

Bovina Town Board
Regular Monthly Meeting
August 11, 2015

RESOLUTIONS: 2015 – 101 – 113

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

Board Member Absent: Evelyn Stewart Barnhart

Others Present: Chuck/Dick McIntosh, Kevin Brown, Susan Timmons, Michael Kaufman, Donna Dickson Noonan, Joe Dibble, Jack/Joan Nau, Barb Brown, Pat Miele, Tom Hilson, Bob Cairns, Delaware County Times Reporter

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

2015-101 It was moved by Wright, seconded by Brown to accept the minutes of the July 14, 2015 meeting as amended. All in favor, 4 ayes, 0 nays.

2015-102 The **GENERAL** bills (118-134) were audited prior to the meeting and approval for payment was moved by Rossley, seconded by Wright. All in favor, 4 ayes, 0 nays.

2015-103 The **LIGHTING** bill (7-) was audited prior to the meeting and approval for payment was moved by Wright, seconded by Brown. All in favor, 4 ayes, 0 nays.

2015-104 The **WATER** bills (31-35) were audited prior to the meeting and approval for payment was moved by Rossley, seconded by Wright. All in favor, 4 ayes, 0 nays.

2015-105 The **SEPTIC** bills (30-35) were audited prior to the meeting and approval for payment was moved by Brown, seconded by Wright. All in favor, 4 ayes, 0 nays.

2015-106 The **HIGHWAY** bills (106-127) were audited prior to the meeting and approval for payment was moved by Rossley, seconded by Wright. All in favor, 4 ayes, 0 nays.

Supervisor Molé said that there is no movement on the possible logging of the Town Property near the Transfer Station. She asked if everyone got the information packet from Sue Timmons on the logging. Supervisor Molé announced that Clean Sweep will be on September 18, 2015 for Businesses and Farms and on September 19, 2015 for Households.

Councilman Brown said that the building on East Bramley Mountain has a stop work order as of today (8/11/15). The owner applied for a permit to build a shed not what was being built. It was 28, not 65 feet from centerline of the road.

Councilman Brown said that he brought up the \$108,000 CHIPS funding that was spent on the Bovina Road Bridge. The Breakdown of the costs of the Bovina Road Bridge is attached at the end of the minutes.

2015-107 It was moved by Brown, seconded by Rossley to do the necessary balance transfers to close the books for 2014. All in favor, 4 ayes, 0 nays.

2015-108 It was moved by Rossley, seconded by Wright to go into Executive Session at 6:15 PM to talk with Attorney Kevin Young about possible litigation with the Insurance Company regarding the Highway Garage. All in favor, 4 ayes, 0 nays.

2015-109 It was moved by Brown, seconded by Wright to adjourn Executive Session at 7:30 PM. All in favor, 4 ayes, 0 nays.

2015-110

**RESOLUTION OF THE BOVINA TOWN BOARD ACCEPTING GROUTTECH INC PROPOSAL TO REPAIR TOWN
HIGHWAY GARAGE**

WHEREAS, the Town Highway Garage was constructed in 2009; and

WHEREAS, almost immediately after its completion, settlement of the building's foundation and floor slab was exhibited at the northwest corner; and

WHEREAS, in March of 2014, the Town entered into a contract with Delta Engineers, Architects & Land Surveyors allowing Delta to subcontract with Empire Geo Services, Inc. to perform the necessary subsurface investigations and outline a recommendation for repair based on the data collected by Empire Geo Services, Inc.; and

WHEREAS, in June of 2014, Empire Services, Inc. completed its report of the geotechnical evaluation of the site's subsurface conditions, provided an engineering analysis of the conditions encountered as they relate to the settlement issue and offered possible remedial alternatives; and

WHEREAS, in January of 2015, the Town entered into a contract with Delta Engineers, Architects & Land Surveyors to employ high definition laser scanning to determine if the building is experiencing any vertical movement; and

WHEREAS, in February of 2015, the Town entered into a contract with Lamont Engineers to investigate whether the storm sewer system contributed to the settlement/movement of the Town Highway Garage; and

WHEREAS, the results of all of the investigations have led the Town's Board to conclude that (1) the soil conditions at the property are suitable for construction and that the soil was properly compacted during construction; (2) it is only through the flow of groundwater that the soil destabilized and was evacuated from beneath the footer; and (3) the groundwater movement did not pre-exist the construction of the Town Highway Garage and represents an unexpected change in site conditions; and

WHEREAS, Empire Geo Services, Inc.'s June 2014 report recommended a number of remedial alternatives including one identified as "Compaction Grouting or Jet Grouting"; and

WHEREAS, the Town has determined that the most effective and practical solution to remediate the settlement issue is to employ the Compaction Grouting or Jet Grouting technique; and

WHEREAS, the Town's main concern at this time is the potential for collapse of the building during the next winter; and

WHEREAS, it is in the Town's interest to begin/complete the remediation in the Fall Season of 2015 in order to prevent the potential collapse; and

WHEREAS, investigation of potential vendors to complete the remediation chosen has resulted in the identification of only one such vendor identified as GroutTech Inc.; and

WHEREAS, the Town has received a cost estimate from GroutTech Inc. in the amount of \$9,280.00 to perform the injection remediation method; and

WHEREAS, the general bidding requirements of General Municipal Law §103 are not subject to projects of less than \$20,000.00.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Bovina has caused the performance of an extensive investigation into the cause and potential remediation methods of the settling of its Town Highway Garage and believes that the solution provided by GroutTech Inc. will be the most effective and practical solution.

BE IT FURTHER RESOLVED that the Town Board of the town of Bovina hereby authorizes the Town Supervisor to accept the proposal received from GroutTech Inc. who will provide the labor and equipment to stabilize the building's footing thereby preventing collapse of the Town's Highway Garage.

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

Supervisor Molé	Aye
Board Member Kenneth Brown	Seconded the motion
Board Member Mark Rossley	Aye
Deputy Supervisor Evelyn Stewart Barnhart	Absent
Board Member Gerald Wright	Made the motion

Signed this 11th day of August, 2015

Catherine Hewitt, Town Clerk

2015-111 It was moved by Rossley, seconded by Brown to increase the total amount of the Highway Bills. All in favor, 4 ayes, 0 nays.

Supervisor Molé and Highway Superintendent Weber met with the NYMIR Insurance Representative to go through all Town owned property. The report has been received and says the footings under the fire escape is deteriorated and does not adequately support structure, footings under porch are irregular and should be evaluated by an engineer to determine if repair is required, Motor Vehicle Reports should be secured (annually and at time of hire) for all municipal drivers to verify valid licenses and review violations and accidents, an eyewash station needs to be put in at the water treatment building and the mezzanine at the highway garage does not have a load rating posted.

ADVISOR REPORTS

TRANSFER STATION/PLAYGROUND – Councilman Rossley said that there's not much on the Transfer Station. The adjustable basketball hoop has been set up with help from Mike Brown and Roger Robson. There is one for the older kids and one for the younger kids now. Councilman Brown said that he was approached by a community member about putting usage signs on the containers at the Transfer Station. Rossley said the signs have been made and they need to be put up. Brown also said that he's concerned that while he was at the Transfer Station, 10 of the 12 vehicles he saw didn't have use permits. Rossley will take a Saturday morning soon and be at the Transfer Station to get on top of this.

BUILDINGS ADVISOR – Councilman Wright thanked the person responsible for the flowers in the window boxes, he's not sure who did it. He said he's pleased with the job done on painting the Community Hall. There are 4 or 5 clapboards on the Maynard Schoolhouse that need repair. Wright asked Councilman Rossley if he had heard anything from Muthig's about the furnace in the Hall. Rossley has not but said that he threw the switch on the furnace because the fan was blowing constantly. Councilman Brown said that the spigot under the front porch on the Hall needs to be replaced.

PLANNING BOARD - Councilman Brown said that there were two items on the agenda for July. There was a fee purchase sale of land to NYC DEP on Mountain Brook. There were two encroachments by neighboring

property owners and two Boundary Line Adjustments were done as this was the easiest fix. Chuck McIntosh asked the Planning Board about changing the use of the Creamery building from Misc. Services back to a Creamery. Since there wasn't a creamery when Zoning was set up there was no concession made for one. The application by McIntosh was denied by Building Code Enforcement since this is the process and he is now waiting for a meeting with Zoning.

HIGHWAY – Highway Superintendent Weber said that it's very dry and the roads are very dusty. He's putting calcium down where and when he can. Work is being done on Coulter Brook and Jim Lane from County 5 up to Cianci's. The sand shed is full and the outside pile is being restocked. The roadside mowing is working out. The generator is working and should go to Thering's to be gone over. The dismantling of the 97 is complete and they are working on reassembly. He is finding it hard to find a sander box for the 97. There is a new "piggyback" law that allows him to purchase equipment using these regulations. He has found a new stainless steel dump box with the sander built in which has a longer life for \$43,327 and can piggyback the purchase with a possible delivery date of late November, early December. Councilman Brown asked if the '97 had been a 2,000 mile truck like the first government truck purchased, would the box have been in better shape. Councilman Rossley as well as Highway Superintendent Weber said that the government trucks don't come with a box. Weber has talked with the bookkeeper and he has equipment fund money, as well as some CHIPS money. Rossley asked if the 97 would have a front plow and Weber said that is coming off the Volvo. Weber thanked Andes, Kortright, Stamford and Hamden for their help with the recent sealing projects.

Councilman Brown said that he has had a taxpayer talk to him stressing his concern over the dust on Miller Ave. He doesn't come to a meeting because it doesn't get results. Supervisor Molé said that a simple phone call can get results. Highway Superintendent Weber said that he spent \$2,000 on crusher run last year and he put calcium down. Councilman Brown asked how much was left in the Highway Equipment Fund to which Weber said he was unsure of the exact amount but it is around \$12,029.00 minus \$14,000.00 for mower rental. Brown said that Weber told him that if he (Brown) gave him \$250,000 for a piece of equipment he could do the ditches better and asked about a gradall bucket for the backhoe. Weber said it won't work. Councilman Brown requested that it be added to these minutes that he was asked if he's ever used a gradall bucket on a backhoe and he said no and he asked Weber if he had and Weber responded that he's used a backhoe. Brown also said that he expresses concerns at the board meetings and then he gets blasted on the radio and ditches are dug unnecessarily.

Discussion took place on the purchase of a stainless steel box for the '97 Freightliner. Councilman Wright asked why CHIPS money can be used when there are other projects that are in the works. Brown said that using CHIPS is more of that fund not being used for gravel and calcium.

2015-112 It was moved by Rossley, seconded by Molé to purchase the stainless steel box at a cost of \$43,327.00.

Supervisor Molé	Aye
Councilman Rossley	Aye
Councilman Wright	Aye
Councilman Brown	Nay

COMMUNITY CONCERNS:

Sue Timmons said that she sent a packet to the Board about the possible logging of the lands around the Transfer Station. She said she's not opposed but would like to see it done so that erosion is controlled and the land is left in a stable condition. Michael Kaufman, a neighbor to Timmons said that he appreciates the

work she put into her report. He agrees that if it's going to be done, it be done the best way possible. Supervisor Molé said that the Board appreciates the research and input from Timmons. Councilman Brown requested that it be added to these minutes that he questioned Timmons as to why she said what she did about not using a local forester to which she had no response. Councilman Brown said that one primary reason this came up was to fund the Highway Garage repair and with that repair cost down it may impact what happens with that land.

Kevin Brown said that in June the Playground transferred to the Town and asked if a full survey was done. He asked if the property owner was asked before the new basketball hoop was put up. Councilman Rossley said no. Brown said that there should be a full survey done, they found the front corner pin and 8 to 10 feet of the playground is still owned by the Fire District. Supervisor Molé asked if this would be brought up at the District meeting and Brown said it would be discussed at their next meeting.

Chuck McIntosh said that Highway Superintendent Weber said that the Volvo truck is junk. Weber questioned him saying that and McIntosh said it is in the minutes. McIntosh said the Volvo cost \$20,000 and that Town of Delhi doesn't buy government surplus. They just bought a 2005 tandem at auction for about \$40,000 and now Weber wants to spend \$43,000 for a box. McIntosh asked what the estimate of the cost for the government truck is and Weber said about \$65,000. Weber said he will bring the costs of keeping the Volvo going next month.

Pat Miele said that having a forester if logging is going to be done is a good idea. They used a forester and they did a very good job.

Councilman Rossley said that there is confusion on the Zoning Law between the copies the Town and the Planning Board have and the one the Code Enforcement has on setbacks. They need to be the same across the board. The Clerk will contact NYS on getting a copy of the Zoning Law that was filed with them.

Councilman Wright said that he is now under protest on using CHIPS money for equipment. Highway Superintendent Weber said that CHIPS can be used for equipment under State Law. Wright said he doesn't want someone coming back on him for misappropriation of funds.

2015-113 It was moved by Rossley, seconded by Wright to adopt the Standard Work Day and Reporting Resolution for Elected and Appointed Officials for thirty days. All in favor, 4 ayes, 0 nays.

With no further business, the meeting was adjourned at 8:35 PM

Catherine Hewitt, RMO
Town Clerk