

Perrysburg Town Board

Minutes of the Regular Monthly Meeting of the Town Board, Town of Perrysburg, Cattaraugus County, NY, October 21, 2019 at the Town Hall

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

ALSO PRESENT: Tamara A Utley, Town Clerk
Dan Stang, Highway Supt.
Dan Laurito, Bahgat & Laurito-Bahgat
Dave Heckman, Code Enforcement Officer
Jake Hansen Ivett, Gowanda Water Dept.
Kirk Trumpore, Gowanda Water Dept.
Sam Lauer, Gowanda Sewer Dept.
Ryan & Susan Frykholm, MDC
Henry Zomerfeld, Hodgson Russ Attorneys
Dave Swift
John Grennell, Town Attorney entered 7:29 p.m.

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

GOOD OF THE COMMUNITY

- Perrysburg Fire Dept. Meat Raffle November 23rd @ 7:00 p.m.
- January 4, 2020 fundraiser for retired Town Clerk Peg Watkins who is fighting a very aggressive brain cancer. Tickets are \$20. Will be held at the Cattaraugus Indian Reservation VFD/Seneca Fire. Donations of any and all kinds greatly appreciated. Monetary donations can be made to the Peggy Watkins Benefit Fund at Evans Bank or to Cindy Arrigo

PUBLIC COMMENTS/QUESTIONS: None

MINUTES OF PREVIOUS MEETINGS

- Regular monthly meeting September 9
- Special meeting September 23
- Special meeting October 7

Motion by Councilman Gabel, second by Councilman Parker

ALL AYE

MOTION CARRIED

REPORTS:

Building & Code Enforcement Officer: on file in the Town Clerk's office
Options on the property at 12388 Cole Road: Town can accept the quote that meets specifications to clean up the property or do nothing. If the Town spends the money to clean up the property, the Town will not recover the money and will set a precedent to clean up other properties.

Following discussion Supervisor Dabolt called for a vote: no Town money to be spent on the clean-up of the private property located at 12388 Cole Rod
Dabolt – AYE Becker – Aye Gabel – AYE Lord – AYE Parker – AYE

CEO Heckman reported that the Town does not have an unsafe building regulation, refer to Town Attorney for information.

Question about the status of clean up of property on North Road – CEO Heckman reported it is done

Planning & Zoning Board: had meeting on September 18th, Andy Lord reported progress being made on the Master Plan, acquiring additional maps, should be complete early next year

Assessor Report: hours at Town Hall every Tuesday from 8:30-11:30 a.m. Contact County Assessor directly at 938-2343 or e-mail Assessor@cattco.org
Report on file in Clerk's Office

Water Dept. Report: Perrysburg processed 1,464,000 gallons of water, a daily average of 48,805 gallons. Versailles processed 203,538 gallons, a daily average of 6,785. Waiting on radiological test results from Edwards Corners Road well. Processed 4 (four) work orders. Replaced a few broken meters, the Town will need more meters. Village of Gowanda will sell Town of Perrysburg leftover meters at a cost of \$185 per meter and install at no cost.

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

Town Clerk Report: Collected \$6216 for the month of September, \$1500.28 was the Town portion paid to the Supervisor; the surplus Lexmark printer was sold to a town resident for (fifty) \$50

Highway Supt. Report: Hauling sand, mixing sand and salt, getting trucks set up for winter. Changing driveway/cross pipes where needed, mowing when possible, finished paving today.

Highway Superintendent asked Board to have the \$116,000 (one hundred sixteen thousand) Midland Asphalt bill paid on receipt so the CHIPS paperwork can be submitted before November deadline. Board agreed to pay the bill on receipt

Sewer Report: Replaced pump can on Railroad Avenue; swapped out a pump at the Route 39 pump station and sent one out for repair; chemical feed pump in place and working

Justice Report: Closed the following cases: 28 V/T, 13 Penal Law and 3 Animal Control; \$8566 reported to State Comptroller

Dog Control Officer's Report: None

CORRESPONDENCE

- Letter signed by area residents requesting the Town Christmas tree near Route 39 be lit this year
- Training in January for newly elected officials; Supervisor suggested the Webinar training that all Board Members could benefit from
- Letter from Prospect Street resident Rod Utley, Jr. asking for Prospect Street to be open before the winter

NEW BUSINESS

- Trick or Treat hours town wide will be 5-8 p.m.; parade to start from the Town Hall at 5:30 p.m.

BOARD MEMBER COMMENTS

Councilman Gabel reported that a section of brick on the Town Hall is getting pushed out and cracking allowing water to seep behind, should be repaired before winter; Received 1 (one) quote of \$3,900, will obtain 2 (two) additional quotes
Board members agreed that Mr. Gabel should accept lowest quote and get work completed before the winter months

ABSTRACT #10 of 2019, Vouchers #389-446– Audit of Claims

General Fund Townwide	A	\$ 45,010.93		
Highway Fund Townwide	DA	\$ 13,491.12		
Gowanda Prospect St. Water	GW	\$ 8,085.00		
Capital Projects Fund	H	\$ 13,987.07		
Central Water	PW	\$ 24,333.47		
Street Lighting	SL	\$ 573.23		
Special Residential	SR	\$ 1,766.67		
Special Sewer	SS	\$ 1,096.12		
Versailles Water	VW	\$ 1,104.33		
Total:		\$ 109,447.94		

Totals from each fund were read by the Town Clerk. Motion by Councilman Parker to pay all audited vouchers #389-446 in the amount of \$109,447.94

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

PROSPECT STREET

Special Counsel Henry Zomerfeld reported he has been on the job for 45 (forty five) days and reported the following information

- Been evaluating 2 (two) entities, Nussbaumer & Clark and D & H Excavating, the work performed, whether the work was proper and up to the contracts
- Both entities have retained counsel
- In negotiation with counsel regarding significant defects and potential breach of contract issues that have been identified

- Spoke with D & H Excavating counsel last Thursday or Friday, counsel requested time to go through materials and meet with client; will follow up with Henry to decide to either request a sit down meeting or what course this is going to take
- Been in touch with Nussbaumer & Clarke attorney on several occasions, will meet with Henry probably before November
- Spoke with surveyor hired by Town, Al LaRue of McMahon LaRue Associates to discuss contract; have to add FEMA provisions to contract; preliminarily did a satellite view and got data
- Do evaluation with experts hired to get a better understanding of whether the road can be open temporarily or permanently, one lane or otherwise; will have a better understanding to legal position and a better understanding of, what Henry believes to be, defects in work originally performed, retaining these individuals as independent entities will help confirm that
- In a pre-litigation posture, no lawsuit

GEOTECH RFQ - PROPOSALS RECEIVED

Two proposals submitted

- Foundation Design, 46A Sager Drive, Rochester, NY 14607 \$ 4,000
- C.T. Male Associates, 50 Century Hill Dr, Latham, NY 12210 \$11,000

RESOLUTION #20 OF 2019 – FOUNDATION DESIGN CONTRACT FOR GEOTECH SERVICES

BE IT HEREBY RESOLVED that the Town of Perrysburg enter into a contract with Foundation Design of Rochester, NY to do a site exploration plan, review data and develop said exploration plan for a cost not to exceed \$5,000

BE IT FURTHER RESOLVED, the contract is subject to approval by attorney

On a motion by Councilman Lord to accept

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

RESOLUTION #21 OF 2019 – 2020 TENTATIVE BUDGET ADOPTED AS PRELIMINARY

BE IT HEREBY RESOLVED the Perrysburg Town Board reviewed the 2020 Tentative Budget with Budget Officer Dan Laurito and hereby adopts it as the 2020 Preliminary Budget

BE IT FURTHER RESOLVED that a Public Hearing on the 2020 Preliminary Budget be scheduled for November 4, 2019 at 6:00 p.m. at the Perrysburg Town Hall

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

8:10pm Motion by Councilman Gabel to adjourn ALL AYE MOTION CARRIED

Respectfully Submitted,

Tamara A. Utley, Town Clerk