

Bovina Town Board
Regular Monthly Meeting
March 8, 2011

RESOLUTIONS: 2011 – 38 – 49

Board Members Present: Tina Molé, Supervisor; Charles McIntosh, Kenneth Brown, Evelyn Stewart, Mary Joan Robson, Members of Council; Catherine Hewitt, Town Clerk

Absent: Robert Burgin, Highway Superintendent

Others Present: Tom Hilson, Watershed Affairs; Shyamel Sen Gupta, Peter Manning, Delaware County Times Reporter; Mark Rossley

The meeting was opened at 6:02 PM by Supervisor Molé, followed by the Pledge of Allegiance.

Tom Hilson, Watershed Affairs, was present to discuss and answer questions about the Land Acquisition Program options available to the Town which were discussed at the February meeting. Option 1 gives the Town the right to waive the minimum size of parcels in the flood plain; Option 2 allows the Town to exclude New York City DEP or Watershed Ag Council from acquiring conservation easements in the designated hamlet areas; and Option 3 gives the Town the choice on allowing Land Trusts in city funded land acquisition process. All three options can be revisited every five years.

2011-38 It was moved by Brown, seconded by Robson to keep all three options the same as established in the 1997 Watershed Agreement. All in favor, 5 ayes, 0 naves.

Tom Hilson told the Board that a local farmer, who leases his barn and lands, wants to change the farm plan on that land, fencing the cattle out of the stream. There will be a need for a water source and the barn is on the water system. Water will need to run for 24 hours a day. This would increase water usage thus increasing costs to the water system. Supervisor Molé will talk with Henry Lamont about this issue.

COMMUNITY CONCERNS: Shyamel SenGupta gave an article concerning Special Olympics to Supervisor Molé. He said he feels that this is a good cause and the Town should support it.

Mark Rossley asked for the total of money spent on his termination from the Town. Supervisor Molé said that all the bills are not in and a total will be put together when everything is paid. Rossley said that he had been sent the wrong information regarding his termination. The Clerk will correct the error.

2011-39 The minutes of the February 8, 2011 meeting were approved as written. Moved by McIntosh, seconded by Stewart. All in favor, 5 ayes, 0 naves.

2011-40 The minutes of the Special Meeting of February 15, 2011 were approved as written. Moved by Stewart, seconded by Brown. All in favor, 5 ayes, 0 naves.

2011-41 The GENERAL bills (29-45) were audited prior to the meeting and approval for payment was moved by Brown, seconded by McIntosh. All in favor, 5 ayes, 0 naves.

2011-42 The LIGHTING bill (3-3) was audited prior to the meeting and approval for payment was moved by Robson, seconded by Stewart. All in favor, 5 ayes, 0 nays.

2011-43 The WATER bills (8-12) were audited prior to the meeting and approval for payment was moved by Brown, seconded by McIntosh. All in favor, 5 ayes, 0 nays.

2011-44 The SEPTIC bills (4-7) were audited prior to the meeting and approval for payment was moved by Stewart, seconded by Robson. All in favor, 5 ayes, 0 nays.

2011-45 The HIGHWAY bills (13-26) were audited prior to the meeting and approval for payment was moved by McIntosh, seconded by Stewart. All in favor, 5 ayes, 0 nays.

Supervisor Molé told the Board that regarding the speed study on Bramley Mountain Road, the State stands the cost, as long as the County is in agreement with the study.

2011-46 It was moved by Stewart, seconded by Robson to pass it to the County for approval for the speed study on Bramley Mountain Road. All in favor, 5 ayes, 0 nays.

Supervisor Molé gave Board members a copy of the original Water District Users Obligations. She has also given a copy to Josh Choquette, Water Superintendent. Councilman Brown asked if the original was looked at by an attorney and if the costs incurred from a water leak being the responsibility of the user were being adhered to. Molé said the document was looked at by the Town attorney but the costs incurred being the responsibility of the water user, was not followed through with. Councilman McIntosh said that Choquette spent a considerable amount of time looking for the most recent water leak. He brought Delhi in with their equipment, as well as Rural Water with more sophisticated equipment. Choquette also put off digging up County Highway 6 until he contacted the homeowner closest to the problem and discovered the home had frozen thus avoiding the need to dig up the road. He said that Choquette is very conscientious. He's up in the night when there's a problem, turning pumps on and off manually. McIntosh asked how a charge would be determined. Councilwoman Stewart suggested a fee per day. Molé said that she wants to have Choquette's input and the Water Users Obligations will be sent with the Annual Water Report and a Contact Information Form for residents in the Water District.

Supervisor Molé reminded the Board that the Open House for the new community hall kitchen will be held on March 20th from 1:30 to 3 PM.

2011-47 It was moved by Stewart, seconded by Brown to advertise the Mow and Care of Town Lawns/Playground and the Mow and Care of Septic Fields Request for Proposals. The bid opening will be April 12, 2011 at 6 PM. All in favor, 5 ayes, 0 nays.

2011-48 It was moved by Brown, seconded by McIntosh to accept the following:

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 temporarily 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 nays.

Supervisor Molé told the Board that she contacted the Comptroller's Office regarding the Town changing their electric carrier to Ambit Energy and there are no problems with the switch. Councilwoman Stewart stated that she had looked into Ambit. She spoke with a consultant and Councilman McIntosh had given her a magazine article to read about the company. She believes that the copy of the bill given to the Board by Steve Daire (who stated that he makes so much money as a consultant working for Ambit that he has closed his personal business and works for Ambit full time) is a little misleading as it didn't include the third page which breaks down the bill, showing the electric usage and any commissions he earned for the month. The consultant she spoke with stated that the 7% guaranteed savings in the first two months actually comes from NYSE&G, not Ambit. Councilwoman Stewart believes this to be a pyramid type structured corporation. Consultants make money by signing up new users and each month when these users pay their electric bill, the consultant receives a commission. Stewart said that she feels since tax dollars will be paying these bills and individuals from the community will be profiting from this, the taxpayers need to be given full disclosure as to who these people are. Councilman McIntosh said that Ambit pays the representatives because they don't do advertising; the consultants sell to their family and friends. An annual statement is sent at year end showing the customer their savings. Ambit guarantees their price will be under NYSE&G. He feels that the Town should try this. Somewhere down the line he might make something from this, if here's a problem with that, come out and say it to his face. Councilwoman Stewart said that saving the Town money is a good thing; however she still believes that the taxpayers should be told upfront of anyone in the town who will be making money from this. Molé said she feels that the benefit will be in saving the Town money; there's no contract so the Town can get in or out of it at any time. Councilman Brown said that in fairness to McIntosh, how is this any different than if he owned stock in a company and received a dividend for his shares. Stewart said that she believes that Ambit is a private corporation and not publically traded and she would consider McIntosh an employee of the company and not a shareholder. Councilwoman Robson agrees for the cost savings, everything is still managed by NYSE&G and there is no obligation to stay with Ambit.

2011-49 It was moved by Brown, seconded by Robson to move the Town's electric supplier from NYSE&G Solutions to Ambit Energy. 4 ayes, McIntosh abstained.

FINANCE COMMITTEE – Councilwoman Stewart said she met with Bookkeeper Hanley. The Annual Report was not completed by February 28th and an extension has been filed. Hanley is hopeful that the report will be completed in three weeks.

PLAYGROUND/TRANSFER STATION – Councilwoman Robson anticipates using the money budgeted to replenish the mulch on the playground this spring. She is hoping the Highway Department will be able to transport the chips and she will coordinate with the Lawn Care Company with weed eating the grounds and putting the chips down. In regards to the Transfer Station, Robson said there continues to be a problem with someone from out of Bovina using the Station, who has been asked previously not to use it. It was also noted that someone from New Kingston has been using the Transfer Station. Robson suggested that a sign be made stating that only Bovina residents with a permit are allowed to use the Transfer Station. Supervisor Molé said that she will coordinate the sign with Highway Superintendent Burgin who can order it through the County.

BUILDINGS – Councilman Brown reported that the lights have been installed on the front and Post Office side of the Community Hall. The replacement lights for the Clerk's office are in and ready to be installed. He has replaced the toilet seat in the men's room, fixed the lock in the front door. There is a need for a locked closet for the cleaning people. Brown said that there has been some vandalism lately and the Board needs to look at what can be done to try to put an end to it. He said the building can be at risk and suggested shutting it down to anyone but supervised groups for a month. Councilwoman Stewart suggested a letter saying there has been some vandalism and there is a need for parents to supervise their children. Stewart also asked about the discussion from last month regarding the locked Rubbermaid type container for the building cleaner. Brown said that one closet in the kitchen was made as a custodial closet. Brown said that the dishes in the basement need to be put back or disposed of. Councilman McIntosh has suggested donating them to Goodwill. The Board agreed. Brown said that the silverware can be kept and there is a need for the basics such as pots and pans and strainers. The Board agreed with Brown that the swinging door between the meeting room and foyer needs to be replaced. Brown told the Board that he has found a locking mail drop container for \$199.00 plus shipping. Postmistress Janet Stewart will be responsible for the collection of the mail from the box. Councilman McIntosh asked about the responsibility with USPS if the Town puts its own collection box up. He said that a USPS regulated box carries a federal offense for tampering. Supervisor Molé will contact Barry Moore from USPS. If he says it's okay to move ahead with it she'll contact Brown and he can go ahead with the installation.

Councilwoman Stewart asked about the surplus pickup truck being put back on the auction. Councilman McIntosh said it wasn't going to be put back on the auction, they were going to contact the high bidder. He said it was a good thing the Highway crew had both pickups with the last snowstorm because the roads were soft so the pickups were used to plow more of the roads. Stewart said that the insurance is due and suggested taking the '06 pickup off. McIntosh said that a rebate will come when the truck is sold and taken off the policy. Councilman Brown said that the closer we come to spring, the less desirable the truck is with the plow, perhaps the plow should be sold separately. He said he could coordinate with Highway Superintendent Burgin to list the truck on Craig's List. Councilman McIntosh said the price should be set at \$17,500. The auction price was \$14,500. There has been discussion about lowering the price. Brown thinks the price is okay. Councilwoman Robson suggested taking the plates and insurance off and waiting until the fall to put it back on auction. Brown suggested that the truck and plow be sold separately; put the truck on auction now at \$15,000 and the plow in the fall for \$2,000. Robson asked about the mishap with the Volvo dump truck being covered by insurance. McIntosh said that there was a fire in the terminal block under the dash. Supervisor Molé talked with Highway Superintendent Burgin and he said there is

a \$500 deductible. The insurance company came and looked at the truck. It needs to be taken to a dealer; trucking to the dealer is also covered by insurance.

Mark Rossley asked if a cause was found for the fire in the Volvo. McIntosh told him it was wiring. Rossley asked if the new pickup is the one that was originally spec'ed out. The Board said it was. Rossley asked what was offered in trade for the '06 pickup. McIntosh said it was never offered for trade. Rossley asked about the speed study on Bramley Mountain being looked into to reduce speed. Molé said that that is the goal. Rossley asked who would be enforcing that.

With no further business, the meeting was adjourned at 8:05 PM.

Respectfully submitted,

Catherine Hewitt
Town Clerk