

Bovina Town Board
Workshop/Special Meeting
February 18, 2009

RESOLUTIONS: 2009 -33 – 36

Board Members Present: Tina Molé, Supervisor; Charles McIntosh, Kenneth Brown, Councilmen; Evelyn Stewart, Mary Joan Robson, Councilwoman; Catherine Hewitt, Town Clerk; Robert Burgin, Highway Superintendent.

Others Present: Lee Marigliano & Ed McCarthy, Catskill Mountain Architects, PC; Mark Rossley; Gerald Wright

The meeting was opened at 6 PM by Supervisor Molé.

Supervisor Molé introduced Lee Marigliano and Ed McCarthy from Catskill Mountain Architects. Marigliano explained that the original proposal and sketch that was sent to the Board was incorrect because they didn't realize that there was a small piece of property next to the building site that is not owned by the Town. He had two copies of the new sketch that adjusted the parking and the building to work around that piece of land. Their feelings are that Bovina should build the biggest building they can for the money they have and within that space carve out the office and mechanical room. This will give storage space over the office and mechanical room. The building will still be 108'X60', which is the same size as the original building proposal from Lamont Engineering. The estimated cost of the new proposal will be between \$190,000 and \$225,000, turn key, building only. Marigliano feels that the building can be built and the site work done and fit in to the \$400,000 budget. Councilman McIntosh asked if there is a code that the builder goes by for the lighting. Marigliano said that he gave his contractor a rough idea and that is an area that will be worked on as they progress. McIntosh said that the lighting needs to be adjusted so that things work out when trucks or large equipment is in the bays. Supervisor Molé asked if the cold storage was in spaces marked by the numbers 6, 7 & 8. Marigliano said that the building is open space, the numbers represent vehicles. Molé asked if there would be radiant heat on the entire floor surface. Marigliano said that the entire building will be set up for radiant heat with different zones. Councilwoman Robson asked if the bays are smaller than the first plans. Highway Superintendent Burgin said that they are the same size as the original plan. Robson also said that compared to the 3 bay, the advantage is having a 6 bay, the disadvantage is heating what would have been cold storage. Marigliano said that in floor radiant heat, the water that runs through the slab is 90° to 120°. The building would have to augmented with a ventilation system. Burgin said that having this design gives the highway crew the opportunity to have larger equipment inside when needed. Councilman Brown said that the electric pole is the other issue. Marigliano said that it's not a major issue to move an electric pole. McIntosh said that staying with the three bay design puts Burgin at a disadvantage by only having three trucks ready to go in the morning. Supervisor Molé said that this design and price has taken her by surprise, the first design didn't allow for a three bay for \$400,000. Robson asked if there would be adjustments made as the building progresses. Marigliano said that that is all taken care of in the final draft of the design. He also said that the site work and building should be treated as two separate bid packages and the Board should sit down with the contractor and tell them what the budget is and what can be done to save us money? Councilwoman Stewart asked if the bid was going to be for a 6 bay, and not a 3 bay with a 3 bay alternate? Molé said yes, originally the 6 bay was shrunk down to a 3 bay with expansion to 6 bay down the road. McIntosh asked if the cost goes to \$425,000 is there a grant to cover the additional \$25,000? Molé said that there is the cushion of the Good Neighbor money, the Town is limited with the bond. Robson said that one of her concerns is that it's in the Boards minds that they can spend \$400,000. If this project can be done for less there could be money left for equipment. Marigliano said that having the Building Code Enforcer, Dale Downin do as many of the inspections as he can would help move things along. The Code Enforcer can be involved with the preparation of the pad and getting the building started. McIntosh said that because we are a municipality, we don't have to do a site plan review. Marigliano asked if there is any reason to believe that there is contaminated soil at the site. The Board said that the soils tests had been done and came back fine. Brown said that they had talked about putting the new building up prior to the existing building being torn down. Marigliano said that the two are very close so

that wouldn't be possible. Robson asked about the highway crew doing the demolition of the existing building and what other jobs the crew can do. Molé asked if the highway crew was still going to do what they could to save money. McIntosh asked if Marigliano does the contract when the Board gets ready to accept the bid or if the Board needs to have the attorney do that. Marigliano said he does a standard contract and the attorney looks it over for approval. Molé asked if Marigliano does any of the inspection. Marigliano said that typically the architect observes construction and lets the owner know of anything that might need attention. Robson asked Marigliano to outline what additional services involves. Marigliano said it is for a redesign of the building through no fault of his, this covers the change orders. He also said he doesn't anticipate additional services on this project. Robson asked about the skylights designed into the building. She used to think that there was a problem with leakage and energy loss, and asked if that were no longer the case. Marigliano said that they are not energy efficient and they do leak. Supervisor Molé thanked Marigliano and McCarthy for attending the meeting and going over the information with the Board.

2009-34 It was moved by Brown, seconded by Robson to have the Board go into Executive Session at 6:45 PM.

The Board came out of Executive Session at 7:15 PM.

Bookkeeper, Joe Hanley joined the Board.

Supervisor Molé told the Board that she and Hanley had met with the Insurance Representative. There are currently 5 or 6 people on the Town Insurance. Hanley explained that the expense went up a little and the plan went down since last year. Molé stressed that she and Hanley will be meeting with the employees and families that the Insurance change will affect, so that this can hopefully be changed over by March 1st. Councilman McIntosh asked if the Town pays a percentage of the employees insurance. Hanley said that it's a 50-50 split for single policy holders and a 65-35 blend for families. McIntosh asked if that will still happen when the switch to MVP is done. Hanley said that will be worked out down the road.

Supervisor Molé said that the water rates are going to be increased by 36% effective July 1, 2009. There was \$3,500 borrowed from the General fund in 2008 for the Water fund. That money needs to be reimbursed in 2009. Bookkeeper Hanley said that there needs to be a reserve built up in the Water fund somehow. Molé said that the problem is that there are only 59 hook-ups. Councilman McIntosh asked if the rules and regulations would have to be redone. Molé said there are no rules and regulations. McIntosh asked about the water customers who shut their water off and don't pay for half the year. Councilwoman Stewart suggested that those customers be charged a turn off or turn on fee. Molé said that by not charging customers to turn off or on gives them an incentive to shut their water off and avoid freeze ups and breakage. Hanley suggested that Molé speak with the attorney about a water use contract. Stewart suggested a turn on fee so that customers will turn their water off and avoid a freeze up. McIntosh said that there is water available for everyone in the water district; NYSEG charges their customers a demand charge whether you use it or not. Councilman Brown suggested charging all customer the full fee, if they're using the water or not and make them aware that if there's a problem, there will be an additional charge. Hanley suggested that Molé talk with other towns who charge a flat water fee. Councilwoman Robson said that all customers should pay for a full year and be offered the free service of turn on and turn off, with the understanding that if there's a problem there will be an additional charge. Molé is looking into putting the water rents on the tax bills. McIntosh asked if there is a major breakdown in the water system, can water usage be charged on assessment. Hanley said that would not happen. Brown asked if there is ever a grant available, would there be a possibility that Bovina could get one. Molé said she has never seen a grant for operation and maintenance. McIntosh asked about the new rates and operation and maintenance staying the same, how much extra will that leave us? Molé said that it won't leave much since the water fund is already down \$3,500. This increase will pay back the \$3,500 plus a little cushion. Brown said that by putting the charge on the tax bills, the water district will be getting ½ a year up front.

2009-35 Motion was made by Brown, seconded by McIntosh to hold a public hearing on March 10, 2009 at 5:30 pm on water rate increases. All in favor, 5 ayes, 0 nay's.

2009-36 Motion was made by Stewart, seconded by Robson to hire Catskill Mountain Architects for completion of a new highway garage. All in favor, 5 ayes, 0 nay's.

Supervisor Molé read the following resolution:

WHEREAS, the recent rainfall and alternating warm and cold winter weather has led to very saturated soil conditions which are very susceptible to freeze-thaw action, and

WHEREAS, roads are very susceptible to damage from heavy loads traveling over them during periods of freeze-thaw cycles, and

WHEREAS, section 1660, Article 41 of the New York State Vehicle and Traffic Law provides a procedure for temporary excluding from any portion of any town highway any vehicle with a gross weight of over four or more tons or any vehicle with a gross weight in excess of any designated weight on any axle when in the town's opinion such highways would be materially injured by the operation of any such vehicle thereon,

NOW THEREFORE, BE IT RESOLVED that, the Bovina Town Board hereby authorizes the highway superintendent to post a weight limit on any roads that he feels may be damaged by heavy loads in accordance with the provisions of said law, said weight limit will be four tons maximum gross weight, including weight of vehicle and load, allowed on any axle. Axles that are spaced less than 46 inches apart, center to center shall be considered as one axle.

This resolution has been sent to the Delaware County Times to be posted in the legals on Friday, February 20, 2009. Councilman McIntosh said that this will give Highway Superintendent Burgin a blanket to post those roads he feels need to be posted. McIntosh asked what recourse there is for someone who violates the posted road. Burgin said they can stop a violator. He said that the Town Board can pass a resolution making overweight drivers put up a bond to the Town making him responsible for repair of roads he damages. Supervisor Molé asked if this resolution leaves the decision up to Burgin to deny access to a road. Burgin said that you can't stop public utilities, school buses or milk tankers. There are currently three loggers working in Bovina that are damaging roads. Stewart asked if they are logging the same area. Burgin said no, they are spread out. Molé asked if they usually comply. Burgin said they've never had a problem in the past. He also said that the Highway Superintendent's handbook says you can't create a hardship. McIntosh said it would be nice if the loggers would agree to haul in the morning when the roads are frozen and stop in the afternoon when it gets warmer.

Supervisor Molé said that the lawyer that is writing the 60-foot right-of-way law has agreed to take on the Behrer/DEP issue. McIntosh said that at this point, there hasn't actually been a lawsuit filed.

Supervisor Molé is looking into the OET Cemetery mowing. She has recently discovered that there is funding through a grant administered by Delaware Opportunities that provides a work crew for municipalities for this type of work.

With no further business, the meeting was adjourned at 8:10 PM.

Respectfully submitted,

Catherine Hewitt
Town Clerk