

On Monday, March 12, 2012, the Preble Town Board held its regular monthly meeting. The meeting was called to order by the Supervisor, Jim Doring, with the salute to the flag at 8:00.

Board members present: Debra Brock, Peter Knapp, and Dave Morse, Councilmen

Others present: Don Armstrong, Jeff Griswold, Calvin Griswold, Ken Brock, Jay Currie, Don Boyden, Tony George, Robert Stone, Jr., John Steger, Kathleen Randall, Linda Riehlman, Betty Ann Pitman, Jim Harris, Larry Nye, Steve Hughes(Cortland Standard), Maria Pitts , Garry VanGorder from Cortland County IDA and representatives from Suit-Kote - Dan Quinlan, Paul Suits, Kevin Bernstein, Brian Renna, Matthew C. Eaton, Matthew K. Eaton, Ryan DuBois, and Tim Buhl

CORRECTIONS/APPROVAL OF PREVIOUS MINUTES

Motion made by Peter Knapp, seconded by Dave Morse
RESOLUTION #20: To accept the February 13, 2012 meeting minutes and the minutes from the Special Meeting on March 5th
Jim Doring(aye) Debra Brock(aye) Peter Knapp(aye) Dave Morse(aye)

COMMITTEE REPORTS:

DOG CONTROL: -1 dog adopted
-\$10.00 received - adoption fee
-45 miles traveled for the Town

JUSTICE REPORT: -\$26,480.00 submitted to the Town for February

HIGHWAY REPORT: Roads:
-Most seasonal roads are passable
-Jeff would like to meet with the Highway Committee soon
-Jeff has received a request to consider a street light just east of the 281 intersection. There is a gap from 281 to near the church.
-The highway crew has been trimming trees as weather permits
-Jeff has submitted a 284U for the Board to review and sign.
-Jeff went to Albany last Tuesday and Wednesday. He met with Senators Pattie Richie, Jim Seward and Assembly members, Barbara Lifton, Gary Finch and Brian Kolb, and also with the Governor's Undersecretary to Transportation. At this time, CHIP's is being funded at last year's levels.(\$47,800. To Preble)
Equipment:
-Everything running at this time. Have started the seasonal switch.
-The carb on the chipper has been rebuilt.
Shop:
-The spare/seasonal tires have been inventoried and made changes
Personnel:
-PESH Training will be on April 10th & 12th
Other:
-Homer Laundry is closing April 27th
-Jeff is not sure where the Landfill Committee will end up

RECREATION: -

COUNTY LEGISLATURE -Legislator, Donnell Boyden, reported that Amnesty Day was discussed but no date set. The Celtic Festival will be held in August at the Little York Park. There is a meeting on March 15th to discuss the Landfill.

ZONING & CODE ENFORCEMENT:

February Report
-2 building permits issued
-68 miles traveled for the Town
-5 Building inspections
-15 hours worked
-2 Fire inspections
-1 Complaint follow-up
-8 telephone inquiries

PLANNING BOARD: -Meeting March 28th @7:00 (Wednesday)
ZBA -Meeting April 5th @7:30 (Thursday)

HISTORIAN: -Anne is absent

TOWN CLERK: -\$270.00 - fees collected in February. Disbursed \$260.00 to the Town of Preble, and \$10.00 to the County Clerk.

-Approval is needed to pay CDBG grant payments:

\$18,000.00 to John Reome (Roundy)
\$4,500.00 to John Reome (Roundy)
\$2,950.00 to JMS Plbg & Htg (Roundy)
\$3,200.00 to John Reome (Freeman-Final)
\$3,123.12 to Thoma Dev.

Motion made by Peter Knapp, seconded by Debra Brock

**RESOLUTION #21: To approve payment to the above vendors from the CDBG grant monies.
Jim Doring(aye) Debra Brock(aye) Peter Knapp(aye) Dave Morse(aye)**

There is a balance of \$220,957. in the CDBG grant monies.

DON ARMSTRONG:

NEW BUSINESS

Received \$538.17 from Post Office

Accept resignation of Marjorie Morton as Court Clerk -

Motion made by Dave Morse, seconded by Peter Knapp

**RESOLUTION #22: To accept the resignation of Marjorie Morton as Court Clerk.
Jim Doring(aye) Debra Brock(aye) Peter Knapp(aye) Dave Morse(aye)**

Suit-Kote presentation - Kevin Bernstein spoke on behalf of Suit-Kote stating that the project will be designed to protect the aquifer. The facility will house its maintenance operations which includes engine repair, automotive body repairs and painting, welding., There will be some offices. It will retain 215 jobs in Cortland County. He mentioned that there will be no asphalt manufacturing at this facility. They like the location being accessible to Route 81. They plan to attend the Planning Board meeting on March 28th with their site plan.

Mr. Bernstein turned the presentation over to Ryan DuBois and Tim Buhl to detail the few modifications it plans on making ; installation of eight fuel and used fuel tanks throughout the facility, six of which will be double-lined. All the new tanks will be on new concrete slabs and covered. For the larger tanks which hold 12,000 gallons of fuel, the slab will have enough storage space to contain a 12,000-gallon spill. It was mentioned that they have been in touch with Mike Compton, Fire Chief, and Rick Fritz, Preble's Code Enforcement Officer; contacted the DEC with regards to the Storm Water Program and periodic inspection of tanks. They have also contacted the County Health Dept. They would like the Town Board to be the Lead Agency. A Public Hearing will be scheduled

Hiring Pat Snyder to represent Town of Preble for the Suit-Kote issue -

Motion made by Debra Brock, seconded by Dave Morse

**RESOLUTION #23: To hire Pat Snyder to represent the Town of Preble regarding the Suit-Kote application
Jim Doring(aye) Debra Brock(aye) Peter Knapp(aye) Dave Morse(aye)**

A special meeting will be held Thursday, March 22 at 7:00. The meeting is open to the public.

Motion made by Debra Brock, seconded by Dave Morse

**RESOLUTION #24: To schedule a meeting to review the Suit-Kote application with Pat Snyder
March 22nd at 7:00. Meeting will be open to the public.
Jim Doring(aye) Debra Brock(aye) Peter Knapp(aye) Dave Morse(aye)**

Garry VanGorder, BDC Executive Director - Mr. VanGorder spoke on Suit-Kote quality. He also mentioned that Suit- Kote has received a 10-year payment in lieu of taxes agreement with the Cortland County Industrial Development Corp.

NYS Dept. of Transportation - Resolution is needed for new UNDERTAKING with NYS Department of Transportation.

Motion made by Debra Brock, seconded by Dave Morse

**RESOLUTION #25: To authorize the Town to execute the new UNDERTAKING to satisfy New York State.
Jim Doring(aye) Debra Brock(aye) Peter Knapp(aye) Dave Morse(aye)**

WHEREAS. The undersigned Town of Preble (Municipality, County, Town, City or Village, or any agency of the federal government, hereinafter referred to as "Permittee") from time to time received permits from the New York State Department of Transportation (hereinafter referred to as the "NYSDOT") 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

obstructions, 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 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 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 Application. 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 under each permit and, within a reasonable time, restore State property damaged by its work/activities to substantially the same or equivalent condition as existed before such work was begun as determined by the Commissioner or 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 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 person 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.

IN WITNESS, WHEREOF, The Town of Preble (Municipality-County, Town, City, Village or federal agency) agrees to the terms of this Undertaking, and has caused its execution by the authorized officer or employee.

Jim Doring(aye) Debra Brock(aye) Peter Knapp(aye) Dave Morse(aye)

Presentations by Town Board candidates -

Linda Riehlman lives on Little York Lake. She has been on the ZBA for 3 years and would like to move on. She stated she has lived in this area for 50 years and is associated with the Health Network. She would like to join the Town Board and work with Preble people.

Kathleen Randall lives on Route 11 Tully. She has lived in the Town for 10 years and works for SECNY Credit Union. She has been involved with agriculture and is interested in being on the Town Board.

UNFINISHED BUSINESS

Town Hall Renovation - Councilperson Brock stated that many comments and recommendations were given at the Special Meeting held March 7th. It is the committee's recommendation that TAG Mechanical be awarded the contract for the Ducted HVAC with a quote of \$41,455.00 and Taitem Engineering be awarded the contract for the Solar PV - 9.12kw with a quote of \$43,000.00. Brock noted that the Town would realize a payback on its investment after 5.74 years and realize an annual savings of \$11,466.40 with total costs to the town of \$65,839., guaranteed for 25 years.

Motion made by Peter Knapp, seconded by Dave Morse

RESOLUTION #26: To award the contracts to the following contractors for the Town Hall Renovations:

Ducted HVAC to TAG Mechanical with a quote of \$41,455. and the Solar PV - 9.12kw to Taitem Engineering with a quote of \$43,000.00

James Doring(aye) Debra Brock(aye) Peter Knapp(aye) Dave Morse(aye)

PUBLIC COMMENTS

APPROVE GENERAL AND HIGHWAY BILLS

Motion made by Debra Brock, seconded by Dave Morse

RESOLUTION #27: To pay the General Fund Vouchers, Abstract No. 3, Nos. 52 to 75, totaling \$8,166.58

Jim Doring(aye) Debra Brock(aye) Peter Knapp(aye) Dave Morse(aye)

Motion made by Peter Knapp, seconded by Debra Brock

RESOLUTION #28: To pay the Highway Fund Vouchers, Abstract No. 3, Nos. 16 to 25, totaling \$2,177.62

Jim Doring(aye) Debra Brock(aye) Peter Knapp(aye) Dave Morse(aye)

Supervisor Doring stated that the Board would be going into Executive Session regarding a personnel issue. Brock made the motion to move to Executive Session at 9:00, second by Dave Morse.

Knapp moved to exit Executive Session at 9:15, seconded by Dave Morse

Supervisor Doring announced that Linda Riehlman would be appointed to the position on the Town Board.

Motion made by Dave Morse, seconded by Peter Knapp

RESOLUTION #29: To appoint Linda Riehlman to the position on the Town Board vacated by Tom Fox for the remainder of 2012.

Jim Doring(aye) Debra Brock(aye) Peter Knapp(aye) Dave Morse(aye)

There being no further business, Jim asked for a motion to adjourn. Motion made by Dave, seconded by Debra, meeting adjourned at 9:18.

Respectfully submitted,

Unofficial 03/12/2012
Official 04/09/2012

Jane W. Davenport
Town Clerk