

Regular Town Board Meeting  
August 21<sup>st</sup>, 2023

The regular meeting of the Prattsburgh Town Board was called to order on August 21<sup>st</sup>, 2023, at 6:30 P.M. at the Prattsburgh Town Hall, Prattsburgh, NY. Supervisor Wordingham led the Pledge of Allegiance.

**PRESENT:**

Albert Wordingham Supervisor  
Angela Einwachter Councilmember  
Elizabeth Peck Councilmember  
Janette Payne Councilmember  
Peter Scheid Councilmember  
Edward Brockman Legal Counsel  
Kim Sobolewski Town Clerk

**ZBA**

On a motion made by Councilmember Einwachter, seconded by Councilmember Peck, the Board appointed Connie Terry a three-year appointment on the ZBA.

Councilmember Einwachter- Aye  
Councilmember Peck-Aye  
Councilmember Payne-Aye  
Councilmember Scheid- Aye  
Supervisor Wordingham-Aye

**MINUTES**

On a motion made by Councilmember Einwachter, seconded by Councilmember Payne, the July 17<sup>th</sup>, 2023, Minutes were accepted as presented.

Councilmember Einwachter- Aye  
Councilmember Peck-Aye  
Councilmember Payne-Abs  
Councilmember Scheid- Aye  
Supervisor Wordingham-Aye

**FINANCIAL REPORT**

On a motion made by Councilmember Peck, seconded by Councilmember Scheid, the August 2023 financial report was accepted as presented by Supervisor Wordingham.

Councilmember Einwachter- Aye  
Councilmember Peck-Aye  
Councilmember Payne-Aye  
Councilmember Scheid- Aye  
Supervisor Wordingham-Aye

## **AUDIT OF BILLS**

On a motion made by Councilmember Einwachter, seconded by Councilmember Peck, the board approved payment of the following bills on ABSTRACT #8 to be paid as presented. The total amount to be paid on ABSTRACT #8 is \$243,240.23 (Voucher#293-331)

Councilmember Einwachter- Aye  
Councilmember Peck-Aye  
Councilmember Payne-Aye  
Councilmember Scheid- Aye  
Supervisor Wordingham-Aye

## **APPROPRIATIONS**

On a motion made by Councilmember Einwachter, seconded by Councilmember Peck, the August 2023 appropriations were accepted as presented.

Councilmember Einwachter- Aye  
Councilmember Peck-Aye  
Councilmember Payne-Aye  
Councilmember Scheid- Aye  
Supervisor Wordingham-Aye

## **HIGHWAY**

Since our last meeting we have:

Graded Edwards, Snyder, Early, Tuttle, Sweeney, and Ford Road.

Ditched part of McMichael, Flaherty, Cayward, Babcock, Gay, and Cook Road.

Two pipe installations, and two pipe issues on Babcock Road.

Had a road sign delivery.

Shared services from Wheeler and Pulteney, Oiled and stoned 13 miles of road.

Patched two driveways on Hotchkiss Road.

Swept all the newly done roads to remove any loose stone.

Hauled in 212 Ton of gravel to stockpile.

Put gravel down on section of McMichael Road.

We are doing shared services with Wheeler, helping pug pave.

We are ditching Wheaton Road.

The grader is broken, and we are waiting for the parts.

We have mowed roadsides twice this year and will not start the final round until mid-September.

The County is moved into our County Route 75 shop until October 15<sup>th</sup>.

We are going to start gravel lift on Hotchkiss Road the first week of September.

Took down trees on Howe Street and cleaned up three on Cook School Road.

D-114 fixed brakes.

CM-140 return line, weld sickle bar, 3-point hitch from brush hog

TR-119 changed broken adjustment on rear fraic

C-130 Adjust clutch

T-205 Grease service, fixed muffler, steering universals, leaking cylinder

T-304 Changed rear hubs, brakes, greased, fixed muffler, steering universals

T-104 New Starter, fuel pump, three batteries

T-1033 New batteries, serviced, greased

T-021 Serviced, greased

T-305 Serviced, greased

## CODE

NO REPORT ON FILE

## WATER

Sprayed bees at the Rotary Park multiple times

7/15/2023 - Met with Patrick Wagner from Wagner Pest Control about the bee issue at the Rotary Park

7/25 – shut off a water leak on N. Main St

7/26 – Flushed dead end hydrants

7/27 – Cut trees in the backwash pit at the pump house

7/31 – Went to a meeting at the Bath IDA

8/1 – Sent in July’s water report to the DOH

8/2 & 8/3 – Took an online small water systems class through RCAP

8/2, 8/3 & 8/7 – Helped the Highway Dept. direct traffic for oil and stoning

8/4, 8/11 & 18 – Fred and I started locating curb boxes and taking pictures of the location for future locating

8/7, 8/8 & 8/10 – Created folders for each customer with account info and curb box locations

8/8 – Shut of water for a leak on Howe St

8/8 – Looked at water leak at a residence on N. Main St

8/9 – Took TTHM, HAA5, Nitrate, iron & manganese and coliform samples to the lab in Wayland

8/14 – Read the new Neptune meters

8/15 – Cleaned the Maintenance shop to get ready for the winter

8/15 – Found four leaks at different residences through the new meter software

8/16 – Helped with Habitat for Humanity cleanup day

8/16 – Did a compliance inspection on Howe St

8/17 – Met with customers about their water leaks

8/17 – Sent in our Annual Water Quality Report Certification to the DOH

8/18 – Worked on fixing two curb boxes on N. Main St

8/21 – Trimmed weeds around hydrants in preparation for hydrant flushing next week

Dig Safe

Tickets – 62

Mark outs – 3

## SUPERVISOR

7/18/23 I met with Brad Price (salesman from George & Swede) to discuss the option of buying verses leasing a roller. Brad and I talked about the different manufacturers they represent and what he thought would be the best option for Prattsburgh based on our requirements.

7/19/23 I met with Carson and Lynn this morning to start putting together a proposal for the town to purchase the church’s “green space” for the wastewater project.

7/19/23 I met with Carson and Lynn from the Presbyterian Church to discuss the purchase of the “Green Space” from the church for the wastewater project. What we have tentatively agreed on is a “purchase option”. In this scenario we have two years to purchase the property at an agreed figure. This gives the town time to secure the monies for the project (in this case state money) without using taxpayer dollars. The figure we felt was fair was \$31,000 total. In other words, the cost of their legal fees and appraisal is the church’s responsibility. Assuming the board agrees we will move forward.

7/20/23 this morning all the supervisors that represent the towns affected by the Terra-Gen Project as well as Angela Einwachter (Prattsburgh Council member) and Tom MacAllister (Prattsburgh Planning Board) met with three representatives from O.R.E.S. (Office of Renewable Energy Siting). There were really two purposes for our face-to-face meeting. First was for the representatives to explain their role in the process and second for the towns to voice the challenges they face with the Terra-Gen Project. The discussion was open and straight forward. I believe that all concerns discussed will be reviewed in Albany.

7/25/23 Chris Costanza, Chris Whipple, and I met to discuss and resolve some questions that our C.E.O. had with the renovations that are in process on the Main Street project. The meeting was productive and at this point the project should be completed in the fall.

7/26/23 Trevor Clark (Casella Waste) and I spoke today to reconfirm the delivery and pickup at Casella's expense, of a 30-yard dumpster for August 16th. On the 16th a group of volunteers from Habitat for Humanity will be in Prattsburgh to cleanup residents' property, paint the gazebo, and the tool shed at the cemetery.

7/27/23 Chris Underhill and I met with Leonard Carruthers (Steuben Foods) to discuss the plan for the deteriorating well buildings that are located next to the water department pump house. Leonard is planning on replacing the dilapidated buildings and mowing on a regular basis the area around the buildings.

7/31/23 Chris Underhill, Chris Whipple, Angela Einwachter, and I met with Jamie Johnson and Jill Staats (I.D.A.) to discuss the Main Street project. There are a number of issues that we discussed via zoom with Chris Costanza. I felt it was a very productive meeting

8/1/23 I wrote a letter to Leonard Carruthers (Steuben Foods) regarding the milk plant property adjacent to our pump house. Leonard is preparing the property to sell. I explained to Leonard that our wells for the water district are 300 ft.- 600 ft. from the milk plant wells and we are concerned that there could be a problem if their wells are not rehabbed properly.

8/14/23 Leonard Carruthers responded to my letter on 8/1/23. In the letter I suggested that it might be more cost effective for Steuben Foods to donate the land to the town rather than going through the process of listing and trying to sell the property in the traditional fashion. Leonard is going to take a look at the tax and other possible benefits of donating the land versus selling.

8/16/23 over the last month there have been several concerns over the renovation of Main Street. After a number of meetings, the town and Chris Costanza agreed that a third party should be hired to sort out the differences. To keep the project moving forward the town hired TyLin Engineers to evaluate the project and make recommendations going forward.

8/16/23 Today Joy Overacker (Habitat for Humanity) along with 35 Alfred State students came to Prattsburgh for a day of painting and cleanup. The participation was town wide. Cassella Waste donated a 30-yd. dumpster. Empire donated the machinery and the manpower to move and place garbage in the dumpster as well as the paint. Rotary supplied lunch. The American Legion supplied bagels and coffee. Tim, Kim, Chris U., and Angela gave support where they were needed. I would also like to thank Shaylin Rumsey, Wendy Tarr, Teresa Stockton, Stephanie Kula, and Mike Piercy for donating their time as group leaders. The gazebo was painted and approximately 8 homes that asked for help were cleaned up

## **ROLLER**

On a motion made by Councilmember Peck, seconded by Councilmember Scheid, the following was approved:

Councilmember Einwachter- Aye

Councilmember Peck-Aye

Councilmember Payne-Aye

Councilmember Scheid- Aye

Supervisor Wordingham-Aye

Town of Prattsburgh

Resolution No. 20 -2023

Approval of Purchase of Roller for Highway Department

Motion by Councilperson Peck, seconded by Councilperson Scheid adopt the following resolution:

WHEREAS, the Town of Prattsburgh operates and funds a Highway Department as a part of its municipal government; and

WHEREAS, the purpose of the Highway Department is to maintain Town Highways within the Town and for that purpose various pieces of highway equipment is required; and

WHEREAS, the Town Highway Superintendent, who is in control and management of the various pieces of equipment for requisite highway work, recommends that the Town Highway Department requires the acquisition of a replacement highway roller for maintenance of the Town Highways; and

WHEREAS. Several quotes have been obtained for acquisition of a highway roller; and

WHEREAS, the Town previously adopted a Local Law authorizing the use of “Best Value” for procurement purposes; and

WHEREAS, the Town Board intends to address SEQRA issues related hereto.

NOW THEREFORE BE IT RESOLVED, THAT

1. The Town Board declares itself as “Lead Agency” for this action, determines that no adverse environmental impacts will result from this action, therefore declares this to be a “Type II” action and accordingly no environmental review will be undertaken.
2. The Town Board determines that the procurement authorized herein is the “Best Value” of the three offers for the acquisition of a roller based upon being the lowest price, the preferred type of equipment and the availability of an extended warranty at no additional costs.
3. Accordingly, the Town Board authorizes the Town Supervisor to acquire the single drum XCMG roller from George and Swede Sales and Service of Pavilion, New York, for a cost not to exceed \$127,000.00.
4. The funds for the purchase of the roller shall be obtained from the CHIPs distribution to the Town from the State of New York.
5. Town Supervisor is further authorized to execute such documents as are necessary to effectuate this procurement and to expend the funds therefore, subject to audit by the Town Board.

CERTIFICATION OF CLERK

STATE OF NEW YORK)

COUNTY OF STEUBEN)

TOWN OF PRATTSBURGH)

I, Kim Sobolewski, Clerk for the Town of Prattsburgh, County of Steuben and State of New York, do hereby certify that the before mentioned RESOLUTION 20 2023 was adopted at the regular meeting the Town of Prattsburgh Town Board held on August 21, 2023, and is incorporated in the original minutes of said meeting, and that said resolution has not been altered, amended or revoked and is in full force and effect.

Dated: August 22, 2023

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Kim Sobolewski

### **MAIN STREET GRANT**

On a motion made by Councilmember Einwachter, seconded by Councilmember Scheid, the following was approved:

Councilmember Einwachter- Aye

Councilmember Peck-Aye

Councilmember Payne-Aye

Councilmember Scheid- Aye

Supervisor Wordingham-Aye

Town of Prattsburgh

Resolution No. 21-2023

Approval of Agreement between the Town and the Costanzas Related to the Main Street Project

Motion by Councilperson Einwachter, seconded by Councilperson Scheid to adopt the following resolution:

WHEREAS, Christopher Costanza and Amanda Costanza, through their 20 Portsmouth LLC, own properties known as 10, 12, 14 and 16 Main Street (Main Street Project), in the Town of Prattsburgh, being mixed residential and commercial properties; and

WHEREAS, those properties are all in need of Renovation and Restoration for their intended uses; and

WHEREAS, the Costanzas, on behalf of their LLC, have acquired a grant through the State of New York to be used towards the necessary renovation and restoration of the subject properties; and

WHEREAS, the grant, known as the “Main Street Grant” requires the municipality in which the property is located to be the “Local Program Administrator” (LPA); and

WHEREAS, the Town Board of the Town of Prattsburgh has agreed to be the LPA for this grant and the said renovation and restoration referred to as the “Main Street Project”. and  
WHEREAS, an Agreement between the property owners and the Town Board is required by the State of New York; and

WHEREAS, a draft of such an Agreement has been presented to the Town Board for its review and consideration; and

WHEREAS, The Town Board intends to address any SEQR issues related to his matter.

NOW THEREFORE BE IT RESOLVED, THAT

1. The Town Board of the Town of Prattsburgh declares itself to be Lead Agency with respect to this matter. This action involves approval of an agreement, which in itself will not result in any adverse environmental impacts, the renovation and restoration project itself having been the subject of a SEQR review, this is therefore deemed to be a “Type II” Action and accordingly no environmental review will be undertaken with respect to this Agreement.

2. The Town Board approves the entry of the Town Board into the presented Agreement, authorizes the Town Supervisor to execute the Agreement on behalf of the Town Board and further authorizes the Town Supervisor and Town legal counsel to approve any modifications to the content of the Agreement that has been presented to the Town Board.

CERTIFICATION OF CLERK

STATE OF NEW YORK)

COUNTY OF STEUBEN)

TOWN OF PRATTSBURGH)

I, Kim Sobolewski, Clerk for the Town of Prattsburgh, County of Steuben and State of New York, do hereby certify that the before mentioned RESOLUTION 21 2023 was adopted at the regular meeting the Town of Prattsburgh Town Board held on August 21, 2023, and is incorporated in the original minutes of said meeting, and that said resolution has not been altered, amended or revoked and is in full force and effect.

Dated: August 22, 2023

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Kim Sobolewski

### **LETTER FORMAT**

On a motion made by Councilmember Einwachter, seconded by Councilmember Scheid, the following was approved:

Councilmember Einwachter- Aye

Councilmember Peck-Aye

Councilmember Payne-Aye

Councilmember Scheid- Aye

Supervisor Wordingham-Aye

Town of Prattsburgh

Resolution No. 22 -2023

Approval of Format for Letter of Credit To Be Provided by 20 Portsmouth, LLC and the Costanzas Related to the Main Street Project

Motion by Councilperson Einwachter, seconded by Councilperson Scheid to adopt the following resolution:

WHEREAS, 20 Portsmouth LLC, Christopher Costanza and Amanda Costanza are performing renovations and improvements to properties known as 10, 12, 14 and 16 Main Street (Main Street Project), in the Town of Prattsburgh for which grants from the State of New York are being utilized; and

WHEREAS, a Letter of Credit (LOC) is required to be provided to the Town with respect to the obligations of the Town as the Local Program Administrator (LPA) to enforce the rules, regulations and laws of the State of New York, as well as of its subsidiary corporations and agencies, applicable to the Main Street Grant through the NYS Housing Trust Fund Corp. (HTFC); and

WHEREAS, the format for the Letter of Credit to be issued by Lyons National Bank with respect to the Main Street Project has been submitted to the Town Board for approval.

NOW THEREFORE BE IT RESOLVED, THAT

1. The Town Board of the Town of Prattsburgh hereby determines that this is strictly an administrative action without any environmental impact, therefore this is determined to be a “Type II” Action and accordingly no environmental review will be undertaken.

2. The format of the Letter of Credit (LOC) appended hereto is approved subject to final approval of any further modification thereof by the Town Supervisor and the Town Legal Counsel.

CERTIFICATION OF CLERK

STATE OF NEW YORK)

COUNTY OF STEUBEN)

TOWN OF PRATTSBURGH)

I, Kim Sobolewski, Clerk for the Town of Prattsburgh, County of Steuben and State of New York, do hereby certify that the before mentioned RESOLUTION 22 2023 was adopted at the regular meeting the Town of Prattsburgh Town Board held on August 21, 2023, and is incorporated in the original minutes of said meeting, and that said resolution has not been altered, amended or revoked and is in full force and effect.

Dated: August 22, 2023

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Kim Sobolewski

### **CHURCH PROPERTY**

On a motion made by Councilmember Einwachter, seconded by Councilmember Peck, the following was approved:

Councilmember Einwachter- Aye

Councilmember Peck-Aye

Councilmember Payne-Aye

Councilmember Scheid- Aye

Supervisor Wordingham-Aye

Town of Prattsburgh

Resolution No. 23 -2023

Approval of Purchase Offer To Obtain Land Form Prattsburgh Presbyterian Church for Use in the Proposed Municipal Sewer District

Motion by Councilperson Einwachter, seconded by Councilperson Peck to adopt the following resolution:

WHEREAS, the Town Board of the Town of Prattsburgh has been planning the creation of a municipal sewer district for the center area of the Town Hamlet; and

WHEREAS, a Preliminary Engineering Report (PER) for such proposed sewer district has been received by the Town Board; and

WHEREAS, that PER recommends the acquisition of an area for a leach field as part of the sewer district, in the northerly area of the proposed sewer district; and

WHEREAS, the “Church Green” owned by the Prattsburgh Presbyterian Church is available for purchase by the Town for use as the leach field; and

WHEREAS, the PER specifies that use of the “Church Green” for the leach field will not interfere with use of the surface thereof by the public for recreational purposes; and

WHEREAS, the Town Board of the Town of Prattsburgh acknowledges that the Church Green will be accepted as a public open space recreation area in perpetuity; and

WHEREAS, a proposed Purchase and Sale Contract for the “Church Green” has been presented to the members of the Town Board, which the Town Board members affirm that they have sufficiently reviewed; and

WHEREAS, the Town Board intends to address any SEQRA issues related to this matter.

Now Therefore, Be It RESOLVED THAT,

1. The Town Board of the Town of Prattsburgh declares itself as “Lead Agency” with respect to this matter, determines that the acquisition of land will in itself not result in any adverse environmental impacts, recites that the creation of the municipal sewer district itself will be subject to a SEQRA review, therefore find this to be a “Type II” action and accordingly no environmental review will be undertaken with respect hereto.

2. The Town Board approves the presented Purchase and Sales Contract, authorizes the Town Supervisor to execute the same on behalf of the Town Board and further authorizes the Town Supervisor and Town legal counsel to approve any changes to the terms and conditions thereof, with the exception of the purchase price.

CERTIFICATION OF CLERK

STATE OF NEW YORK)

COUNTY OF STEUBEN)

TOWN OF PRATTSBURGH)

I, Kim Sobolewski, Town Clerk for the Town of Prattsburgh, County of Steuben and State of New York, do hereby certify that the before mentioned RESOLUTION 23 - 2023 was adopted at the regular meeting the Town Board of the Town of Prattsburgh held on August 21, 2023, and is incorporated in the original minutes of said meeting, and that said resolution has not been altered, amended or revoked and is in full force and effect.

Dated: August 22, 2023 \_\_\_\_\_

Kim Sobolewski, Town Clerk

**ARPA FUNDS**

On a motion made by Councilmember Scheid, seconded by Councilmember Peck, the following was approved:

Councilmember Einwachter- Aye

Councilmember Peck-Aye

Councilmember Payne-Aye

Councilmember Scheid- Aye

Supervisor Wordingham-Aye

Town of Prattsburgh

Resolution No. 24 -2023

Approval for Use of ARPA Funds for Legal Fees Related to the Formation of a Municipal Sewer District

Motion by Councilperson Scheid, seconded by Councilperson Peck to adopt the

following resolution:

WHEREAS, the Town of Prattsburgh is in the process of forming a municipal sewer district to serve the Town’s business area; and

WHEREAS, multiple facets of the sewer district formation require legal services for which the Town has insufficient financial resources; and

WHEREAS, the Town Board commenced work on the sewer district formation during the Covid Pandemic and was delayed in the process due to restrictions imposed by the pandemic; and

WHEREAS, it is the intent of the Town Board to utilize funds received as part of the American Rescue Plan Act (ARPA) distributions to the Town of Prattsburgh for legal costs related to the sewer district formation; and

WHEREAS, the Town Board intends to address any SEQRA issues related to the action.

NOW THEREFORE BE IT RESOLVED, THAT

1. The Town Board of the Town of Prattsburgh designates itself as “Lead Agency” with respect to SEQRA issues related to this action, determines that this is purely administrative action, that no adverse environmental impacts will result therefrom, therefore this is declared to be a “Type II” action and accordingly no SEQR review of this action will be necessitated.

2. The Town Board determines that this project is a permitted use of ARPA Funds, under the regulations promulgated for implementation of the ARPA.

3. It is the determination of the Town Board that at least a portion of such legal fees be paid from ARPA funds presently held by the Town in a sum not to exceed \$3,000.00.

4. The payment of such legal fees from ARPA funds is subject to the requisite audit by the Town Board.

CERTIFICATION OF CLERK

STATE OF NEW YORK)  
COUNTY OF STEUBEN)  
TOWN OF PRATTSBURGH)

I, Kim Sobolewski, Clerk for the Town of Prattsburgh, County of Steuben and State of New York, do hereby certify that the before mentioned RESOLUTION 24 2023 was adopted at the regular meeting the Town of Prattsburgh Town Board held on August 21, 2023, and is incorporated in the original minutes of said meeting, and that said resolution has not been altered, amended or revoked and is in full force and effect.

Dated: August 22, 2023

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Kim Sobolewski – Town Clerk  
Town of Prattsburgh

**ADJOURNMENT**

On a motion made by Councilmember Peck, seconded by Councilmember Scheid, and duly carried, the Regular meeting was adjourned at 8:03 P.M.

Councilmember Einwachter- Aye  
Councilmember Peck-Aye  
Councilmember Payne-Aye  
Supervisor Wordingham-Aye

Respectfully submitted,  
Kim Sobolewski, Town Clerk