

Town Board Meeting – June 2, 2025

Executive Session

Present:

Supervisor Barrett
Councilman Morelli
Councilwoman Reid
Councilman Manir
Councilwoman Walowit
Town Attorney Pelagalli
Town Clerk Ranze

Purpose:

*Verified answer and Commencing 3rd Party Action against Highways Superintendent.

Town Attorney Paul Pelagalli - Callanan Industries and Dolomite supplied over \$417,000 in asphalt products in 2024. However, under New York State Town Law Section 284, the Town Supervisor cannot authorize payment without a valid agreement between the Town Board and the Highway Superintendent. Despite lacking a valid 284 agreement, paving proceeded, and the town is now being sued by Callanan Industries.

Under Section 65 of Town Law, the Supervisor needs Town Board approval to:

1. Answer the complaint to avoid default judgment.
2. File a third-party declaratory judgment action to ask the court to determine:
 - a. Whether a valid 284 agreement existed for 2024.
 - b. Whether the Supervisor had legal authority to make payments.
 - c. Whether the Highway Superintendent is personally liable for unauthorized expenses.

Once changes are made to the original 284 a new 284 has to be submitted. Several times it was pointed out that there was not a valid 284 due to corrections being made and it was requested that a new 284, clean copy be submitted and there was never a follow through.

Supervisor Barrett – Addresses the ongoing issues with the Highway Superintendent failing to follow New York State Town Law Section 284, which requires a signed agreement between the Town Board and Highway Superintendent before proceeding with paving projects. For the second consecutive year, paving occurred without a valid 284 agreement, despite the Board's requests for corrections and clear notice from the Town Attorney Paul Pelagalli that no valid agreement existed.

As a result, the town now faces a \$417,000 lawsuit from Callanan Industries and Dolomite, and the Town Supervisor cannot authorize payment for work not covered by a valid 284 agreement.

A 1991 State Comptroller's opinion states that the Highway Superintendent may be personally liable for such unauthorized expenses.

To protect the town's interests, a third-party legal action seeking a court ruling on the validity of the 284 agreement and the responsibility for the incurred expenses. Emphasizing that this legal step is necessary to resolve the current lawsuit and prevent recurring issues in future paving.

Councilman Manir – Stated he would resign another 284 if it was corrected, but the corrected document he has asked for multiple times has not been produced. Asked if we now have to pay for an Attorney. Very disappointed that has asked many times for updated 284 and has not received it. Stated that the Highways Superintendent lost a good advocate.

Councilman Morelli – Because of the alterations made to the document after the fact is the reason there were no signatures to the 284. The dispute is how this bill is going to be paid as this cannot be paid without a 284. And should the vendor have been put on notice? States that Highways Superintendent went to Board members individually (homes, met at Stewarts) to sign 284. Emphasized we have no other choice but to move forward with this.

The overall consensus of Councilman Morelli, Councilwoman Reid, Councilman Manir, Councilwoman Walowit is they have been placed in a terrible position and tried very hard to work with the Highways Superintendent. They simply asked for the corrections to be made and resubmit the 284 to be signed and approved and that didn't happen.

Decision:

*Consensus was to pass a resolution and move forward with a Verified answer and commencing 3rd party action against Highways Superintendent

Motion by Councilwoman Walowit, seconded by Councilwoman Reid to take action with resolution No. 133 of 2025.

Councilwoman Walowit MOVED to return to the regular Town Board meeting, seconded by Councilman Morelli, Councilman Manir Abstained, All yes. MOTION CARRIED. The Town Board returned to the regular Town Board meeting at 7:59 p.m.

Town Clerk Stephanie Ranze