

TOWN OF RIDGEWAY
TOWN BOARD MEETING
MARCH 18, 2019

The regular board meeting was called to order by Supervisor Napoli at 7:06 P.M. at The Ridgeway Town Hall, Medina, NY.

Those Officers Present: Brian Napoli Supervisor
 Jeffrey Toussaint Councilman
 David Stalker Councilman (Excused)
 Mary Woodruff Councilwoman
 Sarah Fisher Councilwoman

Others:

 Mark Goheen Hwy Superintendent
 Katherine Bogan Attorney
 Patricia Laszewski Assessor (Excused)
 Karen Kaiser Town Clerk
 Laurie Kilburn Deputy Town Clerk
 Dan Wolfe Code Enforcement

Those Present:

 Paul Woodruff
 John Olinger
 Chris Crafts
 Gary Blackburn
 Francis Woodward

Students:

 Zoey Adkins
 Alexis Greco
 Courtney Lang
 Julia Riches
 Tavian Rhim
 Andrew Houseman
 Caelan Holland
 Emma Baldwin
 Libby Cook
 Alissa Blount
 Jonathon Pietrnfosn

PLEDGE OF ALLEGIANCE

RESOLUTION NO. 40-03/18/2019

RESOLUTION TO ACCEPT AGENDA

Offered by Councilwoman Woodruff, who moved its adoption.
Seconded by Councilwoman Fisher.

Resolved to accept agenda as presented.

Adopted: 3 ayes 0 nays

RESOLUTION NO.41-3/18/2019

RESOLUTION TO APPROVE MINUTES
OF FEBRUARY 19, 2019 TOWN BOARD
MEETING

Offered by Councilwoman Fisher , who moved its adoption.
Seconded by Councilman Toussaint.

Resolved to approve minutes of February 19, 2019 Town Board Meeting.

Adopted: 3 ayes 0 nays

COMMUNICATIONS:

- A. The Village of Medina has increased their water rates
- B. Assessor shared service Contract with Yates(approved by still needs refinement)
- C. Brian Kolb, NYS Assembly: Second Amendment letter of acknowledgement.
- D. USDA, Rural Development: WD#14, Preliminary Eligibility Determination.
- E. LaBella Associates: WD14, Proposal for services.
- F. Congratulations to Justin Cecchini, USAF, Promotion to Major.

DATE OF NEXT MEETINGS

- A. Workshop April 9th ,2019 , 7 P.M. Town Hall
- B. Town Board meeting, April 15th ,2019, 7PM Town Hall

OLD BUSINESS

- A. WD#14 meeting with USDA, Review of application.
Meeting in Batavia to sign documents.

NEW BUSINESS

RESOLUTION NO. 42-3/18/2019

RESOLUTION TO APPOINT JOHN OLINGER
AS INTERIM HIGHWAY
SUPERINTENDENT, EFFECTIVE MARCH 22,
2019, TO DECEMBER 31, 2019 SAME
SALARY AS CURRENT
SUPERINTENDENT.

Offered by Councilwoman Woodruff, who moved its adoption.
Seconded by Councilman Toussaint.

Resolved to appoint John Olinger as interim Highway Superintendent, effective March 22,2019 through December 31,2019 at the same Salary as the current Superintendent,

Adopted: 3 ayes 0 nays

RESOLUTION NO. 43-3/18/2019

RESOLUTION LOCAL LAW#1
FOR 2019 TO AMEND THE TOWN OF
RIDGEWAY'S EXISTING LOCAL LAW #3 OF
1988 SECTION 5 TITLED " A LOCAL LAW
AUTHORIZING THE CONDUCT OF GAMES
OF CHANCE BY AUTHORIZED
ORGANIZATIONS WITHIN THE
TERRITORIAL LIMITS OF THE TOWN OF
RIDGEWAY, ORLEANS COUNTY NEW
YORK"

LOCAL LAW #3 SHALL BE AMENDED AS
FOLLOWS SECTION 5.
THE POWERS AND DUTIES SET FORTH IN
SUBDIVISION 1 OF SECTION 194 OF THE
GENERAL MUNICIPLE LAW AND ANY
OTHER POLICE CONTROL REQUIRED
UNDER ARTICLE 9-A ENFORCEMENT
OFFICER OF THE COUNTY OF ORLEANS,
NEW YORK. THE CHIEF LAW
ENFORCEMENT OFFICER OF THE COUNTY
OF ORLEANS SHALL EXERCISE CONTROL
OVER AND SUPERVISION OF ALL GAMES
OF CHANCE CONDUTED UNDER AN
APPROPRIATELY ISSUED LICENSE AND
SHALL BE AUTHORIZED TO CONDUCT
ANY AND ALL CRIMINAL
HISTORY BACKGROUND CHECKS
REQUIRED BY ARTICLE 9-A OF THE
GENERAL MUNICIPLE LAW FOR THE
APPLICATION FOR A LICENSE TO
CONDUCT OR BE AN AUTHORIZED
SUPPLIER OF GAMES OF CHANCE.

Offered by Councilman Toussaint, who moved its adoption.
Seconded by Councilwoman Fisher.

WHEREAS: The Town of Ridgeway has resolved to amend local law #3 of the year 1988 which regulates the conduct of Games of Chance within the Town. Under Article 9-A of the General Municipal law, individuals seeking a license to conduct Games of Chance on behalf of an Authorized Organization and,

WHEREAS those individuals are required to undergo criminal background checks, the Town of Ridgeway has been notified that the New York State Division of Criminal Justice Services is requiring that all local laws regulating Games of Chance include provisions explicitly authorizing such background checks Local Law is intended to create this explicit authorization.

THEREFORE; BE IT RESOLVED that Section 5 of the Town of Ridgeway Local Law No. 3 of 1988 titled "A Local Law Authorizing the Conduct of Games of Chance by Authorized Organizations within the territorial Limits of the Town of Ridgeway, Orleans County New York" Shall be amended as follows:

SECTION 5 the powers and duties set forth in subdivision 1 of Section 194 of the General Municipal Law and any other police control required under Article 9-A of said General Municipal Law shall be exercised by the chief law enforcement officer of the County of Orleans, New York. The chief law enforcement officer of the County of Orleans shall exercise control over and supervision of all games of chance conducted under an appropriately issued license and shall be authorized to conduct any and all criminal history background checks required by Article 9-A of the General Municipal Law for the application for a license to conduct or be an authorized supplier of Games of Chance.

Any person, firm, partnership, corporation, or organization seeking license to conduct or be an authorized supplier of Games of Games of chance must submit required information and any applicable fees to the chief law enforcement officer of the County of Orleans in the form and manner prescribed by New York State Department of Criminal Justice System.

IN CONCLUSION Should a prospective applicant be found to have been convicted of a specific criminal offense, any decision regarding the issuance for the requested license shall be reviewed by the Attorney for the Town of Ridgeway pursuant to all requirements of the New York State Correction Law §§701-703-b §§751-753

Section 4. Effective Date

This Local Law shall take effect immediately upon filing in the Office of the New York State Secretary of State.

Adopted:	Councilman Toussaint	Aye
	Councilwoman Woodruff	Aye
	Councilwoman Fisher	Aye
	Councilman Stalker (excused)	

RESOLUTION NO.44 -3/18/2019

RESOLUTION: WD#14,
APPROVE LABELLA ASSOCIATES
PROPOSAL SERVICES, AUTHORIZE
SUPERVISOR TO SIGN

Offered by Councilman Toussaint, who moved its adoption.
Seconded by Councilwoman Fisher.

Adopted: 3 ayes 0 nays

Resolved to approve LaBella Associates services for WD#14, Supervisor to sign.

RESOLUTION NO.45-3/18/2019

RESOLUTION TO APPROVE

THE REVISED ASSESSOR
CONTRACT WITH THE TOWNS
OF SHELBY AND YATES.
AUTHORIZE SUPERVISOR TO SIGN.

Offered by Councilwoman Woodruff, who moved it to its adoption.
Seconded by Councilman Toussaint.

Adopted: 3 ayes 0 nays

Resolved to approve the revised Assessor contract with the Towns of Shelby and Yates, and authorize the Supervisor to sign.

RESOLUTION NO.46-3/18/2019

RESOLUTION TO ACCEPT
PRELIMINARY ELIGIBILITY
DETERMINATION FROM USDA
RURAL DEVELOPMNET FOR WD#14,
AUTHORIZE SUPERVISOR TO SIGN

Offered by Councilwoman Woodruff, who moved its adoption
Seconded by Councilman Toussaint

3 ayes 0 nays

Resolved to accept Preliminary Eligibility Determination from USDA Rural Development for WD#14 and authorize the Supervisor to sign.



February 26, 2019

Town of Ridgeway
Attention: Supervisor Brian Napoli 410
West Avenue
Medina, NY 14103

Re: Preliminary Eligibility Determination
Town of Ridgeway WD #14

Dear Mr. Napoli

We are in receipt of your application for assistance from USDA, Rural Development for your proposed water project. The proposed project has been found eligible for funding under the Water and Environmental Program (WEP).

The Initial Application scored 85 priority points. The application will compete with similar applications through a priority ranking system for Fiscal Year 2019 funds.

We would like to schedule an application conference with you to discuss your eligibility and the next stage in processing your application. We will contact you to schedule a meeting within the

next 10 business days. You will have 30 days from the date of this meeting to accept our funding offer or request your application be withdrawn (letter must be in writing). ***The project funding is subject to funding availability at the time your application is ready for approval.***

Based upon the information submitted to date the **estimated funding** package is proposed as follows:

Population: 6780
Median Household Income (MHI): \$44,518

Estimated Rural Development Loan (2.5% -38 yrs.)	\$ <u>334,000</u>
Estimated Rural Development Grant	\$ <u>720,000</u>
Total Project Cost	\$1,054,000

Number of Equivalent Dwelling Units (EDU) Debt Service: } LO&M: 31

Estimated Cost per EDU breakdown (per year)	
Debt Service (Rural Development)	\$ <u>34.65</u>
O&M	\$ <u>25.15</u>

Rural Development- Batavia Office
29 Liberty Street, Suite 2, Batavia, New York 14020
Tel. (585) 343 1927 Ext 4 Fax (855) 4771627 TYY (315) 477 6447

USDA is an equal opportunity provider, employer and lender

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

Estimated Cost per EDU \$ 59.80

Percent of MHI

This Project Funding Estimate is not to be construed or understood to be a commitment of funding. Please note that these loan and grant amounts may change depending on current interest rates and funding availability. Rural Development reserves the right to adjust these figures and make a final loan/grant determination.

If you have also applied for funding to the Environmental Facilities Corporation (EFC) or the Office of Community Renewal (OCR) or are deemed eligible for funding from any other funding source, it could jeopardize or change your potential funding from Rural Development. Your project will need to be re-underwritten and if you are still eligible for funding a revised Preliminary Funding Estimate will be issued.

Approval of the Preliminary Engineering Report and satisfactory completion of the Environmental Review process must occur prior to the issuance of a letter of conditions and approval of funding. You are advised against incurring any obligations or taking any actions that would have an adverse effect on the environment.

Further consideration of your request will proceed when a final determination has been reached regarding the engineering report, environmental impacts of the project and the underwriting is complete

Please note the following:

1. Interest rates change quarterly. Actual interest rate will be determined at the time of funding commitment.
2. Tribal consultation is required as per advisory council on historic preservation section 106.
3. Grant listed is the maximum potential amount. **Grant amounts may be reduced due to changes in underwriting, interest rates, and/or funding availability.**
4. The project may be eligible for additional funding from other government programs. The Water and Sewer Infrastructure Co-Funding Initiative assists municipalities in obtaining optimum funding packages for their projects. For more information, contact the NYS Environmental Facilities Corporation at 800- 882-9721, or visit the Co-Funding website at www.n_cofunding.org. *Please note that Co-Funding contributions may impact your funding eligibility.*

If you have any questions concerning the above, please feel free to contact our office.

Sincerely,



Digitally signed by Dawn Kuras
DN: cn=Dawn Kuras, o=Department of Agriculture, ou=DAWNS
c=US, email=Dawn.Kuras@ny.gov
Date: 2019.02.28 13:10:32 -0500
Adobe Acrobat DC, version: 2019.066.30002

DAWN KURAS
Lead Loan Specialist

CC: LaBella
Chatfield Engineers
Hodgson Russ
Katherine Bogan

RESOLUTION NO.47-3/18/2019

RESOLUTION TO DESIGNATE APRIL AS FAIR HOUSING MONTH. SUPERVISOR TO TO ACT AS OFFICER. TOWN CLERK TO PUBLISH LEGAL NOTICE FOR APRIL 15, 2019 7P.M. AS PUBLIC HEARING

Offered by Councilman Toussaint who moved its adoption.
Seconded by Councilwoman Fisher.

3 ayes

0 nays

Resolved to designate April as Fair Housing Month. Supervisor Napoli to act as Fair Housing Officer. Town Clerk to publish Legal Notice for Public Hearing to be held April 15, 2019 at 7:00 P.M.

RESOLUTION NO.48-3/18/2019

RESOLUTION TO APPOINT LAURIE A. KILBURN AS FIRST DEPUTY TO THE TOWN CLERK EFFECTIVE MARCH 1, 2019

Offered by Mary Woodworth who moved its adoption.
Seconded Councilman Toussaint.

3 ayes

0 nays

Resolved to appoint Laurie A. Kilburn as First Deputy to the Town Clerk effective March 1, 2019.

RESOLUTION NO. 49-3/18/2019

RESOLUTION TO AUTHORIZE SUPERVISOR TO SIGN AFFIDAVIT OF REMOVAL OF LOGICS LLC SOFTWARE AND SIGN NOTICE OF TERMINATION OF CONTRACT

Offered my Councilwoman Fisher, who moved its adoption.
Seconded by Councilwoman Woodruff.

3 ayes

0 nays

Resolved to Authorize Supervisor to sign Affidavit of Removal of Logics LLC Software And Notice of Termination of Contract.

OTHER BUSINESS

FIRE COMPANY REPORT: Nothing at this time

DEPARTMENT AND LEGISLATOR REPORTS

TOWN CLERK-The Town Clerk Reported that she wanted all to welcome 1st Deputy Laurie Kilburn who started on March 1, 2019 and she will be a great fit for the Town of Ridgeway staff. We are still collecting taxes at a much slower pace.

ASSESSOR- (excused)

CODE ENFORCEMENT- Code enforcement officer Wolfe stated that will be recommending the Board to sign Junk Yard Permits next month at the Town Board Meeting.

HIGHWAY SUPERINTENDENT- Goheen stated that the pumper work was coming along good Goheen further stated the Marshall road was "Blowing UP" do to all the extra traffic from the Canal project.

TOWN ATTORNEY- Nothing more to add at this time.

LEGISLATOR- Absent

COUNCIL REPORTS

COUNCILWOMAN FISHER-Fire Company is having a Red Cross Blood Drive scheduled for May 31, 2019. Truck committee getting new pumper in November trying to obtain a Grant to offset the cost.

COUNCILMAN TOUSSAINT- Spring is right around the corner and he will be stopping in to see Debbie Padoleski regarding the summer youth program.

COUNCILWOMAN WOODRUFF- Councilwoman Woodruff stated that she and Sarah had attended the Ambulance Committee meeting on March 13th at 5P.M. and the meeting concluded at 6:20 P.M. and that Tom Lupo stayed on point and was very helpful and informative.

Woodruff stated that Tom Lupo would be Chief for at least one more year 2 of their firefighters were in NYC to attend fire fighter training. Lupo may retire from Lockport prior to his retirement from Medina.

They currently have 3 ambulances in service the fourth ambulance has arrived, Tom had done his homework to make sure that it fit in the garage and upon arrival found out that the ambulance box was larger than anticipated. Mr. Lupo stated that he would be happy

to attend any meeting at any time. Each member from the Towns worked well with Mr. Lupo.

Councilwoman Woodruff asked to go on the record with the following:

For the record statement by Board member Mary Woodruff at the Town of Ridgeway Board meeting on Monday, March 18, 2019.

On February 19, 2019, following an executive meeting of the Town of Ridgeway Board, called by Board member David Stalker, Mark Goheen returned to the regular meeting and dispersed his letter of resignation as Superintendent of Highways for the TOR to be effective as of March 29, 2019.

I was shocked to receive such notice, especially occurring in such a short period during his mid-term of elected office. Mr. Goheen then approached the subject of his replacement which we could appoint as interim superintendent.

Being still in the state of shock I began to question not only the resignation but the appointment of John Olinger, a MEO for the Town of Ridgeway Highway Department. I continued to ask questions of Mr. Goheen including not only his decision to resign but also his expectations of the Board to appoint Mr. Goheen's recommended replacement. The discussion became heated and I made a stand that due to circumstances developing in the earlier Executive Session of the Board, I made the move to seek candidates for the Superintendent/Water/Cemetery position. My reasoning was based on the concept of transparency. We, as a Board, were responsible for this appointment that needed to be filled promptly. I stated that it was a NYS law, which later Mr. Goheen did correct me after calling the legal department on the Association of Towns. I acknowledged the correction and stated correctly that is the responsibility and duty of the Town Board to appoint a temporary Superintendent. With our attorney present, the remaining Board members agreed to advertise for the open position and follow a tight schedule of seeking resumes and holding interviews.

I have a copy of the emails that were sent to Mr. Napoli, Mrs. Kaiser, all of the Board members, and Mrs. Bogan. These emails state the making of the ad which was placed in the Batavia paper, The Hub, and the Pennysaver. We were limited for time to fill the vacancy. A copy of the ad is also placed in this collection of communication.

Once the ad was posted, I was called into a meeting which was of upmost importance since The Commissioner of Elections notified Mr. Goheen, Mr. Napoli, Mrs. Bogan, and me of the error in Mr. Goheen's original letter of resignation. He had to rewrite the letter using "Retire" rather than resign. He also had to give NYS a thirty day notice from the day he submitted his letter to the Board to the day he retired. This complicated the ad and I was advised to change it. The section about the petitions was not amended due to the time new time frame. Getting expert advice the ad remained intact and the candidates would be given the new directions at the interview.

In addition to speaking with the commissioner, our attorney, I did contact Jack Welsh, Orleans County Civil Services, who guided me as to what guidelines would be needed to follow while we searched for an interim

superintendent. The email is also among those in the communications collection.

Meanwhile, I also addressed the staff that confidentiality was the upmost factor and we would follow the Code of Ethics. This was not entirely successful since I was approached by people outside the town building stated that our minds were already made up and the interim superintendent was already selected. I assured that people that what they had just said to me was not the case whatsoever

The time period of the resumes ended on March 5, 2019. Mr. Napoli and I met on March 6, 2019, and found one resume. We worked together brainstorming what we could do about the lack of resumes. Then we took a closer look at the resume which was done well and met most of the qualifications. Mr. Napoli and I knew we would not accept applicants outside of the Town of Ridgeway, since the entire Board was in favor of that requirement.

Mr. Napoli and I called a meeting on March 7, 2019, with John Olinger and Tim Feldman (the union steward) and we discussed John's resume, the job description, qualifications, and his resume. He had a complete list of references and included a letter of recommendation along with his resume.

Following that meeting, Mr. Napoli and I talked with our labor attorney and set up an agreement which would not be signed or accepted until the total Board was present at the workshop on March 12, 2019. We met with Mr. Olinger and Mr. Feldman again on March 12, 2019 to discuss the job parameters again stating that no action would be taken or discussed until the Board Workshop and the final resolution at the Board Meeting on Monday, March 18, 2019. At the Workshop meeting all the Board members were informed as to what had happened and they discussed their views on appointing Mr. Olinger. A consensus was formed; yet one Board member wanted certain questions answered by the candidate. On March 13, 2019, Mr. Stalker and I met with Mr. Olinger and Mr. Feldman so particular concerns could be discussed and explained.

The final decision will be arrived at the Board Meeting, on March 18, 2019, where a resolution will be added appointing Mr. Olinger as the Interim Superintendent of Highways/ Water/ Cemetery. This was not a "done deal" and it was not influenced by Mr. Goheen. Many steps were taken and a strong plan was put into action. The end result is the same no matter how we look at it. We received ONE resume/applicant. Given the circumstances of the appointment period March 22, 2019 - December 31, 2019 and the limited time we had to notify the public the conclusion is that the Board did the best under the circumstances we had to work with at this time.

I have faith in John Olinger and wish him the best of ffff1 luck in the November election when he will run for the Superintendent of Highways position which, if elected, will provide him two years in this position for the Town of Ridgeway. Each term after completing Mr. Goheen's election term will be four years in duration.

John, I know you will give your best for our town. Thank you.



3-18-2019

COUNCILMAN STALKER- (Excused)

RESOLUTION NO.50-3/18/2019

RESOLUTION TO PAY
BILLS AS PRESENTED

Offered by who Councilman Toussaint moved its adoption,
Seconded by Councilwoman Fisher

TOTAL ABSTRACT \$ 206,038.76

Adopted: 3 ayes 0 nays

Resolved to pay bills as presented.

The Supervisor asked if there were any questions, at which time Gary Blackburn former Highway Superintendent stated to the Board in his opinion the Town had done an excellent job regarding the interim position hiring, he further stated that in his opinion there was no other way that it could have been done.

Mr. Crafts asked if there was any bridgework scheduled, stating that last year the state had sent out a schedule ,but that he had not seen one yet this year. Crafts further inquired regarding tree remediation on the canal banks, Crafts further stated that elected officials would have the majority say on how many trees would be planted on the banks.

Mr. Napoli stated that he had no knowledge of that at this time.

ADJOURNMENT:

As there was no further business a motion to adjourn was made by Councilwoman Woodruff.

Seconded by Councilman Toussaint and the meeting was adjourned at 7:50 P.M.

Respectfully Submitted,

Karen L. Kaiser

Karen L. Kaiser

Ridgeway Town Clerk