

JUNE 8, 2020

Present: David Anderson, Supervisor; Larry Barber, Councilor; Judy Greenway, Councilor; Eric Behling, Councilor; Russell Partrick, Councilor; Elizabeth Dishaw, Town Clerk; Rebekah Prosachik, Town Attorney; Carrie Bond, Mexico Point Park Manager; Diane Chepko-Sade, President of Friends of Mexico Point Park; Nancy Weber, Chairman Planning Board;

Absent: Richard Diehl, Parks Manager; Terry Grimshaw, Water Commissioner; Russell Marsden Jr, Highway Superintendent; Edwin Waterbury, Chairman Zoning Board; Ronald Marsden, Zoning Officer

And 5 in the audience

Supervisor Anderson opened the regular Town Board meeting at 7:30.

Resolution 2020-33 Approval of Minutes

A motion was made by Councilor Greenway and seconded by Councilor Partrick to accept the following resolution. The motion was adopted by a vote of 5 ayes Anderson, Behling, Barber, Greenway and Partrick and 0 nays.

Resolved the Mexico Town Board approves the minutes from the March 9, 2020town board meeting.

Communications:

- NYS Office of Real Property – Equalization Rate
 - Oswego County Health – Emergency Order
 - NYMIR – Assess Appraisal
 - ISO Evaluation
 - CITI Spotlight
 - Request of Water- Annette Perry
 - Request of Water- Ernie Peters
 - NYS Teamsters – Field Audit Results
 - NYS Teamsters –Bargaining Agreement Expiration
- Public Comment and Concerns: none.

Reports:

Town Clerk/ Tax Collector/ Water Clerk- A motion was made by Councilor Behling and seconded by Councilor Barber to accept the April, May and June town clerk/water clerk reports as presented. The motion was adopted by a vote of 5 ayes Anderson, Behling, Barber, Greenway, Partrick and 0 nays.

Dog Control Officer- A motion was made by Councilor Greenway and seconded by Councilor Behling to accept the April and May dog control reports as presented. The motion was adopted by a vote of 5 ayes Anderson, Behling, Barber, Greenway and Partrick and 0 nays

Zoning Officer / Building Inspector–A motion was made by Councilor Partrick and seconded by Councilor Barber to accept the monthly report as presented. The motion was adopted by a vote of 5 ayes Anderson, Behling, Barber, Greenway and Partrick and 0 nays.

Highway Superintendent – A motion was made by Councilor Greenway and seconded by Councilor Behling to accept the April, May and June reports as presented. The motion was adopted by a vote of 5 ayes Anderson, Behling, Barber, Greenway and Partrick and 0 nays.

Community Park – Park Manager submitted a request for a new Ferris lawn mower. The cost of the mower is \$9,000.00. The trade in value for the 2014 Ferris is \$4,500.00. The actual cost of the mower will be \$4,500.00. Diehl estimates it would cut 3.5 hours for the mowing time.

Mexico Point Park – Bond said the signs pertaining to Covid are up. The fence is up and the trees are down. She has been working with the head lifeguard. The Boy Scouts helped to clean the beach. She is waiting for a safety plan so the beach can be inspected. The windows in the bathhouse were repaired. The urinal in the bathhouse is not flushing properly. Due to Covid the events at the park were cancelled. There was a discussion about the trail near the fishing-hole.

Chepko-Sade said the Art Fest was cancelled. A tree carving of Mr. Casey was scheduled for the Art Fest. The log would not be suitable to carve next year so a video of the carving was

done. The statue will be on display in Casey's Cottage. There are rocks in the road. It is now too hot to plant the trees near the rip rap. Barber said there were discussions on decreasing the road width. Partrick said he would like to have only one person dealing with Parks and Recreation. It is too confusing when several people are calling the state. Partrick said the labor for the roof needs to be bid out. Bond said there is a problem with the floor the tub in the caretaker's cottage.

A motion was made by Councilor Partrick and seconded by Councilor Barber to accept the monthly report as presented. The motion was adopted by a vote of 5 ayes Anderson, Behling, Barber, Greenway, Partrick and 0 nays.

Water Commissioner – A motion was made by Councilor Greenway and seconded by Councilor Partrick to accept the April, May and June reports as presented. The motion was adopted by a vote of 5 ayes Anderson, Behling, Barber, Greenway and Partrick and 0 nays.

Planning and Zoning- Weber said there were no meetings due to Covid. There is a saw mill on State Route 3 that is operating without a permit. A motion was made by Councilor Greenway and seconded by Councilor Behling to approve the report as presented. The motion was adopted by a vote of 5 ayes Anderson, Behling, Barber, Greenway, Partrick and 0 nays. Anderson said he would see that the saw mill issue was taken care of.

Supervisor –A motion was made by Councilor Behling and seconded by Councilor Partrick to approve the April, May and June supervisor's reports as presented. The motion was adopted by a vote of 5 ayes Anderson, Behling, Barber, Greenway, Partrick and 0 nays.

Resolution 2020- 34 March, April and May Payrolls

A motion was made by Councilor Greenway and seconded by Councilor Behling to accept the following resolution. The motion was adopted by a vote of 5 ayes Anderson, Behling,

Barber, Greenway, Partrick and 0 nays.

Resolved the Mexico Town Board approves the April, May and June payrolls.

Water Update – Yerdon said the WD#5 is complete except for the restoration and the disinfecting of the lines. When Department of Health signs off the project letters can go out to residents for hookup. There was a complaint on the corner of Sage Creek and Grandview. Form E is complete and signatures are needed. There is a change order for time extension until July 31, 2020. The closing for WD#5 should be on the June 26th at 2:00. There is an amendment of \$26,500 for C2AE for additional work. The increase will not affect the user fees. Anderson asked for an amortization schedule.

Resolution 2020-35 Water District #5 Change Order 1-2 Time Extension

A motion was made by Councilor Barber and seconded by Councilor Behling to approve Change Order 1-2, Time extension due to Covid precautions that prevented contractors from performing disinfection until July 31, 2020. The motion was adopted by a vote of 5 ayes Anderson, Behling, Barber, Greenway, Partrick and 0 nays.

Resolution 2020-36 Standardize Water Meters

A motion was made by Councilor Greenway and seconded by Supervisor Anderson to accept the following resolution. The motion was adopted by a vote of 5 ayes Anderson, Behling, Barber, Greenway, Partrick and 0 nays.

Resolved the Mexico Town Board approves the following resolution:

WHEREAS, the Town of Mexico purchases water and Operation & Maintenance (O&M) Services from the Village of Mexico for Water Service Area #5, and

WHEREAS, the Town Board of the Town of Mexico is desirous of standardizing their water meter system to Master Meters as required by the water supplier for this service area for ease of maintenance and to allow for adequate spare parts availability.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Mexico will

purchase specific Master Meters water meter systems, as required by the water supplier for Water Service Area #5.

Resolution 2020-37 Adjust WD#5 Budget Items

A motion was made by Councilor Greenway and seconded by Councilor Barber to accept the following resolution. The motion was adopted by a vote of 5 ayes Anderson, Behling, Barber, Greenway, Partrick and 0 nays.

Resolved the Mexico Town Board approves the following resolution:

WHEREAS, the interest expense has been paid at BAN renewal and has exceeded original estimate; and

WHEREAS, there are sufficient contingency funds to allow this budget increase for Water Service Area #5;

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor of the Town of Mexico is authorized on behalf of the Town Board of the Town of Mexico to increase the Net Interest Budget amount from \$24,500.00 current budget to a new total amount for Net Interest costs of \$36,480.00, to reflect actual costs incurred to date for interest, (copies of which are to be filed with the Town Clerk), for Water Service Area #5.

Resolution 2020-38 Amendment #2 to Owner /Engineer Agreement

A motion was made by Councilor Greenway and seconded by Councilor Barber to accept the following resolution. The motion was adopted by a vote of 5 ayes Anderson, Behling, Barber, Greenway, Partrick and 0 nays.

Resolved the Mexico Town Board approves the following resolution:

WHEREAS, Original bids came in over budget, additional funding was secured which created additional work tasks including BAN paperwork, public notification, additional agency forms and paperwork assistance provided to Town during this process.

WHEREAS, Contractor was granted time extension due to winter conditions and another extension due to NYSDOH Covid restrictions on testing that resulted in approximately 130

additional days for construction administration. Monthly project paperwork continued during this period. Engineer's construction administration time shall be extended to cover this 130-day contractor's extension.

NOW, THEREFORE, BE IT RESOLVED that this amendment amount: is for an additional \$26,500.00 payable to C2AE.

Resolution 2020-39 WD#5 Budget Certificate

A motion was made by Councilor Greenway and seconded by Councilor Behling to accept the following resolution. The motion was adopted by a vote of 5 ayes Anderson, Behling, Barber, Greenway, Partrick and 0 nays.

Resolved the Mexico Town Board authorizes Supervisor Anderson to sign WD#5 Form E #6.

Resolution 2020-40 Water Maintenance Fees Withheld

A motion was made by Councilor Greenway and seconded by Councilor Behling to accept the following resolution. The motion was adopted by a vote of 5 ayes Anderson, Behling, Barber, Greenway, Partrick and 0 nays.

WHEREAS, The Town of Mexico pays the Village of Mexico \$12,000 to maintain the water lines.

WHEREAS, The Mexico Town Board agrees to withhold a sum of \$12,000 from the fees paid to the Village of Mexico for the maintenance of the town water lines. The maintenance includes fire hydrant flushing and valve exercising for 2020.

RESOLVED, The Town of Mexico agrees to pay in place of paying the Village of Mexico for this service a water commissioner appointed by the Town of Mexico to perform this service.

Resolution 2020-41 Spend Highway Funds

A motion was made by Councilor Partrick and seconded by Councilor Barber to accept the following resolution. The motion was adopted by a vote of 5 ayes Anderson, Behling, Barber, Greenway, Partrick and 0 nays.

Resolved the Mexico Town Board approved to spend highway funds.

Resolution 2020-42 Purchase Lawn Mower

A motion was made by Councilor Barber and seconded by Councilor Partrick to accept the following resolution. The motion was adopted by a vote of 5 ayes Anderson, Behling, Barber, Greenway, Partrick and 0 nays.

Resolved the Mexico Town Board approved the purchase of a Ferris lawn mown in the amount of \$4,500.

Resolution 2020-43 Install Plexiglas at Town Court

A motion was made by Councilor Partrick and seconded by Supervisor Anderson to accept the following resolution. The motion was adopted by a vote of 4 ayes Anderson, Behling, , Greenway, Partrick and 1 nay Barber.

Resolved the Mexico Town Board approves to accept the lowest responsible bid from Spereno Construction for \$1,300. for 4 pieces of Plexiglas to be suspended from the drop ceiling.

The 1st Quarterly Report is for informational purposes only.

Resolution 2020-44 Tree Removal at Mexico Point Park

A motion was made by Councilor Partrick and seconded by Councilor Greenway to accept the following resolution. The motion was adopted by a vote of 5 ayes Anderson, Behling, Barber, Greenway, Partrick and 0 nays.

Resolved the Mexico Town Board approves the payment of \$4,900 to Mid State Lawn & Tree Service for the removal of tree and marsh, trimming oak tree by road and trimming and cleaning up 2 limbs out of the poplar tree closest to lake.

Resolution 2020-45 Cyber Liability Insurance CoverageA motion was made by Councilor Greenway and seconded by Councilor Partrick to accept the following resolution. The motion was adopted by a vote of 5 ayes Anderson, Behling, Barber, Greenway, Partrick and 0 nays.

Resolved the Mexico Town Board approves exploration of cyber liability insurance by

Supervisor Anderson.

The suggestion for enclosed dugouts is for informational purposes only.

Resolution 2020-46 Appoint Planning Board Member

A motion was made by Councilor Behling and seconded by Councilor Partrick to accept the following resolution. The motion was adopted by a vote of 5 ayes Anderson, Barber, Greenway and Partrick and 0 nays.

Resolved the Mexico Town Board appoints Gary Toth to the Planning Board.

Resolution 2020-47 Advertise for Board of Review Member

A motion was made by Councilor Greenway and seconded by Supervisor Anderson to accept the following resolution. The motion was adopted by a vote of 5 ayes Anderson, Barber, Greenway and Partrick and 0 nays.

Resolved the Mexico Town Board authorizes Liz Dishaw, Town Clerk to advertise for a Board of Review member.

Resolution 2020-48 2018 Audit

A motion was made by Councilor Barber and seconded by Councilor Greenway to accept the following resolution. The motion was adopted by a vote of 5 ayes Anderson, Barber, Greenway and Partrick and 0 nays.

Resolved the Mexico Town Board approves the 2018 Audit.

Resolution 2020-49 2018 Annual Update Document Preparation

A motion was made by Councilor Barber and seconded by Councilor Greenway to accept the following resolution. The motion was adopted by a vote of 5 ayes Anderson, Barber, Greenway and Partrick and 0 nays.

Resolved the Mexico Town Board approves the bid for preparing the 2018 Annual Update Document in the amount of \$1,500 by EFPR Group.

Resolution 2020-50 Chamber of Commerce Membership

A motion was made by Councilor Barber and seconded by Councilor Partrick to accept the following resolution. The motion was adopted by a vote of 5 ayes Anderson, Barber, Greenway and Partrick and 0 nays.

Resolved the Mexico Town Board approves the membership to the Mexico Chamber of Commerce in the amount of \$50 per year.

Resolution 2020-51 2018 Audit

A motion was made by Councilor Barber and seconded by Councilor Greenway to accept the following resolution. The motion was adopted by a vote of 5 ayes Anderson, Barber, Greenway and Partrick and 0 nays.

Resolved the Mexico Town Board approves the 2018 Audit.

Resolution 2020-52 -Requesting Commencement of Legal Action

A motion was made by Supervisor Anderson and seconded by Councilor Behling to accept the following resolution. The motion was adopted by a vote of 5 ayes Anderson, Barber, Greenway and Partrick and 0 nays.

Resolved the Mexico Town Board approves the following resolution:

WHEREAS, during December 2016, the Highway Department of the Town of Mexico performed snow plowing services for County of Oswego pursuant to the terms of a contract entered into by the Highway Superintendent of the Town of Mexico with the Oswego County Highway Department; and

WHEREAS, the Town of Mexico and the Town of Mexico Highway Department did not receive the appropriate compensation, approximately Twenty-Six Thousand Dollars (\$26,001) from the County of Oswego for the snow plowing services performed pursuant to the terms of the contract; and

WHEREAS, the previous efforts made by the Town Board of the Town of Mexico and the Town Highway Superintendent to obtain payment from the County of Oswego have failed

and the County refused to compensate the Town of Mexico and the Town of Mexico Highway Department; and

WHEREAS, the Town Board of the Town of Mexico previously duly authorized the commencement of legal proceedings against the County of Oswego and the Oswego County Highway Department to enforce the contract and obtain the money owed to the Town of Mexico and the Town of Mexico Highway Department; and

WHEREAS, on January 22, 2018, the Town of Mexico commenced an action in New York State Supreme Court, Oswego County, against the County of Oswego and the Oswego County Highway Department (the "Action"); and

WHEREAS, the County of Oswego and the Oswego County Highway Department recently filed a motion seeking to dismiss the Action based on an alleged procedural error (the "Motion"); and

WHEREAS, although the Town Board believes that the Motion is without merit, rather than expend unnecessary resources opposing the Motion, the Town Board has decided that the more prudent course of action is to voluntarily dismiss the Action, and commence a new action based on the same allegations; and

WHEREAS, the Town Board of the Town of Mexico is of the belief that the continuation of appropriate legal action is necessary to protect the interests of the Town of Mexico and its residents and to obtain payment for the services that were performed and to ensure future compliance with contracts entered into with the County of Oswego and the Oswego County Highway Department, and

RESOLVED, that the Town Board of the Town of Mexico hereby re-authorizes and directs the commencement of appropriate legal action in the name of the Town of Mexico against the County of Oswego, Oswego County Highway Department and any other entity as may be necessary for the benefit of the Town of Mexico and its residents in order to enforce the terms of the contract to obtain the compensation owed to the Town of Mexico for snow

plowing services performed in December 2016 and for any other time pursuant to the terms of the contract; and

BE IT FURTHER RESOLVED, that the Town Supervisor is re-authorized to commence and appear in legal proceedings in New York State Supreme Court, or any other Court of competent jurisdiction, in the name of the Town of Mexico for payment of the snow plowing services performed in December 2016 and any other relief deemed appropriate by Counsel and the Court; and

BE IT FURTHER RESOLVED, that Town Board of the Town of Mexico re-authorizes and directs that the Town Supervisor employ Bond, Schoeneck and King, PLLC , upon such terms as they deem proper and advisable, to serve as legal counsel for the commencement of new legal proceedings in the name of the Town of Mexico against the County of Oswego and the Oswego County Highway Department for breach of contract to obtain payment for the snow plowing services performed in December 2016, for any other cause of action deemed appropriate by Counsel and to request monetary damages and any and all other relief deemed appropriate by Counsel and the Court.

A motion was made by Councilor Partrick and seconded by Supervisor Anderson to authorize Councilor Barber to get the bid specs for the Casey's Cottage roof repairs. The motion was adopted by a vote of 5 ayes Anderson, Behling, Barber, Greenway, Partrick and 0 nays.

The quote for 12 picnic tables for the Community Park is \$6,948.00. Anderson suggested Bond review the tables for Mexico Point Park.

The Community Park lease should be corrected on #8 to read "The Village of Mexico and its designee have the ability to deposit excess snow that is removed from property within the village limits with the exception of any Oswego County Properties, to include the Department of Social Services. No snow from these properties shall be accepted without written consent from the Mexico Town Board. NO EXCEPTIONS"

Resolution 2020-53 Audit of Claims

A motion was made by Councilor Behling and seconded by Councilor Barber to approve the following resolution. The motion was adopted by a vote of 5 ayes Anderson, Behling, Barber, Greenway, Partrick and 0 nays.

Resolved that the bills for Abstract 6 have been reviewed by the Town Board and are authorized for payment and to reaffirm Abstracts 4 and 5 in the following amounts:

General A Fund	voucher # 103 to 129	\$ 68,089.52
General B Fund	voucher # 39 to 44	\$ 2,979.19
Highway Fund	voucher # 125 to 149	\$ 33,451.65
Water	voucher # 8	\$ 21,203.84
Special Districts	voucher # 9 to 10	\$ 2,522.04
Capital	voucher # 11 to 12	\$ 216,992.62

A motion was made by Councilor Greenway and seconded by Councilor Partrick to adjourn at 9:48 pm. The motion was adopted by a vote of 5 ayes Anderson, Behling, Barber, Greenway, Partrick and 0 nays.

Respectfully submitted,

Elizabeth Dishaw, RMC