capital Reserve of \$5,000 to the Water Fund Capital Reserve as stated in the 2018 budget.

SEWER FUND:

\$5,000 From SS8120.2 - Sewer Collection - Equipment
\$5,000 To SS8120.1 - Sewer Collection - Personal Services

Modification:

We resolve to transfer the remaining budget funds in budget line SS9950.9 - Transfer to Capital Reserve of \$5,000 to the Sewer Fund Capital Reserve as stated in the 2018 budget.

RESOLUTION 162-2018

EXECUTIVE SESSION

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

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

Resolved that the Board enter into Executive Session at 8:48PM to discuss the employment of a particular person.

RESOLUTION 163-2018

EXECUTIVE SESSION

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

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

Resolved that the Board return to regular session at 9:10 PM.

RESOLUTION 164-2018

EMPLOYEE TERMINATION

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

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

Resolved that the Board terminates the employment of James Matson effective immediately due in accordance to Civil Service Law - 75 for misconduct.

RESOLUTION 165-2018

AUDIT OF BILLS

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

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

Resolved that the bills be paid on Abstract #12 in the following amounts:

General Fund	No. 295-335	\$28769.81
Street Lighting District		1,903.45
Refuse District		449.74
Snow Removal		
Highway Fund	No. 159-175	36,718.45
Sewer Fund	No. 80-82	1,250.43
Water Fund	No. 157-173	57,523.97
WATER CAPITAL PROJECT – DWSRF #18013	No. 29	3,910.80

With no further business, on a motion from Councilman Beach, seconded by Councilwoman Frame, the meeting was adjourned at 9:38 pm. Carried unanimously.


Gretchen A. Hind, RMC-Town Clerk