

TOWN OF CHATHAM
TOWN BOARD MEETING
MARCH 21, 2013
7:00 P.M.

PRESENT

Supervisor DeGroot	Councilman Henry Swartz
Councilman Maria Lull	Councilman Bob Balcom
Councilman Jean Rohde	Highway Super. Joe Rickert
Rec. Director Shari Franks	Comptroller Debbie Cesternino
Ralph Ambrosio, Esq.	

ZB member Jeff Lick and several other members of the community.

CALL TO ORDER

Supervisor DeGroot called the meeting to order at 7:00 P.M and led the pledge to the flag.

PUBLIC HEARING

Public hearing on the proposed public assembly law was reopened at 7:01 P.M., there was no comment and the hearing was closed at 7:02 P.M..

CORRESPONDENCE

A. Columbia County Department of Health re: The proposed Destination Moon Music and Camping Festival, Route 295, Chatham, NY, dates and exact location yet to be determined. Letter on file.

PUBLIC COMMENT

-Jeff Lick thanked Supervisor DeGroot for his support of the Ag. Plan and for his efforts in moving things along at the County level. Supervisor DeGroot stated that Jeff and Mary Gail Biebel were instrumental in establishing the Plan and thanked them for all their hard work in bringing it to fruition.

REPORTS

- A. Highway-report on file
-Annual highway Clean-up Week will be held April 1 through April 7. Trash bags will be made available to pick up roadside trash only.
-Councilman Swartz and the Tri-Village Fire Chief thanked Highway Superintendent Rickert for salting and sanding the driveway of 509 Bashford Road, making it safer for firefighters and emergency personnel as they fought a fully involved structure fire.
- B. Recreation Department- report on file
- C. Code Enforcement/Zoning Enforcement- report on file
- D. Dog Control- report on file
- E. Environmental management Council - no report
- F. Justice Court - report on file
- G. Assessors
- H. ZIC - Councilman Swartz stated that the last meeting was cancelled since they didn't have a quorum. The next meeting will be held on April 3 at 6:30 PM. ZIC member Bob Linville has submitted his resignation.
- I. Supervisor - County business- Supervisor DeGroot stated that the County passed a resolution to bring the State to repeal the NY SAFE Act.
- J. Town Comptroller - report on file

NEW BUSINESS

- A. Municipal parking lot.
-Chatham Village Mayor Tom Curran was not present to discuss matters pertaining to their newly leased municipal parking lot in the Village.
- B. Bond counsel.

-J. Stephen Reilly, of Whiteman, Osterman & Hanna was on hand to discuss bonds. He will be serving as the Towns bond counsel.

- Mr. Reilly will meet with Comptroller Cesternino as the process moves forward.

C. ZIC vacancy - There is currently a vacancy on the committee and the Town Board agreed to publish the vacancy and request that letters of interest be submitted to the office of the Town Clerk by Friday, April 12, 2013.

OLD BUSINESS

A. Proposed public Assembly law.

RES.#68-13 to accept Local Law #1-13, Public Assembly Law. Supervisor DeGrootd offered RES.#68-13 and moved its adoption to accept Local Law #1-13, Public Assembly Law. Councilman Swartz seconded the motion.

TOWN OF CHATHAM LOCAL LAW #1 OF 2013 REGULATION OF MASS GATHERINGS

Be it enacted by the Town Board of the Town of Chatham (the "Town") as follows:

Section 1. Purpose:

The purpose of this Local Law is to protect the public health, welfare, safety, peace and tranquility by regulating mass gatherings or public assemblages within the Town.

Section 2. Definitions:

As used in this local law, the following words and terms shall have the indicated meanings:

a. A "mass gathering" shall mean one which is likely to attract 300 people or more at any one time, shall occur over a period of time longer than eight hours and which are commercial in nature or for which an admission price or donation is expected or requested for attendance, participation or the provision of goods and/or services.

b. "Permit-issuing official" shall mean, except as otherwise provided in this law, the Code Enforcement Officer of the Town of Chatham.

c. "Person" shall mean any individual, group of individuals, partnership, firm, corporation, association, political subdivision, government agency, municipality, industry, estate or any legal entity whatever.

d. "Drinking water" shall mean water provided for human consumption, food preparation, or for lavatory, culinary, bathing or laundry purposes.

e. "Sewage" shall mean excreta and the waste from a flush toilet, bath, sink, lavatory, dishwashing or laundry machine, or the water carried away from any other fixture or equipment or machine.

f. "Refuse" shall mean all putrescible and non-putrescible solid waste, including but not limited to garbage, rubbish, ashes, incinerator residue, street cleanup, dead animals, offal and solid commercial waste.

g. "Town" shall mean the Town of Chatham.

Section 3. Application:

The requirements of this Local Law shall apply to any mass gathering of 300 people or more at any one time, shall occur over a period of time longer than eight hours and which are commercial in nature or for which an admission price or donation is expected or requested for attendance, participation or the provision of goods and/or services, except:

a. Functions sponsored by the Chatham School District related to an educational activity;

b. Functions sponsored at Town parks by the Town; and

c. Functions which would otherwise require a permit under this local law, but which have already occurred at least once prior to the enactment of this local law and which possess a Certificate of Pre-Existence issued by the Code Enforcement Officer.

In addition to the permit required herein, the Applicant shall also be required to obtain Site Plan Approval in accordance with the process and procedure set forth in the Town Code of the Town of Chatham §180-17.

The Planning Board shall conduct a public hearing for the Mass Gathering Permit following the receipt of a complete application and contemporaneous with the site plan application public hearing. Notice of such public hearing shall be published in the official town newspaper at least, once no less than 10 days and not more than 30 days prior to the public hearing. The Applicant shall mail a copy of such notice of the public hearing, certified return receipt requested to all landowners owning parcels within 500 feet of the boundaries of the parcel on which the event shall occur, no less than 10 days and not more than 30 days prior to the public hearing.

The Town Code Enforcement Officer, his designee or a consultant retained as set forth in Section 8 hereinbelow shall enforce all requirements herein and both before, during and after any event which shall receive approval hereunder.

Section 4. Permit Required:

- a. No person shall hold or promote, by advertising or otherwise, a mass gathering unless a permit has been issued for the gathering by the permit-issuing official. No person shall use, allow, let or permit to be used property for a mass gathering as defined herein unless and until the written permit authorizing such use and assembly has been issued by the Town Planning Board. A permit may be issued in any zoning district provided all requirements hereunder are met.
- b. Application for such permit shall be by verified application on forms to be furnished by the Town, addressed to the Planning Board of the Town, which shall have jurisdiction and authority to review, approve or deny such application, and shall be filed with the Clerk of the Planning Board. In no event shall the Town accept an application greater than one year prior to the proposed mass gathering. The Applicant and the Planning Board shall also comply with all requirements under the NYS SEQRA.
- c. Separate permits shall be required for each mass gathering. A separate permit is required for any mass gathering which is separated by more than 48 hours from a previous mass gathering for which a permit had been granted. However, applications may be made for more than one permit within a twelve (12) month period when the applicant is prepared to provide the necessary information for each event.
- d. Any permit may be revoked by the permit-issuing official if, after a public hearing on notice to the permittee, it finds that the mass gathering for which the permit was issued is maintained, operated or occupied in violation of this law, any other law, or regulation enacted by the Town of Chatham, the County of Columbia or the Sanitary Code of the State of New York. A permit may be revoked upon request of the permittee or upon abandonment of operation.

A permit issued for the operation of a mass gathering shall be kept on file and made available by the operator and/or permittee on request.

Section 5. Contents of Application and Review:

All applicants for a permit to conduct a mass gathering shall include the following information and must be deemed sufficient by the Planning Board to appropriately handle the planned event and to protect the public health, safety and welfare:

- a. The name, residence, mailing address and telephone number and state drivers' license number of the applicant; a statement of the applicant's legal status, such as individual, partnership, corporation, etc.; and whether the applicant has ever been convicted of a felony or misdemeanor. If the applicant is a partnership, state the name, residence, mailing address, telephone number

of each partner and the partnership EIN (Employer Identification Number); and if a corporation, the names and addresses of all corporate officers and directors, together with a certified copy of the articles of incorporation, a list of the names and addresses of all persons directly in charge of the activity and the corporate EIN (Employer identification Number). In the event the applicant is other than the landowner, all information shall be required from the landowner together with written permission from the landowner with regard to the event.

b. A Statement of Qualifications discussing the Applicant's experience in planning and implementation of prior events. The Planning Board shall have the authority to deny or impose conditions of approval for any event in which it shall determine that due to the prior history or qualifications of the applicant it appears that the applicant is unable or unwilling to comply with the requirements hereunder.

c. The location and best available description of the property where the activity is proposed, including all lands to be used directly, indirectly or incidental to the proposed activity or any part thereof; attaching to the application certified copies of documents disclosing the nature of the interest of the applicant relating to such property. If such interest is a leasehold, a copy of such lease shall be attached.

d. The date or dates and the hours during which the activity is to be conducted and the total time period of such activity.

e. The program and plans of the activity in its entirety, with particular emphasis on the following:

1. Detailed plans for parking facilities off public roadways able to serve all reasonably anticipated requirements at a rate of up to 100 passenger cars per acre or 30 buses per acre.

2. Detailed plans for transportation arrangements from noncontiguous parking facilities to the site to fully serve all reasonably anticipated requirements; including a statement from the New York State Police, the Columbia County Sheriff and the Village of Chatham Police certifying that the traffic control plan associated with the event is satisfactory. The transportation plan shall be reviewed and approved by the Town Highway Superintendent, who shall have the authority to require a restoration bond to repair and restore any Town road or drainage facility damaged as a result of the event. If the Highway Superintendent shall require such bond, the placing of same along with the amount thereof, shall be a condition of approval if same is granted by the Planning Board.

3. An outline map of the area to be used, to an appropriate scale, showing the location of all areas of assemblage, including separate overnight camping areas for sleeping and emergency access and egress roads.

4. The total number of persons permitted at the event, including performers, staff members and audience, which shall be determined by providing a net assembly area of at least 150 square feet per person in addition to providing at least 150 square feet per person in a separate camping area for 50 percent of the population with a minimum usable area of at least 5 acres. Parking areas shall not be included in such square footage calculation.

5. A plan for controlling unauthorized admittance, including methods of entering the area, number and location of ticket booths and entrances, and provisions for keeping non-ticket holders out of the area.

6. A detailed plan for use of signs to locate all facilities and roadways.

7. A Fire Safety Plan detailing efforts and plans to avoid and suppress fires, including but not limited to, brush and grass management, camp fire management, and on-site fire suppression measures. The Applicant shall obtain a statement from local fire authorities having jurisdiction over the area verifying that the fire safety plan and other facilities available to such mass gathering are suitable to provide adequate fire safety, that they are aware of the event and are willing to cooperate if needed.

8. A detailed plan for emergency situations, including:

(i) medical supplies, facilities and personnel;

- (ii) an evacuation plan;
- (iii) emergency access roads.

9. A statement from the Columbia County Director of Emergency Preparedness indicating that he/she has been advised of the event and has approved the plan from an emergency preparedness standpoint.

10. A command post to be used by on-site security personnel, local, County and State Police, Department of Health personnel or the permit-issuing official and his/her lawful representatives, or both, consisting of at a minimum, a specific location equipped with a communication system satisfactory to the permit-issuing official.

11. Detailed plans for security enforcement, including prevention of the unlawful use of alcohol, narcotics and dangerous drugs at the site, methods for limiting the use of the proposed function to the number of participants for which the facilities are designed, and external as well as internal crowd control, including sufficient guards for crowd control and security enforcement.

12. A Restoration Plan detailing the manner in which the site shall be restored after the completion of the event, including but not limited to grading, seeding, and removal of structures. The restoration plan shall be reviewed and approved by the Planning Board who shall have the authority to require a restoration bond to complete the restoration of the site. If the Planning Board shall require such bond, the placing of same along with the amount thereof, shall be a condition of approval if same is granted by the Planning Board.

13. A Utility Plan detailing power and other utilities either present or proposed to be brought to the site through the use of power generators or direct connections to the power grid. The utility plan shall be reviewed and approved by the Town Engineer who shall have the authority to require a restoration bond to complete the restoration of the site. If the Town Engineer shall require such bond, the placing of same along with the amount thereof, shall be a condition of approval if same is granted by the Planning Board.

14. A Water Supply Plan and a Wastewater Disposal Plan, detailing respectively, the manner in which potable water shall be brought to the site and that same shall be sufficient for the number of attendees and the manner in which the wastewater and sewerage shall be managed on the site and that same shall be sufficient for the number of attendees. The water supply plan and the wastewater disposal plan shall be reviewed and approved by the Town Engineer who shall have the authority to require a bond to fully implement such plans. If the Town Engineer shall require such bond, the placing of same along with the amount thereof, shall be a condition of approval if same is granted by the Planning Board.

15. A Food Service Plan detailing the manner in which food shall be provided to attendees.

f. Detailed plans for internal storage and collection of refuse, including provisions for disposal and cleaning the property and surrounding properties within 72 hours after the event.

g. Detailed plans for emergency first aid to include a minimum of two (2) qualified EMTs, to serve fully all reasonably anticipated requirements. Such plans shall state the arrangements made with hospitals and ambulances in the area, including names and locations.

h. Detailed plans for amplifying equipment designed to control the noise level at the perimeter of the site to no more than 75 decibels on the A scale of a sound-level meter, which meets the specifications of the American National Standards Institute, between the hours of 11:00 pm and 8:00 am.

i. Detailed plans for lighting designed to illuminate the public areas of the site as reasonably required and demonstrating that the lighting will not reflect on any area beyond the boundary of said site, when the event is planned to occur after daylight hours.

g. A plan showing that the proposed activity is adequately buffered by fencing or other crowd control device, from all neighboring homes within 500 feet of the perimeter of the site.

Section 6. Public Liability and Property Damage Insurance:

No permit shall be issued unless the applicant shall furnish the Town with a comprehensive liability insurance policy insuring the Town against liability for damage to person or property with limits of not less than \$1,000,000/\$2,000,000 for bodily injury or death and limits of not less than \$1,000,000 for property damage, to save the Town harmless from any and all liability or cause of action which might arise by reason of the granting of the permit, which policy shall not be cancelable without ten (10) days' prior written notice to the Town and which shall be in effect during the entire period of the mass gathering, to include set up and take down. The Planning Board shall have the authority to require insurance at greater levels as set forth herein upon a determination that such minimum amounts are insufficient based upon the size and/or scope of the event. Failure to keep such policy in effect will result in automatic revocation of the permit without hearing.

Section 7. Additional Duties of a Permittee for a Mass Gathering:

a. The site shall be provided with adequate interior roads to be kept clear at all times for service and emergency vehicles, and shall be serviced by access roads which will permit an adequate flow of traffic and ensure the free passage of emergency vehicles.

b. Adequate signs shall be provided locating all facilities.

c. Overnight camping area or areas shall be provided whenever necessary.

d. The operator of a mass gathering shall prohibit storage of flammable or volatile liquids or materials in or adjacent to the area of the gathering.

e. The permittee shall provide the services and facilities outlined in the permit application and approved by the permit-issuing official.

f. Each permittee will notify the County Health Department of any proposed mass gathering and will submit to a pre-operational inspection by the County Health Commissioner.

g. Children under 16 years of age not accompanied by an adult at a mass gathering shall be provided with adequate and competent adult supervision, such supervision to be provided by the permittee and exercised by a supervisor or supervisors present on the property.

h. The person to whom a permit has been issued to operate or hold a mass gathering shall provide an individual who is acceptable to the permit-issuing official as suitable and responsible to be in charge of the property and who shall be on the property or available while the property is occupied or open for occupancy.

i. A person to whom any permit is issued shall comply with the provisions of this Local Law and with all conditions stated in the permit, and shall allow the permit-issuing official or his/her representative to enter the premises at any reasonable time to ascertain compliance with the Local Law.

j. No permittee will sell, or offer for sale, nor allow any other person to sell, or offer for sale, any alcoholic beverage upon the premises designated in the permit application during the time period delineated for such mass gathering unless the permittee shall possess a valid NYS Liquor License for the service of other types of alcohol on the premises.

k. Each permittee shall provide for the removal of any temporary structures erected for use during such mass gathering within one week after the time specified in the permit application for termination of such mass gathering. Nothing contained in this subsection will relieve any party from the requirements of any other law regulating construction of such temporary structures.

l. Unless authorized by the Planning Board, no permittee will allow any person to possess any firearm or other weapon on the premises of such mass gathering other than a policeman, peace officer or security personnel otherwise authorized to possess firearms or other weapon.

m. The permittee shall comply with all federal, state and local laws and shall pay all required sales or other taxes arising from the event.

Section 8. Fees and Consultant Escrow:

Each application shall be accompanied by a fee in the amount set by the Town Board by resolution from time to time as it deems appropriate, payable at the time of its submission. A fee shall be compensation to the Town for its examination and processing of such application and shall not be refundable in whole or in part.

For the review of plans required herein under by the Town Engineer, Attorney, or other consultant or the event that the Planning Board shall deem it necessary to retain the services of a consultant to review the documentation submitted by the Applicant, the Planning Board shall have the authority to require the establishment of an escrow account in accordance with the requirements of Chapter 138 of the Town Code of the Town of Chatham.

Section 9. Certificate of Pre-Existence

Any landowner may apply to the Code Enforcement Officer for a Certificate of Pre-Existence to obtain an exception to the applicability of this local law as set forth in Section 3. (c) Hereinabove. The Code Enforcement Officer shall consider all competent proof submitted by the applicant in determining whether to issue such Certificate. The Certificate of Pre-Existence shall set forth as much information as possible relating to the state of the pre-existence, including but not limited to location, area utilized, number of attendees, type of event, duration, and food, water, and septic provision and any other relevant information. Any aggrieved person may appeal the determination of the Code Enforcement Officer to the Zoning Board of Appeals in accordance with the rules, process and procedure set forth in NYS Town Law §264-a.

Section 10. Enforcement and Penalties:

a. Any person who shall use, allow, let or permit to be used property for a mass gathering as defined herein, or any person who shall promote or advertise such mass gathering without first obtaining a written permit in accordance with the provisions of this Local Law, shall be deemed to have violated this Local Law. Any person who commits or permits any act in violation of any provisions of this Local Law shall be deemed to have committed a misdemeanor and shall be liable for the penalties provided.

b. For each violation of the provisions of this Local Law, the person violating the same shall be subject to a fine of not more than \$1,000, nor less than \$100, or imprisonment not to exceed one year, or both.

c. In addition to the above-provided penalties, the Town may maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with, or to restrain by injunction the violation of this Local Law.

Section 11. Severability:

Should any section or provisions of this Local Law be declared by any court to be unconstitutional or invalid, such declaration shall not affect the validity of this Local Law as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 12. Effective Date and Repealer:

This Local Law shall become effective immediately and is passed in accordance with the New York State Municipal Home Rule Law. This law shall also repeal and replace the current Town of Chatham Public Assemblies Law adopted as Local Law #1 of 1970 and known as Chapter 72 of the Town Code of the Town of Chatham.

Section 13. Construction:

The provisions of this Local Law shall be in addition to, and not in lieu of, nor construed to be in conflict with, the provisions contained in section 225 of the Public Health Law or sections 7-1.40 through 7-1.44 of chapter 1 of the State Sanitary Code.

Councilman Swartz seconded the motion.

VOTE:

Ayes DeGroot, Swartz, Lull, Balcom, Rohde Nays: None..... Resolution adopted

RESOLUTIONS

RES. #69-13 to accept Mitch Khosrova's resignation from the Zoning Board. Supervisor DeGroot offered RES. #69-13 and moved its adoption to accept Mitch Khosrova's resignation from the Zoning Board as of April 12, 2013. Councilman Lull seconded the motion.

VOTE:

Ayes DeGroot, Swartz, Lull, Balcom, Rohde Nays: None..... Resolution adopted

RES. #70-13 to reappoint Mitch Khosrova to the Zoning Board. Supervisor DeGroot offered RES. #70-13 and moved its adoption to reappoint Mitch Khosrova to the Zoning Board as of April 15, 2013 for the term expiring December 31, 2013. Councilman Lull seconded the motion.

VOTE:

Ayes DeGroot, Swartz, Lull, Balcom, Rohde Nays: None..... Resolution adopted

RES. #71-13 to appoint Marge Cartwright to the Board of Assessment Review. Supervisor DeGroot offered RES. #71-13 and moved its adoption to appoint Marge Cartwright to the Board of Assessment Review for a 5 year term, October 1, 2012 through September 30, 2017. Councilman Rohde seconded the motion.

VOTE:

Ayes DeGroot, Swartz, Lull, Balcom, Rohde Nays: None..... Resolution adopted

RES. #72-13 authorizing the implementation of funding in the first instance 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project and appropriating funds therefore. Supervisor DeGroot offered RES. #72-13 and moved its adoption

WHEREAS, a Project for the White Mills Road over CSX Railroad (BIN 222160) in the Town of Chatham, Columbia County, PIN 8759.38 (the "Project") is eligible for funding under Title 23 U.S. code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the Town of Chatham desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of construction, construction inspection, and construction supervision

NOW, THEREFORE, the Chatham Town Board, duly convened does hereby

RESOLVE, that the Chatham Town Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Chatham Town Board hereby authorized the Town of Chatham to pay in the first instance 100% of the federal and non-federal share of the cost of construction, construction inspection and construction supervision work for the Project or portions thereof; and it is further

RESOLVED, that the sum of **\$1,796,000** is hereby appropriated from 51204.05.004.45 and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Chatham Town Board shall convene as soon as

possible to appropriate said excess amount immediately upon the notification by the Town Supervisor thereof, and it is further

RESOLVED, that the Chatham Town Supervisor be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the Town of Chatham with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that in addition to the Town Supervisor, the following municipal titles: Commissioner of Public Works, Town Engineer, Town Comptroller, _____ are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately. Councilman Bob Balcom seconded the motion.

VOTE: Ayes; DeGrootd, Swartz, Lull, Balcom, Rohde Nays; None Resolution Adopted
STATE OF NEW YORK)

) SS:

COUNTY OF COLUMBIA)

I, Beth Anne Rippel, Clerk of the Chatham Town Board, New York, do hereby certify that I have compared the foregoing copy of this Resolution with the original on file in my office, and that the same is a true and correct transcript of said original Resolution and of the whole thereof, as duly adopted by said Town of Chatham Town Board at a meeting duly called and held at the Chatham Town Hall on March 21, 2013 by the required and necessary vote of members to approve the Resolution.

WITNESS My Hand and the Official Seal of the Town of Chatham, New York, this 21st day of March, 2013.

Beth Anne Rippel
Clerk, Chatham Town Board

There is an estimated shortfall of \$254,000.00 for the White Mills Rd. Bridge project which the Town will ultimately be responsible for.

RES. #73-13 to accept the Town Comptroller's Justice Court Audit Report for the year ending December 31, 2012. Supervisor DeGrootd offered Res. #73-13 and moved its adoption to accept the Town Comptroller's Justice Court Audit Report for the year ending December 31, 2012. Councilman Rohde seconded the motion.

VOTE:

Ayes DeGrootd, Swartz, Lull, Balcom, Rohde Nays: None..... Resolution adopted

RES #74-13 to accept bids for Miscellaneous Aggregate and Bituminous Material for the period from April 1, 2013 through March 31, 2014. Supervisor DeGrootd offered RES. #74-13 and moved its adoption.

WHEREAS, the Chatham Town Board accepts bids for Miscellaneous Aggregate and Bituminous Material for the period from April 1, 2013 through March 31, 2014, and

WHEREAS, the Chatham Town Board awards portions of the bids to more than one bidder based upon availability, location of material, location of potential job sites and/or price of the various materials from lowest bidder to highest bidder, and

THEREFORE, the Chatham Town Board accepts the following bids for miscellaneous aggregates, bituminous material, calcium, trucking, and equipment rental for the period April 1, 2013 through March 31, 2014.

THEREFORE, BE IT RESOLVED, that the Chatham Town Board accepts the bids as follows:

MATERIAL:		BID ACCEPTED FROM:	FOB	DELIVERED
A. Miscellaneous Aggregates				
Washed Stone: #1A	Bidder 1: Bidder 2:	A. Colarusso & Son Troy Sand & Gravel	\$10.75/ton \$12.00/ton	Hunt Trucking: \$15.20/ton TS&G: \$15.50/ton
#1	Bidder 1: Bidder 2:	Troy Sand & Gravel A. Colarusso & Son	\$ 8.50/ton \$10.55/ton	TS&G: \$12.00/ton Hunt Trucking: \$15.00/ton
#2	Bidder 1: Bidder 2:	Troy Sand & Gravel A. Colarusso & Son	\$ 8.50/ton \$10.30/ton	TS&G: \$12.00/ton Hunt Trucking: \$14.75/ton
#3	Bidder 1: Bidder 2:	Troy Sand & Gravel A. Colarusso & Son	\$ 8.50/ton \$10.30/ton	TS&G: \$12.00/ton Hunt Trucking: \$14.75/ton
#1 & #2 Mixed	Bidder 1:	Troy Sand & Gravel	\$ 8.50/ton	TS&G: \$12.00/ton
Crusher Run	Bidder 1: Bidder 2:	Troy Sand & Gravel A. Colarusso & Son	\$ 7.50/ton \$ 8.70/ton	TS&G: \$11.00/ton Hunt Trucking: \$13.15/ton
Stone Dust	Bidder 1: Bidder 2: Bidder 3:	Rifenburg Troy Sand & Gravel A. Colarusso & Son	\$ 6.00/ton \$ 6.50/ton \$ 7.10/ton	Tom Faxon: \$ 9.90/ton TS&G: \$10.00/ton Hunt Trucking: \$11.55/ton
Gabion Stone	Bidder 1: Bidder 2:	Troy Sand & Gravel A. Colarusso & Son	\$ 9.00/ton \$10.90/ton	TS&G: \$12.50/ton Hunt Trucking: \$15.35/ton
Rip Rap	Bidder 1: Bidder 2:	Troy Sand & Gravel A. Colarusso & Son	\$ 9.00/ton \$12.25/ton	TS&G: \$12.50/ton A. Colarusso: \$20.00/ton
Rip-Rap (Boulder)		Bob Boll Excavating	\$16.00/ton	Tom Faxon: \$19.20/ton
Shale		Bob Boll Excavating	\$ 7.50/ton	Tom Faxon: \$10.70/ton
Bank Run	Bidder 1: Bidder 2: Bidder 3: Bidder 4: Bidder 5: Bidder 6:	Rifenburg Cranesville Block Company Troy Sand & Gravel A. Colarusso & Son Bob Boll Excavating Macfarlane Contracting	\$ 3.50/ton \$ 4.50/yd \$ 5.50/yd \$ 5.50/ton \$ 6.50/ton	Tom Faxon: \$ 7.40/ton TS&G: \$10.50/yd A. Colarusso: \$11.00/ton Tom Faxon: \$ 9.70/ton Macfarlane: \$11.10/yd
Item #4	Bidder 1: Bidder 2: Bidder 3: Bidder 4: Bidder 5: Bidder 6:	Rifenburg Cranesville Block Company Troy Sand & Gravel A. Colarusso Bob Boll Excavating Macfarlane Contracting	\$ 5.65/ton \$ 6.50/yd \$ 7.50/yd \$ 8.50/ton \$10.05/ton	Tom Faxon: \$9.55/ton TS&G: \$11.15/yd A. Colarusso: \$14.00/ton Tom Faxon: \$13.25/ton Macfarlane: \$14.50/yd
1" Gravel	Bidder 1: Bidder 2:	A. Colarusso & Son Bob Boll Excavating	\$ 8.50/ton \$10.05/ton	A. Colarusso: \$14.00/ton Tom Faxon: \$13.25/ton
Cobblestone	Bidder 1: Bidder 2: Bidder 3: Bidder 4:	Rifenburg Cranesville Block Company A. Colarusso & Son Bob Boll Excavating	\$ 5.75/ton \$ 6.50/yd \$ 7.25/ton \$ 9.50/ton	Tom Faxon: \$ 9.65/ton A. Colarusso: \$12.75/ton Tom Faxon: \$12.70/ton

6F Top Coat	Bidder 1: Bidder 2: Bidder 3:	Troy Sand & Gravel New Castle Asphalt A.Colarusso & Son	\$53.50/ton FOB \$56.00/ton FOB \$63.70/ton FOB
Cold Mix	Bidder 1: Bidder 2:	A.Colarusso & Son Troy Sand & Gravel	\$74.00/ton FOB \$95.00/ton FOB

Councilman Rohde seconded the motion.

VOTE:

Ayes DeGroot, Swartz, Lull, Balcom, Rohde Nays: None..... Resolution adopted

-Lou Taylor from Ebele Tractor asked if he could address the board on the next resolution. He respects the Highway Superintendents decision on purchasing an excavator from another company. However he feels that they could offer a better machine. Joe stated the bottom line was that Ebele did not meet the original bid specs, therefore he went with Monroe Tractor for his purchase. The town attorney noted that if the Town decided to entertain Mr. Taylor’s request that they would have to rebid which the Town Board was not agreeable to doing.

RES. #75-13 Supervisor DeGroot offered RES. #75-13 and moved its adoption. WHEREAS, upon review of Excavator bids received on March 13, 2013 the award for (one) Excavator shall not be awarded to the lowest bidder due to bidder not meeting all specifications, and WHEREAS, the Chatham Town Board accepts the bid for (One) CASE CX80 HYDRAULIC CRAWLER EXCAVATOR from Monroe Tractor, 423 Old Loudon Road, Latham, NY 12110 with second lowest bid for the sum of \$115,162.00, and WHEREAS, the Chatham Town Board accepts the Extended Full Machine Warranty 4-Years; 4000 hour for the sum of \$ 2,395.00, and THEREFORE, be it resolved that the Chatham Town Board accepts the total bid for (One) CASE CX80 Hydraulic Crawler Excavator including extended warranty from Monroe Tractor for the total sum of \$117,557.00 for delivery in 2013 and shall be purchased with a 2013 BAN Note subject to a permissive referendum. Councilman Swartz seconded the motion.

VOTE:

Ayes DeGroot, Swartz, Lull, Balcom, Rohde Nays: None..... Resolution adopted

RES #76-13 Supervisor DeGroot offered RES. #76-13 and moved its adoption WHEREAS, the Chatham Town Board accepts the Oneida County Bid (Contract #1571) for (One) 2014 GU713 Mack Granite Dump Truck from Beam Mack Sales & Service, Inc., located at 6260 East Malloy Road, East Syracuse, NY for the sum not to exceed \$112,291.65, and THEREFORE, be it resolved that the Chatham Town Board accepts the Oneida County bid (Contract #1571) for (One) 2014 GU713 Mack Granite Dump Truck, from Beam Mack Sales & Service, Inc., located at 6260 East Malloy Road, East Syracuse, NY for the sum not to exceed \$112,291.65 for delivery in 2013 and shall be purchased with a 2013 BAN note subject to a permissive referendum. Councilman Swartz seconded the motion.

VOTE:

Ayes DeGroot, Swartz, Lull, Balcom, Rohde Nays: None..... Resolution adopted

RES #77-13 Supervisor DeGroot offered RES. #77-13 and moved its adoption: WHEREAS, the Chatham Town Board accepts the Oneida County Bid (Contract #1606) for truck body, light, plow and wing equipment for new 2014 GU713 Mack Granite Dump Truck from Henderson Truck Equipment, located at 22686 Fisher Rd., Watertown, NY for the sum not to exceed \$83,851.75, and Therefore, be it resolved that the Chatham Town Board accepts the Oneida County bid (Contract #1606) for truck body, light, plow and wing equipment for new 2014 GU713 Mack Granite Dump Truck from Henderson Truck Equipment, located at 22686 Fisher Rd., Watertown, NY for the sum not to exceed \$83,851.75, for delivery in 2013 and shall be purchased with a 2013 BAN note subject to a permissive referendum. Councilman Rohde seconded the motion.

VOTE:

Ayes DeGroot, Swartz, Lull, Balcom, Rohde Nays: None..... Resolution adopted

RES. #78-13 Supervisor DeGroot offered RES. #78-13 and moved its adoption. WHEREAS, the Chatham Town Board accepts the Oneida County Bid (Contract #1604) for (One) 2014 GU712 Mack Granite Dump Truck from Beam Mack Sales & Service, Inc., located at 6260 East Malloy Road, East Syracuse, NY for the sum not to exceed \$106,658.53, and THEREFORE, be it resolved that the Chatham Town Board accepts the Oneida County bid (Contract #1604) for (One) 2014 GU712 Mack Granite Dump Truck, from Beam Mack Sales & Service, Inc., located at 6260 East Malloy Road, East Syracuse, NY for the sum not to exceed \$106,658.53 for delivery in 2013 and shall be purchased with a 2013 BAN note subject to a permissive referendum. Councilman Swartz seconded the motion.

VOTE:

Ayes DeGroot, Swartz, Lull, Balcom, Rohde Nays: None..... Resolution adopted

RES #79-13 Supervisor DeGroot offered RES. #79-13 and moved its adoption. Whereas, the Chatham Town Board accepts the Oneida County Bid (#1606) for truck body, light, plow and wing equipment for new 2014 GU12 Mack Granite Dump Truck from Henderson Truck Equipment, located at 22686 Fisher Road Watertown, NY for the sum not to exceed \$78, 312.41, and Therefore, be it resolved that the Chatham Town Board accepts the Oneida County Bid (#1606) for truck body, light, plow and wing equipment for new 2014 GU12 Mack Granite Dump Truck from Henderson Truck Equipment, located at 22686 Fisher Road Watertown, NY for the sum not to exceed \$78, 312.41. Councilman Swartz seconded the motion.

VOTE: Ayes DeGroot, Swartz, Lull, Balcom, Rohde Nays: None..... Resolution adopted

RES. #80-13 to accept the minutes of the February 21, 2013 regular town board meeting and the March 1, 2013 special town board meeting. Councilman Balcom offered RES. #80-13 and moved its adoption to accept the minutes of the February 21, 2013 regular town board meeting and the March 1, 2013 special town board meeting. Councilman Swartz seconded the motion.

VOTE:

Ayes: DeGroot, Swartz, Lull, Balcom Nays: None..... Abstain: Rohde
Resolution adopted

PUBLIC COMMENT

None

Motion was made by Supervisor DeGroot, seconded by Councilman Swartz to adjourn at 8:25 P.M. Motion carried.

Respectfully Submitted,

Beth Anne Rippel
Town Clerk