

REGULAR MEETING, TOWN OF RANDOLPH, June 14, 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 14th day of June 2023.

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

ABSENT: Bridget Marshall ----- Attorney

OTHERS PRESENT: Don McElwain & Ashton O'Brien - Water Dept.; Kyle Brown - Planning Board; Harry Uhl; Caleb Henning-MDA Engineers; Nick Pezzino-B&L; Elise Gorth-Randolph Register.

Harry Uhl opened meeting with a prayer.

CALL MEETING TO ORDER

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

BID OPENING: ROOF REMOVAL & REPLACEMENT-72 MAIN ST.

Complete Roof Systems:	\$70,215
Expert Contracting:	\$82,000
Jamestown Roofing:	\$141,000
Universal Builders GCI:	\$169,837
SJBS Construction:	\$151,700

**PUBLIC HEARING - PROPOSED ADDENDUM TO THE TOWN OF RANDOLPH ZONING LAW:
GARBAGE REMOVAL**

Notice of the Public Hearing was published in the Post-Journal on May 30, 2023. On a motion by Councilperson Learn, seconded by Councilperson Beach, whereupon the Supervisor declared the the Public Hearing on the Proposed Addendum to The Town of Randolph Zoning Law: Garbage Removal 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 Addendum to The Town of Randolph Zoning Law: Garbage Removal: NO ONE PRESENT

The following persons appeared in opposition to the proposed Addendum to The Town of Randolph Zoning Law: Garbage Removal: NO ONE PRESENT

The Town Clerk reported that the following pertinent written communications had been received: COMMUNICATION RECEIVED and read to all present from Alethea Marsh against the proposed Addendum to The Town of Randolph Zoning Law: Garbage Removal.

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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 on the proposed Addendum to The Town of Randolph Zoning Law: Garbage Removal closed.

PUBLIC HEARING- TO CONSIDER IMPROVEMENTS TO THE TOWN OF RANDOLPH SEWER SYSTEM

Notice of the Public Hearing was published in the Post-Journal on May 30, 2023. On a motion by Councilperson Root, seconded by Councilperson Frame, whereupon the Supervisor declared that the Public Hearing to Consider Improvements to the Town of Randolph Sewer System was now open and asked if there was any interested person who desired to be heard

Nick Pezzino, B&L discussed the project and the need for the Sewer District to take on debt. He discussed the notification from DEC dictating the SPDES permit changes to include disinfection along with the potential rate increases as a result of the project. Mr. Pezzino also discussed next steps for the Town Board.

The following persons appeared in favor of the proposed Improvements to the Town of Randolph Sewer System: NO ONE PRESENT

The following persons appeared in opposition to the proposed Improvements to the Town of Randolph Sewer System: 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. With no one present to be heard, on a motion from Councilman Beach and seconded by Councilman Root, whereupon the Supervisor declared the public hearing closed.

PUBLIC NONE

RESOLUTION 55-2023

MEETING MINUTES

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

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

Resolved that the Board approves the meeting minutes from May 14 & 22, 2023 as submitted.

REPORT OF TOWN OFFICIALS

TOWN JUSTICE – No Report.

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CODE ENFORCEMENT

2 permits for a total of \$125 were issued for May 2023.

RACDC- Report submitted

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

CLERK

Clerk Hind submitted the monthly report for May 2023 to the Board. The local shares were Town-\$655.30; Supervisor - \$120.24.

SUPERINTENDENT OF HIGHWAYS

Superintendent Uhl provided a detailed report on the activities for the month of May 2023. Uhl stated the Lions Club will be donating new playground safety surfacing.

WATER/SEWER

Don McElwain reported monthly activities to the Board and discussed the main leak on Route 241 that incurred costly road repairs.

Attorney Marshall entered the meeting at 7:52PM

Caleb Henning, MDA Engineers, presented drawings for 930' of water main replacement for Crowley Street. Construction is estimated at \$157,000.

SAMPLE HILL

Sexton, Cody Uhl reported there was one burial.

COMMUNICATIONS None.

OLD BUSINESS

RESOLUTION 56-2023

THE PROPOSED RANDOLPH WATER MAIN REPLACEMENT PROJECT-CROWLEY STREET IS A TYPE II ACTION AND WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT

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

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

WHEREAS, a capital project is proposed to address various needs and deficiencies related to efficient operation, maintenance and facility performance; and

WHEREAS, the proposed project consists of maintenance or repair, involving no substantial changes in an existing structure or facility, consistent with 6 NYSRR Part 617.5(c)(1) of the State Environmental Quality Review Act (SEQR)

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF RANDOLPH THAT

The proposed replacement project is declared to be a Type 2 action for State Environmental Quality Review Act purposes, and no further action will be required.

RESOLUTION 57-2023

AUTHORIZATION TO ADVERTISE FOR BIDS- TOWN OF RANDOLPH WATER MAIN REPLACEMENT PROJECT-CROWLEY STREET

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

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

Resolved that the Board authorizes advertising for bids for the Town of Randolph Water Main Replacement Project-Crowley Street after it receives DOH approval.

RESOLUTION 58-2023

ADOPT ADDENDUM 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 5 Senn, Beach, Learn, Root, Frame
 Nays 0

Resolved that the Board adopts the Addendum to the Town of Randolph Zoning Law as follows:

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

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.

RESOLUTION 59-2023

AWARD ROOF REMOVAL & REPLACEMENT BID-72 MAIN STREET TO LOWEST RESPONSIBLE BIDDER

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

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

Resolved that the Board awards the contract for the Roof Removal & Replacement – 72 Main Street to the lowest responsible bidder Complete Roofing Systems.

RESOLUTION 60-2023

NOTICE TO PROCEED ROOF REMOVAL & REPLACEMENT-72 MAIN STREET

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

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

Resolved that the Board authorizes issuing the Notice to Proceed for the Roof Removal and Replacement – 72 Main Street contract after documents of lowest responsible bidder are confirmed to be in order and complete.

NEW BUSINESS

RESOLUTION 61-2023

EMPLOYEE RESIGNATION

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

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

Resolved that the Board accepts the resignation of Andrew Baker.

RESOLUTION 62-2023

WEEDEN PARK – COMMUNITY FIREWORKS

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

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

Resolved that the Board authorizes Community Fireworks to be held at Weeden Park.

RESOLUTION 63-2023

COMMUNITY FIREWORKS CONTRIBUTION

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

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

Resolved that the Board authorizes contributing \$500 from the Celebrations line of the budget for Community Fireworks to be held at Weeden Park payable to Peaches and Cream to be added to the June vouchers.

RESOLUTION 64-2023

AUCTIONS INTERNATIONAL CONTRACT

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

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

Resolved that the Board authorizes Supervisor Senn to sign the Auctions International Contract.

RESOLUTION 65-2023

SURPLUS EQUIPMENT

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

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

Resolved that the Board declares several old computers/monitors/keyboards as surplus and furthermore declares the 2001 Mack as surplus and authorizes Highway Superintendent Cody Uhl advertise it for sale with Auctions International.

RESOLUTION 66-2023

SHARED SERVICE AGREEMENT BETWEEN THE TOWN OF RANDOLPH AND THE TOWN OF CONEWANGO

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

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

Resolved that the Board authorizes Supervisor Senn to sign the following Shared Service Agreement:

The Town of Randolph, a Municipal Corporation under the Laws of the state of New York, with offices located at 72 Main Street in the Town of Randolph, Cattaraugus County, New York,

-and-

The Town of Conewango, a Municipal Corporation under the Laws of the state of New York, with offices located at 4762 Route 241, Conewango Valley, in the Town of Conewango, Cattaraugus County, New York,

Whereas, the Town of Randolph and the Town of Conewango are located in rural areas of Western New York located in Cattaraugus County, New York; and

Whereas, the elected officials of both Towns have entered into discussions relative to sharing services and equipment; and

Whereas, from time to time the Town of Randolph and the Town of Conewango will exchange equipment and/or personnel to assist one another on public projects; and

Whereas, both municipalities believe it would benefit the financial interests of the residents of their respective communities as well as provide for the continual health, safety, and welfare of such communities by entering into a Shared Service agreement which would confirm their mutually cooperative efforts;

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, the parties hereby agree as follows:

1. The Town of Randolph will continue to provide leaf pickup services to the properties in the Town of Conewango located within the former Village of East Randolph. The Town of Conewango agrees to pay the Town of Randolph based on the per Thousand amount of the Town of Randolph Refuse District which would be provided to the Town of Conewango upon approval of the Town of Randolph Preliminary Budget. This per thousand amount should be multiplied against the assessed value of the Town of Conewango East Randolph Lighting District to determine the total due to the Town of Randolph. This amount will be payable to the Town of Randolph Refuse District no later than April 1 of each year
2. The Town of Randolph will provide sidewalk plowing to the Town of Conewango to sidewalks located within the former Village of East Randolph. The Town of Conewango agrees to pay the Town of Randolph based on the per Thousand amount of the Town of Randolph Snow Removal District which would be provided to the Town of Conewango upon approval of the Town of Randolph Preliminary Budget. This per thousand amount should be multiplied against the assessed value of the Town of Conewango East Randolph Lighting District to determine the total due to the Town of Randolph. This amount will be payable to the Town of Randolph Snow Removal District no later than April 1 of each year.
3. The Town of Conewango will be responsible for all maintenance of sidewalks, other than snow removal, within their jurisdiction.
4. The Town of Randolph and the Town of Conewango will assist each other to clear snow and maintain roadways.
5. Should the Town of Randolph and the Town of Conewango be utilized to assist each other, each Township will be responsible for their own cost of equipment.
6. Salaries and benefits payable to the employees will remain the responsibility of their employer.
7. The Town of Randolph and the Town of Conewango will, when possible, continue to loan one another without cost of equipment and machinery on an as needed basis by either municipality.
8. The Town of Randolph and the Town of Conewango will maintain applicable general liability insurance to cover any and all claims brought against either entity by third parties that may be injured or damaged as the result of actions performed pursuant to this Agreement.
9. The Town of Randolph and the Town of Conewango agree to hold harmless and indemnify one another from any and all liability arising out of injuries of their own employees while implementing this Agreement.

10. Pursuant to the provisions of General Municipal Law 119-(2)(j), this Agreement will automatically renew annually. This agreement is subject to termination provided one or both parties wish to do so. Any such termination must be in writing.

RESOLUTION 67-2023

SAFE ROUTES TO SCHOOL TAP PROJECT 5763.56 – D&H PAY APP #7 and CPL PAY APP #22

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

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

Resolved that the Board approves the payment for the Safe Routes to School TAP Project 5763.56 to D&H Excavating for Pay App #7 in the amount of \$265,943.70 and furthermore approves payment of Pay App #22 in the amount of \$24,244.86 to CPL.

RESOLUTION 68-2023

CONSULTANT – BUILDING INSPECTOR

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

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

Resolved that the Board authorizes contracting with David Heckman as a consultant to the Building Inspector at \$20 per hour plus mileage.

RESOLUTION 69-2023

EMPLOYEE CELL PHONES

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

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

Resolved that the Board authorizes adding Brett Payne and Tim Poitras to the employee cell phone plans.

RESOLUTION 70-2023

PEDDLER'S LICENSE

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

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

Resolved that the Board authorizes a Peddler's License to Zachary Douglas to offer Educational Resources through Southwestern Advantage.

RESOLUTION 71-2023

APPROVING A PROPOSED INCREASE OF AND IMPROVEMENT TO TOWN OF RANDOLPH SEWER SYSTEM

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

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

WHEREAS, the Town Board of the Town of Randolph has duly caused to be prepared a map, plan and estimate of the cost for the increase and improvement of proposed improvements to the Town of Randolph Sewer System; and

WHEREAS, the proposed improvements to such Sewer system includes upgrades to the existing wastewater treatment plant and sanitary sewer system pump stations; and

WHEREAS, the plan shows the estimated costs of these improvements to be approximately \$5,910,000; and

WHEREAS, the Town Board of the Town of Randolph duly adopted a resolution on May 22, 2023, calling a public hearing to consider said proposed increases and improvements and estimate of expenses, to be held at the Randolph Town Hall, 72 Main St, Randolph, New York, on the 14th day of June, 2023, at 7:40 p.m.; and

WHEREAS, notice of said public hearing was duly published and posted in the manner provided by law and proof thereof has been submitted to the Town Board; and

WHEREAS, said public hearing was duly held at the time and place aforesaid, at which all persons interested were duly heard; and

WHEREAS, said Town Board has duly considered all of the evidence given at such public hearing;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Randolph, Cattaraugus County, New York, that, based upon the evidence given at the aforesaid public hearing, it is hereby found and determined to be in the public interest to provide for the aforesaid increases and improvements of the facilities of the aforesaid Sewer System in the Town of Randolph, Cattaraugus County, New York, as described in the preambles hereof, at a gross estimated cost of approximately \$5,910,000, and the same is hereby authorized.

RESOLUTION 72-2023

BOND RESOLUTION DATED JUNE 14, 2023 OF THE TOWN BOARD OF THE TOWN OF RANDOLPH, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL

BONDS TO FINANCE SEWER SYSTEM CAPITAL IMPROVEMENTS WITHIN THE TOWN, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

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

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

WHEREAS, the Town of Randolph Sanitary Sewer System was duly established by the Town Board pursuant to the Town Law and, pursuant to a resolution adopted on June 14, 2023, the Town has duly authorized additional facilities therein pursuant to §202-b of the Town Law; and

WHEREAS, the Town, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder (“SEQRA”), has completed its environmental review and, on October 12, 2022, has duly adopted a negative declaration and has determined that the implementation of the type I action as proposed will not result in any significant adverse environmental impacts; now therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF RANDOLPH, NEW YORK (hereinafter referred to as the “Town”), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Town of Randolph shall undertake certain capital improvements consisting of upgrades to the Town's wastewater treatment facility and upgrades to four existing pump stations in the Town's sewer collection system, duly authorized pursuant to Section 202-b of the Town Law, to include replacement of existing process tanks, a new MBBR treatment system, addition of UV disinfection, and upgrades to existing Pump Stations nos. 1, 2, 3, and 4, and the acquisition of original furnishings, equipment, machinery or apparatus, or the replacement of such equipment, machinery or apparatus, and other incidental improvements that may be required in connection therewith for such construction and district use (hereinafter referred to as “purpose”), and general obligation serial bonds in an aggregate principal amount not to exceed \$5,910,000 of the Town are hereby authorized to be issued to finance said purpose, and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.

Section 2. The estimated maximum aggregate cost to the Town of Randolph of said purpose, which may include preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$5,910,000, and said amount is hereby appropriated therefor. The plan for financing of said purpose is to provide all of such maximum cost by issuance of bonds or bond anticipation notes as herein authorized, to be offset and reduced dollar for dollar by any grants received, presently estimated to be \$571,000.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 4 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty (40) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes.

Section 5. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, including without limitation, the authority to determine whether to accept bids electronically to the extent allowed by the Local Finance Law, and the power to contract and issue indebtedness pursuant to §169.00 of the Local Finance Law, if applicable, is hereby delegated to the Town Supervisor, the Town's chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Town of Randolph.

Section 7. The faith and credit of the Town of Randolph, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. Such bonds and notes shall be payable from a levy on real property in such district benefitted or user charges therefor, in the manner provided by law, but if not paid from such source, all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. This resolution, or a summary hereof, shall be published in full by the Town Clerk of the Town of Randolph together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by law. The validity of said bonds or of any bond anticipation notes issued in anticipation of the sale of said bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall take effect immediately upon its adoption.

The motion having been duly seconded, it was adopted and the following votes were cast:

AYES 5 Senn, Beach, Learn, Root, Frame NAYS 0

RESOLUTION 73-2023

AUTHORIZING PUBLIC HEARING – CDBG –WITH REFERENCE TO THE PROPOSED TOWN OF RANDOLPH, CATTARAUGUS COUNTY, NY PUBLIC HEARING AUTHORIZATION

WHEREAS, the Town of Randolph intends to apply to the NYS Office of Community Renewal for a project grant under the Community Development Block Grant -- Public Infrastructure and Public Facilities Program; and

WHEREAS, as a requirement of this program, said Town of Randolph must hold a public hearing for the purpose of obtaining citizens' views and responding to proposals and questions on the Town of Randolph's community development needs,

NOW, THEREFORE, be it resolved that the Town of Randolph Town Board hereby does authorize a public hearing to discuss the possible submission of one or more Community Development Block Grant (CDBG) applications for the 2023 program year to be held on July 12, 2023 at 7:30PM.

Motion by: Councilman Learn Seconded by: Councilperson Root

Voting Aye: 5 Senn, Beach, Learn, Root, Frame Voting Nay: 0

RESOLUTION 74-2023

ESTABLISHING THE TOWN OF RANDOLPH SUPERVISOR AS THE CERTIFYING OFFICER FOR THE TOWN OF RANDOLPH SEWER SYSTEM IMPROVEMENTS PROJECT'S ENVIRONMENTAL REVIEW RECORD

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

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

WHEREAS, the Town of Randolph (the “Town”) is proposing the Town of Randolph Sewer System Improvements Project, located in the Town of Randolph, Chautauqua County, New York (the “Project”); and

WHEREAS, the Town must prepare an Environmental Review Record (ERR) in support of a funding application to the NYS Office of Homes and Community Renewal Community Development Block Grant Program; and

WHEREAS, the Town must appoint an Environmental Certifying Officer to be responsible for the activities associated with the preparation of the ERR;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Randolph is hereby designated as the Certifying Officer for the Town’s ERR; and be it further

RESOLVED, that the Supervisor is authorized to sign all necessary certifications leading to the completion of the ERR.

The question of the adoption of the foregoing resolution was duly put to a vote, and upon roll call, the vote was as follows:

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

The foregoing resolution was thereupon declared duly adopted.

RESOLUTION 75-2023

AUTHORIZING WIIA/CWSRF APPLICATIONS AND AGREEMENT FOR PROJECT FINANCING

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

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

WHEREAS, The Town of Randolph Town Board (Board) recognizes the proposed Wastewater Treatment Facility (WWTF) Project is needed to provide improved stream water quality and operational efficiency to the benefit of the Town's residents, commercial, and institutional facilities; and

WHEREAS, The Board recognizes that the proposed Improvements to the WWTF are intended to provide an energy efficient disinfection system that will achieve a higher level of treatment to

protect the long-term water quality of Little Conewango Creek and meet NYS Department of Environmental requirements.

WHEREAS, The Board recognizes that the estimated maximum project cost of the needed improvements is \$5,910,000; now therefore, be it RESOLVED:

1. That the Board supports the submission of applications to the Clean Water State Revolving Fund (CWSRF) and Water Infrastructure Improvement Act (WIIA) for funding to support the proposed Wastewater Treatment Facility Project, and
2. The following person is directed and authorized as the official representative of the Applicant to execute and deliver an application for WIIA/CWSRF assistance, to execute and deliver the Project financing agreement and any other documents necessary to receive financial assistance from the Fund for the Project, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Applicant as may be required: Dale Senn, Town Supervisor.
3. The official designated above is authorized to make applications for financial assistance under the WIIA/CWSRF Programs.
4. This Resolution shall take effect immediately.

RESOLUTION 76-2023

NYCLASS MUNICIPAL COOPERATION RESOLUTION

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

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

WHEREAS, New York General Municipal Law, Article 5-G, Section 119-0 (Section 119-0) empowers municipal corporations [defined in Article 5-G, Section 119-n to include school districts, boards of cooperative educational services, counties, cities, towns and villages, and districts] to enter into, amend, cancel, and terminate agreements for the performance among themselves (or one for the other) of their respective functions, powers, and duties on a cooperative or contract basis;

WHEREAS, the Town of Randolph wishes to invest portions of its available investment funds in cooperation with other corporations and/or districts pursuant to the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019;

WHEREAS the Town of Randolph wishes to satisfy the safety and liquidity needs of their funds;

Now, therefore, it is hereby resolved as follows:

That Gretchen Hind, Town Clerk of the Town of Randolph is hereby authorized to participate in the NYCLASS program under the terms of the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019.

AED'S

Councilman Root discussed the need for an AED at Weeden Park. Clerk Hind will investigate grants.

RESOLUTION 77-2023

BUDGET MODIFICATIONS & TRANSFERS

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

ADOPTED Ayes 5 Learn, Senn, Beach, Root, Frame
 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 \$524.00 due to the use of ARPA funds. This will increase accounts A4089 – ARPA REVENUE and A3989.49 – OTHER PUBLIC SAFETY – CONTRACTUAL-ARPA.

HIGHWAY FUND

We resolve to increase the 2023 Highway Fund expenditure budget by \$675 due to the sale of scrap materials. This will increase accounts DA2650 – SALES OF SCRAP MATERIALS and DA5130.4 –MACHINERY – CONTRACTUAL.

We resolve to increase the 2023 Highway Fund expenditure budget by \$312,563 due to additional CHIPS funding available. This will increase accounts DA3501 – CONSOLIDATED HIGHWAY (CHIPS) and DA5112.4 – PERMANENT IMPROVEMENTS – CONTRACTUAL.

RESOLUTION 78-2023

AUDIT OF BILLS

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

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

ABSTRACT #6

General Fund	No. 125-157	\$25,065.63
Street Lighting District		1,222.32
Snow Removal District		0
Fire District		0
Weeden Rd. Water Line		0

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Highway Fund	No. 90-105	16,114.65
TAP CAPITAL PROJECT	No. 8-10	299,886.96
Sewer Fund	No. 49-65	48,726.51
Water Fund	No. 85-106	23,209.62

With no further business, on a motion from Councilman Learn, seconded by Councilman Beach the meeting was adjourned at 8:39 PM. Carried unanimously.

Gretchen A. Hind, RMC/CMC, Town Clerk