

**Bovina Town Board  
Regular Monthly Meeting  
February 9, 2010**

**RESOLUTIONS: 2010 - 28 - 36**

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

**Others Present:** Dale Downin, Code Enforcement Officer; Peter Manning, Delaware County Times Reporter; Mark Rossley

The Meeting was opened at 6:05 PM by Supervisor Molé, followed by the Pledge of Allegiance.

Supervisor Molé asked Dale Downin to present his 2009 report to the Board. Downin said that permits were down slightly from 2008. He is currently getting everything on computer and is going back to prior Code Officers files to bring this up to date. Councilman McIntosh asked if Downin had a dollar figure on permits issued. Downin does not keep track of that; it would be Bookkeeper Joe Hanley who would have that information. McIntosh asked if there are numerous inspections that need to be done. Downin said he does 4 or 5 on a normal house construction. Bigger houses may need a couple more inspections. McIntosh said he has had reports that Downin is very good at his job and that he's a gentleman.

**2010-28** It was moved by Stewart, seconded by Robson to accept the minutes of the January 12, 2010 Organizational Meeting as presented. All in favor, 5 ayes, 0 naves.

**2010-29** It was moved by Brown, seconded by McIntosh to accept the January 12, 2010 regular monthly meeting minutes as amended. All in favor, 5 ayes, 0 naves.

Councilman McIntosh said he is very well satisfied with the way the minutes are kept but they are legal documents and they need to be accurate.

**2010-30** The **GENERAL** bills (16-26) were audited prior to the meeting and approval for payment was moved by Robson, seconded by Stewart. All in favor, 5 ayes, 0 naves.

**2010-31** The **LIGHTING** bill (2-2) was audited prior to the meeting and approval for payment was moved by McIntosh, seconded by Stewart. All in favor, 5 ayes, 0 naves.

**2010-32** The **WATER** bills (2-5) were audited prior to the meeting and approval for payment was moved by Brown, seconded by Robson. All in favor, 5 ayes, 0 naves.

**2010-33** The **SEPTIC** bills (2-4) were audited prior to the meeting and approval for payment was moved by McIntosh, seconded by Robson. All in favor, 5 ayes, 0 naves.

**2010-34** The **HIGHWAY** bills (1-15) were audited prior to the meeting and approval for payment was made by Brown, seconded by McIntosh. All in favor, 5 ayes, 0 naves.

**OLD BUSINESS**

Supervisor Molé said that Councilwoman Robson had brought up employees using their own vehicle for Town business only if there is not a Town owned vehicle available. Robson explained that at the County level, mileage reimbursement for personal vehicle usage can only be submitted if there

was no County owned vehicle available. She feels that since the employee handbook follows county protocol that this should be Town policy as well. Molé asked how the rest of the Board felt. Both Councilmen Brown and McIntosh feel it's appropriate. McIntosh feels that at the Highway Department, it makes sense not to use a big truck and do more damage to the roads. He said it should be up to the Highway Superintendent's discretion. Molé will work on this and bring something back to the Board.

Councilman Brown brought up that in the past the Board has discussed Community Hall usage and charging a fee. He said that no one ever set an amount. He asked if the Board wants to set an amount and if it's not forthcoming, send a bill. He said that there is currently a situation with a kids exercise class and he has told the leader that there is a donation. Councilwoman Stewart feels that if someone is doing something to make money, they should make a donation. She also feels that things be left the way they are; make it known that there should be a donation. Supervisor Molé feels that Bovina taxes are high, there's not a lot offered in the Town and she thinks it should be left as a suggested donation. Councilman McIntosh said that if when someone is told their donation can be whatever they think is appropriate and they don't give anything, they must not think it's appropriate. Brown has also had a call from the woman who cleans the Hall. She said it was very obvious that kids had plugged the toilet in the men's room downstairs. She said two rolls of paper are gone and the roll on the dispenser was unwound. The toilet had overflowed and she cleaned that up and shut off the water. He feels that if things are being done because of lack of supervision, we need some kind of patrol. McIntosh said that the Board needs to think about our insurance, if someone is being charged to use the Hall is the Towns insurance covering the user or does the users insurance provide coverage? Brown said that the insurance was discussed when a group wanted to start an adult exercise class with equipment. McIntosh asked who it comes back to if there is an injury. Molé will look into this.

**2010-35** It was moved by McIntosh, seconded by Robson to accept 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**, the Town feels it is necessary to protect their road infrastructure from damage from freeze-thaw action by limiting heavy loads on roads so designated by the Highway Superintendent as susceptible to freeze-thaw damage, 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 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 one axle.

All in favor, 5 ayes, 0 naves.

**2010-36** Supervisor Molé told the Board that the Association of Towns has made a change in the Town Law Public Works contract. All estimated public works contracts of less than \$35,000 but greater than \$10,000 require a written RFP and fax/proposals from three (3) contractors. This change to \$35,000 was increased from \$20,000.

It was moved by Brown, seconded by Stewart to change the Procurement Policies and Procedures to reflect this change. All in favor, 5 ayes, 0 nays.

Supervisor Molé told the Board that the RFP for the Town Lawn Care bid is bid for one-year with the option of a two-year renewal. She asked the Board how they felt about asking Sean Trimbell if he would like to renew with the same contract as last year. Councilman McIntosh thinks it makes sense to offer it to Trimbell at the same price as last year. Councilwoman Stewart asked if this would have to be posted. Molé said it does not have to because it's under \$10,000. McIntosh said that if Trimbell refuses, the Board still has time to bid it out. McIntosh said that it is actually two bids, one for the septic field and the other for the town lawns. As far as he is aware, Trimbell does a good job and the Board should offer the renewal to him.

Supervisor Molé said that there were questions on the rental of the tractor and mower used for roadside mowing. Councilwoman Robson said it wasn't the rental that was her concern. She feels that the contract is written saying the Town is responsible for all repairs. She feels that perhaps the Board needs to look at the agreement to see if the Board would like to change what is required to be repaired by the Town. Molé asked who would make that determination. Councilman Brown asked what the agreement was with the roadside brush mower that was rented. Highway Superintendent Burgin said that Ed Weber was Superintendent at that time and he doesn't know. McIntosh said this is something that Burgin will need to look into. Burgin said he can get prices on renting a mower and a tractor. Councilwoman Stewart asked if the current mower is no good. Burgin said it's pretty well beat. Robson said she thought that this was being looked into as a purchase. Stewart asked if they were looking at rental for the whole summer or as needed. Robson said that Burgin can look into it and see what is most cost effective for the Town. McIntosh said that when the brush mower was rented, he thought it was \$10,000 a month with a cap. It was expensive but it did a good job. Robson said that Burgin should explore the cost of purchasing a used tractor and mower. McIntosh said that if a good tractor and mower is found, he'll mow the roadsides for nothing. He loves to mow.

Supervisor Molé said that she has received a letter from Jan Bray asking to use the Community Hall on July 17, 2010.

Councilman McIntosh said that the Board has talked about the land that the Town owns at the Transfer Station; what the Town owns and what could possibly be divided off and sold. He feels that this is a source of revenue that the Town has. He said that there is close to 70-acres and the Board should figure out what they need to keep; perhaps walk it. Councilwoman Robson said if the Board decides to sell, it should be done at a better time of year. Councilman Brown feels that the Town should keep the land before they sell it to the City. McIntosh that there are options and it's the Board's duty to get the best use out of it, as well as, the best price. Supervisor Molé said that she thought there were adjoining neighbors who might be interested.

## **COMMITTEE REPORTS**

**FINANCE COMMITTEE** - Councilwoman Stewart said she has been unable to connect with Bookkeeper, Joe Hanley. She will work on it for next month.

Supervisor Molé said that she has heard from the Town's Insurance representative that there is a prediction that health insurance will go up 25%. She will meet with the bookkeeper and the insurance representative on this matter.

HIGHWAY COMMITTEE - Councilman McIntosh said that he met with Highway Superintendent Burgin and Supervisor Molé. He believes that the new garage is enabling the crew to become more efficient and more productive. He said that looking at the heating bills; he thinks it will cost less to heat the new building than it did to heat both of the old buildings. He thinks the heated apron was a good thing, Burgin has used it twice. McIntosh said that LaFever Excavating has had to come in again this year and bust through the frost in the sand pile for the highway crew. This has been a large expense every year and he would like to see it eliminated. Perhaps CWC has funds that could be put into a cover-all like structure to store the sand in. The original salt/sand building was made smaller than originally planned. Supervisor Molé will speak to Alan Rosa about possible funding.

BUILDINGS - Councilman Brown has had Muthig's Plumbing and Heating in to check on the thermostats. There is nothing wrong with either one of them. The problem could be that the one upstairs is recessed into the wall and not sensing when the heat is high enough. The furnace is running off the downstairs thermostat only. The one upstairs might be able to be moved to a location on the stage.

TRANSFER STATION - Councilwoman Robson went to the transfer station and introduced herself to the attendant there. She asked if there were any issues or problems and has given them her phone number and told them to contact her with problems. Robson is still working on the game table for the community hall.

Supervisor Molé told the Board that there has been another C & D overage bill. She said that the Town has been getting them on a quarterly basis and she feels that this needs to be kept track of better. The extra money needed to pay for this was not budgeted so it needs to be controlled. Councilman McIntosh asked if the Town is allowed a certain tonnage. Molé said that the Town is allowed so much a month. She will speak to Bloomville Disposal about this.

### **HIGHWAY SUPERINTENDENT REPORT**

Highway Superintendent Burgin said that the crew has been busy plowing and sanding. The roads are starting to heave and the culverts are starting to drop. Councilman McIntosh feels that it is smart of Burgin to go out when it's raining and thawing and keep the sluices open. This saves the Town a lot of money. They have been busy keeping things operational.

Supervisor Molé said that Water Superintendent Choquette has issues with Train A at the water plant. He will have Rural Water Resources come in to help him figure out what the problem is.

Councilwoman Stewart said that she has been traveling New Kingston Mountain Road early in the morning and back in the afternoon. She said the road has been very good all winter. Councilman McIntosh said that the Town is very lucky that Highway Superintendent Burgin goes out and is as diligent as he is. Burgin goes out at 3 AM everyday to check the roads. Stewart said she remembers well all the years that Richard Barnhart did the same thing when he was Highway Superintendent. McIntosh says it's important to work with the school buses and Burgin does that. He always does the bus runs first.

With no further business, the meeting was adjourned at 7:15 PM.

Respectfully Submitted,

Catherine Hewitt  
Town Clerk