

TOWN OF NORTHUMBERLAND
Special Town Board Meeting
July 23, 2008

Supervisor Willard Peck called the meeting to order @ 7:35 AM. Following the salute to the flag, roll call was taken. Those attending included Supervisor Willard Peck, Councilman Paul Bolesh, Councilman George Hodgson and Councilwoman Patricia Bryant. Councilman Daniel Gale was absent. Also present were Clerk Denise Murphy, Highway Sup't Neil Petteys and Town Attorney Douglas Ward.

Councilman George Hodgson submitted the following vouchers for approval for payment:

Voucher #28 – Account 4898 “The Dock Doctors” in the amount of \$64,900.00
Voucher #29 – Account 4897 “Darryl Dumas” in the amount of \$26.00
Voucher #30 – Account 4897 “Ritchie Bros. Slate Co., Inc.” in the amount of \$695.16

Councilman George Hodgson made a motion to approve vouchers for payment as presented. Councilman Paul Bolesh seconded the motion. All in favor, motion carried.

Councilman George Hodgson stated that he would like to put to bid additional improvements to the Hudson Crossing Park that will be paid for out of the DOT/Sweeney Grant. Councilman Hodgson stated some of the improvements the bids would address include the construction of paths/steps between the play area and the floating dock, parking areas and the construction of the septic system, ADA restroom and maintenance shed and metal roof on the Picnic Pavilion. Councilman Hodgson stated each area will be listed separately (except for Picnic Pavilion improvements) so a bidder can bid on some or all of the items. The Town Board will have the right to reject any or all bids. Councilman George Hodgson made a motion to solicit bids for the improvements to Hudson Crossing Park which will complete expenditures under the DOT/Sweeney Grant. Since three (3) weeks of public notice is required by DOT, the soonest the bids could be awarded will be at the September 4, 2008 Town Board Meeting. Councilman George Hodgson made a motion to solicit bids for improvements at the Hudson Crossing Park as outlined. Councilman Paul Bolesh seconded the motion. All in favor, motion carried.

Councilman Hodgson stated he would like the Town Board to discuss the matter with the Town's insurance carrier regarding coverage for improvements being made at Hudson Crossing Park. Councilman Hodgson stated he had talked with Audrey Ball, Parks and Recreation Director for the Town of Malta to see how they handled it there. The Town Clerk will talk to our insurance carrier.

Supervisor Willard Peck stated that he was informed by Highway Sup't Neil Petteys that DelSignore Blacktop and Paving notified him on July 15, 2008 @ 2:00 PM that they

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would not be able to honor there awarded price of \$52.83 per ton. They would need to increase their per ton figure for Asphalt Paving by \$16.00. On May 1, 2008 DelSignore Blacktop Paving was awarded the paving contract based on \$52.83 per ton figure. This figure was to be good for Fiscal Year 2008. Town Attorney Douglas Ward wrote a letter to Timothy Hayes, DelSignore Blacktop Paving advising them that the Town insists that DelSignore perform the Contract in full compliance with its bid, including its unit price commitment of \$52.83 per ton. The Town is treating the above statements to the Town Highway Superintendent as an anticipatory breach of the Contract. As such, in order to have this critical repaving work completed this season, the Town will be reletting this bid on Wednesday, July 23, 2008. To the extent that the Town incurs costs that exceed the amount in the DelSignore bid or is otherwise injured as a result of DelSignore's non-performance, the Town will seek payment from DelSignore of any such additional costs incurred by the Town or for such other injuries. DelSignore was to advise the Highway Sup't immediately if there are any inaccuracies in this letter. If, by the close of business July 22, 2008, DelSignore does not confirm that intends to perform the Contract as bid and provides the performance bond required by the Contract, the Town will conclude that the company does not intend to abide by the Contract and will proceed as above specified. Attorney Douglas Ward stated he has talked with Mr. Hayes, and they have asked for an extension until Thursday afternoon. Based on that information, Councilman Paul Bolesh made a motion to hold a Special Town Board Meeting for Friday, July 25, 2008 @ 7:30 AM to discuss the Asphalt Paving Contract for 2008. Councilman George Hodgson seconded the motion. All in favor, motion carried. Councilman Paul Bolesh made a motion to go into Executive Session @ 8:00 AM to discuss possible litigation. Councilman George Hodgson seconded the motion. All in favor, motion carried. Councilwoman Patricia Bryant made a motion @ 8:05 AM to reconvene the Special Town Board Meeting. Councilman Paul Bolesh seconded the motion. All in favor, motion carried. Supervisor Peck reported no action was taken. Councilman Paul Bolesh made a motion @ 8:10 AM to adjourn the Special Town Board Meeting. Councilwoman Patricia Bryant seconded the motion. All in favor, motion carried.

Respectfully submitted,

Denise Murphy
Town Clerk