

## REGULAR MEETING MAY 20, 2010

A regular meeting of the Mayfield Town Board was held on Thursday, May 20, 2010 at the Mayfield Municipal Complex 28 N School Street. The meeting was called to order at 7:00 PM.

PRESENT: Richard Argotsinger, Supervisor  
Vincent Coletti, Councilman  
Shaun Humphrey, Councilman  
Thomas Ruliffson, Councilman  
Steve Van Allen, Councilman

OTHERS PRESENT: Sue Wemple, Jill Chase, Alexis Beman, Mike Stewart CEO, John Fritzen, Jim Cownie, Mel Dopp Highway Superintendent, Joseph Shalhoub, Myrna Hallenbeck, Jack Putman

The Pledge of Allegiance was led by Alexis Beman.

PUBLIC- John Fritzen addresses the board regarding water running onto his property which is right next door to the highway department. He would like to have more drainage and perhaps that would solve the problem. The highway committee and Mr. Dopp will discuss this and try to come up with a solution.

Joseph Shalhoub addressed the board regarding a culvert that was placed in front of his home. Mr. Dopp explained the history of the culvert. Mr. Shalhoub concerned as he can't mow his lawn like he use to. Also feels he can't mow 5-6 inches of his lawn. Again Mr. Dopp reported that he took the hazard off the road and put in a ditch to take care of the problem. The highway committee and Mr. Dopp will meet and discuss the problem.

CEO REPORT- Mike Stewart submitted his monthly report which included 12 permits issued for the month.

HIGHWAY SUPERINTENDENT REPORT- Mel Dopp submitted his monthly report which included 68 ton of garbage was collected at clean up days, which were down from 85 ton last year. Mr. Dopp reported that he had been in contact with the R&B Construction LLC who received the Fulton County Bridge bid.

### RES# 74 AWARD BID TO R&B CONSTRUCTION, LLC FOR SCHOOL STREET BRIDGE

On motion by Councilman Ruliffson seconded by Councilman Van Allen the following resolution was ADOPTED 5 AYES (Argotsinger, Coletti, Humphrey, Ruliffson, Van Allen) 0 NAY

Resolved that the Mayfield Town Board awards the bid for the School Street bridge project to R&B Construction LLC at a price not to exceed \$140,500.00

SUPERVISOR'S REPORT- Supervisor Argotsinger reported that he had attended all county meetings required, 1<sup>st</sup> quarter sales tax was received and it was down 21/2% from last year, mortgage tax was received and down 10% from last year.

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Dog Control report was submitted.

### COMMITTEE REPORTS/ UPDATES

BEACH- Councilman Humphrey reported that he plans to be at the beach over the weekend and extract the old buoy. Also lifeguard training will be held in the near future. Councilman Van Allen reported that he had visited the beach and feels more sand is needed. June 19<sup>th</sup> is clean up day at the beach.

### OLD BUSINESS

COMPREHENSIVE PLAN- No letters of interest was received

THIRD AVE- Mr. Dopp reported that town attorney had given a letter to the homeowner to sign and she had given it to her attorney. Will check middle of next week with the homeowner.

### RES# 75 AUTHORIZE SUPERVISOR TO SIGN THE RESOLUTION TO MAINTAIN HIGHWAY LIGHTING

On motion by Councilman Coletti seconded by Councilman Ruliffson the following resolution was ADOTPED 5 AYES (Argotsinger, Coletti, Humphrey, Ruliffson, Van Allen)

Resolution of the Town Board of the MUNICIPALITY of Town of Mayfield Agreeing to Maintain, Repair and Energize a Highway Lighting System on or along State Highway within the geographical jurisdiction of the MUNICIPALITY, such highway identified as P.I.N. 2044.59, Rte 30 Over Kenneyto Creek Replacement, Route 30 Intersections at 29 and CR 155 East, County of Fulton within the geographical jurisdiction of the MUNICIPALITY of Town of Mayfield, and

WHEREAS, the State of New York Department of transportation proposes to construct a State Highway identified as P>I>N> 2044.59. Rte 30 Over Kenneyto Creek Replacement, Route 30 Intersections at 29 and CR155 East, County of Fulton within the geographical jurisdiction of the MUNICIPALITY of Town of Mayfield, and

WHEREAS, the MUNICIPALITY of Town of Mayfield approves of such project and desires to have a highway lighting system on such highway within its geographical jurisdiction, and

WHEREAS, the State of New York has agreed to provide as part of the project the following items in connection with a street lighting system

1. Underground duct system, including conduits, pulls boxes, hand holes and drainage pockets.
2. Ducts, pull boxes, and anchor bolts on structures.
3. Nine (9) foundations for light standards.
4. Nine (9) light standards and Ten (10) bracket arms.
5. Luminaries, wiring, switches and ballasts and all other components necessary to complete the lighting system,

Provided that the MUNICIPALITY of Town of Mayfield agrees to maintain, repair, and energize such highway lighting system for a period of 10 years or until such time as the COMMISSIONER, in his discretion, determines that such lighting and / or the

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maintenance of such lighting system is no longer necessary for such Highway/ Arterial / Interstate.

NOW, THEREFORE, The Town Board, duly convened, does hereby  
RESOLVE, the MUNICIPALITY of Town of Mayfield approves of the above  
subject project; and it is hereby further

RESOLVED, that the MUNICIPALITY of Town of Mayfield shall maintain,  
repair and energize such highway lighting system, and it is hereby further

RESOLVED, that the Town Board of the MUNICIPALITY hereby authorizes the  
Supervisor Richard Argotsinger, Supervisor of Town of Mayfield, of the  
MUNICIPALITY of Town of Mayfield to enter into and execute an Agreement with the  
State of New York and through the Commissioner of Transportation to commit the  
MUNICIPALITY of Town of Mayfield to maintain, at its own expense, the lighting  
system on the above identified project, such agreement to provide that the maintenance  
shall include the repair and replacement of equipment and the furnishing of electric  
current for the lighting system and it is hereby further

BE IT FURTHER RESOLVED: that the Clerk of this Town Board is hereby directed to  
transmit five (5) certified copies of the foregoing resolution to the State Department of  
Transportation to Anthony J. Lamanna Assistant Utility Engineer 207 Genesee Street  
Utica, New York 13501.

Lita Hiller entered the meeting at 7:40PM

**RES# 76 AUTHORIZE SUPERVISOR TO SIGN AGREEMENT FOR  
MAINTENANCE, REPAIR AND ENERGIZING OF HIGHWAY LIGHTING FOR  
STATE HIGHWAY / ARTERIAL / INTERSRARE**

On motion by Councilman Ruliffson seconded by Councilman Coletti the following  
resolution was ADOPTED 5 AYES (Argotsinger, Coletti, Humphrey, Ruliffson, Van  
Allen)

WHEREAS, the COMMISSIONER PROPOSES TO CONSTRUCT A State Highway/  
Arterial/ Interstate pursuant to the New York State Highway Law, such highway being  
identified as P.I.N. 2044.59, Rte 30 Over Kenneyto Creek Replacement, route 30  
Intersections at 29 and CR 155 East Safety Improvements, County of Fulton within the  
geographical jurisdiction of the MUNICIPALITY, and

WHEREAS, IT IS RECOGNIZED BY THE municipality and the COMMISSIONER  
that the STATE does not have the funds available to maintain, repair and energize a  
lighting system for such highway, and

WHEREAS, the MUNICIPALITY desires to have lighting on or along  
such highway within the geographical jurisdiction of the  
MUNICIPALITY, the MUNICIPALITY will have to maintain, repair  
and energize such lighting at its own expense, and

WHEREAS, the MUNICIPALITY, by Resolution adopted at a meeting held on May 20,  
2010 approved the above- identified project and the terms and provisions of the

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Agreement and has further authorized Supervisor Richard Argotsinger of the Town of Mayfield to execute this agreement on behalf of the Town of Mayfield.

WHEREAS, the MUNICIPALITY and the COMMISSIONER are desirous of identifying the respective responsibilities of the parties with regard to the highway lighting system.

NOW, THEREFORE in consideration of the mutual promises and benefits moving to the parties, it is agreed as follows, vs.:

- a. Underground duct systems including conduit, pull boxes and holes and drainage pockets.
- b. Ducts pull boxes and anchor bolts on structures.
- c. Nine (9) foundations for light standards
- d. Nine (9) light standards and Ten (10) bracket arms.
- e. Luminaries, wiring, switches and ballasts and all other components necessary to complete the lighting system.

All of the above identified items shall be and continue to be the property of the State of New York.

2. Upon completion of construction of the above identified highway, the MUNICIPALITY shall at its own expense maintain the lighting system on or along such highway. Such maintenance shall include, but not limited to:

- A. repair of equipment which may be damaged from any cause whatsoever.
- B. replacement of equipment which may be damaged from any cause whatsoever such replacement material to be of equal character to the replaced equipment.
- C. furnishing electric current for the lighting system during the customary night hours of each day of the year, at no cost or obligation to the STATE.
- d. Pole attachment fees are the responsibility of the MUNICIPALITY Payment of such fees is to be made in accordance with the current Pole Attachment Agreement between NYSDOT and the utility company(s) involved, when applicable.

The MUNICIPALITY shall continue to maintain the lighting system for a period of 10 years or until such time as the COMMISSIONER in his discretion determines that such lighting and / or the maintenance of such lighting system is no longer necessary for such State Highways/ Arterial/ Interstates.

In the event the MUNICIPALITY, without the prior consent of the COMMISSIONER, discontinues the energizing or discontinues payment for the energizing of the highway lighting system, which results in the STATE being required to pay the federal government any moneys as a penalty or otherwise the MUNICIPALITY upon notification by the COMMISSIONER of such requirement to pay shall reimburse the STATE the amount of such required payment.

Further it is expressly understood that the MUNICIPALITY shall indemnify and save harmless the STATE from claims suits, actions, damages and costs of every name and description resulting from the discontinuance of the energizing or the discontinuance of payment for energizing of the lighting system by the MUNICIPALITY.

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3. The COMMISSIONER or his representative may periodically inspect the highway lighting system provided and installed under the above identified project number to ascertain that the lighting system is being maintained in accordance with the terms of this Agreement and in condition satisfactory to the COMMISSIONER. The COMMISSIONER shall in writing, notify the MUNICIPALITY of any observed deficiencies, listing such deficiencies within thirty (30) days of receipt of such notification, the COMMISSIONER or his representative shall arrange for a meeting to be held with the authorized representative of the MUNICIPALITY. At such meeting the COMMISSIONER or his representative and the authorized representative of the MUNICIPALITY shall discuss the means required to remedy the noted deficiencies. Based on the discussion, and based on the nature of the required remedial action, a reasonable time limit shall be mutually established by the COMMISSIONER or his representative and the authorized representative of the MUNICIPALITY for the satisfactory completion of remedial action by the MUNICIPALITY.

4. It recognized by the parties hereto that failure of the MUNICIPALITY to complete the required remedial actions within the agreed upon time limit may subject the MUNICIPALITY to certain penalties. If the equipment supplied and installed by the STATE for the above subject lighting system was done pursuant to a Federally- aided and Federally – reimbursable contract, and the MUNICIPALITY fails to make the remedial actions within the agreed upon time limit, no further Federally- aided project shall be approved until such time as the lighting system is restored to the level and condition of maintenance required by this Agreement. In addition failure of the MUNICIPALITY to make such remedial actions may subject the MUNICIPALITY to loss of State aid for other MUNICIPALITY projects.

6. The MUNICIPALITY agrees not to assign, transfer, convey, sublet, or otherwise dispose of this Agreement or any part thereof or of its right title or interest therein or its power to execute such agreement to any person, company, or corporation without previous consent in writing of the COMMISSIONER except as herein provided and  
IN WITNESS WHEREOF, the STATE has caused this instrument to be signed by the said COMMISSIONER of Transportation and the MUNICIPALITY has caused this instrument to be signed by the Supervisor.

TOLMANTOWN ROAD- Supervisor Argotsinger reported that he has spoken with our insurance carrier and if we made the road ATV accessibility the liability would be on the town.

RES# 76 MOVE INTO EXECUTIVE SESSION

On motion by Councilman Humphrey seconded by Councilman Coletti the following resolution was ADOPTED 5 AYES (Argotsinger, Coletti, Humphrey, Ruliffson, Van Allen)

RESOLVED that the Mayfield Town Board approves to move into executive session for the purpose of employment history at 7:48PM

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RES# 77 MOVE OUT OF EXECUTIVE SESSION

On motion by Councilman Humphrey seconded by Councilman Coletti the following resolution was ADOPTED 5 AYES (Argotsinger, Coletti, Humphrey, Ruliffson, Van Allen)

RESOLVED that the Mayfield Town Board approves to move out of executive session and back into regular session at 7:50 PM

FINANCIAL

TOWN CLERK report was submitted with fees collected in the A account 759.88  
Decals 4.80 B account 655.00

RES# 78 APPROVAL OF VOUCHERS

On motion by Councilman Ruliffson seconded by Councilman Coletti the following resolution was ADOPTED 5 AYES (Argotsinger, Coletti, Humphrey, Ruliffson, Van Allen)

RESOLVED that the Mayfield Town Board approves the payment of vouchers in the following accounts General Townwide vouchers 113- 147 16,828.44, General Outside vouchers 33-41 777.63, Highway Townwide voucher 23 1,948.41, Highway Outside vouchers 36-48 6,772.74

RES# 79 APPROVE DEJONG'S FOR PORT A POTTIES

On motion by Councilman Van Allen seconded by Councilman Coletti the following resolution was ADOPTED 5 AYES (Argotsinger, Coletti, Humphrey, Ruliffson, Van Allen)

RESOLVED that the Mayfield Town Board approves Dejong's for port a potty services at the town beach for 230.00 per month.

A discussion was held on the beach gate and buildings at the town beach. It was decided to not locking the gate and putting up signs that say the beach is closed from dusk to dawn. Councilman Van Allen will take care of ordering signs and putting them up.

RES# 80 APPOINTMENT OF LIFEGUARDS

On motion by Councilman Van Allen seconded by Councilman Coletti the following resolution was ADOPTED 5AYES (Argotsinger, Coletti, Humphrey, Ruliffson, Van Allen)

RESOLVED that the Mayfield Town Board approves the following lifeguards Sierra Derby & Thomas Dugan head lifeguards at 11.02 per hour and Ricky Hayden, Kathleen Dugan, Hayley Fonda and Laken MacFarlen at 10.19 per hour

RES# 81 APPROVE USE OF BEACH FOR 6<sup>TH</sup> GRADE

On motion by Councilman Coletti seconded by Councilman Humphrey the following resolution was ADOPTED 5 AYES (Argotsinger, Coletti, Humphrey, Ruliffson, Van Allen)

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RESOLVED that the Mayfield Town Board approves to let the 6<sup>th</sup> grade class use the town beach for a picnic on June 23<sup>rd</sup>.

RES # 82 APPOINTMENT OF ASSESSOR

On motion by Councilman Humphrey seconded by Councilman Ruliffson the following resolution was ADOPTED 5 AYES (Argotsinger, Coletti, Humphrey, Ruliffson, Van Allen)

RESOLVED that the Mayfield Town Board approves the appointment of Melissa Mazzarelli as town assessor effective July 12, 2010 thru September 30, 2013.

Bookkeeper Lita Hillier explained the retirement verification of certain employees.

RES# 83 APPROVAL OF RETIREMENT VERIFICATION

On motion by Councilman Van Allen seconded by Councilman Coletti the following resolution was ADOPTED 5 AYES (Argotsinger, Coletti, Humphrey, Ruliffson, Van Allen)

BE IT RESOLVED. That the Town of Mayfield hereby establishes the following standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body. Town Supervisor, Code Enforcement Officer, Town Clerk, Bookkeeper/ Budget Officer, Superintendent of Highways, Building Cleaner

RES# 84 APPOINTMENT OF CARL EDWARDS

On motion by Councilman Humphrey seconded by Councilman Coletti the following resolution was ADOPTED 5 AYES (Argotsinger, Coletti, Humphrey, Ruliffson, Van Allen)

RESOLVED that the Mayfield Town Board approves the appointment of Carl Edwards as partime laborer at the town beach at a rate of pay of 10.73 per hour.

INSURANCE0- Supervisor Argotsinger reported that our insurance carrier had suggested we up our liability blanket policy. A small discussion followed and it was decided to table it at this time.

RES# 85 AUTHORIZE SUPERVISOR TO SIGN SOFTWARE AGREEMENT FOR BOOKKEPPER

On motion by Councilman Ruliffson seconded by Councilman Van Allen the following resolution was ADOPTED 5 AYES (Argotsinger, Coletti, Humphrey, Ruliffson, Van Allen)

RESOLVED that the Mayfield Town Board approves to authorize Supervisor Argotsinger to sign the software agreement for the bookkeeper computer.

REMINDERS- Supervisor Argotsinger read the list of reminders which included Grievance Day May 25<sup>th</sup>, all town offices closed May 31<sup>st</sup> for Memorial Day, a

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workshop meeting will be held on June 3<sup>rd</sup> for the proposed zoning changes, vouchers due June 11<sup>th</sup> and regular meeting June 17<sup>th</sup>.

RES # 86 MOVE INTO EXECUTIVE SESSION

On motion by Councilman Humphrey seconded by Councilman Coletti the following resolution was ADOPTED 5 AYES (Argotsinger, Coletti, Humphrey, Ruliffson, Van Allen)

RESOLVED that the Mayfield Town Board approve to move into executive session at 8:18PM for contract negotiations.

RES# 87 MOVE OUT OF EXECUTIVE SESSION

On motion by Councilman Coletti seconded by Councilman Van Allen the following resolution was ADOPTED 5 AYES (Argotsinger, Coletti, Humphrey, Ruliffson, Van Allen)

RESOLVED that the Mayfield Town Board approves to move out of executive session and back into regular session at 9:21 PM.

RES# 88 NON ACCEPTANCE OF ANEXATION

On motion by Councilman Van Allen seconded by Councilman Coletti the following resolution was ADOPTED 5 AYES (Argotsinger, Coletti, Humphrey, Ruliffson, Van Allen)

RESOLVED that the Mayfield Town Board approves to not accept the application for annexation due to being not complete.

On motion by Councilman Humphrey seconded by Councilman Ruliffson the meeting was adjourned at 9:40PM.

5 AYES (Argotsinger, Coletti, Humphrey, Ruliffson, Van Allen)

Respectfully Submitted:

Dorothy Hart, Town Clerk RMC