

**Town of Andes
Regular Board Meeting
June 10, 2014 at 7:00PM
Andes Town Hall**

Present:

Supervisor Martin Donnelly
Councilman Thomas Hall
Councilman Wayland Gladstone
Highway Superintendent Michael McAdams

Councilman Thomas Joyce
Councilman Dale Cole
Town Clerk Kimberly Tosi

Other:

Fred Cubero
Julia Fetzer
Ben Decker-BHDecker, Inc.
Tom Coddington-Walton Reporter

Anita Lanziero
Mark Pezzati
Michael Passafiume

Call to Order:

The meeting was called to order at 7:00PM by Supervisor Donnelly.

Pledge:

The pledge of allegiance was led and recited by Councilman Joyce.

Privilege of the Floor:

Julia Fetzer- Hot Dog Cart

Ms. Fetzer asked for permission to put a hot dog cart along Delaware Avenue near the pool for the summer. The inquiry has been forwarded onto the Town Attorney.

Reports:

Highway Report 5/14/14 – 6/10/14

Equipment

2004 International 7600 – Replaced ABS Valve, Slack adjuster and Brake Can 119,735 Miles

1979 AM General – Installed new Clutch fan, solenoid switch and thermostat switch 3,224 Miles

1996 Volvo Tri-axle – Replaced stabilizer V rod between axles, Air bag on tag axle and greased

2005 John Deere Backhoe - Rear end rebuilt by Nortrax. We reinstalled rear and filled with fluid.
4060 Hours

1994 Waldon Broom – Replaced Bristle's, changed air filter, greased and checked all fluids 2498 Hrs.

1978 CAT Grader – Dickson Diesel diagnosed why grader wouldn't start. They will be back to fix it.

Roads Worked

Barnes Hill Road - Rebuild lower headwall on tube at bottom of hill.

Crescent Hill Road, Finkle Road, Woodland Hills Road, Cross Mountain Road, Stevens Road, Fish Hollow, Barnes Hill Road, Bryden Lake Road, Turkey Valley Road and Herr Road.

Close Hollow Road – 5 loads of gravel on top of hill to cover up ledge rocks that were showing.

Fish Hollow Road – Cleaned out wet ditch between both entrances' s with excavator.

Bryden Lake Road – Cleaned out ditch at intersection with Fall Clove with Excavator

Gladstone Hollow Road – We have been cleaning ditches with the excavator on various sections.

Fall Clove Road – Used Excavator to dig out road through swamp area where road is unstable and filled back with cobbles from below liddle's to Cole's. 87 Loads Cobbles and 23 Loads Gravel. Installed multiple tile drains along the way to help road drain.

Other

We took two loads of junk to Otsego Auto Crushers. Check #19025 for \$741.60 was given to Supervisor Donnelly on June 10, 2014.

The 2000 International Paystar is totaled, due to the hoist breaking off the frame. I do not know how much we will receive from the insurance company, they were unsure at this time.

We tried out a gradeall from Joe Rosa for three days. It runs well and everything seems to be in excellent working condition. He wants \$30,000 and it is a 1995. I would like to thank Mr. Rosa for letting us use the machine it really helped us out.

Respectfully Submitted,
Michael McAdams

*Councilman Hall inquired as to what was found to be wrong with the grader. McAdams reported they believed it was the injector pump.

**McAdams stated that the new 4" pump works great.

***A replacement truck for the 2000 International is being sought through Army Surplus.

****Discussion took place concerning buying back parts, etc. from the totaled 2000 International from the insurance company.

Supervisor's Report

- 1.) Kim wrote a letter to Sentry Alarm Co. to advise them we are cancelling our agreement effect immediately.
- 2.) On 5/21/2014 I sent the DEP a bill for ½ of the Shavertown Bridge sign expense or \$357.50
- 3.) Kim received a request to complete a survey on 5/30/2014 from the University of California at Davis. We will complete it when we get it.
- 4.) On 6/4/2014 we received a letter from Mariane Kiraly at the Cooperative Extension of Delaware County thanking Mike, Brad and the Highway Department for our participation in the BioEnergy project.
- 5.) I filed a request for unclaimed highway funds the states owes us on 5/14/2014 from the Comptroller's Office.
- 6.) On 5/23/2014 I voted against the county bed tax as requested by some of our businesses.
- 7.) Tom Joyce and the board have been working with Rachel, Artie, and the fire department to drain and clean the pool several problems came up and they are being or have been take care of. Last week we got some bad news our lifeguards dropped from 8 to 4 in spite of raises, signing bonus and payment of half of the cost of life guard classes. John Andrews has been a great help. We have been in touch with the pool company in reference to work that must be done under their warranty.
- 8.) We will be rejecting all bids in reference to the proposed court room at this time. The court room will be done this year.
- 9.) On June 4, Kim wrote in reference to the Town's position on hanging banners across the street. I believe the Town should set a generic policy for the record.
- 10.) As of 5/23/2014 we received notice that we would be received payment from FEMA for PW 50 and 110 from David Freeborn.
- 11.) I received a memo and check back from Decker advertising for \$468.58 it was paid twice.
- 12.) Our NYSERDA application has been completed and filed.
- 13.) David Capps is working to obtain insurance for Community Day.
- 14.) We received a notice in reference to seasonal employees from the County Personnel Office.
- 15.) I want to thank Ann Roberti and her crew for their work on our new Palmer Hill Trail. Bud, Artie, Dale Kirby, Alex, and Marge for their help on the dedication of the new kiosk on Palmer Hill. The Losalvo family who paid for it and Marge Merzig who purchased the refreshments. About 50/60 people attended.

16.) The outstanding legal challenge to our zoning regulations has been dismissed by the Supreme Court appellate division. Thank you Dave Merzig.

Committee Reports:

Pool- Councilman Joyce spoke in regards to the pool. The tentative opening date is July 1st. There will be four lifeguards working when the pool opens and two more will start later in July. There was a valve that had to be replaced in the kiddie pool and a clog there that needs to be cleared as well. We received an estimate for the work in the locker room bathrooms tiling to be \$975. The floors will also be painted prior to opening.

Motions:

Motion to approve the May 2014 Regular Minutes, town clerk's financial report, tax collector's financial report, supervisor's financial report and justice's financial report, made by Councilman Joyce, Seconded by Councilman Gladstone. All in favor, motion carried.

Motion to increase the grave opening fee at the Shavertown Cemetery to \$450.00 to cover rising costs, made by Councilman Hall, Seconded by Councilman Gladstone. All in favor, motion carried.

Resolutions:

Resolution 21 of 2014

WHEREAS, the Town of Andes advertised and received bids for the general construction of the Andes Court Facility Contract #TA-G-14; and

WHEREAS, the lowest bidder was BHDecker Construction of Delhi who was selected, pending the ability of the contractor to provide a "not to exceed" contract sum; and

WHEREAS, the Town has estimated a budget of \$100,000 for the work; and

WHEREAS, BHDecker Construction has been unable to provide the Town with the necessary "not to exceed cost"; and

WHEREAS, the bid documents and the contract have not yet been signed; and

WHEREAS, the bid documents and contract permit the Town under section 9(a) and (c) to terminate the contract whenever such rejection or waiver is in its interest; therefore be it

RESOLVED that the Town of Andes hereby rejects and terminates all bids on the project.

Proposed by: Councilman Hall
Seconded by: Councilman Joyce

Roll Call-
Councilman Joyce-----Aye

Councilman Hall-----Aye
Councilman Cole-----Aye
Councilman Gladstone--Aye
Supervisor Donnelly----Aye

*Prior to voting Mr. Decker, asked Supervisor Donnelly to read the letter he sent to the Town Board. Letter was read and discussion took place regarding its contents.

Approval of Bills:

Motion to approve General Warrants #167-207 totaling \$18,745.18

Highway Warrants #110-126 totaling \$69,062.41

WWTP Warrants #68-85 totaling \$27,837.18

Water Warrants #54-58 totaling \$1,522.74

Shavertown Warrants #3-4 totaling \$500.00, made by Councilman Gladstone, Seconded by Councilman Joyce. All in favor, motion carried.

Motion to correct the May 2014 General Warrant, removing #143, making the total \$20,584.56, made by Councilman Hall, Seconded by Councilman Joyce. All in favor, motion carried.

*A resident has asked permission to put a banner across Main Street. This was forwarded on to the Town Attorney.

Districts:

Water

Motion for the approval for Delaware Bulldozing to repair lawns at three locations 396 and 255 Main Street and 395 Lower Main Street, where water line work was done this past winter at a cost of \$1150.00, made by Councilman Gladstone, Seconded by Councilman Hall. All in favor, motion carried.

Motion for approval for Delaware Bulldozing to trench a new electric line to existing light poles, seed and mulch at 255 Main Street. The existing wiring was pulled out of the ground during a repair last winter and it is unknown where the junction box is buried in the yard. Hinkley Electric will install the wiring. The proposed cost is \$3750.00

*Questions were discussed regarding why 811 was not called and if they were called whether or not the town is liable for this damage.

Motion to table above motion until these questions are answered, made by Councilman Gladstone, Seconded by Councilman Hall. All in favor, motion carried.

Motion for approval for Delaware Bulldozing to replace four 5' x 5' sections of concrete sidewalk with control joints that were taken up for a water line repair this past winter in from of 11 Main Street. The proposed cost is \$2330.00, made by Councilman Gladstone, Seconded by Councilman Hall. All in favor, motion carried.

Sewer-

Adjourn:

Motion to adjourn the meeting, made by Councilman Hall, Seconded by Councilman Joyce. All in favor, 8:07PM.

DELAWARE OPERATIONS, INC.

8-12 Dietz Street, Suite 303, Oneonta NY 13820 • Phone 607-432-8073 • FAX 607-432-0432

**TOWN OF ANDES, NY
TOWN BOARD MEETING
REPORT BY DELAWARE OPERATIONS
June 10, 2014**

1. Water System

- Daily usage of treated water from the water system averaged 21,834 gallons per day for the month of May 2014.

2. Plant Purchases

3. O&M

4. Equipment

5. Distribution System

- Delaware Operations requests the approval for Delaware Bulldozing to repair lawns at three locations 396 & 255 Main St. and 395 Lower Main St. where water line work was done this past winter at a cost of \$1,150.00.
- Delaware Operations requests the approval for Delaware Bulldozing to trench a new electric line to existing light poles seed and mulch at 255 Main St. The existing wiring was pulled out of the ground during a repair last winter and it is unknown where the junction box is buried in the yard. Hinkley Electric will install the wiring. The proposed cost is \$3,750.00.
- Delaware Operations requests the approval for Delaware Bulldozing to replace four 5'x 5' sections of concrete sidewalk with control joints that were taken up for a water line repair this past winter in front of 11 Main St. The proposed cost is \$2,330.00.

Delaware Bulldozing Corp.

5700 County Highway 18
Bloomville, N.Y. 13739



PROPOSAL

Call or visit us Phone: 607-538-1185 Fax: 607-538-1108
For all your E-mail klafever@delawarebulldozing.net
Excavating Needs! Web Site www.delawarebulldozingcorp.com

To:

Date: 6/5/2014

Job Location

Proposal # P099

Town of Andes Sewer District
5287 Co. Hwy. 1
PO Box 85
Andes, NY 13731

e - mail
andeswste@catskill.net

fax#

H phone #

W phone #

C#1 phone #

C#2 phone #

job loc phone#

845-676-3990 Shane

Description

Amount

Andes - Three Locations for Lawn Repair
255 Main St., 395 Main St., 396 Main St.

Repair lawns from previous years water valve replacement.

185 MiniTrac Loader, Labor, Topsoil, Seed & Mulch
Extend water valve box at 255 Main Street
Price: ...

1,150.00

Note: If any additional gravel is necessary it will be delivered at above quoted per yard pricing. All work Dozer graded unless specified.

Total Proposed Cost....

\$1,150.00

This estimate is for completing the job(s) listed above. It is based on our evaluation and does not include material price increases or additional labor and materials which may be required should unforeseen problems (such as large or solid rock, unstable soil conditions, that applicable equipment cannot handle) or adverse weather conditions arise.

A finance charge of 2% per month (24% annum) will be applied to unpaid balance after 30 days from date of invoice. After 75 days, account will be automatically referred for collection. You are responsible and liable for all costs of collection, including, but not limited to, reasonable attorneys fees, court costs, expenses and disbursements.

Tax exempt form applicable:
ST-125 ___
ST-124 ___
ST-119.1 ___
ST-120.1 ___
Other ___
None ___

Accepted and agreed to: _____

Delaware Bulldozing Corp.

5700 County Highway 18
Bloomville, N.Y. 13739



PROPOSAL

Call or visit us Phone: 607-538-1185 Fax: 607-538-1108
For all your E-mail klafever@delawarebulldozing.net
Excavating Needs! Web Site www.delawarebulldozingcorp.com

To:

Date: 6/4/2014

Job Location

Proposal # P095

Town of Andes Sewer District
5287 Co. Hwy. 1
PO Box 85
Andes, NY 13731

e - mail

fax#

andeswste@catskill.net

H phone #

W phone #

C#1 phone #

C#2 phone #

job loc phone#

845-676-3990 Shane

Description

Amount

Town of Andes Water & Sewer
255 Main St., Andes, NY

Trench for new electric line from house to provide lighting to existing poles.
Length is approximately 150 ft.
Hinkley Electric to install wiring.
Backfill, grade, seed & mulch.

NOTES: After a site investigation it is unknown where or how underground electric is provided,
therefore the least expensive solution is to install a new line.

50D Mini Excavator, Labor, Topsoil, Seed & Mulch ...
Hinkley Electric ...

1,560.00

2,150.00

Note: If any additional gravel is necessary it will be delivered at above quoted per yard pricing.
All work Dozer graded unless specified.

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A finance charge of 2% per month (24% annum) will be applied to unpaid balance after 30 days from date of invoice.
After 75 days, account will be automatically referred for collection. You are responsible and liable for all costs of collection, including, but not limited to, reasonable attorneys fees, court costs, expenses and disbursements.

Total Proposed Cost....

\$3,710.00

Tax exempt form
applicable:
ST-125 ___
ST-124 ___
ST-119.1 ___
ST-120.1 ___
Other ___
None ___

Accepted and agreed to: _____

Delaware Bulldozing Corp.

5700 County Highway 18
Bloomville, N.Y. 13739



PROPOSAL

Call or visit us
For all your
Excavating Needs!

Phone: 607-538-1185 Fax: 607-538-1108
E-mail klafever@delawarebulldozing.net
Web Site www.delawarebulldozingcorp.com

To:

Date: 6/4/2014

Job Location

Proposal # P096

Town of Andes Sewer District
5287 Co. Hwy. 1
PO Box 85
Andes, NY 13731

e - mail
andeswste@catskill.net

fax#

H phone #

W phone #

C#1 phone #

C#2 phone #

job loc phone#

845-676-3990 Shane

Description

Amount

Town of Andes Water and Sewer
Sidewalk Repair at 11 Main Street

Replace sidewalk - four 5 ft. x 5 ft. sections.
Three control joints - welded wire fabric and 3500# concrete with fiber.
Price ...

2,330.00

Note: If any additional gravel is necessary it will be delivered at above quoted per yard pricing.
All work Dozer graded unless specified.

Total Proposed Cost....

\$2,330.00

This estimate is for completing the job(s) listed above. It is based on our evaluation and does not include material price increases or additional labor and materials which may be required should unforeseen problems (such as large or solid rock, unstable soil conditions, that applicable equipment cannot handle) or adverse weather conditions arise.

A finance charge of 2% per month (24% annum) will be applied to unpaid balance after 30 days from date of invoice. After 75 days, account will be automatically referred for collection. You are responsible and liable for all costs of collection, including, but not limited to, reasonable attorneys fees, court costs, expenses and disbursements.

Tax exempt form applicable:
ST-125 _____
ST-124 _____
ST-119.1 _____
ST-120.1 _____
Other _____
None _____

Accepted and agreed to: _____

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**TOWN OF ANDES, NY
TOWN BOARD MEETING
REPORT BY DELAWARE OPERATIONS
June10, 2014**

- 1. WWTP Plant**
 - Plant effluent flows averaged 26,006 gallons per day for the month May 2014.
- 2. SPDES Compliance/NYSDEC, NYCDEP**
 - The plant discharges of treated effluent to the Tremper Kill Brook; permit compliance for May 2014 met all parameters.
- 3. Collection System**
 - High Street is being maintained as required.
- 4. Plant Purchases.**
- 5. Plant O&M**
- 6. Plant Equipment.**
- 7. Gladstone Hollow Septic System**

BH Decker

INCORPORATED

GENERAL CONSTRUCTION - CONSTRUCTION MANAGEMENT

June 6, 2014

Town of Andes
PO Box 125
115 Delaware Ave.
Andes, NY 13731-0125

Re: Court Facility Project

Cc: Jim Suozzo; Marge Merzig; Art Short

Dear Members of the Town Board of Andes, NY,

I hope this letter reaches you well. I am deeply disappointed that I was not made aware of the change of time for the meeting which I requested, for June 2nd, 2014. As you are aware, the purpose of the meeting was to discuss the Townships request for a "Not to Exceed" price for the "Town of Andes Court Facility Project". My Companies Bid, which was accepted and awarded on May 20th, 2014 was based on the Townships' request for a per hour rate for carpentry work. It was not until after the Township awarded me the Project, was a Not to Exceed price requested. As such, I asked for this meeting to discuss certain aspects of the Project and to discuss cost saving measures for the Township.

The meeting date and time was confirmed by Supervisor Donnelly, when he contacted my office on Friday May 5th, 2014 at approximately 11:43AM and told my Office Assistant, Ms. Weaver, that the meeting would be June 2nd, 2014 at 10:30-10:45AM at the Andes Town Hall. Ms. Weaver and I arrived at the Andes Town Hall at 10:25am on June 2nd, 2014 only to find out that the meeting we were to attend had already taken place. Mr. Donnelly informed me at that time that the meeting was at 10:00AM and we did not show for the meeting. There had been no contact from Mr. Donnelly regarding this matter after the confirming telephone conversation and at no time was my office or myself told about a change in the meeting time. I want to make it clear that BH Decker Incorporated did not abandon this project, nor had any desire to miss this meeting. We were, and are, ready, willing and able to undertake this project and remain fully committed to commencing and ultimately completing this project.

The agenda for the meeting was to clarify construction details and processes so I could better define the "Not to Exceed" pricing requested by the Board. As stated, the original Bid and Bid package did not request that the Bid be based on a "Not to Exceed" price, but rather, sought a price for per hour carpentry services, for which my company was the lowest responsible bidder. It is now my understanding that, after the Project was awarded to my company, that the Town's budget is constrained and that the Town seeks a "Not to Exceed Price" of \$100,000.00. Now knowing this, and in an attempt to work with the Township on this project, I spent significant time reviewing the construction drawings provided by Mr. Suozzo's firm, (Cedarwood Engineering Services, PLLC) to find direct cost saving measures for the project. I was able to identify a number of material substitutions, changes in building process and procurement procedures that could quite possibly get the project built for, or potentially under, the Town's budget.

It was upsetting to hear that without any regard to confusion in meeting time on June 2, 2014 that the Town was not willing to hear any of my proposals, and apparently made decisions to direct the project to be built by other means, given that I was the selected low bidder for this public project. Please keep in mind that after the Town had selected my corporation to construct the portion of this project that we provided a bid for, and were selected, that there has been expenses on our behalf to prepare for this project. The intent of this letter is to show my willingness as a professional in individual capacity, as well as a firm, to proceed with a successful project that will be mutually beneficial to the Town and my corporation.

Please contact me at your earliest convenience to discuss this matter and to reschedule the meeting. We look forward to receiving the Townships Notice to Proceed on this Project.

Best Regards,

A handwritten signature in black ink, appearing to read 'B. Decker', with a long horizontal flourish extending to the right.

Ben Decker
President