

Perrysburg Town Board

Minutes of the Special Town Board Meeting, Town of Perrysburg, Cattaraugus County, NY, September 3, 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.
John Grennell, Attorney for the Town
Henry A. Zomerfield, Hodgson Russ
Jim and Mary Stuhr
Beth Guzzetta
John Lauricella
Jodie & Charlie Scanlan

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

Supervisor stated "we are here to discuss the issues with Prospect Street as the project is partially completed and there are issues with the rest of the section of the road. Under the advisement of our Town Attorney, the first issue I would like to address is a resolution authorizing any and all legal action against Nussbaumer & Clarke regarding work on Prospect Street"

Supervisor read the following resolution:

WHEREAS, Nussbaumer & Clarke, Inc. is a corporation that performs engineering services, and the Town of Perrysburg (the "Town") retained Nussbaumer & Clarke, Inc. as part of the Prospect Street project in the Town (the "Project") and

WHEREAS, it has recently been discovered that there are deficiencies in the work performed on the Project and those deficiencies are believed to be attributable to Nussbaumer & Clarke, Inc.; and

WHEREAS, the Town desires to retain Hodgson Russ LLP as counsel for the purpose of bringing any and all necessary legal action against Nussbaumer & Clarke, Inc. concerning its role in the Project, along with any other individuals or entities necessary.

NOW THEREFORE BE IT RESOLVED by the Town Board of the Town of Perrysburg that:

1. To protect the Town's interests it is therefore necessary to commence any and all legal action necessary against Nussbaumer & Clarke, Inc. concerning its role in the Project and the deficiencies existing therein, along with any other individuals or entities necessary to preserve the Town's interests and rights
2. The retention of Hodgson Russ LLP as outside counsel is hereby authorized for the purposes set forth in Paragraph 1 above and related FEMA issues
3. This Resolution shall be effective immediately upon its adoption

Councilman Becker made a motion to adopt the resolution, second by Councilman Gabel

Attorney for the Town John Grennell addressed the Board, recommended the Town retain Hodgson, Russ.

Councilman Gabel questioned the cost to the Town; Henry Zomerfeld stated the firm bills hourly fee

Heard from the following express concern in getting the road open as soon as possible: Highway Supt. Dan Stang, Prospect Street residents Tamara Utley and John Lauricella, Big Foot Gas Station owner Charlie Scanlan, Board Member Dick Gabel and Versailles resident Mary Stuhr

Following discussion, roll call vote

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

7:31pm – Invoke attorney client privilege, all exit meeting with exception of Supervisor Dabolt, Councilman Becker, Councilman Gabel, Councilman Lord, Councilman Parker, Town Clerk Utley, Attorneys John Grennell and Henry Zomerfeld

8:12pm – return to regular session; the following reentered room: Highway Supt. Dan Stang, Jodie and Charlie Scanlan, John Lauricella, Mary Stuhr and Beth Guzzetta

Supervisor hoping to have some information at Monday Town Board meeting

8:20pm Motion by Supervisor Dabolt, second by Councilman Becker to adjourn meeting

Respectfully Submitted,

Tamara A. Utley, Town Clerk