

BOVINA TOWN BOARD
Regular Monthly meeting
July 14, 2015

RESOLUTIONS: 2015 – 85 – 100

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

Board Member Absent: Gerald Wright

Others Present: Susie Timmons, Chuck McIntosh, Donna Noonan, Jan Bray, Pat Miele, Kevin Rossley, Joe/Connie Dibble, Mel/Marni Greenberg, Dick Barnhart, Joanne McIntosh, Kevin Young Esq.

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

Supervisor Molé introduced Karen Marshfield and Stacy Osborn, Directors of Our Place in Walton. Our Place is a Senior Daycare Facility which opened in Walton three years ago and it is available on Wednesday's. There are plans to open a second site on Tuesday's at St. James Church in Lake Delaware. There will be an Open House at St. James on August 18th with a site opening date of October 6th. These sites are fully grant funded other than a stipend of \$10.00 for someone who doesn't need full on care and \$30.00 for one-on-one care and is for persons 60 years of age and above.

2015-85 It was moved by Rossley, seconded by Brown to go into Executive Session at 6:25 PM for the purpose of discussing possible litigation against NYMIR Insurance in regards to the settling problem at the Highway Maintenance Facility. All in favor, 4 ayes, 0 nays.

2015-86 It was moved by Stewart Barnhart, seconded by Rossley to adjourn Executive Session at 7:12 PM. All in favor, 4 ayes, 0 nays.

Attorney Kevin Young explained that with the highway garage settlement due to a void under the foundation, NYMIR was contacted for property damage. There are three things covered by Insurance

1. Wear and Tear; 2. Faulty Workmanship; 3. Settlement. Settlement is described as gradual compression over time and Young feels that the Town has a valid case. The contingency is if the Town loses the case Young, Sommer will not charge the Town, if the Town wins the case, Young, Sommer will get 1/3 of the win.

2015-87 It was moved by Rossley, seconded by Stewart Barnhart to authorize Town Attorney, Kevin Young to commence litigation against NYMIR Insurance. All in favor, 4 ayes, 0 nays.

2015-88 It was moved by Brown, seconded by Rossley to accept the minutes of the June 9, 2015 meeting as amended. All in favor, 4 ayes, 0 nays.

2015-89 It was moved by Brown, seconded by Rossley, Whereas, Resolution 2015-25 of January 13, 2015 has limited the painting project on the Community Hall project to a not to exceed cap of \$2,500.00, and: Whereas, the project was modified to include the fire escape and additional paint was needed and the cost of supplies exceeded the anticipated approved amounts; Be it resolved that the total amount of the project for labor and materials be increased to \$2,801.75. All in favor, 4 ayes, 0 nays.

2015-90 It was moved by Rossley, seconded by Stewart Barnhart, Whereas, the Town Board had discussions concerning the use of Good Neighbor money to cover the cost of the engineering for the issues at the Highway Garage on April 8, 2014, September 11, 2014 and January 13, 2015 and there was no actual vote, a general consensus was reached by the Board to approve the use of up to \$20,000, and: Whereas the actual cost of engineering has been established at \$19,600; Be it resolved that the Board approve the payment of \$19,600 from the Good Neighbor Fund for the engineering study. All in favor, 4 ayes, 0 nays.

2015-91 The **GENERAL** bills (97-114) were audited prior to the meeting and approval for payment was moved by Rossley, seconded by Brown. All in favor, 4 ayes, 0 nays.

2015-92 The **LIGHTING** bill (6-6) was audited prior to the meeting and approval for payment was moved by Brown, seconded by Stewart Barnhart. All in favor, 4 ayes, 0 nays.

2015-93 The WATER bills (25-30) were audited prior to the meeting and approval for payment was moved by Rossley, seconded by Stewart Barnhart. All in favor, 4 ayes, 0 nays.

2015-94 The SEPTIC bills (25-29) were audited prior to the meeting and approval for payment was moved by Rossley, seconded by Brown. All in favor, 4 ayes, 0 nays.

2015-95 The HIGHWAY bills (88-104) were audited prior to the meeting and approval for payment was moved by Rossley, seconded by Stewart Barnhart. All in favor, 4 ayes, 0 nays.

Supervisor Molé said that the RFP for logging the Town property near the Transfer Station has been put on hold for now. Councilman Brown said that in June he brought up a pole barn that was going up on East Bramley Mountain Road that he heard had a stop work order put on it. He did not contact Dale Downin. He said there was an existing building on the site but they can't build back there. Councilman Rossley said that he spoke with Dale Downin who said he did not put a stop work order on the pole barn. Brown will contact Downin.

Councilman Brown said that there was \$108,000 of CHIPS money used on the Bovina Road Bridge and asked if the Town still would have received that money if it hadn't been used on the bridge. He said that the money could buy a lot of gravel. He said that the taxpayers are on the hook for \$1,246.64 when in reality it is \$109,246.64. He understands the use but said this is misleading.

2015-96 It was moved by Rossley, seconded by Stewart Barnhart to have Supervisor Molé sign the annual Humane Society Contract. Costs of \$40.00/dog and \$5.00/cat remain the same. All in favor, 4 ayes, 0 nays.

2015-97 It was moved by Rossley, seconded by Brown to have Supervisor Mole sign the Shared Highway Services Contract. The original contract was for 5-years and this one is open ended. All in favor, 4 ayes, 0 nays.

Supervisor Molé read a letter from Peter Manning, a resident of the Hamlet, regarding vehicles speeding through the Hamlet as well as parking on sidewalks. Molé said that she did receive a complaint about the parking on Main Street and difficulty getting farm machinery through. She spoke with the restaurant owner and he will be more vigilant on patrons using his parking lot and she will respond to Manning's letter. She also said that she understands the safety concerns but wanted it understood that getting police in Town to monitor speeding will be for everyone.

Highway Superintendent Weber continues to work with the groups involved with the Miller Avenue culvert replacement. Putting in an 8 ½ to 9 foot box culvert will bring the cost to \$261,000. Wayne Reynolds, County Engineer has said that the box culvert should be done if the grant funding comes in, and if the funding is not available then go cheaper.

2015-98 It was moved by Brown, seconded by Rossley to authorize Superintendent Molé to sign the application to get the grant program started. All in favor, 4 ayes, 0 nays.

Supervisor Molé thanked Congressman Chris Gibson's office for their help in getting the FEMA money for the Bovina Road Bridge. She said that the Bond that the Town got for that project can now be paid off.

ADVISOR REPORTS

TRANSFER STATION/PLAYGROUND – Councilman Rossley said that the electronics box at the Transfer Station has been emptied. Bloomville Disposal has hired a new operator for Saturday mornings and he is getting used to things. Rossley was contacted by a couple of residents about the basketball hoop at the playground leaning and that has been fixed. The residents would like an adjustable basketball hoop for the younger kids. He's looking into that. When LVDV was doing the scoping of the storm water Rossley asked him to take a look at an exposed green pipe near 1784 County Highway 6.

FINANCE – Councilwoman Stewart Barnhart met with the Bookkeeper who said there were issues with computers so the Annual Report has not been filed but will be by months end. She made note of a bill in Septic saying that a new grinder pump had to be purchased and also an issue with the water system which Turnkey had to come in and fix. Councilman Rossley asked if there is still a spare grinder pump. Stewart Barnhart isn't sure, there was one purchased and this new one may now be the spare.

PLANNING BOARD – Councilman Brown said that the Board did not meet last month.

HIGHWAY – Highway Superintendent Weber said that they will be sealing parts of New Kingston Mountain, Lee Hollow and New Road in the next couple of weeks. The radiator on the roller had to be repaired and they found the muffler also needed to be replaced. He said that Dick Barnhart will be out for a while and that Jack Robson will be filling in. The mower is working well and it does need new blades. He would like permission to rent it for a second month. The 1997 Freightliner has been dismantled and they are getting ready to put it back together. He is looking for a box for that truck. The generator for the water plant is working but needs to be wired and it should go to Thering's to be checked out. Gale Neale has said that the stream work behind the highway garage is still on for this year. Weber said that there is a house being built on Burns Road and there is a problem with the driveway and sight distance. The property owner is willing to cut the berm in the Town road out and widen the road at their expense making it easier for the Town to plow. They will provide a certificate of insurance as well as a sketch plan.

2015-99 It was moved by Rossley, seconded by Stewart Barnhart to have the property owners on Burns Road improve the road for better sight distance for their driveway. All in favor, 4 ayes, 0 nays.

Councilwoman Stewart Barnhart said that a mower for roadsides was rented for one month in 2014 and asked why another month was needed. Highway Superintendent Weber said that it is slower. Councilman Brown asked if the rental will come off the purchase and Weber said it would.

2015-100 It was moved by Stewart Barnhart, seconded by Rossley to authorize Highway Superintendent Weber to enter into a second month contract for the tractor and mower. All in favor, 4 ayes, 0 nays.

COMMUNITY CONCERNS:

Susan Timmons said that she was here to hear about logging the property around the transfer station which was tabled.

Councilman Brown read a memo from Councilman Wright where he said that two heroes in Town, Marcelo and Dario Riera, went into the pond at Brooke Alderson's 4th of July Party to save two young girls from drowning. The memo also said that someone having difficulty breathing had the ambulance called to the party. The mirrors on the ambulance had to be folded in to get through and it was noted that it is very dangerous if emergency vehicles have to get through with vehicles parked on both sides of the road.

Councilman Brown spoke as a taxpayer when he asked Highway Superintendent Weber if the ditches and work on Brush Hollow was done. Weber said that the road will be worked. Brown is concerned with the ditch work in front of his house. The culvert at the next driveway up was replaced and he asked why an 18" culvert was used. Weber said that is what is required. Brown said that the work is very roughly done, and he said there was no reason to go from his house down to the next property, there is a culvert above his driveway. Brown asked if the highway crew would come up and regrade the back side, it's not like the County does. Weber said that if he gives them \$250,000 for the equipment it can be done like the County does.

Chuck McIntosh asked for the total cost of the Bovina Road Bridge. He will meet with the Bookkeeper to go over the figures.

Jan Bray asked if there is a danger with a basketball hoop that is adjustable. Councilman Rossley said it is a hand crank that adjusts the height. He'll bring back more info for the August meeting.

With no further business, the meeting was adjourned at 8:15 PM

Catherine Hewitt, RMO
Clerk