

Bovina Town Board
Regular Monthly Meeting
June 14, 2011

RESOLUTIONS: 2011 – 74 – 82

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: Jay Renner, Ambit Energy Representative; Monica Liddle, Marjorie Miller, Jonathan LaFever, Jeff Craver, Bovina Library Board; Peter Manning Delaware County Times reporter

Supervisor Molé opened the meeting at 7:30 PM followed by the Pledge of Allegiance.

Community Concerns: Marjorie Miller, Director of the Bovina Library spoke to the Board concerning an increase in the amount of \$2,000, from the Town to the Library for 2012. She said that the Town did increase the amount given from \$3,000 to \$6,000 in 2006. She gave a copy of the Library Budget to Supervisor Molé. Molé said that the Board would keep this in mind when working up the Budget for 2012 this fall.

Monica Liddle told the Board that Bovina Day would be held on July 16, 2011 and asked for the use of the ball field next to the Library on that day. That request was approved.

2011-74 The minutes of the May 10, 2011 meeting were approved as amended. Moved by McIntosh, seconded by Stewart. All in favor, 5 ayes, 0 nay's.

2011-75 The GENERAL bills (72-80) 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.

2011-76 The LIGHTING bill (6-6) 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.

2011-77 The WATER bills (20-23) were audited prior to the meeting and approval for payment was moved by Stewart, seconded by Brown. All in favor, 5 ayes, 0 nay's.

2011-78 The SEPTIC bills (15-15) were audited prior to the meeting and approval for payment was moved by Robson, seconded by Stewart. All in favor, 5 ayes, 0 nay's.

Councilwoman Stewart asked Highway Superintendent Burgin about the bill (#67) for repair of the 1999 Volvo. Burgin said that \$2,740.07 can be paid the remainder (\$7,909.86) is an insurance claim. The truck has not been repaired to Burgin's satisfaction and he is working on correcting this before payment can be made.

2011-79 The HIGHWAY bills (60-74) 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.

Update on Ambit Energy: Councilman McIntosh said that he is a consultant for Ambit and he asked Jay Renner who is a Senior Consultant to attend the meeting. McIntosh said that NYSE&G Solutions notified the Town on April 27th that they would continue to serve the Town and on May 23rd the Town was notified by NYSE&G Solutions that they would cancel the accounts at the end date of contract with a termination fee of \$162.00. McIntosh said that the dates on the notifications conflict each other. Jay Renner said that they cannot charge the termination fee if they cannot produce a signed contract, it is illegal. Supervisor Molé said that the Town is still on NYSE&G Solutions and she feels that the change over should wait until the contract ends in December.

McIntosh said that if it's okay with the Board, he would like to handle this. He and his Ambit Team will bring an update to the August meeting.

Councilman Brown said that last fall he brought up a property on County Highway 6 where a few small buildings have been built. The buildings are less than 144 sq. ft. so no building permit was required. Brown asked if this was a conglomerate of buildings that comprise a business. The property is owned by Donnie Brooke Alderson and is called Brooke's Field. Supervisor Molé will look into this.

2011-79 It was moved by Stewart, seconded by Robson to have Supervisor Molé sign the 3 year Storm water Maintenance Agreement with Sterling. All in favor, 5 ayes, 0 nay's.

2011-80 It was moved by McIntosh, seconded by Brown to pay the necessary July bills prior to audit. All in favor, 5 ayes, 0 nay's.

Tire Day has been rescheduled for June 18, 2011. The next one will be in November.

Supervisor Molé has spoken with the State Police in Margaretville, as well as the Bovina Dog Control Officer, Ed Weber, regarding the ongoing problem with the dog's harbored on Main Street. Molé also told the Board that there are two dogs that were seized in an animal cruelty case in Bovina. These dogs are being boarded at the Heart of the Catskills Animal Shelter and the bill currently is \$1,260 with fees accumulating daily. She has spoken to the Judge regarding this matter and he told her that the bill will be paid by the owners of the dogs.

Supervisor Molé said that in May, she brought up to the Board that Lou and Pat Miele have approached Highway Superintendent Burgin, through Delaware Bulldozing, to have Paul Rabeler Road oiled and stoned at their expense. The estimated cost is between \$30,000 and \$40,000. Molé has asked the County Attorney to draw up an agreement between Delaware Bulldozing and the Miele's. The agreement will relieve the Town of any additional cost than has historically been the normal maintenance costs. Councilman McIntosh said that the road is a Town road and will remain a Town road.

2011-81 It was moved by Brown, seconded by Robson to have Supervisor Molé sign the contract allowing the Miele's to proceed with oiling and stoning Paul Rabeler Road. All in favor, 5 ayes, 0 nay's.

2011-82 It was moved by McIntosh, seconded by Stewart to allow the Highway Department to rent a tractor with a mower from Ekland's at a cost of \$1,500 for the month of July. All in favor, 5 ayes, 0 nay's.

Highway Superintendent Burgin asked the Board for permission to sell at surplus the 1988 Red International and a portable welder that is no longer needed. Councilman Brown asked if they were to go to auction or bid. Burgin isn't sure how he will sell then yet.

2011-83 It was moved by Robson, seconded by McIntosh to declare as surplus the 1988 Red International and the portable welder. All in favor, 5 ayes, 0 nay's.

Councilman Brown has had a letter from the Bovina Explorer Post asking for permission to cut brush and low hanging branches on the ball field next to the Library. Councilman McIntosh asked if they are part of the Fire Department, and if so are they covered by the Departments Liability Insurance? Highway Superintendent Burgin said he believes they are covered under the Boy Scouts. McIntosh said that the Board should ask for a Certificate of Insurance. Supervisor Molé will look into this.

Councilman Brown said that he has been approached about the trees on Maple Avenue. Brown has looked at the trees and said that there is one that should come down the others have branches that should be removed. The trees are on Town property and he will get an estimate on getting the big tree taken down. He will bring this information to the August meeting. Brown asked about the pine tree that has fallen near the Community

Hall. It's in the County ROW and therefore should be the County's responsibility. Supervisor Molé will contact Wayne Reynolds about this.

Councilwoman Stewart told the Board about a Farming Bovina Project that she has started with a group of Bovina farmers. They are hoping this will be a non-for-profit organization to help Bovina farmers with projects for their farms. The group has been advised by Ag and Markets that they need to advise the Town Board of what they are doing. One barrier that they have encountered is Insurance. They have talked with the proprietor of Russell's Store and she suggested that perhaps the Insurance covering the Vintage Baseball Team will cover this venture. It is liability insurance. Councilman McIntosh suggested that Stewart speak with Peg Ellsworth from the MARK Project about this. Supervisor Molé will speak with Tim Parsons, the Insurance agent for the Town and have him contact Joan Burns, Chair of the Farm Council.

Councilman McIntosh said that he has a permit to use the Margaretville Transfer Station as a land owner in that Town. He said that the newspapers and magazines are not separated and wonders why the Town of Bovina has to separate theirs. Highway Superintendent Burgin will contact Sue McIntyre about this.

HIGHWAY COMMITTEE – Councilman McIntosh said that he met with Highway Superintendent Burgin. The crew is down a man, sometimes two lately, and they're doing a good job with the roads. He said the roads weren't that bad after the winter months. He is working on the inventory book for the highway equipment and is close to finishing it. McIntosh said that it has been brought up that there is a patch of grass near the sand corrals at the highway garage that needs to be mowed. He also asked if the Community Hall was in the mowing contract. McIntosh thanked the highway crew for trucking the mulch in for the playground. He would like to get the parents help in the future with the mulch replacement. Councilwoman Robson said that there is a need to get parents to supervise their children on picking up their garbage, closing the gates, and having a community spirit with keeping the playground clean. She said that there is a core group that uses the playground. Highway Superintendent Burgin asked about the check sheet being done monthly as recommended by the insurance representative. Robson said that she asked to have that put in the contract. Perhaps in the future that checklist could be sent to whoever gets the contract. Supervisor Molé said that the highway garage should be added to the mowing contract. The Town shouldn't buy a mower for that. Robson said that the person currently doing the mowing is not willing to sign the playground checklist from an insurance standpoint. Stewart asked if the lawn mower could be asked to do the highway garage, community hall and the playground checklist. McIntosh feels that when the highway garage was built, it was going to be landscaped and that the grass should be mowed. McIntosh said that he doesn't think it's a good idea to bring the magazine/newspaper container back to the highway garage. Molé said that the Board already decided to bring it back to that location. McIntosh and Burgin feel that the overhead wires might be a problem. Councilman Brown asked about putting it outside the gate at the transfer station. It's felt that there will be garbage put in it there. Burgin suggested putting it in the wide space across from Russell Hill Road. McIntosh asked about putting it on the septic field road in the summer months and back at the transfer station in the winter. Stewart said if it is moved for the winter, people will complain, they want it in town and accessible at any time. It was decided to put the bin just inside the gate on the septic field road and see how it works out. Burgin will contact the County to have it moved.

FINANCE COMMITTEE – Councilwoman Stewart said that she did not meet with Bookkeeper Hanley this month.

BUILDINGS – Councilman Brown gave the Clerk a check for \$100.00 from Cliff and Marjorie Burgin for the use of the Community Hall. The clerk reported that she has received a check for \$200.00 for the use of the Community Hall from the family of Robert Loos. Brown has gotten a price of \$200 to powerwash the front of the Community Hall. He will get a couple more estimates for the August meeting. Supervisor Molé said if it's not a drastic difference, keep it local and go ahead and have it done.

PLAYGROUND/TRANSFER STATION - Councilwoman Robson said that Tire Day will be held on June 18th. The mulch for the playground has been put down. The garbage container at the playground has been repaired and

the spindles in the fence that need to be fixed will be done. She is unsure what to do about the sign off sheet for the playground. The person doing the lawns feels that it is a liability issue. She said that someone has fixed the capstone on the pillar. Councilwoman Stewart said she thought it was Olenych; they did a nice job and should be thanked. Councilman McIntosh said that the checklist should be thought out if it's an insurance issue. Robson feels that it should be in the contract. Supervisor Molé will call the insurance rep about this. McIntosh feels that it should be done every month and signed. He said that he and Brown could do it monthly. McIntosh said that it has been brought to his attention that the playground fence isn't in very good condition. There is a fund with about \$1,000 in it that is left from the playground update. Brown can give a price on an entire new fence if that wouldn't be a conflict. Molé will look into the conflict side of this. Robson said that there is an issue of poor drainage on the Maple Ave side of the playground.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Burgin said that the 7/10ths of a mile of paving on New Road has been done. The stone has been ordered for sealing and he hopes to have that done at the end of June or early July, weather permitting. The crew has been working roads, patching holes where needed, cleaning up fallen trees after heavy rain. He reported that the Volvo truck has been returned but there are several things that don't work. The plow frame was cracked due to the truck being lifted with a winch. Burgin does not feel that the Town should pay to have the truck taken back for repair, Burr Truck & Trailer should come here to fix it or they pay for trucking. This is an Insurance claim and the truck should be fixed correctly. Supervisor Molé and Burgin are working on a letter for the Insurance Company. Councilman McIntosh asked if someone else could come in to fix the truck and charge Burr Truck for the fix. Burgin said that the crew hauled 32-yards of mulch to the playground and asked that the bill be paid promptly as a discount was given. He also asked that the CHIPS funding be paid as soon as possible so that that money can come back to the Town. Burgin attended the Highway Superintendents School for three days in Ithaca. FEMA paperwork has been received declaring a National Disaster from 1993 DR, April 26 through May 8 2011, and he is working on that paperwork. Councilwoman Stewart asked about a bridge at Crescent Valley being in bad shape. Burgin said it is in bad shape and he tried to have it declared after a flood. Stewart said it appears to have moved in the last heavy rain. Burgin said that it would have to come from FEMA as the Town doesn't have the funds to repair it. He will have FEMA look at it and see if they can mitigate it. Stewart said that the fishing parking area near that bridge also has a huge limb that could be a danger. Councilman McIntosh suggested contacting DEC since the limb is over their parking area. Supervisor Molé said that if DEC wouldn't take care of it then the highway crew should go ahead and remove it.

Councilman McIntosh wanted to commend the Highway Department and Fire Department for taking care of the trees that came down in a recent heavy rain. He also commended the Highway Crew and Highway Superintendent Burgin for coordinating the paving on New Road.

Supervisor Molé said that she attended the Shared Services meeting in Delhi recently regarding Regional Court. Nothing has been finalized, there needs to be a plan in place.

Councilman McIntosh thanked Supervisor Molé for moving the meeting back so that he could do the pie auction for the Senior Citizens and attend the meeting.

With no further business, the meeting was adjourned at 9:28 PM.

Respectfully Submitted, Catherine Hewitt, Town Clerk