

Bovina Town Board  
Regular Monthly Meeting  
August 9, 2011

**RESOLUTIONS: 2011 – 83 – 101**

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

**Others Present:** Gerald Wright, Jack Nau, Peter Manning, Delaware County Times Reporter; Mark Rossley.

Supervisor Molé opened the meeting at 6:00 PM followed by the Pledge of Allegiance.

Community Concerns: Jack Nau expressed his thanks to Bovina EMS for their timely response to his 911 call. Councilwoman Robson said that she has had a call from a concerned property owner on Bramley Mountain Road regarding the excessive speed.

**2011-84** It was moved by Stewart, seconded by McIntosh to approve the June minutes as written. All in favor, 5 ayes, 0 nay's.

**2011-85** The GENERAL bills (81-90) (July) were audited prior to the meeting and approval for payment was moved by Stewart, seconded by Robson. All in favor, 5 ayes, 0 nay's.

**2011-86** The LIGHTING bill (7-70) (July) was audited prior to the meeting and approval for payment was moved by Brown, seconded by McIntosh. All in favor, 5 ayes, 0 nay's.

**2011-87** The WATER bills (24-25) (July) were audited prior to the meeting and approval for payment was moved by Stewart, seconded by Robson. All in favor, 5 ayes, 0 nay's.

**2011-88** The SEPTIC bills (16-19) (July) were audited prior to the meeting and approval for payment was moved by Robson, seconded by Brown. All in favor, 5 ayes, 0 nay's.

**2011-89** The HIGHWAY bills (75-94) (July) were audited prior to the meeting and approval for payment was moved by McIntosh, seconded by Robson. All in favor, 5 ayes, 0 nay's.

**2011-90** The GENERAL bills (91-106) (August) – Councilwomen Stewart and Robson raised a question about the Apple iPad purchase for the Assessor, voucher #105. Supervisor Molé pulled the bill and will look into it before payment is made. The bills were audited prior to the meeting and approval for payment was moved by Robson, seconded by Brown. All in favor, 5 ayes, 0 nays.

**2011-91** The LIGHTING bill (8-8) (August) was audited prior to the meeting and approval for payment was moved by McIntosh, seconded by Stewart. All in favor, 5 ayes, 0 nays.

**2011-92** The WATER bills (26-28) (August) were audited prior to the meeting and approval for payment was moved by Robson, seconded by Stewart. All in favor, 5 ayes, 0 nays.

**2011-93** The SEPTIC bills (20-21) (August) were audited prior to the meeting and approval for payment was moved by Brown, seconded by McIntosh. All in favor, 5 ayes, 0 nays.

**2011-94** The HIGHWAY bills (95-109) (August) were audited prior to the meeting and approval for payment was moved by Robson, seconded by Stewart. All in favor, 5 ayes, 0 nays.

Councilman McIntosh said that he and Councilman Brown have taken on the responsibility of doing the playground equipment and grounds check. They visited the playground, went over the checklist and have found things that do need attention. The garbage looks like it was neglected but is being taken care of now.

Councilwoman Robson said that she has spoken to the operators at the transfer station to remind them to pick up the garbage at the playground on Wednesdays. McIntosh said that there are broken slats in the fence, the top rail on the fence is loose and there is a growth on the fence. Robson said there is about \$1,300 left in the budget and perhaps it's time for maintenance on the fence. There was discussion on the mulch being raked. Robson said that due to improper drainage on the Maple Avenue side of the playground, there will be an issue with the mulch every time it rains from rainwater running through that side of the property. McIntosh said that the entire playground needs to be raked and smoothed out. He also feels that the fence should be done and a maximum approved price needs to be set for that.

**2011-94** It was moved by Robson, seconded by McIntosh to repair the fence around the playground with the cost not to exceed \$75. All in favor, 5 ayes, 0 nays.

Mark Rossley had asked the Town Board and Supervisor for the total amount paid for termination of a highway employee. Supervisor Molé said that the costs were \$5887.48 for the attorney, \$2080.79 for the hearing officer and \$1,064.00 for the court reporter, for a total of \$9,032.27.

Rossley also asked about the total cost of the Highway Garage project. Molé said she would get it for next month.

Supervisor Molé said that Sue McIntyre from Delaware County Solid Waste Management has contacted her and said that there will be a used electronic recycle box at the Transfer Station. There is no longer a cost to dispose of used electronics and Molé feels that it's a good idea to add this service.

Supervisor Molé said that recently, there were two dogs seized by an order from the NYS Police in an animal cruelty case in Bovina. The Assistant District Attorney has said that the bill for these animals being boarded at the Humane Society is the Town's responsibility, since it is believed that the owners of the animals no longer live in the Town. There was discussion on adding the bill to the property taxes of the dog owners. Councilman McIntosh feels that if the people own property in the Town this bill should be attached to the property tax bill or a lien should be put against the property. Molé will look into this for next month.

Supervisor Molé said that the Postmistress has been ill and that her backup was out of town. A substitute for Bovina was able to come in and sort the mail, the lobby was left open but there was no revenue. Kathy Barnhart and Mary Behrer were able to come in and cover the basics. Molé said that it upsets her that we're contractual, the Town subsidizes the Post Office, but we still have to follow the government rules. She added that Bovina is not on the list for scheduled closings.

Supervisor Molé had a call from a client who's brother passed away and left money to purchase a piece of property in Delaware County to establish a Town Park. The park would be built and the full responsibility then goes to the Town. While it would be great to have a Town Park, it's not feasible financially. Councilman McIntosh said it's a very nice gesture, the Town of Andes has a Park and the Town maintains it but understands that it's not something the Town can do at this time.

**2011-95** It was moved by Brown, seconded by McIntosh to move the September Town Board meeting to Monday, September 12, 2011 at 6 PM at the Community Hall due to the Primary Election on September 13, 2011. All in favor, 5 ayes, 0 nays.

At the request of a Bramley Mountain Road resident, a speed study has been done on a portion of that road. The New York State Department of Transportation has filed an order with the Secretary of State whereby: Section 11 12.13 Subdivision (b) of the Department's Regulation is ADDED to read as follows: 45 MPH on Bramley Mountain Road, a Town highway, between Townsend Road and Huff Road, a distance of 0.7 miles +/- . The speed limit signs have been ordered and will be installed when they arrive.

Supervisor Molé attended a meeting for FEMA regarding the new rules. Towns will be required to complete paperwork to be eligible for FEMA money. No federal money will be forthcoming if the paperwork isn't complete. Councilman McIntosh feels that this will discourage towns from applying. Molé said that there is a lot of paperwork and it will be done by Highway Superintendent Burgin. Burgin said that the paperwork is setting a baseline, and is about 40 to 60 hours worth of work.

Highway Superintendent Burgin said that Board approval for authorization to pay CHIPS bills needs to be done as soon as they come in. He is lacking one bill which will need to be paid before he can submit to CHIPS.

**2011-96** It was moved by Robson, seconded by Brown to pay the final bill. All in favor, 5 ayes, 0 nays.

The Board discussed relocating the newspaper/magazine box to septic road in summer and back to the transfer station in winter. Councilman McIntosh has talked to several people who would like to see it left at the transfer station. His concern is that it's an unsafe spot at the highway garage, and there would be a problem with it in winter on the septic road. If it's at the transfer station, people use it when they go to take their garbage. It would be confusing to move it around to different locations. Supervisor Molé said that there are a number of people who want it brought back to the highway garage. Councilwoman Stewart said that for those who work Saturday's it's inconvenient since they don't have access to it during the week from the end of September until May. Councilwoman Robson said that she has had a complaint about it not being in town where it's convenient.

**2011-97** It was moved by McIntosh, seconded by Brown to leave the newspaper/magazine recycling bin at the transfer station. All in favor, 5 ayes, 0 nays.

Councilman Brown has had a letter from Andes Central School asking permission to use the Bovina Community Hall as part of their Emergency Management Plan for the school year 2011-2012.

**2011-98** It was moved by Stewart, seconded by Robson to allow use of the Community Hall by Andes Central School in the event of an emergency. All in favor, 5 ayes, 0 nays.

Councilman McIntosh said that he has asked for a Certificate of Insurance from the Fire Commissioner's for the Explorer's who will be cutting brush and doing other activities on Town property. He feels it's just good business to get a Certificate of Insurance.

Councilwoman Stewart said that she had asked about the Town Insurance covering the Farmer's Market. The group has gone through the Historical Society since the market is held next to the store. She said each vendor also has to have a certificate showing they have liability insurance.

Councilman McIntosh asked if the newspaper/magazine box has been opened up to one unit. It is now one open container, no separation is needed.

HIGHWAY COMMITTEE - Councilman McIntosh thanked Highway Superintendent Burgin for mowing the area by the sand corral and behind the highway garage. Burgin did this on his own time with his own equipment. McIntosh said there was an incident recently where a Town employee was rolling a road and a resident went by the roller very fast. The employee had to stop the roller because he couldn't see. McIntosh said that people need to respect the highway crew and not put employees in jeopardy. Councilwoman Robson asked what the suggestions are for this problem. Highway Superintendent Burgin said that signs don't work, so he doesn't know what can be done. McIntosh said that the highway crew did a great job paving and sealing. He hopes the Town

didn't open a can of worms by doing what they did on Bramley Mountain Road. He wonders if reducing the speed limit is going to slow people down. He said that the State Police have said that local people have asked them why they're trying to catch our people speeding. McIntosh feels that the CHIPS Program is working well. It's good to keep up the maintenance of the roads and keeping them in good shape. The highway department does have equipment that will need to be replaced at some point. The inventory book that he's been working on isn't quite finished; he should have it completed by September meeting. McIntosh feels that the Highway Department is doing a good job.

**FINANCE COMMITTEE** – Councilwoman Stewart said that she met with Bookkeeper Hanley and went over the bills. She expects a very difficult budget season.

**BUILDINGS** – Councilman Brown said that the front of the Community Hall has been pressure washed. He got two estimates, both were the same and he went with Riera Improvements. Peter Bennett has asked to use the Community Hall for a juggling workshop.

**PLAYGROUND/TRANSFER STATION** – Councilman Robson said that the station operator has brought up the issue of the gap between the bank and the C&D bin. Someone has recently fallen into that space and attention needs to be paid to it, this is a liability issue. Supervisor Molé said that she will talk with Bloomville Disposal and get suggestions from him. Mark Rossley suggested a concrete pad with a retaining wall. Robson said that she feels that until a solution is found, the bin should be pulled out immediately and make it accessible on all sides from the ground. The Board agreed to have the highway crew pull the bin out and this will be revisited at the September meeting.

**HIGHWAY SUPERINTENDENT REPORT** – Highway Superintendent Burgin said that they have been busy working roads. They have a few left to do. The roadside mowing is finished. The crew has sealed over 3 miles of pavement. The spots that were missed will be done in another year. He said that the shared services help from adjoining towns was a cost savings. Burgin has met with FEMA; this was a kick-off meeting for the last disaster. He said that Bovina will be getting 75% from FEMA. Supervisor Molé what that would be in dollars. Burgin is unsure until they look at the project. Additional ditching has been done from Fisk Road up Lee Hollow. That road will be sealed if money allows. It was done three years ago. A section of oil and stone will be taken up on East Bramley Mountain that is shot and it will be re-graveled. Burgin has met with John Reynolds on the reduced speed on Bramley Mountain. He will see that the speed limit signs are put up when they arrive. Councilman McIntosh asked if a rider could be put on the insurance, or pay a little more to cover road sign theft. Councilwoman Stewart said she thought the deductible was quite high for that. Burgin said that is the case.

Councilman McIntosh asked if the Bookkeeper could put the percentage of where the balances stand on the monthly reports. Highway Superintendent Burgin said he would like a monthly highway budget report. He'd like summer, winter, repairs and CHIPS.

**2011-99** It was moved by Robson, seconded by McIntosh to go into Executive Session at 7:45 PM. All in favor, 5 ayes, 0 nays.

**2011-100** It was moved by Robson, seconded by McIntosh to come out of Executive Session at 8:02 PM. All in favor, 4 ayes, 0 nays.

Councilwoman Stewart excused herself during Executive Session.

**2011-101** It was moved by Robson, seconded by McIntosh to hire Richard Barnhart as MEO effective immediately. All in favor, 4 ayes, 0 nays.

With no further business, the meeting was adjourned at 8:04 PM.

Respectfully Submitted,  
Catherine Hewitt, Town Clerk