

**Town of Northumberland
Special Town Board Meeting
July 25, 2008**

Supervisor Willard Peck called the Special Town Board Meeting to order @ 7:30 AM. The purpose of the Special Meeting was to discuss the 2008 Asphalt Paving Contract that was awarded May 1, 2008 to DelSignore Blacktop Paving, Inc in the amount of \$52.83 per ton. Following the salute to the flag, roll call was taken. Those attending included Supervisor Willard Peck, Councilman Paul Bolesh, Councilman Daniel Gale and Councilman George Hodgson. Also attending were Clerk Denise Murphy, Highway Sup't Neil Petteys and Town Attorney Douglas Ward. Councilwoman Patricia Bryant was absent.

Supervisor Willard Peck stated that Highway Sup't Neil Petteys had been contacted by Timothy Hayes, DelSignore Blacktop Paving on July 15, 2008 that their Company could not honor the awarded Asphalt Paving Contract of \$52.83 per ton. Town Attorney Douglas Ward sent Timothy Hayes, DelSignore Blacktop Paving a letter on July 21, 2008 advising 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 of Northumberland is treating the above statement 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. If the Town incurs cost 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. On July 23, 2008 Highway Sup't Neil Petteys received a letter from Dewey DelSignore, President of DelSignore Blacktop Paving advising that in accordance with Section 105 of the General Municipal Law of the State of New York, DelSignore Blacktop Paving withdraws its bid for the above reference Project.

Supervisor Willard Peck made a motion that the Town of Northumberland will treat the letter dated July 23, 2008 directed to Neil Petteys, Highway Sup't regarding the Asphalt Paving Bid awarded May 1, 2008 as an anticipatory breach of the contract and authorizes the Town Clerk to solicit bids for the asphalt paving project for 2008 with a returnable date of August 6, 2008. Councilman Paul Bolesh seconded the motion. All in favor, motion carried.

Councilman Paul Bolesh made a motion @ 7:55 AM to adjourn the Special Town Board Meeting. Councilman Daniel Gale seconded the motion. All in favor, motion carried.

Respectfully submitted,

Denise Murphy
Town Clerk