

Bovina Town Board
Regular Monthly Meeting
May 14, 2013

RESOLUTIONS: 2013 – 63 – 81

Board Members Present: Tina Molé, Supervisor; Charles McIntosh, Mark Rossley, Evelyn Stewart, Gerald Wright, Members of Council; Catherine Hewitt, Clerk; Edward Weber, Highway Superintendent

Others Present: Vince/Mary Trimbell, Jack Nau, Dick Barnhart, Ken Brown, Marcelo Riera, Tim Bray

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

2013-63 The minutes of the Regular Monthly Meeting of April 9, 2013 were approved as amended. Moved by Stewart, seconded by McIntosh. All in favor, 5 ayes, 0 nays.

2013-64 The **GENERAL** bills (63-80) were audited prior to the meeting and approval for payment was moved by Rossley, seconded by Stewart. All in favor, 5 ayes, 0 nays.

2013-65 The **LIGHTING** bill (5-5) was audited prior to the meeting and approval for payment was moved by McIntosh, seconded by Rossley. All in favor, 5 ayes, 0 nays.

There was discussion on whether or not the Town was charged for bulbs on the April Lighting District bill. Bookkeeper Joe Hanley thinks it's a lease fee for the lights and is the same every month. He will contact NYSE&G to get more information on this.

Councilman McIntosh doesn't feel that the Water District should pay the LaFever Excavating bill of \$829.55. The water was turned off at the curb stop by the Water Superintendent, Josh Choquette when the proprietor of Russell's Store was closing for vacation. Choquette turned the water back on at the curb stop at the proprietor's request in March for her reopening, and to have the water meter installed by Cowen Excavating. Choquette said he turned it the required ¼ turn and advised the store proprietor to check for frozen pipes in the store. The proprietor then made numerous calls to Choquette because the water wasn't running to the store and told him that she had Cowen look at it and he said that it turned funny. Choquette left his regular job to come look at the problem and discovered the valve was broken at the curb stop. Councilman Rossley asked if anyone has talked with Doug Cowen about this. Supervisor Molé said that LaFever's bill should be paid and the Board was in agreement. Wright stated that the Town should bill the Historical Society for this. McIntosh feels that if someone tampered with the Town curb stop they should be responsible for the repair. Molé will contact Cowen and Choquette.

2013-66 It was moved by Wright, seconded by Rossley to pay the LaFever bill. All in favor, 5 ayes, 0 nays.

2013-67 The **WATER** bills (16-20) were audited prior to the meeting and approval for payment was moved by Wright, seconded by Rossley. All in favor, 5 ayes, 0 nays.

2013-68 The **SEPTIC** bills (14-17) were audited prior to the meeting and approval for payment was moved by Rossley, seconded by Stewart. All in favor, 5 ayes, 0 nays.

2013-69 The **HIGHWAY** bills (51-65) were audited prior to the meeting and approval for payment was moved by Rossley, seconded by Wright. All in favor, 5 ayes, 0 nays.

2013-70 It was moved by Wright, seconded by Rossley to reappoint Joan Burns to the Board of Assessment Review for the term of October 2012 through September 30, 2017. All in favor, 5 ayes, 0 nays.

Councilwoman Stewart said that she has had someone approach her about sitting on the Planning Board. The Clerk has also had someone interested. Supervisor Molé said that anyone interested should write a letter of intent to her and she will present it to the Board. She also said that there is a vacancy on Zoning Review Board and the Board of Assessment Review.

Supervisor Molé said that the Delaware Opportunities Work Crew will once again be doing the mowing in the old cemeteries for the summer. There is no charge to the Town for this.

Supervisor Molé sent the Board members a ballot to vote for 3 regular members and 3 alternate members of the Board for The Coalition of Watershed Towns. This Board advocates for the 55 Towns and Villages in the NYC Watershed. She asked that each Board member cast their votes, she would tally them and the results of the vote by the Board will be sent to the Coalition's Attorney.

The Board discussed the Resolution in Support of the Belleayre Resort at Catskill Park. Councilman Rossley asked why this Board is saying this resort is a good thing to have. Supervisor Molé said that her support is because this is good for the area. Councilman Wright said this will bring jobs to the area. Molé said that this has been in review since 1999 and has now reached a point where there is a good chance it will go through. Rossley feels that creating jobs in a 60 mile radius, 120 mile round trip for \$10.00 an hour won't help with gas prices as high as they are. Molé said that there are always negatives with any project but the benefits outweigh the negatives. Councilman McIntosh said that the problem with tourism in this area is the lack of places to stay. He feels that this is a real positive for the area and there are a lot of things out there that aren't true from the people who oppose this resort.

RESOLUTION SUPPORTING THE DEVELOPMENT OF THE BELLEAYRE RESORT AT CATSKILL PARK

Whereas, Crossroads Ventures L.L.C. has proposed an investment of over \$364 million in Delaware and Ulster Counties to develop the Belleayre Resort at Catskill Park (Resort); and

WHEREAS, the Resort will provide visitors to this region with a variety of outdoor recreation and lodging opportunities which will enhance and promote the region as a tourist destination; and

WHEREAS, all of the Resort's facilities will be open and available for use by the general public thus helping to improve the quality of life for local residents; and

WHEREAS, the Resort is projected to create up to 541 new full time jobs and 230 part-time/seasonal jobs with an annual payroll exceeding \$24.8 million; and

WHEREAS, Resort guests are expected to spend some \$10.6 million annually in local business along the Rte. 28 corridor; and

WHEREAS, the Resort is projected to have a \$168 million total annual economic effect on the regional economy;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Bovina does hereby express its support for the development of the Belleayre Resort at Catskill Park; and

BE IT FURTHER RESOLVED, that the Clerk of the Town of Bovina is hereby authorized and directed to forward a certified copy of this resolution to: Governor Andrew M. Cuomo, Governor of New York State, NYS Capitol Building, Albany, NY 12224 and DEC Regional Permit Administrator Daniel Whitehead, NYS DEC, 21 South Putt Corner Road, New Paltz, NY 12561.

2013-71 It was moved by McIntosh, seconded by Wright to accept the Resolution in Support of the Belleayre Resort at Catskill Park. All in favor, 5 ayes, 0 nays.

Regarding the Request for Proposal (RFP) for the painting and repairs to the Community Hall, there are questions on insurance and prevailing wage for the attorney. This will be addressed at the June meeting.

2013-72 It was moved by Stewart, seconded by Wright to move the time of the June Board meeting to 7:00 PM.

Molé	Aye
Stewart	Aye
Wright	Aye
Rossley	Aye
McIntosh	Abstained

It was reported that the Annual Report for 2012 has been completed and filed with the State Comptroller's Office.

Marcelo Riera was at the meeting to discuss the fill that was put on property he owns and adjoining Town property. He said that he was issued a ticket and fined \$300.00, which he has paid. The NYS DEC says that the last fill put in needs to be removed. He has had Steve Roberts, Surveyor do a survey to see where the property line is and most of the fill is on the Town and Septic property. He said that he has no paper signed giving anyone permission to drive through his property. Highway Superintendent Weber said that there has been fill put in to the location in question over the years and more was put in last fall. He said that the Town Highway trucks can be used to haul the fill away. Weber met with Steve Swenson from DEC who will follow this job and determine when the slope is correct so as to be safe. The fill was put in within 100-feet of a stream and what was most recently put in needs to be taken out, which will be roughly 300-yards. The bank will need to be sloped to a 2 to 1 slope to avoid erosion. Councilman Wright questioned whether or not Riera had requested the fill be put in there. Weber said that highway employee Jason Brandenburg came to him and said that Riera asked if it would be possible to put fill in to the area behind his garage and barn. Riera said that the cost of the excavator to remove the fill is estimated at \$1,000. He says that he can pay some of that cost but it is a lot of money and he can't pay all of it. Weber said that property lines need to be established. Councilwoman Stewart asked who will be paying Roberts Surveying. Riera said that bill will go to him. Weber said that Roberts is going to indicate property corners. Supervisor Molé said that an agreement has to be reached because DEC is requiring, not requesting, removal of the fill. Riera said that his neighbor told him that Delaware Bulldozing had dumped five loads of fill in the area and he never asked them to do that. Stewart asked why another company would put fill in without being asked. Weber said he will contact Delaware Bulldozing about this. Molé said that she would like to see this worked out between the Town Highway and Riera. Weber said that they need to determine where the property line is and then fill needs to come out down to the vegetation that was there previously. There is a deadline of July 15, 2013 for the fill to be removed. Councilman Rossley said that if an agreement cannot be reached, DEC will require that all of the fill from many years ago to be removed. He said that the Town using their manpower and trucks is all that should be expended by the Town. He doesn't feel that the Town should pay beyond that. The fill wouldn't have gone in there without the landowner's request. Wright asked Rossley if he wanted the fill dumped on Town property removed by the property owner. Rossley's answer was that this wouldn't have

happened without the property owner's permission to access his property. Riera again said that if he is pushed to pay the whole bill for the excavator, he will push to take all fill out from previous years. Rossley said that the cost of the trucking, removal and the excavator would be substantially more as a whole. Riera said that he's not paying \$1,000, if pushed he will request that all the fill be removed. Molé said that the property lines need to be determined. Stewart said Riera is overlooking the point that the Board cannot do anything for him. This needs to be worked out between Weber and Riera. Wright said to get the property lines and see what the percentages are. See if this can be worked out.

ADVISOR REPORTS

HIGHWAY – Councilman Wright said he has driven around some of the dirt roads and that Deputy Highway Superintendent Dick Barnhart has done an excellent job. The Andes part of Doig Hollow is wider, if no one asks to widen it, don't. Broadlands, Calhoun Hill is rough but possibility of abandonment would take a lot of rough road out of Bovina. Supervisor Molé said that she had a call from Jim Thomson regarding Broadlands possibly taking over Calhoun Hill/Bigger Hollow. They are now not sure if they are going to follow through with the abandonment of that road. Highway Superintendent Weber said that he did ask Wayne Reynolds, Delaware County DPW to put together the process of road abandonment so he'll have that if needed.

FINANCE – Councilwoman Stewart said that she met with Bookkeeper Hanley. The Annual Report for 2012 is done and filed as mentioned earlier. She will be coming up with a worksheet to enable her to audit the books monthly. She said that she is concerned with a painting project for the Community Hall being as large scale it appears to be. The budget is tight and she is questioning where the money is coming from. She said there is some reserve and there is some Good Neighbor money. Supervisor Molé said that she is looking into a possible grant source for the painting.

PLAYGROUND/TRANSFER STATION – Councilman Rossley said that he has put 10 new bags of sand in the sand box at the playground. He used the York rake on the mulch at the playground and says that the water needs to be stopped from running through the grounds on the Maple Ave side before new mulch is put down. He said the drains seem to be working but they need to be kept on top of. Tim Bray said a swale needs to be put in since the playground is lower than the road. Rossley said that the weeds need to be killed off in the playground area.

There is a shorter metal container at the Transfer Station which is easier to use. Rossley will call Bloomville Disposal to remind them that it is time to start picking up at the playground for the summer.

BUILDINGS – Councilman McIntosh said that there has been no movement on the light repairs or the switching of the lights. He said that there is a garden club that has reserved the use of the Hall for an evening in November. They will give a donation for the use of the hall. The light that was fixed is out again, and he will have Brannen Carpentry look at it. In regards to the AMBIT bills, we're still paying NYSE&G. He will ask and AMBIT representative to come and speak to the Board. Bookkeeper, Joe Hanley thinks NYSE&G is cheaper again now. McIntosh thanked the Board for changing the time for the June meeting, explaining that he has been on the Board for 16 years and has perfect attendance for the Board meetings.

2013-73 It was moved by Stewart, seconded by Wright to approve the vote for Executive Committee of the Coalition of Watershed Towns. The Bovina Town Board voted for Peter Bracci, Supervisor, Delhi; Bruce

Dolph, Supervisor, Walton; Carl Stuendel, Councilman, Tompkins for Two-Year Term on the Regular Board. Bill Layton, Supervisor, Tompkins; John VanBenschoten, Trustee, Margaretville; Cindy Donofrio, Supervisor, Colchester for Two-Year Term as Alternates. All in favor, 5 ayes, 0 nays.

Bookkeeper Joe Hanley said that when money is moved in the accounts, it will be posted in the minute book and the Board will be made aware of the transfers.

2013-74 It was moved by Wright, seconded by Rossley to add the adjustments made in January to the May minutes. All in favor, 5 ayes, 0 nays.

The Standard Workday Report was submitted and the State returned it to amend the established workday as 6 hours and Highway as 8 hours.

2013-75 It was moved by Rossley, seconded by Wright to accept the amended Standard Workday Resolution for Employees. All in favor, 5 ayes, 0 nays.

2013-76 It was moved by Wright, seconded by Stewart to post the Standard Workday and Reporting Resolution for 30 days. All in favor, 5 ayes, 0 nays.

Discussion on SUNY Delhi Summer Swim Lessons. The Clerk said that the Town pays \$300.00 to the Village of Delhi for the Summer Youth Program. This includes softball, little league and swim lessons for the kids in Bovina to go to SUNY Delhi. Councilman Rossley asked why the Town of Bovina has to sign a contract with SUNY Delhi if the Town is in contract with the Village of Delhi.

2013-77 It was moved by Stewart, seconded by Rossley to approve \$300.00 to Delhi Village Summer Youth Program which includes SUNY Delhi Swim Lessons. All in favor, 5 ayes, 0 nays.

HIGHWAY SUPERINTENDENT REPORT- Highway Superintendent Weber said that the Bovina Road Bridge is now at FEMA. The plans sat at SEMO and FEMA got them on March 2, 2013. Weber said he talked with Senator Seward recently about getting him to help possibly speed this bridge project up. Seward said he will definitely see what he can do. The Miller Avenue culvert is waiting for Graden Dutcher who is looking onto a possible grant through Trout Unlimited for this project. The CHIPS money from 2012 and 2013 is \$185,291.52 combined. Weber said he would like to seal from the intersection of County Route 6 up East Bramley Mountain Road just beyond the Jack Burns farm. The second sealing project he would like to do this year is from the top of Lee Hollow down to include Fisk Road. Weber said that he has a Shared Services Contract with Walton for use of their hydroseeder. The cost would be \$10.00 per hour and the contract is good for 5 years.

2013-78 It was moved by Rossley, seconded by Wright to have the Supervisor sign the Contract for Shared Services for Use of Hydroseeder with the Town of Walton. All in favor, 5 ayes, 0 nays.

2013-79 It was moved by Rossley, second by McIntosh to rent a tractor and roadside mower from Ekland for \$1,600 a month. The cost for the same rental in 2012 was \$1,200 because they were able to finish early. All in favor, 5 ayes, 0 nays.

Weber will be attending Highway School in Ithaca on June 3rd, 4th and 5th. He said it is very informative and therefore helpful.

Councilman Wright asked Weber what he estimates the cost is to do the roads. Weber said the cost is \$80,000 per mile. Supervisor Molé said that Weber recently heard that the State has increased CHIPS Funding by about 26%. Wright said he has looked at the new dump truck and it's in good shape, see how it does.

Weber said the Highway Department has been sweeping roads, taking winter equipment off trucks, filling potholes, cleaning culverts and have started working roads.

COMMUNITY CONCERNS:

Jack Nau asked if there were plans on filling the pot holes at the Transfer Station. He said there are deep puddles particularly behind the newspaper and cardboard containers. Councilman Rossley said he will ask if the side entrance boxes can be brought back.

Ken Brown asked what the status of the Red truck is. Weber said it is advertised on Craig's List. He asked what the status of the pick-up box is. Weber said it is also advertised on Craig's List. He said that the Board approved replacing hand tools at the Highway Garage. Weber said that most are still there. The ones that were in violation were scrapped.

Vince Trimbell asked how things were coming on the Bovina Road Bridge. Weber said the Town filed an Appeal, the Plans went to SEMO and they are now in FEMA's hands. He talked with Senator Seward recently and asked for his help in moving things along with the bridge. Trimbell asked what Weber thought the time frame would be and Weber said it would be tight. Trimbell said he is still on a truck route with no dust control. Weber said that salt would be put down when the road is worked. Trimbell feels he is getting no consideration.

Councilman McIntosh asked if Weber would bring the offer made for the pick-up box back to the Board before selling it. Weber said he would and that the truck and the box are both advertised as best offer.

2013-80 It was moved by Stewart, seconded by Rossley to go into Executive Session at 8:00 PM. All in favor, 5 ayes, 0 nays.

2013-81 It was moved by Stewart, seconded by Rossley to adjourn Executive Session at 9:02 PM. All in favor, 5 ayes, 0 nays.

With no further business, the meeting was adjourned at 9:02 PM.

Respectfully submitted,

Catherine Hewitt
Town Clerk/Collector