

Perrysburg Town Board

Minutes of the Public Hearing on Proposed Local Law #1 of 2019 followed by the Regular Monthly Meeting of the Town Board, Town of Perrysburg, Cattaraugus County, NY, July 8, 2019 at the Town Hall

PRESENT: Jennifer Dabolt, Town Supervisor • Richard Gabel, Councilman • Dennis Parker, Councilman • Andy Lord, Councilman/Deputy Town Supervisor

ABSENT: Michael Becker, Councilman

ALSO PRESENT: Tamara A Utley, Town Clerk
John Grennell, Town Attorney
Jake Hansen-Ivett, Gowanda Water Dept.
Connie Johnson
David Swift
Lisa Towne

Supervisor Dabolt called the Public Hearing to order at 7:00 p.m. with the Pledge of Allegiance

PUBLIC HEARING: Proposed Local Law #1 of 2019 – an amendment to Local Law #1 of 2007, Section 811 to reduce Town of Perrysburg water districts penalty rate from twenty percent to ten percent

Proof of Publication of said hearing was published in the Dunkirk Observer on June 27, 2019 with same notice being posted on the same date at the Town Hall and on the Town website. Proposed change to law was read by Supervisor Dabolt.

The Board heard from resident David Swift in support of the proposed law, none spoke against.

A motion was made by Supervisor Dabolt to close the Public Hearing at 6:54 p.m.

Regular monthly Town Board meeting was opened at 6:56 pm

Heard David Swift express his objection to the start time of the meeting as published; requested that all meetings start at 7:00 p.m.

Motion made Councilman Lord to adopt Local Law #1 of 2019 – an amendment to Local Law #1 of 2007, Section 811 to reduce Town of Perrysburg water districts penalty rate from twenty percent to ten percent. Proposed change was read by Supervisor Dabolt

LORD – AYE DABOLT – AYE GABEL – AYE PARKER - AYE

GOOD OF THE COMMUNITY: Supervisor Dabolt reported that she has received a few requests on how to begin a Community Watch Program from residents as a result of theft and vandalism that has been occurring in area. Town Clerk provided information to a resident one week ago. Discussion about video camera surveillance at Town Hall

PUBLIC COMMENTS/QUESTIONS: None

MINUTES OF THE PREVIOUS MEETING: Motion by Councilman Lord, second by Councilman Gabel to accept the minutes of the June meeting as submitted

ALL AYE MOTION CARRIED

REPORTS:

Historian - None

Building & Code Enforcement Officer: On file in Clerk's office

Planning & Zoning Board: Lisa Towne reported the Board will meet on Wednesday. Cole Road property clean-up status inquiry. Will address at the Wednesday meeting

Water/Sewer Dept. Report: Perrysburg processed 1,403,000 gallons for June, daily average of 46,400 gallons per day; Versailles processed 228,000 gallons for June, daily average of 7,605 gallons per day.

Completed all meter reads, replaced 2 water meters and freshened Parker Road line; trying to get Edwards Corners well back on line.

Councilman Gabel inquired about brown water on Jolls Road, Jake reported lines got stirred up, brown water caused by sudden burst of high flow and sediment in the lines

Hydrants will be flushed and checked every year

Councilman Gabel inquired about using the hydrants for firefighting in Versailles, water supply was not there in the past. Jake will try to get answer for next Board meeting.

Pump not back from repair yet

Highway Supt. Report: Skid paving and mowing ongoing; cleaning up after high rains

Justice Report: The following cases were closed in June: 19 V/T, 3 Penal Law and 1 Animal control. Total reported to State Comptroller was \$4305

Dog Control Officer's Report: None

Assessor's Report: None

Town Clerk Report: Town Clerk collected \$2150.75 for the month of June; \$1,035.13 was the town portion paid to the Supervisor. 2019-20 Federal Duck Stamp is on sale and available from the Clerk's office. Photos of the new roof project have been added to the Applications & Fees page of the Town website

Supervisor's Financial Report prepared by Bahgat & Laurito-Bahgat: On file in the Town Clerk's office

Introduced by Supervisor Dabolt:

RESOLUTION #14 OF 2019 – SEQR RESOLUTION FOR PROSPECT STREET

WHEREAS, the Town of Perrysburg is undertaking the project at Prospect Street which is underway and will stabilize the road bank, reconstruct a section of roadway and install four bendway weirs to be placed through the repair length to aid in redirecting flow away from the bank

WHEREAS, the project is permitted under zoning regulations and the proposed action is consistent with the predominant character of the existing built or natural environment.

All necessary permits have been secured and the NEPA has been completed by FEMA

WHEREAS, as lead agency, the Town of Perrysburg is responsible for making a determination of environmental impact under the State Environmental Quality Review Act. A determination of no significant impact is recommended based on the Short Environmental Assessment Form, Part 1 and the New York State EAF Mapper Summary Report which was completed by the Town's Engineer, Nussbaumer and Clark and approved by the Town Supervisor. A copy of this form has been provided to the Town Board

BE IT HEREBY RESOLVED, that acting as lead agency under the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation adopted thereunder (collectively (SEQRA)), the Town of Perrysburg has determined that the actions included in the Project constitute an "unlisted" action within the meaning of SEQRA and that the project will not have a significant adverse impact on the environment and request that a Negative Declaration be adopted.

DABOLT – AYE GABEL – AYE LORD – AYE PARKER – AYE

CORRESPONDENCE

- Cattaraugus County Real Property Services letter in response to Supervisor Dabolt's interest in assessment sharing services starting October 1, 2019. Heard from Town Board members who would like more information. Heard from resident David Swift who expressed his objection to assessment sharing services. Town Attorney John Grennell stated that he has some familiarity with the contract and has reviewed it, it is a straightforward arrangement; Attorney Grennell suggested inviting the Director of Real Property, Dan Martonis to next month Board meeting – all were in agreement. If Mr. Martonis is unable to attend, another date will be selected to meet with the Town Board to answer questions and concerns. Town Clerk will send e-mail inviting Mr. Martonis to attend August 12th Town Board Meeting.
- Assemblyman Joe Giglio – CHIPS funding amounts for Perrysburg 2019-20: \$86,540.62, PAVE-NY Aid: \$19,753.76 and Extreme Winter Recovery Aid: \$16,063.20. This is the fourth and final year for PAVE-NY program funding.

RESOLUTION #15 OF 2019 – BOND RESOLUTION

At a regular meeting of the Town Board of the Town of Perrysburg, Cattaraugus County, New York, held at the Town Hall, 10460 Peck Hill Road, Perrysburg, New York 14129 at 6:45 p.m. on July 8, 2019.

PRESENT: Jennifer Dabolt - Supervisor
Richard Gabel - Councilman
Dennis Parker - Councilman
Andy Lord - Councilman

ABSENT: Michael Becker - Councilman

The following resolution was offered by Councilman Lord, who moved its adoption, seconded by Councilman Gabel, to-wit:

BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF PERRYSBURG, CATTARAUGUS COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE TOWN TO UNDERTAKE CERTAIN IMPROVEMENTS TO PROSPECT STREET; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$1,354,785; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$800,000 IN SERIAL BONDS OF THE TOWN TO FINANCE SAID APPROPRIATION

WHEREAS, the Town Board (the "Board") of the Town of Perrysburg, Cattaraugus County (the "Town") proposes to authorize the issuance of \$800,000 in serial bonds of the Town to finance a portion of the reconstruction and replacement of the shoulder and embankment along approximately 500' of Prospect Street within the Town, all at an estimated maximum cost of \$1,354,785 (the "Project"); and

WHEREAS, by resolution adopted by the Town Board of the Town on July 8, 2019, immediately prior to the adoption of this Bond Resolution, the Town Board, acting as lead agency under the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation adopted thereunder (collectively, "SEQRA"), (i) determined that the actions included in the Project constitute an "Unlisted" action within the meaning of SEQRA, and (ii) that the Project will not have a significant adverse impact on the environment and adopted a negative declaration under SEQRA to such affect; and

WHEREAS, the Board now wishes to appropriate funds for such each purpose and to authorize the issuance of the Town's serial bonds and bond anticipation notes to be issued to finance each such appropriation.

NOW THEREFORE, THE TOWN BOARD OF THE TOWN OF PERRYSBURG, CATTARAUGUS COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

SECTION 1. The Town is hereby authorized to undertake the reconstruction and replacement of the shoulder and embankment along approximately 500' of Prospect Street within the Town, and to issue \$300,000 principal amount of serial bonds pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance a portion of the estimated cost of the aforementioned specific object or purpose. It is hereby determined that the maximum estimated cost of such specific object or purpose is \$1,354,785, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$300,000 in serial bonds of the Town authorized to be issued pursuant to this section, or bond anticipation notes issued in anticipation of such serial bonds; (ii) the application of a Federal Emergency Management Agency ("FEMA") grant in the estimated amount of up to \$1,354,785 expected to be received by the Town to either directly pay or reimburse a portion of the cost of the Project and/or to repay a portion of any such bond anticipation notes issued under the authority of this resolution, and (iii) unless paid from other sources, the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 2. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is five (5) years, pursuant to subdivision 89. of paragraph a. of Section 11.00 of the Law.

SECTION 3. The final maturity of the bonds herein authorized to be issued shall not be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued pursuant to Section 1 of this resolution.

SECTION 4. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. The Town shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by Section 1 of this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 5. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 6. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation.

notes or the renewals of said obligations and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00 and Sections 62.10 and 63.00 of the Law, the powers and duties of the Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters relating thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor of the Town, as the chief fiscal officer of the Town (the "Town Supervisor"). Further, pursuant to paragraph b. of Section 11.00 of the Law, in the event that bonds to be issued for one or more of the objects or purposes authorized by this resolution are combined for sale, pursuant to paragraph c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other resolutions of the Board, then the power of the Board to determine the "weighted average period of probable usefulness" (within the meaning of paragraph a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Town Supervisor, as the chief fiscal officer of the Town.

SECTION 7. The Town Supervisor is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 8. The Town Supervisor is further authorized to enter into continuing disclosure undertaking with or for the benefit of the initial purchasers of the bonds or notes authorized by this resolution in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 9. The intent of this resolution is to give the Town Supervisor sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to affect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this Board.

SECTION 10. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of such 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

(c) such obligations are authorized in violation of the provisions of the Constitution.

SECTION 11. The Town Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published in the official newspaper(s) of the Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Law.

The following vote was taken and recorded in the public or open session of said meeting:

Councilman Becker	VOTING	<u>ABSENT</u>
Councilman Gabel	VOTING	<u>AYE</u>
Councilman Lord	VOTING	<u>AYE</u>
Councilman Parker	VOTING	<u>AYE</u>
Supervisor Dabolt	VOTING	<u>AYE</u>

This resolution shall take effect immediately.

Dated: July 8, 2019

OLD BUSINESS

Spectrum/Charter Communications franchise agreement update: Mark Meyerhofer, Director of WNY Government Affairs reported no update on plans for Perrysburg at this time. A settlement agreement with the NYS Public Service Commission was reached in April and the agreement is currently under a public comment review period. If approved, as part of the settlement agreement, he will have an updated list of streets that they would be building to in their footprint in upstate NY. There is no guarantee that they will build to additional streets in Perrysburg.

Proposed Sewer Contract – Supervisor Dabolt will take the proposed Contract to Gowanda Village Mayor for approval

Aid and Incentives for Municipalities (AIM) funding update from Allcott Auerbach, Deputy Comptroller – in conjunction with the 2019-20 Enacted State Budget there is a \$59.2 million reduction in funding for this program. The Office of the State Comptroller is now required to withhold county revenues and make payments to the impacted 1,326 towns and villages in the amounts previously received through AIM in State Fiscal Year 2018-19. The State is currently finalizing the withholding and distribution process and will e-mail the Town with specific details including the timing and amounts of each county's withholding and each municipality's payment.

NEW BUSINESS

Motion by Councilman Lord, second by Supervisor Dabolt to surplus and sell the following equipment: GE Water Cooler and Lexmark X204N laser printer

ALL AYE MOTION CARRIED

BOARD MEMBER COMMENTS

Councilman Gabel reported that Town Hall roof project should be done in two (2) weeks Councilman Gabel was contacted by a property owner who reported that a neighbor's bank is sliding onto his property; Attorney Grennell stated that if the Town was not doing any work to the property to cause the slide, this is strictly a private property, homeowner matter.

PROSPECT STREET PROJECT

Supervisor Dabolt reported the cracks in the roadway are getting worse every day, started from one inch (1") hairline cracks along shoulder of the road that goes to the creek and now spread over (one hundred) 100 foot section. Pictures have been sent to NYS and FEMA, waiting for both agencies to come on-site to do an assessment as a result of Scope of Work change sent by Supervisor Dabolt; getting inspector reports every day. Councilman Gabel inquired about the inclusion of Highway Superintendent regarding the Scope of Work change with NYS and FEMA and asked that he be notified of all meetings pertaining to the project. Supervisor Dabolt will notify Highway Supt. of meeting times and dates

ABSTRACT #7 of 2019, Vouchers #260-297 – Audit of Claims

General Fund Townwide	A	\$ 15,988.60		
Highway Fund Townwide	DA	\$ 7,053.05		
Gowanda Prospect St. Water	GW	\$ 9,101.64		
Capital Projects Fund	H	\$ 5,372.95		
Central Water	PW	\$ 16,836.52		
Street Lighting	SL	\$ 525.34		
Special Residential	SR	\$ 941.35		
Special Sewer	SS	\$ 1,605.69		
Versailles Water	VW	\$ 7,035.87		
Total:		\$ 64,461.01		

Totals from each fund were read by the Town Clerk. Motion by Supervisor Dabolt, second by Councilman Gabel to pay all audited vouchers #260 thru #297 in the amount of \$64,461.01

GABEL - AYE PARKER - AYE DABOLT - AYE LORD - AYE

8:10 p.m. Motion by Councilman Gabel, second by Supervisor Dabolt to adjourn
ALL AYE MOTION CARRIED

Respectfully Submitted,

Tamara A. Utley, Town Clerk