

TOWN OF OAKFIELD

BOARD MEETING

DECEMBER 10, 2013

Supervisor Glor called the meeting to order at 7:00 pm, followed by the Pledge to the Flag

PRESENT: Supervisor Glor, Councilmen Veazey, Cianfrini, Kabel & Martin, Superintendent of Highways Dennis and Town Clerk Haacke

MINUTES: The minutes of the November 12, 2013 Board meeting were approved. A **motion** was made by Councilman Veazey, seconded by Councilman Kabel and carried by unanimous vote to approve the minutes as submitted.

HIGHWAY SUPERINTENDENT

Roadwork Update—tree cutting on road sides complete

Snow fence installation complete

USG finished work at Hutton Road and Route 63; report forthcoming

BUILDINGS & GROUNDS—answer on building grand application; we did not receive funding at this time. What direction does the Board wish to take?

Perhaps we should look at a USDA grant/loan based on what was told to us by Rural Development

CEMETERIES—they were mowed one last time

Active with burials. Revenues are ahead of what was put in the budget at \$13,000

PARKS—water is shut off for the winter

EQUIPMENT UPDATE—working on getting new truck operating correctly. Had an issue with Mack & Viking

Two older trucks are all up to specs; inspections are complete. There was a starter issue on truck 202, but Buffalo Truck Center fixed it ASAP for us

PUBLIC WORKS UPDATE—Batavia North Project is moving forward with a possible public meeting in January

Water District 3 BID award at tonight's meeting

Water District 4 update; is need letter from GCHD water tests results submitted to USDA; it is at the Comptroller's office now and should go to bid in January

After first of the year need to look at WD9 which will become WD6

LIBRARY—no report

MISCELLANEOUS—Christmas Tree Lighting was another SUCCESS thank to all who helped

Would like the Board to allow the Town Clerk and Superintendent of Highways to contract for a 6 yard dumpster based on lowest quote. A **motion** was made by Councilman Veazey, seconded by Councilman Cianfrini to allow the Town Clerk and Superintendent of Highways to award the bid to the most economical company.

Resolution on DOT Road Permit for PERM 1:

UNDERTAKING

For the benefit of

The New York State Department of Transportation

In connection with work affecting state highways

WHEREAS, the Town of Oakfield from time to time receives permits from the New York State Department of Transportation (hereinafter referred to as the "NYSDAOT") and otherwise conducts activities and operations upon highways and/or within right-of-way controlled by the State of New York for such purposes as the obstruction, installation, construction, maintenance and/or operation of facilities; and

WHEREAS, Permittee's access and operation upon state right-of-way is conditioned upon compliance with Highway Law Sections 52, 103, 203 and/or 234, including the conditions that Permittee assume all responsibility for (a) the temporary control of all modes of traffic (including motorized and non-motorized travel) affected by Permittee's operations, (b) complete restoration of state facilities to their condition to their condition prior to permitted use or activity, and (c) all claims, damages, losses and expenses,

NOW, THEREFORE, in relation to all operations and/or actions undertaken within state right-of-way, Permittee hereby agrees to the following terms and conditions:

- 1. Permit Applications.** Excepting only activities undertaken to protect public safety because of emergency conditions or incidents, Permittee shall provide timely written notice to NYSDOT of operations or activities affecting state right-of-way. Under normal circumstances, a minimum of five business days' notice shall be provided. Notification of emergency activities shall be provided to NYSDOT as soon as practicable after the activity. The Permittee shall apply for project-specific permits for activities not allowed under any existing annual permit. Such application shall identify proposed project locations, desired dates/hours, proposed work/activities, traffic control, and site restoration.
- 2. Applicable Rules, Regulations & Conditions.** Permittee shall comply with all of the laws, rules and regulations applicable to construction, maintenance activities and operations and shall further comply with such terms and conditions that may be imposed by NYSDOT in connection with permitted activity or operations. Temporary Traffic Control, highway safety appurtenances, and restoration of state facilities shall be completed in accordance with NYSDOT regulations and standards.
- 3. Site Restoration.** Permittee shall, at its own expense, promptly complete the work allowed work/activities to substantially the same or equivalent condition as existed before such work was begun as determined by the Commissioner of his/her designee. In the event that the Permittee fails to so restore damaged State property within what the Commissioner deems to be a reasonable time, the Commissioner, after giving written notice to the

Permittee, may restore the property to substantially the same or equivalent condition as existed before the Permittee's work/activities, in which case, Permittee agrees to reimburse the reasonable expenses in connection therewith.

4. **Payment & Release of Liens.** Permittee shall be responsible for the payment of all costs and materials relating to its work in the public right-of-way, and agrees to defend and save harmless NYSDOT against any and all lien claims made by persons supplying services or materials to Permittee in connection with Permittee's work.
5. **Indemnity.** In addition to the protection afforded to NYSDOT under any available insurance, NYSDOT shall not be liable for any damage or injury to the Permittee, its agents, employees, or to any other person, or to any other person, or to any property, occurring on the site or in any way associated with Permittee's activities or operations, whether undertaken by Permittee's own forces or by contractors or other agents working on Permittee's behalf. To the fullest extent permitted by law, the Permittee agrees to defend, indemnify and hold harmless the State of New York, NYSDOT, and their agents from and against all claims, damages, losses and expenses, including but not limited to, claims for personal injuries, property damage, wrongful death, and/or environmental claims and attorney fees arising out of any such claim, that are in any way associated with the Permittee's activities or operations under any and all permits issued using this Undertaking.

FURTHERMORE, Permittee hereby warrants that the obligations of this Undertaking are backed by the full faith and credit of Permittee. Permittee may insure or bond any of the obligations set forth herein, or may rely upon self-insurance, budgeted funds, or funds for general operations.

This Undertaking shall be applicable to all permitted activities and operations undertaken after the date of execution and work initiated while this Undertaking is in effect. This Undertaking may be revoked by the Permittee or rejected by NYSDOT upon thirty days written notice but will continue to apply to all permitted activities/operations that were permitted by virtue of this Undertaking. Unless terminated for the purpose of future activities/operations, this Undertaking shall have a term of twenty (20) years and shall be kept on file to facilitate the issuance of future permits to which it will apply.

A **motion** was made by Councilman Cianfrini, seconded by Councilman Veazey and carried by unanimous vote to accept the Undertaking of Perm 1 with NYSDOT.

At 7:17 Jeremy DeLyser joined the meeting

Barre Fire District requests to purchase the town pick-up in 2014 when the new truck goes into service for the budget amount of \$10,000.00. A **motion** was made by Councilman Cianfrini, seconded by Councilman Martin to allow Barre Fire District to buy the town pick-up truck for \$10,000.00 once the Town of Oakfield takes delivery on a new pick up in 2014.

Superintendent Dennis asked the Board how they wish to close out the transfer station/recycling center after December 28, 2013. The Board stated that they would like letters sent to the companies that have dumpsters/containers at the facility and to sell the equipment for scrap.

JEREMY DELYSER, Clark Patterson Lee

BID Opening for WD3—there were eleven (11). All ductal iron bids were over the loan amount. Base and alternate bid “B” are PVC. CCS Pipeline was low bid on Alternate Bid “B” and second on base bid.

AWARDING BID OF WATER DISTRICT 3

WHEREAS, the Town Board of the Town of Oakfield has established Water District 3; and

WHEREAS, formal bids were taken for the Water District 3 project on November 21, 2013; and

WHEREAS, the construction will conform to plans and specifications issued by Clark Patterson Lee, as the Engineers of the Town of Oakfield;

NOW, THEREFORE, BE IT RESOLVED that Clark Patterson Lee, as the Engineers of the Town of Oakfield are accepting the Alternate Bid B—PVC Water Main, Fisher Road 12-inch Water Main received from CCS Pipeline for a total amount of \$920,073.30, and awarding the Contract to them contingent upon concurrence of Award by USDA Rural Development and authorizing the Supervisor to sign the agreeemnt.

Offered by: Councilman Veazey

Seconded by: Councilman Kabel

Passed by unanimous vote

WATER DISTRICT 4

The Health Department has approved the plans

DEC has given verbal approval and a legal notice will have to be published

County Highway will give approval by end of the week

Army Corps of Engineers lost the application so it will be resent

BATAVIA NORTH—still waiting on Public Information meeting

TOWN CLERK

The following bills were submitted for approval:

General Fund	394-429	\$21,544.25
Highway DA	152-163	\$24,436.90
Highway DB	64-68	\$ 5,846.34
Part Town B	26-28	\$ 1,177.23
Special Districts	29-31	\$ 3,381.90
	TOTAL	\$56,386.62

A **motion** was made by Councilman Veazey, seconded by Councilman Kabel and carried by unanimous vote to approve the bills as submitted.

Two additional Deputies have been hired; Sherrie Rodriguez and Sarah Veazey; all three will be on a per diem basis.

The discrepancy with the BAS Clerk's System and IPS Code Enforcement has been corrected and all revenues from 2012 and 2013 are reported correctly.

GAM

Supervisor Carol Glor and Councilman Mike Cianfrini attend the GAM meeting; speakers were Bill Fritz and Rosalie Maguire of Lawley Genesee Agency. They spoke on Worker's Comp claims.

Bergen will host the December meeting

At this time Councilman Cianfrini made a **motion** for the Board to go into Executive session regarding a personnel matter and possible litigation, seconded by Councilman Kabel (8:05 pm)

At 8:35 pm the Board reconvened; a **motion** was made by Councilman Veazey, seconded by Councilman Cianfrini and carried by unanimous
(After a lengthy discussion regarding the personnel matter; no action was taken)

Supervisor Glor requested the Year End Meeting be held December 30th at 4:00 pm and the Organizational Meeting be held January 4th, 2014 at 9:00 am.

Supervisor Glor also stated that she receive a letter from COVA (Central Orleans Volunteer Ambulance) requested a letter of support for their certificate of need for the ambulance. No action was taken on this matter.

With no further business to come before the Board, a **motion** was made by Councilman Veazey, seconded by Councilman Cianfrini and carried by unanimous vote to adjourn the meeting at 9:09 pm.

Respectfully submitted,

Melissa M. Haacke
Town Clerk