

The regular meeting of the Villenova Town Board held July 8, 2020 at 1088 Butcher Road, South Dayton NY was called to order by Supervisor Park at 7:00PM after the Pledge to the Flag. (Alternate location at the Highway Building due to the COVID-19 requirements)

Present: **Yvonne Park** - **Supervisor**
 Sarah LoManto - **Councilmember**
 Keith Butcher - **Councilmember**
 Nathan Palmer - **Councilmember**

Absent **Donald Chase** - **Councilmember**

Others Present:

Doug Rumsey - **Highway Superintendent**
 Donald Michalak - **Town Attorney**
 Dan DiStasio - **resident**
 Susan Baldwin - **resident (7:15-7:35)**

Recording Secretary:

Julie Goodway - **Town Clerk**

*****A MOTION** was made by Keith Butcher, seconded by Nathan Palmer WHEREAS, minutes of the May 27, 2020 meeting be accepted as presented by Town Clerk Goodway.

Adopted: **Park** - **aye**
 LoManto - **aye**
 Butcher - **aye**
 Palmer - **aye**
 Chase - **absent**

Reports:

Assessor – no report

DCO – no report

CEO – written report issued

Town Clerk – Received and disbursed a total of \$360.00, presented a check to the supervisor in the amount of \$347.00 for the portion of town fees collected.

Supervisor – Paid all bills, made deposits, payroll completed and financial reports distributed as prepared by Bahgat & Laurito Bahgat.

Highway Superintendent – Cleaning and prepping equipment, painting; oil and stoned Milestrip and part of Oaks Road; next they will work on North Hill Road, the plan is to grind, reprofile and top from Villenova Road to Smith Road. A brief discussion regarding possible fixes to the washouts along the shoulders on North Hill Road.

*****A MOTION** was made by Sarah LoManto, seconded by Keith Butcher WHEREAS General Vouchers #70 – 76 totaling \$1,063.66 and general prepays #39 – 43 totaling \$6,649.47 and Highway Vouchers #74 – 82 totaling \$18,162.43 were submitted, reviewed and approved for payment.

Adopted: **Park** - **aye**
 LoManto - **aye**
 Butcher - **aye**
 Palmer - **aye**
 Chase - **absent**

*****A MOTION** was made by Sarah LoManto, seconded by Keith Butcher to approve the following transfers as recommended by Bahgat & Laurito Bahgat.

General Fund Transfers:

Decrease A1990.4 Contingent \$168.00 and increase A1910.4 Special Items unallocated insurance \$168.00.

Decrease A1990.4 Contingent \$50.00 and increase A5010.4 Supt. Highway Contractual \$50.00.

Highway Fund Transfers:

Decrease DA5110.4 General Repairs Contractual \$4,110.00 and increase DA5110.45 General Repairs Gravel \$4,110.00.

Adopted: **Park** - **aye**
 LoManto - **aye**
 Butcher - **aye**
 Palmer - **aye**
 Chase - **absent**

***A MOTION was made by Yvonne Park, seconded by Sarah LoManto to open sealed bids for the 2 Zero Turn Mowers, Model #RZ4216 and RZ3016.

Adopted: **Park** - aye
 LoManto - aye
 Butcher - aye
 Palmer - aye
 Chase - absent

Bids are as follows:

David Barnes: #RZ4216 - \$150.00
 #RZ3016 - \$125.00

Ron Lucas: #RZ4216 - \$450.00

Roger Gloss: #RZ4216 - \$655.00
 #RZ3016 - \$125.00

Roger Gloss; same as above (2 sealed bids in the same amount)

Dave Woodarek; - RZ4216 - \$75.00
 RZ3016 - \$75.00

***A MOTION was made by Yvonne Park, seconded by Sarah LoManto awarding the bid for the RZ4216 to Roger Gloss in the amount of \$655.00. By order of the same motion, it is determined to rebid the RZ3016 due to a tie bid. The clerk will notify the successful bidder and repost the RZ3016.

Adopted: **Park** - aye
 LoManto - aye
 Butcher - aye
 Palmer - aye
 Chase - absent

Highway Superintendent Rumsey discussed with the board equipment that had been previously declared surplus and his desire to have these items advertised for sale in the paper. The board previously asked him to contact an auction house in an effort to get a higher dollar for the items; with a larger audience this would be possible. After discussion, they agreed to advertise reserving the right to reject any/all bids if the reserve is not met. The highway superintendent will supply the necessary information to the clerk for posting;

***A MOTION was made by Sarah LoManto, seconded by Nathan Palmer to advertise the surplus equipment with a reserve. The equipment will include a truck, tractor, brush hog and ditch mower.

Adopted: **Park** - aye
 LoManto - aye
 Butcher - aye
 Palmer - aye
 Chase - absent

***A MOTION was made by Yvonne Park, seconded by Sarah LoManto to open sealed bids for the surplus equipment August 12, 2020 at 7:10PM; thereby directing the clerk to publish notice in the official paper.

Adopted: **Park** - aye
 LoManto - aye
 Butcher - aye
 Palmer - aye
 Chase - absent

Rumsey inquired about 2 garage door openers that should either be sold as surplus or scrap as they are not complete and a safety hazard. After discussion regarding safety and liability, he was informed those could only be sold as scrap to a scrap dealer, with a notice that equipment is for scrap only – not to be placed into service.

***A MOTION was made by Keith Butcher, seconded by Sarah LoManto declaring the 2 garage door openers in question surplus and “NOT TO BE PUT IN SERVICE” – scrap only.

Adopted: **Park** - aye
 LoManto - aye
 Butcher - aye
 Palmer - aye
 Chase - absent

***A MOTION was made at 7:28PM by Keith Butcher, seconded by Nathan Palmer to enter into executive session and asking Sarah LoManto to recues herself; the topic – retaining alternate special counsel in place of Hodgson & Russ.

Adopted:

Park	- aye
LoManto	- abstain
Butcher	- aye
Palmer	- aye
Chase	- absent

***A MOTION was made at 7:49PM by Yvonne Park, seconded by Nathan Palmer to reconvene the regular meeting of the Villenova Board with no action taken.

Adopted:

Park	- aye
LoManto	- aye
Butcher	- aye
Palmer	- aye
Chase	- absent

***A MOTION was made by Nathan Palmer, seconded by Keith Butcher as follows:

Resolution Approving Special Counsel

WHEREAS, Hodgson Russ LLP has represented the Town of Villenova (the “Town”) with respect to the Ball Hill Wind Energy Project (the “Project”) and is withdrawing from such representation; and

WHEREAS, The Knoer Group, PLLC, (the “Firm”) has submitted an attorney engagement letter dated July 07, 2020 to be substituted as special counsel to represent the Town regarding the Project including the currently pending litigation;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Villenova as follows:

1. That the Town hereby resolves to retain the Knoer Group, PLLC, as special counsel in substitution for Hodgson Russ LLP as special counsel to represent the Town regarding the Project including the currently pending litigation in accordance with the attorney engagement letter dated July 07, 2020.
2. That the Supervisor is hereby authorized to execute said letter on behalf of the Town, or as inconsequentially modified, including regarding the inclusion of the Town of Hanover, or other action satisfactory to the Town.
3. As this matter concerns employment negotiations and remains pending until executed, and concerns litigation, the terms of said letter shall be “confidential” until final, after which the continuing confidential status of such terms of engagement shall be determined.

ROLL CALL: **Adopted:**

Park	- aye
LoManto	- recused
Butcher	- aye
Palmer	- aye
Chase	- absent

***A MOTION was made by Yvonne Park, seconded by Sarah LoManto due to the COVID-19 pandemic and the requirements to socially distance the next monthly meeting of the board scheduled for August 12, 2020 be conducted at the Highway Building.

Adopted:

Park	- aye
LoManto	- aye
Butcher	- aye
Palmer	- aye
Chase	- absent

***A MOTION was made by Sarah LoManto, seconded by Yvonne Park to adjourn meeting at 7:54PM.

Adopted:

Park	- aye
LoManto	- aye
Butcher	- aye
Palmer	- aye
Chase	- absent

Respectfully Submitted:
Julie Goodway

