

REGULAR MEETING, TOWN OF RANDOLPH, May 10, 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 10<sup>th</sup> day of May 2023.

PRESENT: Dale Senn ----- Supervisor  
Bob Learn ----- Council Member  
Tim Beach ----- Council Member  
Cody Uhl ----- Superintendent of Highways  
Gretchen Hind ----- Clerk

ABSENT: Bridget Marshall ----- Attorney  
Nate Root ----- Council Member  
Amber Frame ----- Council Member

OTHERS PRESENT: Don McElwain & Ashton O'Brien -Water Dept.; Dave Messenger – Planning Board;  
Harry Uhl.

Harry Uhl opened meeting with a prayer.

CALL MEETING TO ORDER

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

PUBLIC NONE

RESOLUTION 45-2023

MEETING MINUTES

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

ADOPTED      Ayes    3      Senn, Beach, Learn  
                  Nays    0

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

REPORT OF TOWN OFFICIALS

TOWN JUSTICE - No Report.

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CODE ENFORCEMENT

6 permits for a total of \$675 were issued for April 2023.

RACDC- No Report

Monthly Report of the Supervisor – BLB submitted the April 2023 Financial Report to the Board as well as the 2022 Annual Update Document.

CLERK

Clerk Hind submitted the monthly report for April 2023 to the Board. The local shares were Town-\$1,188.40; Supervisor - \$128.55.

SUPERINTENDENT OF HIGHWAYS

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

WATER/SEWER

Don McElwain reported monthly activities to the Board.

SAMPLE HILL

Sexton, Cody Uhl has been doing some repair work on graves.

COMMUNICATIONS

The 2022 AUD has been filed with the Town Clerk.

OLD BUSINESS

RESOLUTION 46-2023

PUBLIC HEARING FOR PROPOSED ADDITION TO THE TOWN OF RANDOLPH ZONING LAW TO INCLUDE A NEW SECTION ON GARBAGE REMOVAL

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

ADOPTED      Ayes    3      Senn, Beach, Learn  
                     Nays    0

Resolved that the Board schedule a public hearing for June 14, 2023 at 7:35PM to hear all those in favor of or against the following proposed addition to the Town of Randolph Zoning Law:

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### TOWN OF RANDOLPH GARBAGE REMOVAL

#### Purpose

The purpose of this article shall be to protect and promote the health, safety and welfare of the people in the Town of Randolph by controlling littering and regulating the storage of garbage and refuse within the Zoning Codes Areas of R=(Residential), E-1=(Expressway) and C=(Commercial).

#### Definitions

For the purpose of this article, the following words, phrases and terms and their derivations shall have the meanings given herein. When not inconsistent with the number include the singular, words used in the singular number include the plural and words in the masculine include the feminine. The word "shall" is always mandatory and not merely directory.

#### GARBAGE and RUBBISH

Decaying animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food. Solid waste consisting of both combustible and noncombustible wastes, such as but not limited to paper wrappings, cardboard, plastic, tin cans, wood, glass, bedding, and crockery.

#### LITTER

Garbage, refuse, and rubbish, as defined herein, and all other waste materials, which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare or tends to create blight.

#### PERSON

Any person, firm, partnership, association, corporation, company or organization of any kind.

#### PRIVATE PREMISES

Any house, building or other structure not owned or operated by the Town, whether inhabited or temporarily or continuously uninhabited or vacant, including any yard, ground, parking lot, walk, driveway, porch steps, vestibule, or mailbox belonging or appurtenant to such house, building or other structure.

#### PUBLIC PLACE

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Any and all streets, highway rights-of-way, sidewalks and other public ways and any and all public or quasi-public parks, spaces, grounds and buildings, including school grounds.

**TOWN**

The Town of Randolph

**ZONING CO**

R = (Residential)

E-1 = (Expressway)

C = (Commercial)

**TOTES**

Totes with a capacity not exceeding 96 gallons or 12.8 cubic feet

**DUMPSTERS**

Dumpsters with a capacity exceeding 96 gallons or 12.8 cubic feet requiring a mechanical lift to empty.

**Construction Dumpster**

Open top roll-off container with a capacity to hold 10 to 40 cubic yards.

**Town of Randolph Regulations for Garbage and Trash removal within the Zoning Code Areas R, E-1 and C.**

**A. Garbage Totes**

- a. It shall be unlawful to deposit or leave any garbage, garbage totes, ashes or refuse of any kind upon the sidewalks, curbs or gutters of the Town of Randolph, on any streets in the R, E-1 and C Code Areas, except that such garbage, garbage totes may be placed on the sidewalks or curbs only from the night before the designated garbage remove date and removed the night of the garbage collection.
- b. At all other times the garbage container must be set back behind the front of the property and not between the house and the road. The lid on the container must be closed at all times.

c. Exception for leaf pick-up in the fall, leaves may be raked to the curb for pick-up on scheduled days by the highway dept.

B. No dumpster shall be permitted in the R, E-1 and C Code Areas, subject to the following exceptions and conditions.

a. Exceptions:

i. Use exceptions: Dumpsters may be placed on the following properties.

1. Places of public assembly, including churches, school and fire hall.
2. Commercial properties.
3. Buildings that house 2 or more Apartments.

ii. Temporary construction dumpsters, (roll-offs) for which the property owner and/or contractor shall obtain a temporary dumpster permit from the Town Clerk's Office. Such permit shall be valid for 60 days from the date of issuance and may be renewed up to two times for the same term upon showing that work on the project is continuing and a dumpster is required to complete it.

b. General Standards:

i. Location :Totes and dumpsters shall be located to the side and rear of the property to the greatest extent practicable. Certain situations might limit the location of a dumpster; in that respect it must be off the Town Right-of-Way.

ii. Covers: Totes and dumpsters shall be equipped with covers or lids, maintained in working order, that shelter and secure their contents.

iii. Totes shall be emptied weekly: Dumpsters must be emptied at minimum, Bi-Weekly: No dumpster shall be allowed to overflow. No noxious odors shall be allowed as a result of garbage in the dumpster.

c. Preexisting Dumpsters

i. Residential Dumpsters in place at the time of the enactment of this chapter shall be Grandfathered yet must abide by the standards set forth. Any failure to comply with these standards, the dumpster will be removed by the container company.

- ii. Any residential dumpsters that are removed from the property shall NOT be replaced.

C. Enforcement

- a. These regulations will be enforced by the Town of Randolph. Failure to comply with the regulations will result in a citation and a fine.
  - i. Fines:
    - 1. First offense: Written Warning
    - 2. Second offense: Citation to appear in Town Court whereas the Town Justice will have discretion with regards to the fine.
  - b. These regulations refer to current as well as future use of garbage totes and small and large dumpster use

TERMS and CONDITIONS

- A. **Conflicting Statutes:** All local laws or ordinances or parts of local laws or ordinances in conflict herewith are hereby repealed

**Severability:** Should any clause, sentence, paragraph, subdivision, section or other part of this local law be adjudicated by any court or competent jurisdiction to be invalid, such judgement, decree or order shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or other part thereof directly involved in the controversy in which such judgement, decree or order shall have been rendered and to this end, the provisions of each section of this local law are hereby declared to be severable.

NEW BUSINESS

RESOLUTION 47-2023

SAFE ROUTES TO SCHOOL TAP PROJECT 5763.56 – D&H PAY APP #6 and CPL PAY APP #21

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

ADOPTED	Ayes	3	Senn, Beach, Learn
	Nays	0	

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Resolved that the Board approves the payment for the Safe Routes to School TAP Project 5763.56 to D&H Excavating for Pay App #6 in the amount of \$309,932.70 and furthermore approves payment of Pay App #21 in the amount of \$22,412.52 to CPL.

RESOLUTION 48-2023

RCAP SOLUTIONS COMMUNITY SERVICE AGREEMENT

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

ADOPTED      Ayes    3      Senn, Beach, Learn  
                     Nays    0

Resolved that the Board authorize Supervisor Senn to sign the Community Service Agreement with RCAP Solutions.

RESOLUTION 49-2023

EMPLOYEE HIRE - BUILDING INSPECTOR

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

ADOPTED      Ayes    3      Senn, Beach, Learn  
                     Nays    0

Resolved that the Board authorize hiring a Building Inspector with an annual salary of \$6,900.

RESOLUTION 50-2023

WATER & SEWER RELEVY PROCEDURES

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

ADOPTED      Ayes    3      Senn, Beach, Learn  
                     Nays    0

Resolved that the Board approves and adopts the Water & Sewer Relevy procedures:

- 2<sup>nd</sup> Quarterly billing mailed July 1<sup>st</sup> with due date of July 31<sup>st</sup>.
- Late penalties added first week of August.
- Relevy notices prepared and mailed by August 20<sup>th</sup>.
- Last date to pay prior to relevy: September 20<sup>th</sup>.

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- Relevy calculated and list created.
- Relevy list reviewed by Board during October Board meeting.
- Relevy sent to County in November as directed.

RESOLUTION 51-2023

ARTS & CRAFTS SUPPORT LETTER TO DOT

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

ADOPTED                      Ayes    3            Senn, Beach, Learn  
    Nays    0

Resolved that the Board authorize sending a letter of support for the Arts & Crafts Festival to be held on June 17, 2023 to the NYS DOT.

RESOLUTION 52-2023

BUDGET MODIFICATIONS & TRANSFERS

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

ADOPTED                      Ayes    3            Learn, Senn, Beach  
    Nays    0

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

GENERAL FUND

BUDGET MODIFICATION: We resolve to increase the General Fund 2023 expenditure budget by \$1,188 due to the use of ARPA funds. This will increase accounts A4089 - ARPA REVENUE and A3989.49 - OTHER PUBLIC SAFETY - CONTRACTUAL-ARPA.

RESOLUTION 53-2023

AUDIT OF BILLS

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

ADOPTED                      Ayes    3            Senn, Beach, Learn  
    Nays    0

ABSTRACT #5

General Fund	No. 94-124	\$20,618.84
Street Lighting District		1,230.83



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Snow Removal District		0
Fire District		0
Weeden Rd. Water Line		0
Highway Fund	No. 73-89	16,114.65
TAP CAPITAL PROJECT	No. 6-7	332,345.22
Sewer Fund	No. 38-48	5,019.76
Water Fund	No. 64-84	11,795.92

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

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Gretchen A. Hind, RMC/CMC, Town Clerk

