

REGULAR MEETING, TOWN OF RANDOLPH, August 9, 2023

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 9<sup>th</sup> day of August 2023.

PRESENT: Dale Senn ----- Supervisor  
Tim Beach ----- Council Member  
Nate Root ----- Council Member  
Bob Learn ----- Council Member  
Shelby Jones ----- Deputy Town Clerk  
Cody Uhl ----- Superintendent of Highways

ABSENT:  
Gretchen Hind ----- Clerk  
Bridget Marshall ----- Attorney  
Amber Frame ----- Council Member

OTHERS PRESENT: Ashton O'Brien -Water Dept.; Harry Uhl; Caleb Henning - MDA Engineers  
Elise Gorth-Randolph Register; John Hale

Harry Uhl opened meeting with a prayer.

**CALL MEETING TO ORDER**

Supervisor Senn called the meeting to order with the Pledge of Allegiance.

**PUBLIC**

RESOLUTION 87-2023

**MEETING MINUTES**

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

ADOPTED Ayes 4 Senn, Beach, Root, Learn  
Nays 0

Resolved that the Board approves the meeting minutes from July 12, 2023 as submitted.

**REPORT OF TOWN OFFICIALS**

**TOWN JUSTICE** - No Report.

**CODE ENFORCEMENT**

4 permits for a total of \$100 were issued for July 2023.

**RACDC**- No Report

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Monthly Report of the Supervisor – BLB submitted the July 2023 Financial Report to the Board.

CLERK

Clerk Hind submitted the monthly report for July 2023 to the Board. The local shares were Town-\$1656.40; Supervisor - \$126.00.

SUPERINTENDENT OF HIGHWAYS

Superintendent Uhl provided a detailed report on the activities for the month of July 2023.

WATER/SEWER

Ashton O'Brien provided a detailed report on the activities for the month of July 2023. Caleb Henning, MDA, discussed the bid opening results and gives the board his suggestions on how to proceed.

SAMPLE HILL

Sexton, Cody Uhl reported no activity.

COMMUNICATIONS None.

OLD BUSINESS

NONE

NEW BUSINESS

OPEN HIGHWAY POSITION

Highway Superintendent, Cody Uhl, brought up that he's currently okay without hiring someone but he knows that soon enough he will feel the strain of having one less worker. He and the Town Board decided to leave the position open for now and table it until he feels like he needs to fill the position.

CROWLEY STREET WATERLINE TROUBLESHOOTING

On the suggestion of Caleb Henning from MDA, the Water Department will shut off Crowley Street residents water, with notice given prior, so that they may have a chance to better find where the issue truly is.

EXPLORITORY DIGGING ON CROWLEY STREET

Highway Superintendent Cody Uhl, agrees to help do exploratory digging on Crowley Street to help the Water Department and Engineers get a better understanding of the waterline placements and what they are dealing with.

Attorney Marshall entered at 8:00pm

RESOLUTION 88-2023

SAFE ROUTES TO SCHOOL TAP PROJECT 5763.56 –CPL PAY APP #24

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

ADOPTED     Ayes    4            Senn, Beach, Root, Learn  
                  Nays    0

Resolved that the Board approves the payment for the Safe Routes to School TAP Project 5763.56 of Pay App #24 in the amount of \$19,001.53 to CPL.

RESOLUTION 89-2023

**OPPOSITION TO NEW YORK STATE SENATE BILL S-00139B and ASSEMBLY BILL A-1358B**

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

ADOPTED     Ayes    4            Senn, Beach, Root, Learn  
                  Nays    0

WHEREAS, New York Senate Bill number S-00139B has been passed which, if adopted by the NYS Assembly (A 1358-B) and signed by the Governor, would require all Judges presiding in the 100 largest Town and Village Courts to be licensed to practice law in the State and to have been admitted to the NYS Bar for at least five years; and

WHEREAS, The Town and Village Courts in Cattaraugus County are among the nearly 1,200 Justice Courts in the State of New York that collectively handle close to 1 million cases each year; and

WHEREAS, The Town and Village Courts are known as the “Courts Closest to the People” and have broad jurisdiction, presiding over civil and criminal matters, thereby performing a vital role in the New York State Unified Court System; and

WHEREAS, The Town Court of Randolph is a vital service to our residents and the Cattaraugus County community as a whole; and

WHEREAS, The Justices in Cattaraugus County’s Town and Village Courts have pledged to be ever mindful of their neutrality and impartiality, and render equal justice to all, while continually adhering to judicial rules of ethics and pronouncements of the New York State Commission on Judicial Conduct; and

WHEREAS, The Justices are required to be on-call 24 hours a day, 365 days a year to review/sign arrest and search warrants, perform arraignments, and issue orders of protection; and

WHEREAS, The Justices of Town and Village Courts ensure that the rights afforded to defendants by the Constitutions of the United States and the State of New York are provided and protected; and

WHEREAS, The Justices of Town and Village Courts preside over trials involving misdemeanor and violation level offenses, thereby ensuring that the victims of those offenses can be heard; and

WHEREAS, The Town and Village Courts provide a venue for Citizens to pursue a low-cost and efficient procedure for individuals to resolve civil disputes and landlord/tenant matters; and

WHEREAS, the Justices also preside nightly and on weekends and holidays, ensuring that arrested citizens are promptly afforded legal representation, the opportunity to plead to alleged charges, and to be considered for release, bail, or incarceration; and

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WHEREAS, The Justices continually strive to improve the administration of justice through participation in mandatory education programs, seminars, meetings of the Cattaraugus County Magistrates Association and the New York State Magistrates Association; and

WHEREAS, The New York State Office of Court Administration must certify all as having successfully completed mandatory training both following election and in each subsequent year; and

WHEREAS, The New York State’s Commission on Judicial Conduct’s most recent annual report (2023) identifies that only 13% of the complaints filed against the judiciary were against Town and Village judges while the remaining complaints were against either “State-paid” judges, (constituting approximately 40% of the judiciary) who accounted for approximately 67% of the complaints received, or against non-judicial entities (20%); and

WHEREAS, This Bill attempts to usurp the right of voters to elect those in their communities that they believe to be fair and impartial, and who would best serve that community, whether they be attorneys or non-attorneys; and

WHEREAS, This Bill implicitly suggests that members of a community are incapable of making informed decisions about who should sit in judgment of matters from the straight-forward to the highly complex as may arise in their local courts; and

WHEREAS, this legislative body views the intention of this Bill is not to actually improve the courts, but a blatant and unconscionable attempt by the New York State Bar Association, an organization that represents approximately only fifteen percent (15%) of the State’s attorneys, to generate increased opportunities for its members, and to dictate who voters may choose to serve in our local governments;

NOW THEREFORE, BE IT RESOLVED, That the Governing board of the Town of Randolph strongly, and in unequivocal terms, calls on both the leadership in the Senate and Assembly, and the Governor to reject this poorly conceived and hastily fashioned seizure of voters’ rights to determine, for themselves, who they would choose to sit as their judges as has been the case for almost two hundred years.

Adopted by unanimous consent this 9<sup>th</sup> day of August 2023.

RESOLUTION 90-2023

**RYSA-USE OF WEEDEN PARK**

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

ADOPTED      Ayes 4                  Senn, Beach, Root, Learn  
                     Nays 0

Resolved that the RYSA may have use of Weeden Park provided they submit the proper insurance and liability paperwork to the Town Clerk’s Office.

RESOLUTION 91-2023

**BRETT PAYNE WAGE INCREASE**

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

ADOPTED      Ayes 4              Senn, Beach, Root, Learn  
                     Nays 0

Resolved that Brett Payne receive a wage increase of \$1.50 effective immediately.

RESOLUTION 92-2023

**PAYMENT OF ROOF REPAIRS**

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

ADOPTED      Ayes 4              Senn, Beach, Root, Learn  
                     Nays 0

Resolved to pay the invoice for the roof repairs with \$20,000 coming out of the Building budget line A1620.4, and the remainder to be paid out of ARPA Funds.

RESOLUTION 93-2023

**CROWLEY STREET WATERLINE PROJECT BID REJECTION**

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

ADOPTED      Ayes 4              Senn, Beach, Root, Learn  
                     Nays 0

Resolved that the Town officially reject S. St. George's bid for the Crowley Street waterline project.

RESOLUTION 94-2023

**CROWLEY STREET WATERLINE PROJECT RE-BID**

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

ADOPTED      Ayes 4              Senn, Beach, Root, Learn  
                     Nays 0

Resolved that the Crowley Street waterline project be re-bid with a new timeframe of starting the project by fall and finishing the project by December 1<sup>st</sup> of 2023.

RESOLUTION 95-2023

**HIGHWAY BARN ROOF BID**

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

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ADOPTED      Ayes 4              Senn, Beach, Root, Learn  
                     Nays 0

Resolved that Highway Superintendent Cody Uhl can bid out the job of putting a new roof on the Highway barn.

RESOLUTION 96-2023

**BUDGET MODIFICATIONS & TRANSFERS**

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

ADOPTED      Ayes 3              Senn, Beach, Root, Learn  
                     Nays 0

Resolved that the Board authorize the following budget modifications & Transfers:

**GENERAL FUND**

\$262 FROM    A1990.4 - SPECIAL ITEMS - CONTINGENT  
\$262 TO        A1410.4 - TOWN CLERK - CONTRACTUAL

\$142 FROM    A1990.4 - SPECIAL ITEMS - CONTINGENT  
\$142 TO        A8810.1 - CEMETERY - PERSONAL SERVICES

RESOLUTION 97-2023

**AUDIT OF BILLS**

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

ADOPTED      Ayes 4              Senn, Beach, Root, Beach  
                     Nays 0

ABSTRACT #8

General Fund	No. 187-207	\$82255.24
Street Lighting District	No. 204	\$1199.28
Snow Removal District		0
Fire District		0
Weeden Rd. Water Line		0
Highway Fund	No. 121-135	\$379581.49
TAP CAPITAL PROJECT	No. 12	\$14477.05
Sewer Fund	No. 79-85	\$1834.89
Water Fund	No. 128-139	\$7575.92

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With no further business, on a motion from Councilperson Root, seconded by Councilperson Learn the meeting was adjourned at 8:30 PM. Carried unanimously.

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Shelby Jones, Deputy Town Clerk