

REGULAR MEETING, TOWN OF RANDOLPH, February 10, 2021

A regular & annual 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 10th day of February 2021.

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

ABSENT: Bridget Marshall ----- Attorney

OTHERS PRESENT: Elise Gorth – Randolph Register; Jeffery Greeley-Town Justice; Don McElwain & Ashton O'Brien - Water Sewer Dept.; Kyle Brown – Planning Board

REGULAR MEETING

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

RESOLUTION 18-2021

AUTHORIZE PUBLIC HEARING – CDBG 2020 PROGRAM YEAR

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

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

Resolved that the Board authorizes holding a Public Hearing to discuss community development needs, and to discuss the possible submission of one or more Community Development Block Grant (CDBG) applications for the 2020 program year.

RESOLUTION 19-2021

OPEN SCHEDULED PUBLIC HEARING – CDBG 2020 PROGRAM YEAR

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

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

Resolved that the meeting be interrupted to hold a Public Hearing for Community Development Block Grant Applications advertised and scheduled for this evening at 7:30PM.

PUBLIC HEARING - COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATIONS

Supervisor Senn declared the Public Hearing open at 7:31 PM.

Clerk Hind stated Notice of said Public Hearing was duly published in the Jamestown Post-Journal on January 30, 2021, with the same being posted on February 5, 2021 on the Town Clerk Sign Board, USPS sign board, The Community Sign Board and Tops Community Sign Board all located on Main Street in the Town of Randolph. A sign-in sheet was passed to all in attendance.

There was a discussion on the Town's needs and how an engineering study would benefit the community by assisting in improving the Water District's needs. Don McElwain, Town Water Superintendent, discussed the sections of water lines that are 40 plus years old. Lines and valves are breaking in multiply locations including Weeden Road, NYS Rte. 394 and behind the businesses located on Main Street. The majority of the 2" lines are in bad shape. Clerk Hind stated an engineering study will provide a report that will plan improvements to the Town's Water System. The report would be used to leverage funding. Without a compliant report, it is next to impossible to get implementation funding. The report is the first critical step. The CDBG CP Program was discussed. The maximum grant award is \$50,000 with a 5% Town match. It is recommended that the Town apply for \$25,000 to do a water system study.

Supervisor Senn called for public comment.

With no one present wishing to be heard,

RESOLUTION 20-2021

CLOSE PUBLIC HEARING – CDBG 2020 PROGRAM YEAR

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

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

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Resolved that the Public Hearing for the Community Development Block Grant Application be closed and return the regular meeting at 7:43PM.

RESOLUTION 21-2021

AUTHORIZE SIGNING & SUBMITTING – CDBG 2020 PROGRAM YEAR

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

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

Resolved that Supervisor Senn be authorized to sign and submit any required Community Development Block Grant Application paperwork.

RESOLUTION 22-2021

CASH MATCH – CDBG 2020 PROGRAM YEAR

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

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

Resolved that the Town Board commits to the Town of Randolph Water District providing a cash match of \$1,250.00 if awarded a Community Planning Community Development Block Grant.

RESOLUTION 23-2021

MEETING MINUTES

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

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

Resolved that the Board approves the meeting minutes from January 6, 2021 as submitted.

REPORT OF TOWN OFFICIALS

TOWN JUSTICE

Justice Greeley provided an update to the Board and stated all training for 2021 will be done online.

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CODE ENFORCEMENT

One permit issued for \$10 for January 2021.

RACDC- NO REPORT

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

CLERK

Clerk Hind submitted the monthly report for January 2021 to the Board. The local shares were Town- \$3,286.75; Supervisor - \$214.25. Clerk Hind reported that when doing the month end reconciliation, she discovered that two \$30 dump tickets had been sold as \$10. She will pay the difference in sales to the County from her personal account.

SUPERINTENDENT OF HIGHWAYS

Superintendent Uhl provided a detailed report on the activities for the month of January 2021. He stated he had purchased a salt/sand spreader for the back of the sidewalk plow.

WATER/SEWER

Don McElwain reported monthly activities to the Board. He also discussed the notification received by the Town of the intent to add disinfection to the Town Sewer District's SPDES Permit. The Town will have five years to implement. He asked if the Board was interested in receiving information on the possibility of harvesting trees located on Water District properties on Hatchery Road and Reservoir Rd. After a discussion, it was determined that information from different Foresters should be brought to the next board meeting.

RESOLUTION 24-2021

DWSRF – MDA ENGINEERS – AMENDMENT NO. 2

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

| | | | |
|---------|------|---|---------------------------------|
| ADOPTED | Ayes | 5 | Beach, Senn, Learn, Root, Frame |
| | Nays | 0 | |

Resolved that the Board approves Amendment No. 2 as submitted by MDA Engineers for engineering services on DWSRF Project.

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SAMPLE HILL

No activity.

OLD BUSINESS

Conewango Sewer District – Nothing new to report.

RESOLUTION 25-2021

TOWN OF RANDOLPH APPOINTED BOARDS

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

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

- ZONING BOARD OF APPEALS

Resolved that Dan Senn be reappointed to the Zoning Board of Appeals as the alternate for a one-year term and Reggie Boutwell be reappointed for a five-year term to expire 12/31/25.

- PLANNING BOARD

Resolved that Tom Congdon, Peter Quanz and Kyle Brown be reappointed for five year terms to expire 12/31/25.

NEW BUSINESS

RESOLUTION 26-2021

COURT AUDIT

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

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

Resolved that the Board audited the books of the Justice Department prior to the Board meeting and the Board approves the audit pursuant to Town Law Section 123 the criminal and civil dockets of the Town Justice for 2020 having duly examined and the fines and fees have been turned over to the proper officials.

RESOLUTION 27-2021

AUDIT OF TOWN CLERK BOOKS

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

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ADOPTED Ayes 5 Beach, Learn, 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 2020 having been duly examined and found all fees have been turned over to the proper officials.

RESOLUTION 28-2021

CIVIL RIGHTS, EQUAL EMPLOYMENT OPPORTUNITY AND SECTION 3 POLICY

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

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

Resolved the following be adopted by the Town of Randolph Town Board as Policy:

Civil Rights, Equal Employment Opportunity and Section 3 Policy

The Town of Randolph created and adopted this Civil Rights Policy to conform to standard set forth by NYS Homes and Community Renewal, which oversees administration of the federal CDBG program.

This policy will be in compliance with the following statutes, regulations and Executive Orders:

- ∂ Title IV of the Civil Rights Act of 1964 (42 USC 2000d et seq. 24 CFR Part 1)
- ∂ The National Affordable Housing Act of 1990 (42 USC 12832)
- ∂ The Rehabilitation Act of 1973, Section 504, as amended (29 USC 794)
- ∂ 24 CFR Part 8
- ∂ The Age Discrimination Act of 1975 (42 USC 6101 et seq.)
- ∂ Executive Order 11246, as amended by Executive Order 11375
- ∂ Title VIII of the Civil Rights Act of 1968 (42 USC 3601 et seq.), as amended by the Fair Housing Amendments Act of 1968 [the Fair Housing Act]
- ∂ Executive Order 11063, as amended by Executive Order 12259
- ∂ Section 3 of the Housing and Community Development Act of 1968, as amended 24 CFR Part 135
- ∂ Executive Orders 12138, 11625, 12432, as amended
- ∂ 24 CFR Part 85

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In accordance with the above statutes, regulations and Executive Orders, the Town of Randolph will adhere to the following policy in the implementation of its CDBG funded programs:

The Town of Randolph will not exclude participation from, deny program benefits to, or discriminate in awarding program funds to any person based on race, color, national origin, religion, sex, age, sexual orientation or disability.

Furthermore, the Town will take affirmative steps to accommodate the varying needs of disabled/handicapped individuals in order to afford equal access to any CDBG funded program.

With respect to employment opportunities, the Town of Randolph will promote equal opportunity to the above groups as well as Minority and Woman Owned Business Enterprises in the procurement of goods and services required to implement a CDBG program. Furthermore, to the greatest extent feasible, the Town will promote the procurement of services to firms owned or that employ substantial numbers of low and moderate income persons, as well as firms that are located in the Town's local service area.

With respect to fair housing practices, the Town will take necessary actions to promote fair housing and prevent housing discrimination in the implementation of the Town's housing program.

RESOLUTION 29-2021

FAIR HOUSING POLICY PROHIBITING DISCRIMINATION IN HOUSING

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

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

Resolved the following be adopted by the Town of Randolph:

Fair Housing Policy Prohibiting Discrimination in Housing

Section One

Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), and disability.

The People of the State of New York have in the New York State Constitution, Article IX, Section 2, delegated the responsibility to local government units to adopt regulations designed to promote

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the public health, safety and general welfare of its citizenry. Therefore, be it enacted by the Town Board of the Town of Randolph, Cattaraugus County, New York, as follows.

Section Two

Purpose

For the purpose of providing and ensuring fair housing opportunities for all within the jurisdiction of the Town of Randolph, the Town Board hereby prohibits discrimination on the basis of sex, race, creed, age, familial status, color, national origin, religion, disability (physical or mental), sexual orientation, marital status, military status or victims of domestic or dating violence in the sale, rental, financing, or provision of brokerage services for housing within the jurisdiction of the Town of Randolph.

Section Three

Lands to Which this Policy Applies:

This policy shall apply to all areas within the jurisdiction of the Town of Randolph.

RESOLUTION 30-2021

BLB ENGAGEMENT

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

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

Resolved that the Town approves the contract for bookkeeping services with BLB for 2021.

RESOLUTION 31-2021

B&L PROPOSAL – PLANNING BOARD

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

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

Resolved that the Town approves the proposal as submitted by B&L.

RESOLUTION 32-2021

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AUTHORIZE PUBLIC HEARING-LOCAL LAW #1-2021 PROVIDING NO EXEMPTION UNDER REAL PROPERTY TAX LAW SECTION 487

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

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

Resolved that the Board authorizes holding a Public Hearing to discuss Local Law #1-2021. It is the intent of this Local Law to opt out from any exemption from taxation as authorized in Real Property Tax Law Section 487 with respect to any solar or wind energy system or farm waste energy system on March 10, 2021 at 7:30PM.

RESOLUTION 33-2021

SAMPLE HILL CEMETERY – SHIELDS LOT PURCHASE

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

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

Resolved that the Town authorizes the purchase of cemetery lots by Tim and Donnalee Shields at the Sample Hill Cemetery.

RESOLUTION 34-2021

WEEDEN PARK - DUATHLON

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

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

Resolved that the Town approves of Wilson Endurance Sports, LLC hosting a Duathlon Series at Weeden Park on May 1 and 15, 2021.

RESOLUTION 35-21

TAP GRANT – CPL REIMBURSEMENT REQUEST #8

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

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

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Resolved that the Town authorizes payment to CPL in the amount of \$20,419.01 for engineering services on reimbursement request #8 for the TAP grant.

RESOLUTION 36-2021

AUDIT OF BILLS

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

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

ABSTRACT #2

| | | |
|---|----------|-------------|
| General Fund | No. 7-44 | \$84,291.43 |
| Street Lighting District | | 2,264.36 |
| Refuse District | | 2,714.58 |
| Fire District | | 151,992.59 |
| Snow Removal | | 47.92 |
| Highway Fund | No. 2-29 | 125,997.21 |
| TAP CAPITAL PROJECT | No. 1 | 20,419.01 |
| Sewer Fund | No. 3-20 | 16,324.80 |
| Water Fund | No. 2-30 | 30,680.05 |
| WATER CAPITAL PROJECT – DWSRF #18013 | No. 2 | 14,400.89 |

With no further business, on a motion from Councilman Beach, seconded by Councilman Learn, the meeting was adjourned at 8:27PM. Carried unanimously.

Gretchen A. Hind, RMC/CMC, Town Clerk