

BOVINA TOWN BOARD
Regular Monthly Meeting
June 10, 2014

RESOLUTIONS: 2014 – 69-80

Board Members Present: Tina Molé, Supervisor; Mark Rossley, Evelyn Stewart-Barnhart, Gerald Wright, Kenneth Brown, Members of Council; Edward Weber, Highway Superintendent; Catherine Hewitt, Town Clerk

Others Present: Vince/Mary Trimbell, Kevin Brown, Roger McIntosh, Dick Barnhart, Jan Bray, Connie/Joe Dibble, Annette Robbins, Marni/Mel Greenberg, Carol Brannen, Dick McIntosh, Pat Miele, Steve Burnett, Ron Hoffman, Joan/Jack Nau, Chuck McIntosh

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

Supervisor Molé said that the Public Hearing for Local Law #1 for 2014, A Local Law Creating a Local Roadway Work/Use Program and Authorizing the Town Board to Receive Applications and Issue Permits was held on May 28, 2014. There were two questions raised and both of the responses were provided by the Town Attorney. #1: How will the Town know without doing a survey, if the structure is on deeded Town property or right-of-way? Response: We discussed that the Town Highway Superintendent would make a determination based on all available information regarding the boundaries of the right-of-way (e.g., 3 rods from the center of the road). If there is a legitimate dispute and the issue is significant enough to warrant more thorough evaluation of the boundaries, the decision could be made by either party to conduct a survey. The Town will allocate its resources in a manner that is in the best interest of the community. #2: how is this law affected by the setbacks that we have through our Zoning? Response: This law has no effect on the Zoning code. Planning Board will meet determinations regarding setback and setback boundaries based on the property boundaries (and/or in accordance with their normal practices).

Resolution No. 69 of 2014

Adopting Local Law No. 1 of 2014

A Local Law Creating a Local Roadway Work/Use Permit Program and Authorizing the Town Board to Receive Applications and Issue Permits

WHEREAS, the Town of Bovina owns in fee and certain local roadways and associated roadside rights-of-way; and

WHEREAS, from time to time, these Town-owned roadways and rights-of-way are used by local residents for the installation of private utilities; the temporary placement of structures, signs, fences, etc.: or in any other manner or under any other circumstances were use of or constructed within town-owned property is necessary or desired; and

WHEREAS, the Town of Bovina wishes to allow this activity, where it is reasonable and does not interfere with the free and safe use of its local roadways; and

WHEREAS, the Town of Bovina also desires to limit its liability for any damage to persons or property which might result from the use of Town-owned roadway rights-of-way by local residents and private parties.

BE IT THEREFORE RESOLVED, that the Town of Bovina hereby adopts Local Law No. 1 of 2014, A Local Law Creating a Local Roadway Work/Use Permit Program and Authorizing the Town Board to Receive

Applications and Issue Permits, which establishes regulations and a permitting program to allow for the reasonable, regulated use of Town-owned roadways or rights-of-way by private parties; and

BE IT FURTHER RESOLVED, that the Bovina Town Clerk will maintain on file copies of the Town of Bovina's Local Roadway Use Permit Applications, and will receive applications and collect fees pursuant to this program, which will be referred to the Bovina Town Board for action.

WHEREUPON, the Resolution was put to a vote and the following recorded:

2014-69 It was moved by Rossley, seconded by Stewart-Barnhart to approve Local Law #1 of 2014.

Supervisor Molé	Aye
Councilman Rossley	Aye
Councilwoman Stewart-Barnhart	Aye
Councilman Brown	Nay
Councilman Wright	Nay

Councilman Brown questioned if there would be a potential conflict between Planning Board and Zoning Review regarding set back. He asked that this be added to the minutes.

2014-70 It was moved by Stewart-Barnhart, seconded by Rossley to accept the minutes of the April 8, 2014 meeting as presented.

Supervisor Molé	Aye
Councilman Rossley	Aye
Councilwoman Stewart-Barnhart	Aye
Councilman Wright	Aye
Councilman Brown	Nay

2014-71 It was moved by Wright, seconded by Brown to accept the minutes of the minutes of the May 13, 2014 meeting as amended with an attachment at the end. All in favor, 5 ayes, 0 nays.

2014-72 It was moved by Rossley, seconded by Stewart-Barnhart to accept the minutes of the May 28, 2014 Public Hearing as presented. All in favor, 5 ayes, 0 nays.

2014-73 The **GENERAL** bills (75-88) were audited prior to the meeting and approval for payment was moved by Rossley, seconded by Brown. All in favor, 5 ayes, 0 nays.

2014-74 The **LIGHTING** bill (6-6) was audited prior to the meeting and approval for payment was moved by Rossley, seconded by Stewart-Barnhart. All in favor, 5 ayes, 0 nays.

2014-75 The **WATER** bills (23-24) were audited prior to the meeting and approval for payment was moved by Rossley, seconded by Brown. All in favor, 5 ayes, 0 nays.

2014-76 The **SEPTIC** bills (18-21) were audited prior to the meeting and approval for payment was moved by Rossley, seconded by Stewart-Barnhart. All in favor, 5 ayes, 0 nays.

2014-77 The **HIGHWAY** bills (74-87) were audited prior to the meeting and approval for payment was moved by Rossley, seconded by Stewart-Barnhart. All in favor, 5 ayes, 0 nays.

The Trash and Refuse Collection Hauling and Disposal Services Contract is up for renewal in September. Councilman Rossley said that the current hauler has said that with the contract up for renewal, now would be the time to decide on continuing with allowing C&D. Councilman Wright said that there is a termination clause for the Town but not for the Hauler. That will be added. Councilman Rossley said that there was discussion on taking out the need for a compactor truck.

2014-78 It was moved by Wright, seconded by Rossley to have the Clerk make the necessary corrections to the contract and advertise for bids. The bids will be opened and awarded at the July 8, 2014 meeting with the Contract to begin in September. All in favor, 5 ayes, 0 nays.

The Board discussed the handling of anonymous complaints. It was said that complaints should be directed to the Department head and handled by that person. Highway Superintendent Weber said that complaints can be made to him in person or in writing and agreed that it should be signed.

Highway Superintendent Weber said that Delta Engineers have been at the garage taking pictures of the settlement problem. The Engineer who did the building design as an independent businessman and then merged with Delta Engineers, has resigned from Delta. There will be another Engineer coming on to the project. There have been no results from the drilling tests.

Supervisor Molé said that the Code Enforcement Officer, Dale Downin has visited the property on County Highway 6 that there was a complaint about in May. His findings were no code violations or health issues.

Supervisor Molé said that there is a Summer Youth Program through Delaware Opportunities and Highway Superintendent Weber is interested in getting someone for the summer. The Town will be reimbursed \$8.00 per hour for a 35-hour week. Councilman Rossley said that the Employee Policy says that a laborer will be paid \$3.00 more than minimum wage and he recommends that be followed.

2014-79 It was moved by Rossley to follow the Employee Policy and have the Town pay \$3.00 over minimum wage making the hourly wage \$11.00 per hour for a 35-hour week. Seconded by Stewart-Barnhart. All in favor, 5 ayes, 0 nays.

Supervisor Molé said that she has had 5 complaints about Councilman Brown taking more C&D than is allowed per trip to the Transfer Station. She said that as elected officials, Board members need to set an example.

ADVISOR REPORTS

FINANCE - Councilwoman Stewart-Barnhart met with the Bookkeeper:

- they will be doing research on better electric rates for the Town accounts. Ambit cost per KWH depends on the day its read and the bills are: 3 at 0.14, 3 at 0.11, 1 at 0.09 and 1 at 0.06 cents.
- the Annual Report will be done at the end of June.
- she noted that the cost for legal fees to date is \$1,100 and \$1,000 was budgeted for the year.
- they discussed the heating bills with the bookkeeper and the Town was with Amerigas and they no longer have the State Bid Price. Mirabito has the State Bid and they will look into that.
- she said that there are two payments for the Bond, one time is principal and the second one is interest.

BUILDINGS – Councilman Wright said that a dead bolt has been put on the Maynard Schoolhouse and the back is locked. There is a key to be kept in the Clerk’s office, Jan Bray has one to use for the Historical Society project. Wright said that the windows are sealed and it might be best to leave them like that. He said he had a letter from John Virga who would like to get a group together to do some things downstairs in the Community Hall. Wright said that there are recessed lights in the basement that need screens over them and the florescent lights in the basement don’t have protection over them nor do the ones on the

stage. He said that the exit lights in the main room can be changed out so that they are battery back-up with tow lights on either side that provide lights to see by in the event of a power failure. Councilman Rossley said that Wright should get pricing on the battery back-up exit lights.

TRANSFER STATION/PLAYGROUND – Councilman Rossley said that Tire Day was June 7th and there were only two people who left tires. The Contractor will leave the bin for another week which will include a Wednesday and a Saturday. Rossley said that he has asked them again to pick up the trash at the playground. A second soccer goal was donated by Don Farley last year and Rossley will be picking that up and delivering it to the ball field.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Edward Weber said that the Miller Avenue Culvert is still in the hands of Soil & Water. The design has to be completed. The cost is estimated at \$30,000 just for the culvert and there will also be the cost for the riprap for the overflow.

Weber said that in regards to the Freightliner, the unnecessary equipment is being taken off to get the truck ready for use for next winter. He will use what he can off the Mack and he has found a box.

Councilman Wright asked if the costs for this truck can be kept separate so there will be an accurate figure when complete. Weber said he is doing that and will provide an updated tally to the Board monthly.

Weber said he is still looking for another truck. The Freightliner has to be put in service within a year so he's looking towards next year's budget. He said that there is also a need for a backhoe. The men have started working the roads, cleaning ditches and replacing culverts. The Town has rented a tractor and mower from Eklund's in the past and they are no longer doing that. He will look at Shared Services for this. Weber has a Local Roadway Use Permit Application from Steve Burnett for his roadside stand. He said he has no problem with the stand being where it is and he recommends that the Board approve the application.

2014-80 It was moved by Rossley, seconded by Stewart-Barnhart to approve the Application for the Burnett Roadside Stand.

Supervisor Molé	Aye
Councilman Rossley	Aye
Councilwoman Stewart-Barnhart	Aye
Councilman Brown	Nay
Councilman Wright	Nay

Councilman Rossley said that he talked with Mike Jonker in regards to the regarding, seeding and mulching at the pump station by McPherson's and it still isn't done.

Supervisor Molé said there was an issue of a manhole cover being dislodged while haying. That was repaired.

COMMUNITY CONCERNS

Roger McIntosh said that the manhole cover that was hit by the farmer while haying isn't at ground level and needs to be put back down. Councilwoman Stewart-Barnhart said that the operator called her and since it is very heavy, LaFever's will be needed to put it back.

Richard McIntosh said that in regards to the Local Law passed earlier, the Board should require a Certificate of Insurance for graduated amounts. Supervisor Molé said that a Certificate of Insurance is required for one million.

Jan Bray wanted to clarify that Donna Bray told Councilman Wright that the Town owned the Maynard School House. There was no discussion as to whether it was owned by the Town or the Historical Society.

Kevin Brown told Highway Superintendent Weber that there are two sink holes on Brush Hollow. One is by Vardabasso's and the other is by Sluiter's. He said that the lower end of Brush Hollow has been brush hogged.

Chuck McIntosh said that he has asked for the cost of the Bovina Road Bridge and what percent is the cost to the taxpayers. Bookkeeper Joe Hanley said that the Town's cost is 25%. There still has been no bill for the cost overrun.

With no further business, the meeting was adjourned at 7:35 PM

Respectfully Submitted,

Catherine Hewitt
Town Clerk