

**Town of Andes**  
**Regular Monthly Meeting**  
**March 22<sup>nd</sup>, 2018 at 7:00PM**  
**Andes Town Hall**

**Present:**

Councilman Thomas Hall	Councilman Dale Cole
Councilman Ritchie Gabriel	Supervisor Wayland 'Bud' Gladstone
Councilman Shayne Moshier-Absent & Excused	Town Clerk Kimberly Tosi
Highway Superintendent John Bouton	

**Other:**

Sharon Drew	Thomas Coddington-The Reporter
Mike Terry	Rachel Andrews
Eddie Donoghue-Catskill Mountain News	Jason Mondore
Michael McAdams	

**Pledge:**

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

**Approval of the Minutes:**

Motion to approve the February 2018 Meeting Minutes, made by Councilman Gabriel, Seconded by Councilman Cole. All in favor, Councilman Moshier-Absent & Excused. Motion carried.

**Privilege of the Floor:**

N/A

**Reports:**

Supervisor's Report

\*February 21<sup>st</sup>- I received an email from Peg Ellsworth of the MARK Project, with news that they have hired an architect for the Andes Technical Assistance Program. On March 21<sup>st</sup> the business met with the architect.

\*February 22<sup>nd</sup>- Ritchie, Shayne and I met with Tom Suazzo and John Moffet to discuss the test well options and possible site for the new well. We also discussed the high volume of water coming into the WWTP.

\*March 6<sup>th</sup>- I called the Youth Bureau in regards to the summer youth program. I will have the paperwork at an April Board of Supervisors' Meeting.

\*March 9<sup>th</sup>- Frank Winkler and I met with Glenn Nealis from Delaware County IDA to discuss the possible partial assessment on the Andel Inn Project. This would be for the portion that would have sales from private businesses taking place, roughly 22% of the building.

\*March 12<sup>th</sup>- I attended the MARK Project promo for our Main Street Grant at the Andes Hotel. I also attended the Public Hearing for the Planning Board regarding the Andel Inn project. Shayne and Ritchie were also in attendance.

\*March 12<sup>th</sup>- I have signed up to attend the Delaware County Stream Management Program on March 30<sup>th</sup> at the SWD Office. The program includes: (1) LFA updates, (2) Delaware Watershed Stream Management Implementation Grant Status, (3) Delaware Watershed 2 year action plan, and (4) Catskill Stream Buffer Initiative Report.

\* I would like to thank John Bouton and the Highway Department for keeping the roads cleared with all the snow! I understand some residents' concerns with the snow plugging the end of the driveways and I apologize for that, but the Town needs to clear the roads.

\*Please everyone in the Hamlet Water District continue to run your water as the temperatures are still freezing at night. We have had a situation where the water line froze on the Town's side of the curb. This was not due to an issue that the Town created but because the homeowner did not run the water. This leads to very costly expenses for the District. The rest of the Water District costumers cannot be liable for your neglect.

\*March 21<sup>st</sup>- We received a letter from NYS DOT, looking to set up a meeting to discuss the plans for the crosswalk in front of the school.

#### Building Inspector Report

\*I will be sending notices to homeowners with unregistered cars on their property and do not have repair shop licenses. After the snow begins to melt I will also begin to send out notices for property cleanups. Also within the next two weeks I will be finishing up the miscellaneous list for the Court House project completion. Since the February Meeting I have issued one building permit and done two inspections.

#### Highway Report

\*Highway Superintendent Bouton did not provide a written report. He stated that there has been problems with the equipment breaking down. Their time has been spent plowing or repairing the equipment. The next highway committee meeting will be on April 2<sup>nd</sup> at 8AM.

#### **Committees:**

##### \*LED Street Lights

NYSEG has reached out regarding the installation of LED lights in the street lights for the hamlet. This is something the board would like to consider. We will reach out to try and get a representative to come out for a presentation at the April meeting.

##### \*Historic Preservation

-Supervisor Gladstone received a note from Kristen Janke-Schneider of the Delaware County Planning Board regarding the next steps the Town should take regarding the historic preservation law that was tabled at the February Meeting. The next step is for the Town Board to direct the Andes Planning Board to develop historic preservation criteria for incorporation into the Zoning Law. They will do so with advisement from Deborah Schneider and/or the Andes Society of History and Culture. The Planning Board will then send the criteria back to the Town Board for review. The Town Board will hold a Public Hearing for the revision of the Zoning Law and then adopt the accepted changes.



**\*Transfer Station**

-Councilman Hall suggested reaching out to Delaware County to see if it would be possible to get an actual recycling bin instead of the dumpster we have now. Then individuals would be able to put their own bottles and cans in the bin instead of having to leave their bags at the bottom of the stairs for Chris to deal with when he has time. Supervisor Gladstone will reach out to Sue McIntyre to see if this is a possibility.

**\*Pool**

-Councilman Gabriel met with Rachel Andrews on March 21<sup>st</sup> to discuss the needs of the pool prior to opening. There are many projects in the locker rooms that have been discussed in the past that still need to be taken care of this spring. The floor in the boy's locker room as well as the storage closet and the ventilation in both locker rooms. Ventilation also needs to be installed in the pump house. She has also requested a sink to be installed in the guard room. The caulking around the pool needs to be fixed. There is also an ongoing issue with the baby pool, with the concrete underneath deteriorating and ruining the liner. These will all be addressed as soon as the snow melts.

**Motions:**

Motion to approve the February Supervisor's, Tax Collector's, Town Clerk's, and Justices' Financial Report, made by Councilman Hall, Seconded by Councilman Cole. All in favor, Councilman Moshier-Absent & Excused. Motion carried.

Motion to authorize the highway superintendent to re-advertise for the 2018 Bids as needed and advertise for the hauling of materials. The bids are due on April 5<sup>th</sup>, 2018 at 12:00PM. The bid opening will be on April 5<sup>th</sup>, 2018 at 12:01PM. The bids will be awarded at the regularly scheduled Town Board meeting, April 10<sup>th</sup>, 2018 at 7:00PM, made by Councilman Gabriel, Seconded by Councilman Hall. All in favor, Councilman Moshier-Absent & Excused. Motion carried.

Motion to authorize giving Rachel Andrews the full duties of Pool Director, to include the opening of the pool in the spring and closing in the fall, the coordination of water testing and chemicals with the Water Department, and the filling and draining coordination with the Fire Department and any other duties deemed necessary. She will be paid a stipend for this additional work of \$500 in June for the opening duties and \$500 in October for the closing duties. She will also provide the board with a monthly report. Motion made by Councilman Gabriel, Seconded by Councilman Hall. All in favor, Councilman Moshier-absent and excused. Motion carried.

**Resolutions:**

Resolution 10 of 2018 Spring Bids #1

Be it resolved by the Town Board of the Town of Andes to hereby accept the following bids:

- 1.) ARCH PIPE- Delivered to Town of Andes Tremperskill Pit

12", 14", 16", 18", 20", 24", 26", 30", 34", 36", 42", 48", 54", 60", 66", 72", 78",  
84", 88", 90", 108", 120"

**\*Rejected\***

- 2.) POLY PIPE- Delivered to Town of Andes Tremperskill Pit  
12", 14", 16", 18", 20", 24", 26", 30", 34", 36", 42", 48", 54", 60"  
**\*Rejected\***

- 3.) CRUSHED STONE- HAULING ONLY  
#1, #1st, #1A's, #1B's  
Price per ton delivered to Andes, NY  
\*Bills go to P.O. Box 246\*  
**Carver Sand & Gravel**

- 4.) BANK RUN GRAVEL, 2" SCREENED GRAVEL, 3/8" SCREENED SAND, 3/4"  
CRUSHED GRAVEL, 2"-6" COBBLES, 2" ROUND STONE, & BANK RUN SAND  
F.O.B. Price per yard  
\*Bills go to P.O. Box 246\*  
**LaFever Sand & Gravel and Delaware Bulldozing**

Material	LaFever Sand & Gravel	Delaware Bulldozing
Bank Run Gravel	<b>4.20</b>	4.85
2" Screened Gravel	6.75	<b>6.68</b>
3/8" Screened Sand	8.00	<b>6.88</b>
3/4" Crushed Gravel	<b>10.25</b>	10.75
2"-6" Cobbles	<b>7.00</b>	<b>7.00</b>
2" Round Stone	<b>9.25</b>	9.50
2" Crushed Stone	<b>14.00</b>	14.50
Bank Run Sand	<b>4.20</b>	N/A
Crusher Run	<b>16.00</b>	N/A

- 5.) SEASONAL MOWING AT SHAVERTOWN CEMETERY  
Mowing and trimming grass.  
Clean up flowers, sticks, stones, and other debris off the lawn prior to first mowing.  
May thru end of season, every two weeks or as needed  
Price per season  
Copy of insurance MUST be included in bid.  
**Tri Town Services \$2399**
- 6.) SEASONAL MOWING AT ANDES WATER RESERVOIR, ANDES TOWN HALL,  
BOHLMAN PARK, AND OLD HIGHWAY GARAGE (AS NEEDED)



Mowing and trimming grass.  
Price per season  
Copy of insurance MUST be included in bid.  
**John Andrews \$1000**

7.) SEASONAL MOWING AT ANDES TRANSFER STATION  
Mowing and trimming  
Price per season  
Copy of insurance MUST be included in bid.  
**N&M \$700**

8.) SEASONAL MOWING AT ANDES RURAL CEMETERY  
Mowing and trimming grass.  
Price per season.  
Copy of insurance MUST be included in bid.  
**N&M \$659**

9.) Excavator equal to a 220 with operator.  
Including hauling of said excavator.  
Copy of insurance certificate MUST be included with bid.  
**LaFever Excavating**

10.) Equal to a 220 Excavator with a thumb by monthly rent.  
**\*Rejected\***

11.) Equal to a 160 Excavator with a thumb by monthly rent.  
**\*Rejected\***

12.) Equal to a 662B Grader by monthly rent  
**\*Rejected\***

13.) Equal to a 310 4-wheel drive Backhoe by monthly rent.  
**\*Rejected\***

14.) Equal to a 624G Loader by monthly rent  
**\*Rejected\***

15.) Tractor with a grass head mower by monthly rent  
**\*Rejected\***

16.) Equal to a 66" Roller by monthly rent  
**\*Rejected\***

17.) Chipper that will take up 12” wood by monthly rent  
**\*Rejected\***

Proposed by: Councilman Hall  
Seconded by: Councilman Gabriel

\*Highway Superintendent Bouton will research the availability to purchase a used roller. He also requested to increase the size of the roller to 84” in the rebidding. The bids that were rejected were due to the bidder not following the written rules.

Roll Call—  
Councilman Moshier-----Absent & Excused  
Councilman Hall-----Aye  
Councilman Cole-----Aye  
Councilman Gabriel-----Aye  
Supervisor Gladstone-----Aye

Resolution 11 of 2018 Authorizing the Sale of Surplus Equipment

WHEREAS, the Town of Andes has highway department equipment and vehicles that are no longer of functional value or use to the Town and may have resale value,

NOW THEREFORE BE IT RESOLVED, that the equipment listed below is declared surplus to be sold to the highest qualified bidder through an approved bidding process with Auctions International and where a legal ad will also be published in the official newspaper of the Town:

- \*1996 Volvo Autocar VIN R516553
- \*1984 Case Roller VIN 840148200
- \*1991 Ford 6610 Alamo Mower VIN BC70860
- \*1997 Case 4230 Alamo Mower VIN 0929877
- \*1993 Wiggins Fork Lift VIN WLC93 4150

AND BE IT FURTHER RESOLVED, that if no bids are received for a particular item, that the items may be disposed of through the appropriate means; and

BE IT FURTHER RESOLVED, that the Board reserves the right to reject any or all bids and that Highway Superintendent Bouton is hereby authorized to execute this resolution.

Proposed by: Councilman Gabriel  
Seconded by: Councilman Hall

Roll Call—  
Councilman Moshier-----Absent & Excused



Councilman Hall-----Aye  
Councilman Cole-----Aye  
Councilman Gabriel-----Aye  
Supervisor Gladstone-----Aye

Resolution 12 of 2018 Historic Preservation Criteria

Be it resolved, that the Andes Town Board hereby directs the Andes Planning Board to develop Historic Preservation Criteria for incorporation into the Zoning Law, to be approved by the Town Board.

Proposed by: Councilman Hall  
Seconded by: Councilman Gabriel

Roll Call—  
Councilman Moshier-----Absent & Excused  
Councilman Hall-----Aye  
Councilman Cole-----Aye  
Councilman Gabriel-----Aye  
Supervisor Gladstone-----Aye

**Approval of the Bills:**

Motion to approve March General Warrants #74-103 totaling \$23,781.38  
Highway Warrants #42-75 totaling \$110,359.94  
WWTP Warrants #26-39 totaling \$27,596.77  
Water Warrants #13-21 totaling \$4,381.87, made by Councilman Hall, Seconded by Councilman Cole. All in favor, Councilman Moshier-Absent & Excused. Motion carried.

Motion to amend the February 2018 General Warrant #15 from \$39.99 to \$37.02, tax was removed from the bill with a new General Warrants total of \$272,401.32 and February 2018 WWTP Warrant #11 from \$429.00 to \$129.00, the 'four' was a typo, with a new total of \$60,054.19, made by Councilman Gabriel, Seconded by Councilman Hall. All in favor, Councilman Moshier-Absent & Excused. Motion Carried.

\*Question regarding required certified payroll from Tri-Town Services. Attached are the legal opinions from NYS DOL, they are not for the bills for Winter 2017-2018.

**Districts:**

Water-

\*Water Quality Report Attached. April 2018 bills and WQRs were mailed on February 27<sup>th</sup>.

Motion to authorize the prepayment of a bill to reimburse for the water line freeze to Thelma Ruff to be added to the April 2018 Warrants for \$199.80, made by Councilman Gabriel,

Seconded by Councilman Hall. All in favor, Councilman Moshier-Absent & Excused. Motion carried.

Motion to authorize the prepayment of a bill to G. Fuchs Equipment Repair for the water line freeze, in the amount of \$400.00 to be added to the April 2018 Warrants, made by Councilman Hall, Seconded by Councilman Gabriel. All in favor, Councilman Moshier-Absent & Excused. Motion carried.

**Public Comments/Questions:**

N/A

**Adjourn:**

Motion to adjourn the meeting made by Councilman Hall, Seconded by Councilman Gabriel. All in favor, Councilman Moshier-Absent & Excused. 7:49PM.



# CEDARWOOD ENVIRONMENTAL SERVICES

8-12 Dietz Street, Suite 303, Oneonta NY 13820 • Phone 607-441-3246 • FAX 607-441-3251

**TOWN OF ANDES, NY  
TOWN BOARD MEETING  
REPORT BY CEDARWOOD ENVIRONMENTAL SERVICES  
March 7, 2018**

**1. Water System**

Daily usage of treated water from the water system averaged 35,400 gallons per day for the month of February 2018.

**2. Plant Purchases**

Purchased second stage filters at a cost of \$424.03

**3. O&M**

Changed second stage filters on February 22, 2018.

**4. Equipment**

**5. Distribution System**

**6. Library Well**

Ran well on February 28, 2018.

*Annual Drinking Water Quality Report for 2013(Public Water Supply ID#1200248)  
Andes Water District #1, P.O. Box 85, Andes, NY 13731*

**February 23, 2018**

**INTRODUCTION**

To comply with State and Federal regulations, the Andes Water District #1 annually issues a report describing the quality of your drinking water. The purpose of this report is to raise your understanding of drinking water and awareness of the need to protect our drinking water sources. Last year, your tap water met all State drinking water health standards. This report provides an overview of last year's water quality. Included are details about where your water comes from, what it contains, and the results of annual sampling. If you have any questions about this report or concerning your drinking water, please contact **Mr. Shane Boice**, Delaware Operations, 845-676-3990. We want you to know about your drinking water. The Town Board and I are very proud of the improvements we have made in the system and are always open to your comments/suggestions.

**WHERE DOES OUR WATER COME FROM?**

Andes Water District receives its water from a spring system southeast of the hamlet and has a back-up well behind the library. In general, sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals and can pick up substances resulting from the presence of animals or from human activities. Contaminants that may be present in source water include: microbial contaminants; inorganic contaminants; pesticides and herbicides; organic chemical contaminants; and radioactive contaminants. In order to ensure that tap water is safe to drink, the State and the EPA prescribe regulations which limit the amount of certain contaminants in water provided by public water systems. The NYSDOH and the FDA also regulate limits for contaminants in bottled water which must provide the same protection for public health.

Your water requires great care in treatment and monitoring. Important new regulations are the Groundwater Rule, Federal Radionuclides Rule, the Stage 2 Disinfectants/Disinfection By-Products Rule, the Lead and Copper Rule and the Long Term 2 Enhanced Surface Water Treatment Rule. For more information about these requirements, call the Water Operators 676-3990. As stated above, our water source is a reservoir spring above Route 28 at the east end of the hamlet and a drilled well behind the Library.

**OPERATIONAL CONCERNS**

*Our water system was again safe and reliable in 2017. The district has been performing the usual maintenance. In 2015, the NYS Department of Health has recommended that a secondary well source be developed and the Town has acquired funding to do so. In October of 2016, a test well was sunk above High Street. It was discovered that the water quality there was not sufficient. The District is still seeking a high quality source location. **The NYSDEC has notified us that we need to introduce water meters into our system.** NYC has indicated that they will assist us in installing meters in the commercial properties. For all other customers, the Town Board hopes to receive grant funding for the meter purchase and installation. Our current annual base rate for water is \$440.*

*If you have experienced frozen lines in the past, make a plan to allow your water to run at a trickle during very cold snaps. If you have questions about a frozen service, call Shane Boice at 676-3990. Every frozen service has the potential to increase your water bills but overuse or misuse of water can also increase your costs now that we have filters on our water system! Please don't waste water! This winter has not been as cold as others and the system has not experienced too many frozen service lines.*

**NYS SOURCE WATER ASSESSMENT**

NYS Department of Health has completed a source water assessment on our system, including a susceptibility rating based on the risk imposed by several potential sources of contamination and how easily contaminants can move through the subsurface to the drinking water source. This susceptibility rating is an estimate and does not mean that the water delivered to you our customers is or will become contaminated. While nitrates (and other inorganic chemicals) were detected in our water, all drinking water, even bottled water, may contain at least small amounts naturally and does not necessarily indicate that the water poses a health risk. The nitrate levels, as well as those of inorganic chemicals, radiological substances and lead/copper in our system are considered low in comparison with other sources in our area.

The source water assessment has rated the well as having a medium-high susceptibility to microbials and nitrates, because of the close proximity of permitted discharge facilities (agricultural facilities which discharge wastewater into the environment and are regulated by state/federal government), septic systems, and low intensity residential activities within the assessment area. The well draws from a confined aquifer, likely providing adequate protection from potential contamination. The spring source is rated as having a medium susceptibility to microbials and other industrial contaminants, due to pasture and row crop land covers in the assessment area, but no permitted discharge or regulated facilities. While the source water assessment rates our well and spring as being susceptible to microbials, please note that our water is disinfected to insure that the finished water delivered into your home meets New York State's drinking water standards for microbial contamination. A copy of the assessment, including a map of the assessment area can be obtained by contacting the Town Clerk who serves as the Clerk of the Water District.

**Thank you for allowing us to provide you with quality drinking water.**

**Wayland "Bud" Gladstone, Andes Supervisor**



## FACTS AND FIGURES

Our water system serves approximately 350 people (157 customers and businesses) in the district.

### ARE THERE CONTAMINANTS IN OUR DRINKING WATER?

As the State regulations require, we routinely test your drinking water for numerous contaminants. The table presented below depicts which compounds were detected in your drinking water. The State allows us to test for some contaminants less than once per year because the concentrations of these contaminants do not change frequently.

**The New York State Department of Health is in 2017 concentrating on lead and copper in our drinking water. Certain homeowners will be asked to take a sample for testing. Our operators will be contacting those selected following approval of the sites by NYSDOH.**

### February 2017 Report:

CONTAMINANT	SAMPLE DATE	SAMPLE LOCATION	RESULTS
TOTAL TRIHALOMETHANES (TTHM)	8/3/2017	DISTRIBUTION SYSTEM	5.7 UG/L
TOTAL HALOACETIC ACIDS (HAAS)	8/3/2017	DISTRIBUTION SYSTEM	6.41.3 UG/L
COPPER	9/19/2017	DISTRIBUTION SYSTEM	90% = 0.965 MG/L
LEAD	9/19/2017	DISTRIBUTION SYSTEM	90% = 0.0035 MG/L
BARIUM	8/3/2017	SPRING WTP	0.011 MG/L
NITRATE	8/3/2017	SPRING WTP	0.41 MG/L

A summary of the chemicals to be tested for in upcoming years is available at the WWTP plant 676-3990, as well as information on this report. (in the table above, UG/L represents micrograms per liter of water; MG/L represents milligrams per liter.)

### DO I NEED TO TAKE SPECIAL PRECAUTIONS?

*Our drinking water met state and federal regulations, but as you can see from the above chart, there are naturally occurring substances present because we utilize a surface source. We have noted very low incidence of microorganisms or pathogens. With filtration and UV treatment our water is very safe. The following caution is required by NYSDOH and the EPA: Some people may be more vulnerable to disease causing microorganisms or pathogens in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice from their health care provider about their drinking water. EPA/CDC guidelines on appropriate means to lessen the risk of infection by Cryptosporidium, Giardia and other microbial pathogens are available from the Safe Drinking Water Hotline (800-426-4791).*

Andes Water District  
P.O. Box 85  
Andes, NY 13731

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**TOWN OF ANDES, NY  
TOWN BOARD MEETING  
REPORT BY CEDARWOOD ENVIRONMENTAL SERVICES  
March 7, 2018**

**1. WWTP Plant**

Plant effluent flow averaged 59,000 gallons per day for the month of February 2018..

**2. SPDES Compliance/NYSDEC, NYCDEP**

The plant discharges treated effluent to the Tremper Kill Brook. The WWTP was in compliance for February 2018.

**3. Collection System.**

Inflow and Infiltration issues.

**4. Plant Purchases.**

**5. Plant O&M**

All running well

**6. Plant Equipment.**

**7. Gladstone Hollow Septic System**





New York State Department of Labor  
David A. Paterson, Governor  
M. Patricia Smith, Commissioner

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January 2, 2009

[REDACTED]

Re: Minimum Contract amount in Prevailing Wage matters  
Our File No. RO-08-0160

Dear [REDACTED]:

Your letter of December 3, 2008, to [REDACTED] has been referred to Counsel's Office for response. Your position, if I interpret your letter correctly, is that Article 8 of the Labor Law, the prevailing wage law, is only applicable to projects whose monetary amount is in excess of \$20,000.00. You base this claim on language contained in Labor Law §220 (3) to the effect that the fiscal officer (the Commissioner of Labor) "ascertain and determine the schedules of supplements to be provided and wages to be paid to workers laborers and mechanics on such public work, prior to the time of the advertisement for bids." Your argument then notes that because no bids are necessary under §103 of the General Municipal Law for projects less than \$20,000.00, the prevailing wage law must be limited to those projects in excess of \$20,000.00. Apparently you believe that the intent of Labor Law §220 (3) is to limit its applicability to those projects for which bids are required. Your position is contrary to the clear meaning of the Labor Law as it has been interpreted for over a hundred years.

The prevailing wage law is based upon a provision in the New York State Constitution (Article I, Section 17) that requires the payment of prevailing wage on all public work projects. That constitutional provision carries with it no contractual monetary limit in regard to its applicability. There is no monetary limit on any public work contract contained anywhere in Article 8 of the Labor Law. There are limits to prevailing wage law applicability contained in both the federal Davis Bacon Act and in Article 8's companion legislation, Article 9, Prevailing Wages for Building Service Employees. Article 9 specifically limits its applicability to those contracts in excess of \$1,500.00 (Labor Law §230 (1)) and uses language identical to that in Article 8 with respect to the provision of a wage schedule "prior to the time of the advertisement for bids on such contract" (Labor Law 231(4)). If the legislature had intended to provide a minimum contract amount in Article 8, as it did in Article 9, it would have done so in the clear language that was employed in Article 9. Absent such intent to limit the applicability of Article 8 in some monetary fashion, the statute must be given its plain or literal intent. *Mount v Mitchell* 31 N.Y. 350; *People ex. rel. Lehigh v. Schmer* 217 NY 443.

Phone: (518) 457-4380 Fax: (518) 485-1819  
W. Averell Harriman State Office Campus, Bldg. 12, Room 509, Albany, NY 12240



It should also be noted that Article 9 work is also subject to bidding for projects in excess of \$20,000.00 under Section 103 of the General Municipal Law and \$50,000.00 under Section 137 of the State Finance Law. Despite this fact, the statute itself sets a minimum amount to which it is applicable. If your position were correct, the language of Article 9 insofar as it sets a minimum contract to which it is applicable would be superfluous. Statutes may not be interpreted in such a manner; rather, meaning must be assigned to each word in a statute. *In Re Smathers' Will*, 309 NY 487 (1956). It would be impossible to interpret Article 9 as having a monetary limit of \$20,000.00 when its specific terms impose such a limit of \$1,500.00. In the case of Article 8, which specifically omits any minimum contract amount in regard to its applicability, no such minimum contract amount can be inferred from the statute.

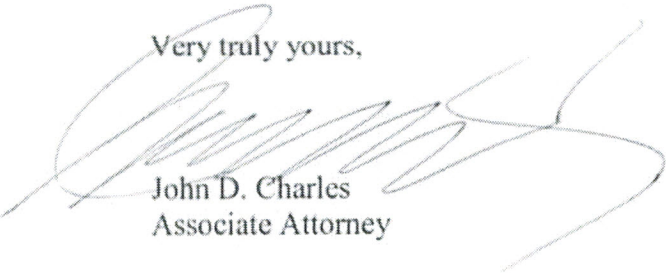
In addition, the language upon which you rely in Labor Law §220 (3) is not related to any monetary limit in the prevailing wage law, but simply provides a time frame before which the Commissioner must issue schedules of wages and supplements. The Commissioner accomplishes that task by issuing such schedules on July 1 of each year, thereby establishing the wages to be paid on a public work project "prior to the advertisement of bids." In practice any municipal entity merely has to attach the then-current wage schedule to its bid package, and both the Commissioner and the municipality will have met their obligations under §220 (3).

The fact that the General Municipal Law provides that bids are only required in matters in excess of a certain monetary amount is unrelated to the prevailing wage requirements of the Labor Law. Those two statutes stand on their own; the General Municipal Law requires that entities put projects out for bid when the project exceeds a certain sum; the Labor Law requires that prevailing wages be paid on *all* public work projects. There is no conflict between these separate legislative enactments.

As to your question as to the location of opinions related to the definition of "public works," the Department relies on the opinions of the courts in that regard as rendered over the years, opinions of counsel in that regard, and internal memoranda of the Bureau of Public Work. The Labor Law does not define "public works project", but case law requires that the focus be on the purpose, nature and function of the construction (see, *Matter of Vulcan Affordable Hous. Corp. v. Hartnett*, 151 A.D.2d 84, 545 N.Y.S.2d 952; *Matter of Penfield Mechanical Contrs. v. Roberts*, 119 Misc.2d 105, 462 N.Y.S.2d 393, *affd.* 98 A.D.2d 992, 470 N.Y.S.2d 1021, *affd.* 63 N.Y.2d 784, 481 N.Y.S.2d 72, 470 N.E.2d 870; *Matter of Erie County Ind. Dev. Agency v. Roberts*, 94 A.D.2d 532, 465 N.Y.S.2d 301, *affd.* 63 N.Y.2d 810, 482 N.Y.S.2d 267, 472 N.E.2d 43). Most of the Department's opinions are kept by the Bureau in a volume called the "Public Work Case Digest", which would be available under a Freedom of Information Request upon payment of the applicable fee. I can assure you, however, that the question you have raised is a novel one on which the Department has not previously issued an opinion.

Please advise if you have any further questions in regard to this subject.

Very truly yours,



John D. Charles  
Associate Attorney

cc: Maria Colavito  
Pico Ben-Amotz  
Chris Alund  
Dave Bouchard  
Fred Kelley  
Opinion file  
Dayfile

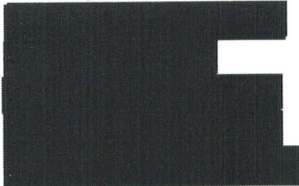




New York State Department of Labor  
David A. Paterson, Governor  
M. Patricia Smith, Commissioner

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May 1, 2009



Re: Request for Public Work Prevailing Wage Opinion  
Our File No. RO-09-0060

Dear [REDACTED]:

Your letter dated April 15, 2009, asks for our opinion as to whether the Prevailing Wage Law would apply to any contractor who might bid on Village contracts for (1) snow removal and related services and (2) road and storm sewer maintenance including sweeping, crack repair, basin and culvert cleaning and related work. This Office has consistently determined that snow removal operations are not subject to the Prevailing Wage Law. On the other hand, we have just as consistently determined that road and storm sewer maintenance, including crack repair and culvert cleaning is a maintenance function covered by Article 8 of the Prevailing Wage Law (see *Sewer Environmental Contractors, Inc. v Goldin*, 98 A.D. 2d 606 (First Dept. 1983)). Since the Village is proposing to enter into a contract which will involve the employment of laborers, workers and mechanics, for the purpose of maintaining a public structure, the statute provides that prevailing wages must be paid (Labor Law Section 220 (3)(a)).

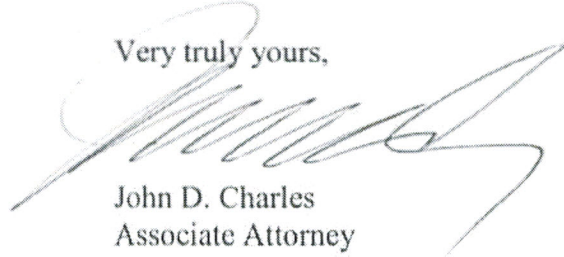
Please be aware that Article 9 covers those maintenance and other functions related to buildings and service work associated with those buildings, such as grounds keepers, janitors, watchmen and garbage collectors. In that regard, reference should be made to the case of *Feher Rubbish Removal, Inc. v. New York State Department of Labor*, 28 A.D.3d 1, 807 N.Y.S.2d 494, (Fourth Dept. 2005).

Phone: (518) 457-4380 Fax: (518) 485-1819  
W. Averell Harriman State Office Campus, Bldg. 12, Room 509, Albany, NY 12240



This opinion is specific to the facts described in your letter and, were those facts to vary from those set forth in the letter, or if additional facts and circumstances exist of which we are not currently aware, this opinion could be changed accordingly. Please let us know if you need any further clarification on this issue.

Very truly yours,

A handwritten signature in black ink, appearing to read "John D. Charles", written over a horizontal line.

John D. Charles  
Associate Attorney

cc: Pico Ben-Amotz  
Chris Alund  
David Bouchard  
Fred Kelley  
Dayfile



March 14, 2018

Kimberly A. Tosi, Clerk  
Town of Andes  
PO Box 125  
Andes, NY 13731

Dear Ms. Tosi:

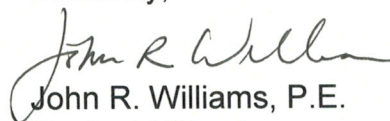
I am following-up the letters of acknowledgment sent to Senator Seward and Assemblyman Miller in July of 2017 regarding town and school concerns with the pedestrian crossings in the vicinity of the Andes Central School located on NYS Route 28.

The school and town (via Town Resolution 11 of 2017) have requested that the New York State Department of Transportation (NYSDOT) review the signing and consider the installation of flashing beacon assemblies at the crosswalk locations adjacent to Andes Central School. The NYSDOT is currently engaged in an effort to make systemic improvements and enhancements to all uncontrolled crosswalk locations as part of the Governor's Pedestrian Safety Action Plan (PSAP). The following link will connect you to the NYSDOT.gov web page that has an overview of this program <https://www.ny.gov/pedestrian-safety-action-plan/pedestrian-safety-action-plan>.

NYSDOT Region 9 has reviewed the location and applied the design principles outlined in the PSAP to determine the most appropriate improvements. My staff would like to meet with you to discuss these recommendations and the timeline for installation. Please contact Ann Leo, Region 9 Secretary to the Regional Director at (607) 721-8116 to coordinate a date and time that is most convenient for you.

If you have any questions, in the meantime, please contact Tony Signorelli, Regional Traffic Engineer, at (607) 721-8080.

Sincerely,

  
John R. Williams, P.E.  
Regional Director

# Carver Sand & Gravel LLC

494 western Turnpike

Altamont, NY 12009

Phone: 518-355-0505

Fax: 518-688-2815

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March 7, 2018

To: Town of Andes

Attn: Town Board

Re: Bid Item #3 Crushed Stone- Hauling Only

Carver Sand & Gravel LLC is pleased to submit the following bid for hauling crushed stone to the Town of Andes:


<u>Item</u>	<u>Hauling Price Per Ton</u>
#1 Stone	\$10.65
#1ST Stone	\$10.65
#1A Stone	\$10.65
#1B Stone	\$10.65

**Notes:**

- The prices bid above are for delivery of the designated crushed stone items from the Carver Sand & Gravel quarry on Route 30 in Schoharie to the Town of Andes
- The Carver Sand & Gravel quarry is an approved source of crushed stone material on the 2018 Delaware County DPW stone bid

Thank you for the opportunity to submit this bid. If you have any questions please contact Brad Bellen at 518-355-0505.

Respectfully,



Brad Bellen

Carver Sand & Gravel LLC- Sales Manager



Lafayette Sand & Gravel, LLC

\* March 8, 2018 \*

Bid #4 Bank Run Gravel, 2" Screened Gravel, 3/8" Screened Sand, 3/4" Crushed Gravel, 2"-6" Cobbles, 2" Round Stone, & Bank Run Sand-FOB

Location: Bloomville, South Kortright, Hobart & Walton

Material	Price Per Yard
Bank Run Gravel	4.20
2" Screened Gravel	6.75
3/8" Screened Sand	8.00
3/4" Crushed Gravel	10.25
2"-6" Cobbles	7.00
2" Round Stone	9.25
2" Crushed Stone	14.00
Bank Run Sand	4.20
Crusher Run	16.00

Bid #4 Bank Run Gravel, 2" Screened Gravel, 3/8" Screened Sand, 3/4" Crushed Gravel, 2"-6" Cobbles, 2" Round Stone, & Bank Run Sand-FOB

Location: Rome Pit 4675 County Hwy 18 Delhi NY 13753

Material	Price Per Yard
Bank Run Gravel	4.85
2" Screened Gravel	6.68
3/8" Screened Sand	6.88
3/4" Crushed Gravel	10.75
2"-6" Cobbles	7.00
2" Round Stone	9.50
2" Crushed Stone	14.50
Bank Run Sand	.
Crusher Run	.

# 5 Shaver Town Conitety 2~~3~~99<sup>00</sup>

William Drew



March 5, 2018  
PO Box 212  
Andes, New York 13731

Andes Town Clerk  
115 Delaware Avenue  
PO Box 125  
Andes, New York 13731

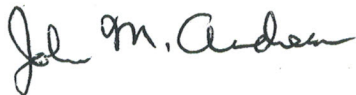
Andes Town Clerk:

**Bid # 6 – Seasonal Mowing at Andes Water Reservoir, Andes Town Hall, Bohlman Park,  
and Andes Old Highway Garage (as needed).**

**\$1000.00 for the season.**

Enclosed is proof of insurance. On the renewal date of April 26, 2018 an updated proof of insurance will be provided to Town Clerk, if bid is accepted.

Sincerely,

A handwritten signature in cursive script that reads "John M. Andrews".

John M. Andrews

N&M Property Maintenance LLC

P.O Box 442

Delhi, NY 13753

Bid number seven for the Town of Andes:

Seasonal mowing at Andes Transfer Station; includes.

-Mowing and trimming grass.

Price: \$700 for season.

**N&M Property Maintenance LLC**

**P.O Box 442**

**Delhi, NY 13753**

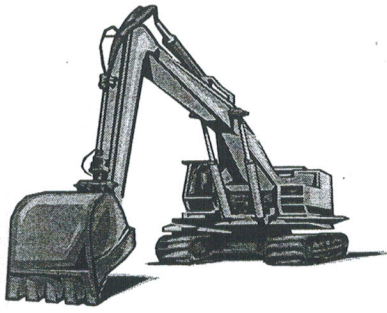
**Bid number seven for the Town of Andes:**

**Seasonal mowing at Andes Rural Cemetery; includes.**

**-Mowing and trimming grass.**

**Price: \$659 for season.**





LaFever Excavating, Inc.  
3135 County Highway 6  
Bovina Center, NY 13740

Ph: 607-832-4240

March 6, 2018

John Bouton  
Highway Superintendent  
Town of Andes

P 845-676-4781  
F 845-676-3914

We hereby submit specifications and proposal for the rental of an excavator equal to a 220 with operator including hauling of said excavator to include the following features and price.

10.) Excavator equal to a 220 with operator

\$ 1,200.00 per day up to 8 hours including hauling.

This proposal amount is figured without adding any N.Y. State Sales Tax. A copy of your tax-exempt form will eliminate any N.Y. State Sales Tax.

We **Propose** hereby to furnish equipment and operator —complete in accordance with above specifications, for the sum of: **ONE THOUSAND TWO HUNDRED 00/100 PER DAY FOR UP TO 8 HOURS PER DAY INCLUDING HAULING.**