

Regular Monthly Town of Pierrepont Board Meeting, August 29, 2023
County of St. Lawrence, State of New York, 864 State Highway 68, Canton, NY 13617

Present:

Jane Powers, Supervisor
Julian "Olla" Filiatrault, Town Clerk
Shawn Spellacy, Highway Superintendent
Laurie Hance, Assist. to Supervisor

Councilpersons: Roger Murray

John Glasgow
Chad VanBrocklin
Daniel Huntley

Meeting attendees/Public: Roger Linden, Attorney; Pierre Pomainville, Planning Board; Rick Perkins, Legislator
Mercy Spellacy; Eric Wright; Fred Green; Bob Moulton; Brian and Amanda Deckert.

Regular Meeting: 7:00PM Called to order.

Pledge of Allegiance

Minutes Approved:

- Minutes of Last Board Meeting July 25, 2023. **Motion** to approve by Dan Huntley, second by Roger Murray. No discussion. All voted to approve. None opposed. Motion carried.

DEPARTMENT REPORTS:

Supervisor, Jane Powers:

- Laurie Hance, Asst. to the Supervisor stated: That everything is coming in above what we projected. Which is a good thing. The general account is at an outstanding balance at the moment. We did get a \$260,000 grant that I applied for and there is another \$5000 grant which has been extended until October. Also, I have put in for a grant for two pieces of equipment for the highway department. Jane Powers stated: all looks good, we are not in any stress. There will be some transfers that we do before we approve the vouchers.
- **Motion** to approve Supervisor's report made by Dan Huntley, second by Chad VanBrocklin. No discussion. All voted to approve. None opposed. Motion carried.
- Supervisor Jane Powers stated that the Town Attorney, Roger Linden was present to address questions that have come up. Jane Powers stated that she and Roger Murray had a discussion with him and there are some issues that need to be addressed. Councilman Roger Murray stated we had some questions about how we purchase our materials for the roads. Roger Linden addressed the issue as follows. I got a call from deputy Supervisor Murray, two to two and a half weeks ago and the question that was asked of me at that time was, is it a conflict of interest for the Town Highway Superintendent to be purchasing materials from J.E. Sheehan contracting on behalf of the Town when the Highway Superintendent has some sort of business relationship with J.E. Sheehan Contracting through another entity. My answer at that time was, I don't know, I need more information about what is this other entity and what is the ownership interests of various people in it. J.E. Sheehan Contracting to the best of my knowledge is owned entirely by members of the Sheehan family and also what have we been doing in terms of selecting a particular provider. Roger and I discussed what information he already had and what further information I would need. I asked to have a sit-down at my office and both Roger and Supervisor Powers arrived. Let me preface what I'm going to say with, "I have been doing this kind of work on behalf towns in Northern NY for a period of time in excess of

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45 years”. I’m familiar enough with this kind of issue to know that when a question comes to me that does an elected official have a conflict of interests, that there is already a disagreement, a dispute of some sort, and that perhaps that people may have already gravitated towards one camp or the other. This is what I told both Jane and Roger when they came in a few days ago; I’m not here to resolve your dispute. I’m here to advise you on the law which applies and I’m here to advise you what your responsibilities are as a Town Council.

Attorney Linden stated that he reviewed with them, section 103 of the general Municipal law Subdivision 1, stating that all contracts for public work involving expenditures of more than \$35,000 and all purchase contracts of more than \$20,000 shall be awarded to the lowest responsible bidder. Section 103 is a very lengthy statute. Attorney Linden also informed the board that those items on the County bid list have already gone through the bidding process. Attorney Linden went on to give an in-depth analysis of the expenditures for stone for a two-week period of purchases based on information provided to him by Roger Murray. The comparison was between stone purchased from J.E. Sheehan vs. if they had been purchased from Barrett’s. The general analysis was that for that two-week period there would have been some savings for the Town by purchasing stone from Barrett’s based on the numbers provided and without knowledge of any other variables that may have been present. Attorney Linden reminded the Board of their fiscal responsibility and that according to statute they are to consider all factors relating to a purchase, not just one or two. The complete audio recording of the discussion is available upon request.

Attorney Linden reiterated that he was not there to settle any dispute, but only to advise the Board of their responsibilities. What you choose to do or not to do is entirely up to you, he stated.

Attorney Linden asked for questions from the Town Council.

Dan Huntley stated that he felt like he was the “whistleblower” in this case and it had to do with an invoice that wasn’t documented correctly. It was a contract bid. He stated he has been here seven years on the Board and didn’t realize we had contract bids with the County. So, I did look into it. As far as a 2 hour wait, he stated he went to Barrett’s and talked with them and it’s not their policy to be holding people up. So, there’s two sides to every story on that. He stated, it still goes back to policy and it’s the board to oversee all departments and manage policies for the Town. He stated, if residents have a complaint, we have to act on them, act on them as a team. He thanked Attorney Linden for coming. He also stated we don’t seem to be on the same page and don’t know how to get there.

Mr. Huntley disputed the use of just two weeks information, and he thinks it’s a bigger number.

Roger Murray asked Attorney Linden if the price of the material is the only factor affecting purchases Attorney Linden went on to explain that’s part of the bidding process, he also explained that Town’s generally have policy adopted for purchases. Supervisor Powers stated that policy is in our book of policies. Dan Huntley stated he read the procurement policy in detail and went to both Shawn and Jane Powers and identified that there’s a part in the policy that if the Highway Superintendent has a reason for not selecting the low bid, he needs to document the reason, send it to the Town Board for their approval. Jane Powers stated we have been doing it verbally, but not in writing.

Roger Linden said, let me go back to the original question that was asked of me, is it a conflict of interest for the Town’s Highway Superintendent to be acquiring materials from an entity when the owners of that entity and he also have ownership interests in another entity. The Highway superintendent has a minority interest in the other entity which is not involved in the purchases. This does not involve that other entity at all. In other words, it is not a conflict, not per say. Shawn Spellacy asked to say just one thing and stated that the only reason I’m very faithful to J.E. Sheehan is that they have been super good to the Town.

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They've given things to us when we need them, at no charge. Supervisor Powers stated it just needs written documentation going forward.

- Attorney Roger Linden left the meeting after addressing the issue at 7:22PM.
- **Resolution #IV-2023** to approve new bids for CHIPS expenditures. Supervisor Powers explained that the Town of Potsdam negotiated a bid and that we would just be falling back on their agreement for the purchase of #6 and #7 stone from J.E. Sheehan. No discussion.

ROLL CALL VOTE:

Supervisor Powers: yes

Councilman Murray: yes

Councilman Glasgow: yes

Councilman Huntley: yes

Councilman VanBrocklin: yes

Vote: 5 yes, 0 no

The vote carries. And signed to approve.

- **Motion** to approve an agreement to spend Highway Funds (284 form) made by Roger Murray, second by John Glasgow. Daniel Huntley questioned the form title. Laurie Hance stated it clearly states what the form is on the title and always has been that way. Shawn Spellacy indicated the Caster Lane project depends on Buddy Rouleau getting his work done and approved before that can be paved. There was further discussion explaining what roads will be paved. All voted to approve. None opposed. Motion carried.

Town Clerk, Olla Filiatrault:

- Written report submitted. Available for review.
- The amount remitted to the Supervisor was \$610.66, to NYS Agriculture and Markets: \$16.00, and to NYS Environmental Conservation: \$28.34.
- Town Clerk, Olla Filiatrault stated that Town Clerk's office hours will be back to regular hours a day after Labor Day from 9:00AM to 3:30PM.
- **Motion** to approve report for the month of July 2023 made by John Glasgow, second by Chad VanBrocklin. No discussion. All voted to approve. None opposed. Motion carried.

Code Enforcement:

- Code Enforcement Officer, Darren Richards was not able to be present.
- 8 Building permits issued with the total \$235.00 collected.
- **Motion** to approve Code Enforcement Officer's report made by Dan Huntley, seconded by Chad VanBrocklin. No discussion. All voted to approve. None opposed. Motion carried.

Assessor:

- No report.

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Planning Board:

- Planning Board Chairman, Pierre Pomainville updated:

The Planning Board had a meeting on August 2 and approved Conditional Use Permit for Maple Syrup Equipment Sales. Also looking into our Code Book and working on that. Seeing what needs to be changed. Get rid of the old stuff and update. The next meeting will be held on September 6.

County Legislator:

- Legislator, Rick Perkins submitted a written report of August 7th, 2023, County Legislature Board meeting. It is available upon request. Councilman, Dan Huntley gave a comment. Seven county legislators were present on a Local County Ag Tour and it was well supported. Rick Perkins left the meeting after his report at 7:39PM.

CORRESPONDENCE:

- Hon. Bradley Filiatrault's Certificate of Completion Continuing Judicial Education Program for 2023. Bradley Filiatrault completed the program to be Certified to act as Justice within his respective municipality.
- A letter indicating the Town owned parcels will be forwarded to the Board members.
- An email from NYMIR Cyber team: Fortify Your Cyber Defenses.
- An email for Shawn Spellacy from NYS Department of Environmental Conservation regarding Petroleum Bulk Storage (PBS) Program Site Inspection. It has been closed in relation to the leaky fittings in the dispenser cabinet Tank #011 and 012.
- A letter from Jody Wenzel, Risk Manager/Compliance Officer regarding SLC Self-Insurance Plan.
- A notice from DOT regarding the use of THC, medical and recreation marijuana and operating commercial motor vehicles is prohibited. Asst. to Highway Superintendent, Laurie Hance stated that every Highway employee was given that because it is now mandated.
- An Important Fraud Alert from NBT Bank. Laurie Hance stated that it regarding that it happened to us once. So, we must be very careful. We are going to add a new system of security.
- Annual Financial Report Update Document for the Town of Pierrepont. A copy of the main part was provided to the Board.
- An update of Wastewater Surveillance update.
- An email from NYSERDA regarding Grant Award Application. NYSERDA has decided to approve our extension request with two additional months.
- A contract with the Colton-Pierrepont Racqueteers. There were two documents that have been signed. They have now completed a survey of the road signs.
- Drug and Alcohol Program Participant 6 months report on Town of Pierrepont Highway Department. All good.
- A request from the St. Lawrence Republican County Committee to pass a resolution against senate and assembly bills requiring county and state elections to be held in even years.

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Motion to approve the letter going to Governor requesting her to veto the bills made by John Glasgow, seconded by Chad VanBrocklin. No discussion. All voted to approve. None opposed. Motion carried.

- A request for support letter for Consolidated Funding Application for the recreational trails program. Councilman, John Glasgow stated: He is opposed to it. It's about a trail groomer that primarily will not be used in St. Lawrence County. It will be set aside.
- A mail from National Grid: advance metering infrastructure smart meter program update.

NEW BUSINESS:

- Plan for the driveway the other side and around the church.

Laurie Hance stated: There's three stages to this required by DOT. I'm in phase 1. I did speak to the engineer. I have sent part 1 and they will send someone out to the site. We are only allowed one driveway. They won't consider the church driveway. We don't need a SEQR. They will give a work permit to the Town to do the work after they send an engineer and approve.

- Concrete in front of Museum Plan.

Councilman, Roger Murray stated: Take it down. John Glasgow recommended putting old farm machinery there.

Motion to take the concrete in front of museum down made by Dan Huntley, seconded by John Glasgow. No discussion. All voted to approve. None opposed. Motion carried.

- **Resolution #VI-2023** to accept Tom Pahler's Engineering Service for the Underhill Drive storm drainage study. A copy of Thomas AH Pahler's proposal was provided to the Board. An estimated cost amount of \$4,400 for professional services was provided to the Town for the study. The scope of the study and services to be provided was read by Supervisor Powers.

Councilman Dan Huntley questioned the scope of the study. He also stated he thinks Code Enforcement should be involved because there are many requirements to be met now and that this is likely to be a bigger problem going forward. Roger Murray explained that he met with the Engineer and explained what they will be looking at. Amanda Deckert from the floor questioned what Dan Huntley was suggesting or asking for in his comments. Roger Murray explained it will include looking at the other side of Rt.56 also.

ROLL CALL VOTE:

Supervisor Powers: yes

Councilman Murray: yes

Councilman Glasgow: yes

Councilman Huntley: yes

Councilman VanBrocklin: yes

Vote: 5 yes, 0 no

The vote carries. And signed to approve

Brian Deckert questioned from the floor regarding a time schedule for the study to be done. Shawn Spellacy replied that he told the Engineer it was urgent. Roger Murray replied that it will likely take some time as there is quite a bit for them to put together. Brian also talked about the possibility of the Town cleaning up the trench running from Rt. 56 behind their property. Shawn Spellacy talked about the issue and his conversation with Tom Pahler about possible solutions.

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Brian and Amanda Deckert left the meeting at 8:07PM.

- **Resolution #V-2023** for continued upgrades to Town Hall and approving Brooks Washburn as Architect. Some of the new improvements include but are not limited to new windows and wood siding and trim. Architectural estimate was provided to the Board. No discussion

ROLL CALL VOTE:

Supervisor Powers: yes

Councilman Murray: yes

Councilman Glasgow: yes

Councilman Huntley: yes

Councilman VanBrocklin: yes

Vote: 5 yes, 0 no

The vote carries. And signed to approve

- **Motion** to approve the Proclaiming September 17-23 as Constitution Week made by Roger Murray, seconded by Chad VanBrocklin. No discussion. All voted to approve. None opposed. Motion carried.
- Solar farm request. Councilman, Roger Murray stated that he got a call from Ron Dumoulin that he had been contacted by a solar company with interest in putting a solar installation on his property across the road from the Town Hall. He said that he wanted to know how people felt about it and if there was opposition, he would not likely be interested in doing it. Roger Murray stated that he personally doesn't want it. Dan Huntley stated that he didn't think we had a right to voice an opinion. It's his land. Roger Murray replied it's my personal opinion. Roger Murray explained that the landowner was just saying that if the neighbors don't want it, he was willing to drop it. The question was raised as to what size the solar project might possibly be. The question will be given to Code Enforcement.
- **Motion** to approve to contact a Mason to work on sidewalk at front of Pierrepont Town Hall made by Dan Huntley, seconded by John Glasgow. The need for the sidewalk repair/construction was discussed. No further discussion. All voted to approve. None opposed. Motion carried.

Additional:

Councilman, Dan Huntley stated that he spoke about training for the Highway Superintendent and he wanted the town to purchase two Highway Superintendent guidance books.

Motion to approve to purchase 2 guidance books, one for Highway Department and one for the Town made by Dan Huntley, seconded by John Glasgow. No discussion. All voted to approve. None opposed. Motion carried.

UNFINISHED/OLD BUSINESS:

- Extended Speed limit area and light at intersection on Rt.68. and Co. Rt 24. Much discussion was held. It has been requested in the past and denied. Councilman Van Brocklin voiced disagreement that a light was needed at the intersection. Further discussion was held with varying opinions on the issues.

The Board agreed to send two separate letters, one for a request to change the speed limit and one for the light.

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- USDA update by Laurie Hance. The USDA loan has been approved. We have had meetings with them and discussed our finance ability. I explained to him our accounts and the USDA rep was satisfied. We can put it out to bid in the Fall as it seems now. So, it has been accepted. We still need more information from Brooks Washburn firm. Some discussion was held as to possible bid and build timelines.
- Article 7 Petitions against Town of Pierrepont.
Supervisor Jane Powers stated that we have 2 petitions: one with Erie Boulevard and one with SLIC. Dylan Harris is continuing to represent us in the Erie Boulevard case along with other Towns.
- **Motion** to approve Town IT Policy made by Roger Murray, seconded by Dan Huntley. No discussion. All voted to approve. None opposed. Motion carried.
- **Motion** to adopt the NYMIR Policy Against Discrimination and Harassment made by John Glasgow, seconded by Dan Huntley. All voted to approve. None opposed. Motion carried.
Laurie Hance added that everybody must read it and sign it and have it on file according to NYMIR.

GENERAL FUND TRANSFERS:

- From A1990.4 contingency \$2,000.00 transferred into 1420.4 Attorney C.E \$2,000.00.
- From A1990.4 contingency \$2,000.00 transfer into A.5132.4 Garage C.E. \$2,000.00.
- From A3310.4 Traffic Control \$1,000.00 transfer into A8010.2 Zoning Board of Appeals \$1,000.00.
- From A3310.4 Traffic Control \$100.00 transfer into A.8810.4 Cemeteries. \$100.00.

Motion to approve the General Funds Transfer made by Chad VanBrocklin, seconded by Dan Huntley. No discussion. All voted to approve. None opposed. Motion carried.

Motion to approve to move \$250,000.00 from General Funds to Highway for unexpected costs made by Roger Murray, seconded by Dan Huntley. No discussion. All voted to approve. None opposed. Motion carried.

Additional:

Dan Huntley questioned was there a future equipment purchase that had been talked about. Laurie Hance said that she was requesting monies in a USDA loan capped at \$50,000 each for a plow and pickup truck for the highway dept. We are not assured that we will get that money.

GENERAL FUND VOUCHERS:

- General Fund; Abstract #8, Vouchers #259-285, Total of \$15,038.99 **Motion** to approve made by John Glasgow, second by Roger Murray. No discussion. All approved. None opposed. Motion carried.

HIGHWAY FUND VOUCHERS:

- Highway Fund; Abstract #8, Vouchers #246-281, Total of \$406,186.41. **Motion** to approve made by Chad VanBrocklin, second by Roger Murray. Dan Huntley disapproved. All others approved. Motion carried.

Councilman Dan Huntley questioned stone purchases and the relation to the Potsdam resolution previously talked about in this meeting.

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Courtesy of The Floor:

No comments from the public.

ADJOURNMENT:

Motion to adjourn meeting at 8:58PM. Motion made by John Glasgow, second by Chad VanBrocklin. No discussion. All voted to approve. None opposed. Carried.

Meeting minutes prepared by Town Clerk, Julian "Olla" Filiatrault.
Respectfully Submitted, Julian Filiatrault, Town Clerk