

Perrysburg Town Board

Minutes of the Regular Monthly Meeting of the Town Board, Town of Perrysburg, Cattaraugus County, NY, June 8, 2020 at the Town Hall

PRESENT: Jennifer Dabolt, Town Supervisor * Richard Gabel, Councilman * Andy Lord, Councilman/Deputy Town Supervisor * Dennis Parker, Councilman (via telephone)

ABSENT: Michael Becker, Councilman * Tamara Utley, Town Clerk

ALSO PRESENT: Beth A. Guzzetta, Deputy Town Clerk
Dan Stang, Highway Supt.

James Musacchio, Attorney for the Town entered at 8:05 PM

Supervisor called the meeting to order at 7:00 PM with the Pledge of Allegiance

GOOD OF THE COMMUNITY: Supervisor Dabolt reported that Bigfoot Gas station was adding a drive through food service and diesel fuel pumps to are open soon

PUBLIC COMMENTS: None

MINUTES OF THE PREVIOUS MEETING: Motion by Councilman Gabel, second by Councilman Lord to approve minutes of the May 11th Town Board meeting

GABEL – AYE LORD – AYE DABOLT – AYE PARKER – NO VOTE

REPORTS:

Code Enforcement Officer: Did not prepare a report this month due to the Board of Assessment Review on his office night. Will provide for next board meeting

Planning & Zoning Board Report: Meeting is next Wednesday, the 17th, and are planning to discuss a fence variance and a request by Wendy Maines to open a vegetable and hot dog stand on her property. They also will review the Master Plan and make adjustments

Assessor's Report: The 2020 Tentative Roll as filed on May 1. Corresponded with several property owners about assessments, tax bills and exemptions. Added no property transfers for May, these cannot be added until July 1. Ten properties were reviewed for Grievance Day on June 3, details to come in next month's report. A

message from the Director of Real Property Tax Service was read regarding services provided during this COVID shut down. Supervisor Dabolt stated, and the Board members present agreed, that the County Assessors are welcomed back to this office since we can meet CDC regulations regarding providing services to the public at this time. Supervisor Dabolt requested an email be sent to Mr. Martonis and Ms. Harrington to ask that they return to office hours here at the Town Hall once again

Water Department Report: Perrysburg processed 1,964,991 gallons for a monthly average of 63,387 gallons. 7 UFPO 1 work order. Versailles used 202,715 over the month of May for an average of 6,539 gallons per day

Highway Superintendent's Report: Mr. Stang reports that roadside mowing has begun as has skid paving. All winter equipment has been cleaned, primed and painted. Also, they are cutting shoulders and fixing water damage. Mr. Stang also states that the new roller purchased from the County has some issues that he needs to check before sending payment

Justice Report: Due to COVID 19, the Town Court was closed for the month of May. We were allowed to write receipts, open mail, etc. Court reopening date still not known. Closed the following cases: 5 V/T. Total reported to State Comptroller \$830.00

Dog Control Officer Report: Nothing to report

Town Clerk Report: Collected \$2,660.25 for the month of May. \$1,130.45 is the amount due the Town Supervisor. There is a new records retention and disposition schedule for government records. The LGS-1 Records Retention Schedule takes effect August 1, 2020. The Clerk respectfully asks the Board to introduce a resolution to adopt the new schedule effective 08/01/2020

Motion by Supervisor Dabolt, second by Councilman Gabel, to adopt the LGS-1 Records Retention Schedule to take effect on August 1, 2020

DABOLT – AYE GABEL – AYE LORD – AYE PARKER – NO VOTE

The DEC will be implementing a new DEC hunting/fishing licensing sale program – the date has been pushed back to June 29th. This new program requires agents to undergo training on the new software. The new printer is set up but not yet installed as we are waiting for the vendor this office with new systems credentials.

During the coronavirus pandemic, the office is open regular business hours, however, residents are strongly encouraged to use the dropbox at the Town Hall, mail payments, or use the on-line payment portal for dog license renewal and/or water bill payment via the Town's website: www.townofperrysburgny.org

Sewer Report: There was no sewer report due to an emergency situation in the Village of Gowanda. Supervisor Dabolt stated that there has been some problems that need to be addressed including the North Road Lift Station, the Rt. 39 Lift Station and drain covers, and pump repair. A detailed report will be forthcoming. Supervisor also stated that maintenance on the equipment should be looked at but that the purchased additive has been very effective to keep the lines flowing. Councilman Gabel inquired about the status of the water rate increase and the fund availability to do maintenance and repairs. Supervisor Dabolt stated that they should consult with the town accountant and evaluate the funds available to do this, Councilman Gabel also stated that a tree has fallen on a fence at the Mosher Road location and discussed a remedy with Superintendent Stang

Supervisor's Report prepared by Bahgat & Laurito Bahgat: on file at the Town Clerk's Office

CORRESPONDENCE: None

Prospect Street Project: Supervisor Dabolt asked for a report on the Prospect Street Project and Superintendent Stang stated that he has been monitoring it daily and states that road is not changing and is stable. He also states that because of the COVID quarantine, he has not been able to meet with the parties involved. He states that the quarterly report was turned in and that a more in depth report is due on July 30, 2020. Superintendent Stang then stated that he needs to speak with the new Town Attorney to discuss the lawsuit filed against the Town. Supervisor Dabolt asked when the FEMA money for the project would come through. Superintendent Stang stated that paperwork needed to be filed and retrieved from Henry at the previous law firm. Supervisor Dabolt stated that our new Town Attorney should be receiving it shortly. She also asked if he had contacted Tom Reed's office for assistance. Superintendent Stang stated that they had contacted him once to offer assistance but they had recommended to re-hire the previous law firm, which he does not agree with. He then questioned why Councilman Lord had contacted Ryan at Municipal Disaster Consultants, and the ensuing bill, without his knowledge since all correspondence was to be directed through him. Superintendent Stang then questioned the meeting with Tom Reed's office and the advice they were giving to solve the dilemma. Supervisor Dabolt then asked about the bond and Superintendent Stang stated that we would have to file for an extension. He then went on to state that the work that was done is correct and stable and that we needed to pay the contractor for work performed and that we had to save money to finish the project. He then opined that if we had the \$100,000 spent on lawyers, we would be halfway to the amount needed to finish the project. It was then discussed how and who to speak to to renew the bond that is due August 1, 2020. Superintendent Stang then stated that no paperwork had been submitted to FEMA for quarterly

payments. Supervisor Dabolt stated that Mark Burr, the geo-tech and the surveyor had agreed that the work was not done properly. Superintendent Stang then questioned why the \$600,000 was paid and why NYS had received letters regarding the road. He then stated that he had spoken with the representative from FEMA who helped him with the quarterly report and he said to finalize it and submit for the money. Councilman Lord then stated that what he understood from the meeting with Tom Reed's office was that if there is no engineer who will sign off on the project, we would not receive funds from FEMA. Superintendent Stang stated that Nussbaumer & Clark would sign off on the project since they did the work. Councilman Lord opined that he did not know why he was being criticized for speaking to the FEMA consultant and then questioned that fill from the project had been hauled to Superintendent Stang's brother's farm without the documentation needed for a FEMA project possibly causing us not to be eligible for FEMA reimbursement. Superintendent Stang stated that he had nothing to do with those arrangements. Supervisor Dabolt asked about the section of road that is not repaired and sinking where blacktop was laid, but Superintendent Stang states the bump has been there since June 2019 and it has not deteriorated. Councilman Lord reiterated that he was fearful of not receiving FEMA funds for the project and stated that after the meeting at Tom Reed's office that maybe the previous lawyer should be re-hired and need to prepare for not receiving said funds. Superintendent Stang states that once all parties concerned are able to sit and have a face to face discussion, the project will be back on track and states that he is going to meet with James Musacchio, the new Town Attorney to proceed but did not give a specific time table

James Musacchio, Town Attorney, arrived at 8:05 PM. Mr. Musacchio was introduced and suggested going into executive session. Supervisor Dabolt asked that we just talk about concerns but Mr. Musacchio suggested it would be best to discuss pending litigation in an executive session stating attorney client privilege

8:06 PM Motion by Supervisor Dabolt, second by Councilman Lord to enter executive session regarding pending litigation

DABOLT – AYE LORD – AYE GABEL – AYE PARKER – NO VOTE

Highway Superintendent Stang and Deputy Clerk were requested to stay

9:00 PM Motion by Supervisor Dabolt, second by Councilman Gabel to return to regular session

DABOLT – AYE GABEL – AYE LORD – AYE PARKER – NO VOTE

Motion by Supervisor Dabolt, second by Councilman Lord, to authorize Mr. Musacchio to send a demand letter to D&H Excavating for the release of paperwork needed to complete the FEMA project

DABOLT – AYE LORD – AYE GABEL – AYE PARKER – NO VOTE

Mr. Musacchio states that at the next board meeting, he should have a reponse from the opposing lawyer and matters can proceed from there

Mr. Musacchio exited at 9:02 PM

OLD BUSINESS: Councilman Gabel states that the Fire Department had ordered the new fire truck and is expected to be delivered next year

NEW BUSINESS: None

BOARD MEMBER COMMENTS: None

BILLS:

ABSTRACT #6 of 2020, Vouchers #214 – 248

General Fund Townwide	A	\$	10,999.83
Highway Fund Townwide	DA	\$	3,600.63
Gowanda Prospect St. Water	GW	\$	60.00
Capital Projects Fund	H	\$	0
Central Water	PW	\$	666.11
Street Lighting	SL	\$	530.71
Special Residential	SR	\$	618.58
Special Sewer	SS	\$	11,292.22
<u>Versailles Water</u>	<u>VW</u>	\$	<u>584.78</u>
Total		\$	28,352.86

Motion by Supervisor Dabolt, second by Councilman Gabel to pay all audited vouchers #214-248 in the amount of \$28,352.86

DABOLT – AYE GABEL – AYE LORD – AYE PARKER- NO VOTE

Supervisor Dabolt adjourned the meeting at 9:07 PM

Respectfully Submitted,

Beth A. Guzzetta, Deputy Town Clerk

