

**JANUARY 14<sup>th</sup>, 2009**

A regular meeting of the Madrid Town Board was called to order at 4:30 PM in the Madrid Town Office.

Members present: William Carkner, Tim Thisse, Tony Cooper, David Fisher, Kevin Finnegan, Judy Hargrave- Town Clerk and Chet Tyndall – Hwy Supt

Also present: Al Finnegan, Derek Hetu, Karen Buckley, Aaron Jarvis, Michael Crowe

Derek Hetu and Karen Buckley presented a quote for insurance through NYMIR in the amount of \$19,204.21.

An update on the sewer plant by Aaron Jarvis stated the soil borings are done and the environmental report is done.

The Town board reviewed the monthly bills . David Fisher made a motion, second by Tony Cooper to pay the bills. General #1-38 in the amount of \$8,052.52 Hwy #1-15 in the amount of \$11,730.38 Sewer #1-4 in the amount of \$2,359.04 Water #1-9 in the amount of \$2,120.26 Light District #1 for \$1,446.12 all were in favor.

Chet Tyndall: Brian Paige would like the internet at the water plant.

OLD BUSINESS:

The state is sanding the community building parking lot.

Alan Finnegan believes we should pressure the state to pave North street and Buck road.

David Fisher made a motion, seconded by Kevin Finnegan to sign a contract with the rescue squad for \$30,000 and allow the squad to purchase fuel with the town billing them once a month. All were in favor.

The local law for zoning needs to have a SEQR done before we can adopt the law. The town needs to file a type 1 action, which is an environmental assessment form. David Fisher made a motion, seconded by Tony Cooper to have the town be the lead agency in the SEQR compliance for passage of local law for zoning changes. The town can issue a negative declaration and advertise that there is no significant environmental impact.

NEW BUSINESS:AMP sent the town a letter stating that they are letting the town into the organization.

Tony Cooper made a resolution, second by Tim Thisse authorizing and directing the Town Supervisor to sign the Alliance for Municipal Power Development Commission Agreement and authorize AMP to request, seek, obtain, and receive any material, including but not limited to confidential and proprietary material related to the AMP Development Commission Agreement, from any organization, public or private, that has material or information relating to that agreement, including but not limited to, national Grid and the New York State Public Service Commission. All were in favor.

Tim Thisse made a motion, second by Kevin Finnegan to designate Tony Cooper as the Town's representative to AMP, with David Fisher as the alternate representative. All were in favor.

Agreements with the state DOT for the bridge repair found at the end of this document.

APPOINTMENTS FOR 2009:

David Fisher made a motion, second by Kevin Finnegan to set Town mileage at .45 per mile for use of personal vehicle for official business for 2009. All were in favor.

Tony Cooper made a motion, second by Tim Thisse to designate the Watertown Daily Times and Ogdensburg Journal as official newspaper for the Town of Madrid for 2009. All were in favor.

Tim Thisse made a motion, second by Tony Cooper for Regular Town Board Meetings to be held Dec – Mar the 2<sup>nd</sup> Wednesday @ 4:30 PM, Apr – Nov @ 6:30 PM. All were in favor.

Kevin Finnegan made a motion, second by Tim Thisse to appoint Sarah Day-Schulz and Carrie Rutherford as Co-Town Historians for 2009. All were in favor.

David Fisher made a motion, second by Tony Copper to authorize the supervisor to use the short-form for the supervisor's annual report to the newspaper. All were in favor.

The supervisor appointed himself the Budget Officer for 2009.

Tony Cooper made a motion, second by Kevin Finnegan to appoint James Pipher as dog control officer for 2009 with a salary of \$4,100.00. All were in favor.

Tim Thisse made a motion, second by David Fisher to appoint Michael Crowe as Town Attorney for 2009. All were in favor.

Kevin Finnegan made a motion, second by Tony Cooper to appoint Judy Hargrave as Registrar of Vital Statistics. All were in favor.

The Supervisor appointed the following committees: David Fisher and Tony Cooper to the Planning Board, David Fisher and Kevin Finnegan to the Insurance committee, David Fisher and Timothy Thisse to the Highway Committee, Timothy Thisse and Kevin Finnegan to the Recreation Committee, David Fisher and Tony Cooper to the Personnel Committee, Timothy Thisse and Kevin Finnegan to the Water & Sewer Committee, Kevin Finnegan and Tony Cooper to the Library Committee and Kevin Finnegan and Tony Cooper to the Fire & Rescue Committee.

Tim Thisse made a motion, second by Tony Cooper to appoint Lori MacIntosh as Water & Sewer Billing Clerk with Judy Hargrave as the collector.

David Fisher made a motion, second by Kevin Finnegan to appoint Jeff Gilson as Building Inspector with a salary of \$9,000.00. All were in favor.

David Fisher made a motion, second by Tim Thisse to set the senior citizens exemption rate at \$20,000 with a sliding scale to 20%. All were in favor.

The supervisor appointed Linda Newtown as Account Clerk part-time with a salary of \$7,713.00.

David Fisher made a motion, second by Tim Thisse to authorize the highway superintendant to exchange work and equipment with any highway department when it is financially feasible for both parties. All were in favor.

Kevin Finnegan made a motion, second by Tony Cooper to limit the highway superintendant to an expenditure of \$2,999.99 without approval of the board. All were in favor.

Tony Cooper made a motion, second by David Fisher to authorize the highway superintendant to attend schools and conferences in the spring and fall. All were in favor.

Audit day will be January 24<sup>th</sup>, 2009 at 9:00 AM.

Tony Cooper made a motion, second by Tim Thisse to adopt the salary schedule as set up in the 2009 budget to pay the Town Officers: all were in favor. Salaries are as follows:

Supervisor	\$10,600.00
Town Clerk	\$23,816.00
Town Justice (each)	\$15,123.00
Town Council (each)	\$ 2,500.00
Highway Supt	\$40,530.00
Health Officer	\$ 500.00
Registrar of Vital Statistics	\$ 1,350.00
Historian	\$ 350.00
Town Attorney	\$ 3,100.00
Assessor	\$12,500.00

Judy Hargrave appointed Linda Newtown, Kerri O'Bryan and Lori MacIntosh as deputy Town Clerk to be paid \$9.50 per hour.

Chester Tyndall appointed Tom Rutherford as Deputy Highway Supt.

William Carkner appointed David Fisher as Deputy Supervisor.

Kevin Finnegan made a motion, second by Tim Thisse to appoint Lori MacIntosh Court Clerk to be paid a salary of \$10,550.00. All were in favor.

Tony Cooper made a motion, second by Kevin Finnegan to approve the minutes of the previous meeting. All were in favor.

Tony Cooper made a motion, second by Tim Thisse to adjourn. Meeting adjourned at 6:30 p.m.

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Judy Hargrave, Town Clerk



## RESOLUTION TO MAINTAIN HIGHWAY LIGHTING

Resolution of the Town Board of the Town of Madrid Agreeing to Maintain, Repair and Energize a Highway Lighting System on or along a State Highway within the geographical jurisdiction of the Town (Hamlet of Madrid), such highway identified as Route 345, Structure Over Grasse River, PIN 7034.07, County of St. Lawrence.

WHEREAS, the State of New York Department of Transportation proposes to construct a State Highway identified as Route 345, Structure Over Grasse River, PIN 7034.07, County of St. Lawrence within the geographical jurisdiction of the Town of Madrid.

WHEREAS, the Town of Madrid 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 on the structure.

1. Underground duct systems, including conduits, pull boxes, hand holes and drainage pockets.
2. Ducts, pull boxes and anchor bolts on structures.
3. Foundation for light standards.
4. Light standards and bracket arms.
5. Luminaires

Provided that the Town of Madrid 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 maintenance of such lighting system is no longer necessary for such Highway.

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

RESOLVE, the Town of Madrid approves of the above subject project; and it is hereby further

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

RESOLVED, that the Town Board hereby authorizes the Supervisor of the Town of Madrid to enter into and execute an Agreement with the State of New York by and through the Commissioner of Transportation to commit the Town of Madrid 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 Board is hereby directed to transmit five (5) certified copies of the foregoing resolution to the State Department of Transportation, 317 Washington Street, Watertown, NY 13601, Attn: Timothy J. Vreatt.

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

1. The COMMISSIONER shall provide for the furnishing and placing of the following items in connection with the highway lighting system on the structure on the above identified highway:
  - a. Underground duct system, including conduit, pull boxes, hand holes and drainage pockets.
  - b. Ducts, pull boxes and anchor bolts on structures.
  - c. Foundation for light standards.
  - d. Light standards and bracket arms.
  - e. Luminaires, wiring, switches, 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 TOWN shall, at its own expense, maintain the lighting system on or along such highway. Such maintenance shall include:
  - 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.

The TOWN 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 Highway.

In the event the TOWN, 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 TOWN, upon notification by the Commissioner of such requirement to

ACCESS RESOLUTION

RESOLUTION # \_\_\_\_\_

WHEREAS, the New York State Department of Transportation proposes to

Restore the Structural Integrity of BIN 1027310 and reconstruct a portion of highway section and appurtenances of SH 9026 (Route 345) in the Town of Madrid.

WHEREAS, in conformance with Section 45 of New York State Highway Law, the New York State Department of Transportation proposes to utilize the following adjacent land and stream owned by the Town of Madrid for access during the period of construction:

Parcels are Town of Madrid Tax Section #41.070, Block 6, Parcel #'s 1 and 4.111. These parcels adjoin BIN 1027310 in the southeast and southwest quadrants from highway centerline Station 14 + 130, Offset 41 meters left to Station 14 + 300, Offset 50 meters left.

WHEREAS, the New York State Department of Transportation will provide plan details of access and obtain necessary permits for such access and make repairs when necessary and upon removal of access causeway.

NOW THEREFORE BE IT RESOLVED: that the Board of the Town of Madrid does hereby authorize the New York State Department of Transportation to utilize the above mentioned property for entry during the period of construction.

BE IT FURTHER RESOLVED: that the Town of Madrid will continue to provide routine maintenance on the above mentioned properties.

BE IT FURTHER RESOLVED: that the clerk of this Board is hereby directed to transmit five (5) certified copies of this resolution to the State Department of Transportation.

pay shall reimburse the State the amount of such required payment. Further, it is expressly understood that the TOWN 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.

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 TOWN 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 TOWN. At such meeting the Commissioner or his representative and the authorized representative of the TOWN 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 TOWN for the satisfactory completion of remedial action by the TOWN.
4. It is recognized by the parties hereto that failure of the TOWN to complete the required remedial actions within the agreed upon time limit may subject the TOWN 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 TOWN fails to make the remedial actions within the agreed upon time limit, no further Federally-aided project for which the TOWN would have maintenance responsibility shall be approved until such time as the lighting system is restored to the level and conditions of maintenance required by the Agreement. In addition, failure of the TOWN to make such remedial actions may subject the TOWN to loss of State aid for other TOWN projects.
5. The TOWN 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 by Resolution attached hereto.
6. Prior to the expiration of the Agreement, the TOWN shall review the Agreement and determine whether it desires to continue maintaining said lighting system for an additional TEN year period.

If the TOWN is desirous of having lighting for an additional 10 years, prior to the



expiration of the Agreement the TOWN Board of the TOWN shall, by resolution, authorize the Supervisor of the TOWN to enter into and execute an Agreement with the STATE by and through the COMMISSIONER committing the TOWN to maintain, at its own expense, said lighting system for a second period of 10 years. The Supervisor of the TOWN shall enter into such an Agreement with the State prior to the termination of this Agreement.

If the TOWN, in its discretion, determines that it does not desire to maintain said lighting system beyond the 10 year period established in the Agreement, it will so notify the COMMISSIONER. If, prior to the expiration of this Agreement the TOWN Board of the TOWN has not authorized the Supervisor of the TOWN, by resolution, to execute an agreement to maintain said highway lighting for a second 10 year period, the TOWN shall be deemed to no longer be desirous of maintaining said lighting system.

Where the TOWN has no desire to maintain the lighting system for an additional 10 years, said lighting fixtures will be removed by the STATE at the TOWN's expense, unless the STATE has funds available to maintain, repair and energize said lighting system and the COMMISSIONER, in his discretion, determines that such lighting is necessary for such State Highway. Upon notification by the COMMISSIONER of the removal cost the TOWN shall reimburse the STATE the amount specified. The TOWN's obligation to pay the removal costs continues beyond the expiration of this Agreement.

The cost of removal includes but is not limited to review and upgrading of roadway delineation features, including pavement markings, and any and all penalties, fees, and/or other costs for unamortized fixtures which the STATE is required to pay the Federal government.

IN WITNESS WHEREOF, the STATE has caused this Instrument to be signed by the said COMMISSIONER of Transportation and the TOWN has caused this instrument to be signed by its Supervisor.

Approved as to form and content:

TOWN OF X

X  
TOWN Attorney

BY: X *William A. Curran*  
(Supervisor)

STATE OF NEW YORK )  
TOWN OF MADRID ) ss:  
COUNTY OF ST. LAWRENCE )

On this X day of X 20X, before me personally came X  
, to me known, who, being by me duly sworn, did depose and say that he/she resides in  
the X, New York; that he/she is the X  
of the X  
, the Municipal Corporation described and which executed the above instrument pursuant to a  
resolution which was duly adopted on X and to which a certified copy is attached  
and made a part hereof; and that he/she signed his/her name thereto by like other.

X  
Notary Public

**RESOLUTION BY THE TOWN BOARD  
TOWN OF MADRID  
FOR THE MAINTENANCE OF SIDEWALKS**

RESOLUTION NO. \_\_\_\_

WHEREAS, the New York State Department of Transportation proposes the reconstruction of Route 345, Structure Over Grasse River, Hamlet of Madrid, PIN 7034.07 and

WHEREAS, the State will include as part of the construction, reconstruction, or improvements of the above mentioned project the construction of sidewalks, pursuant to Section 10, Subdivision 22 & Section 140, Article 7, Subsection 18 of the Highway Law and

WHEREAS, the State will provide for the construction of the above mentioned work, as shown on the contract plans relating to the project.

NOW, THEREFORE,

BE IT RESOLVED: That the Town of Madrid approves the construction of sidewalks and the above mentioned work performed on the project and shown on the contract plans relating to the project and that the Town of Madrid will maintain or cause to be maintained the relocated, reconstructed and/or constructed sidewalks performed as above stated and as shown on the contract plans, including the control of snow and ice.

BE IT FURTHER RESOLVED: That the Clerk of this Board is hereby directed to transmit four (4) certified copies of the foregoing resolution to: New York State Department of Transportation, 317 Washington Street, Watertown, New York 13601, Attn: Timothy J. Vreath.

**RESOLUTION BY THE TOWN BOARD  
TOWN OF MADRID  
AGREEING THAT THE AUTHORITIES OF THE MUNICIPALITY  
WILL NOT IN THE FUTURE PERMIT ENCROACHMENT  
UPON THE RIGHT-OF-WAY FOR ANY PROJECT  
ON A STATE HIGHWAY**

RESOLUTION # X

WHEREAS, the New York State Department of Transportation has notified this board of the preparations of plans and specifications for the reconstruction of, Route 345, Structure Over Grasse River, Hamlet of Madrid; PIN 7034.07, St. Lawrence County, beginning on Route 345 at a point approximately 20m (66') east of the intersection of Route 345 and Route 310, proceeds westerly along Route 345 crossing the structure over Grasse River for a distance of approximately .586km (1923'), terminating at a point approximately at the intersection of Route 345, County Route 14 and Church Street, all within the Hamlet of Madrid, and has made known it's intention of advertising a contract for the reconstruction and improvement of the same and has requested an agreement from the board to the effect that in the future, authorities of this municipality (Town of Madrid) will not permit an encroachment upon the right-of-way of said highway or street within the corporation limits of this municipality.

RESOLVED: that the Town Board of this municipality does agree with the New York State Department of Transportation that the authorities of this municipality will not in the future permit any encroachment upon the right-of-way of said highway or street, and

BE IT FURTHER RESOLVED: that the Clerk of this Board is hereby directed to transmit four (4) certified copies of the foregoing resolution to the State Department of Transportation, 317 Washington Street, Watertown, New York 13601, Attn: Timothy J. Vreatt

**RESOLUTION BY THE TOWN BOARD  
TOWN OF MADRID  
TO ALTER AND PAVE INTERSECTING ROADS**

**RESOLUTION NO. \_\_\_\_\_**

WHEREAS, in connection with the reconstruction of Route 345, Structure Over Grasse River, Hamlet of Madrid, P.I.N. 7034.07, St. Lawrence County and under the provisions of Section 10, Subdivision 25, of the New York State Highway Law as amended, which provides in part that the Commissioner of the Department of Transportation shall "have power to combine, connect, alter, relocate, terminate and pave intersecting highways, roads or streets," and also that "maintenance of any highway, road or street which is affected by the subdivision and which in the judgment of the Commissioner, is not deemed to be part of the State Highway System shall be maintained by the municipality or the municipalities in which the streets or roads are located," and

WHEREAS, the Commissioner proposes to improve Route 345, County of St. Lawrence and in connection therewith to alter and pave the following roads or streets:

<u>Name</u>	<u>Between Stations</u>	<u>Centerline (km)</u>	<u>Lane (km)</u>
Caroline Street	0+004 to 0+027	.023	.046
River Road	0+004 to 0+025	.025	.050

WHEREAS, said highway, roads or streets are located within the Town of Madrid and in the judgment of the Commissioner of the Department of Transportation will not be deemed to be part of the State Highway System.

NOW, THEREFORE BE IT RESOLVED that the Town of Madrid approves the above described paving and altering of the town roads, and be it further

RESOLVED that upon completion of construction of the above described roads or streets, the Town of Madrid will maintain such roads or streets in accordance with the provisions of the Highway Law, and

BE IT FURTHER RESOLVED, that the Clerk of this Board is hereby directed to transmit four (4) certified copies of the foregoing resolution to: New York State Department of Transportation, 317 Washington Street, Watertown, New York 13601, Attn: Timothy J. Vreatt.

**RESOLUTION BY THE TOWN BOARD  
TOWN OF MADRID  
PERTAINING TO THE MAINTENANCE OF WATER MAINS  
WITH APPURTENANCES**

Resolution No. \_\_\_\_\_

WHEREAS, the New York State Department of Transportation proposes the reconstruction of Route 345, Structure Over the Grasse River, Hamlet of Madrid, PIN 7034.07 and

WHEREAS, the State will include as part of the construction, reconstruction or improvement of the above mentioned project the adjustment of water mains with appurtenances pursuant to Section 10, Subdivision 24, of the Highway Law and will provide for the relocation and/or adjustment of existing water mains with appurtenances pursuant to Section 10, Subdivision 24, of the Highway Law, as shown on the contract plans relating to the project, and

WHEREAS, the service life of the relocated and/or adjusted utilities has not been extended, and

WHEREAS, the State will provide for the adjustment of the above mentioned work, as shown on the contract plans relating to the project, now therefore

BE IT RESOLVED, that the Town of Madrid approved the relocation and/or adjustment of such existing water mains with appurtenances and the above-mentioned work performed on the project and shown on the contract plans relating to the project and that the Town of Madrid will maintain the relocated and/or adjusted water mains with appurtenances as shown on the contract plans, and

BE IT FURTHER RESOLVED that the Clerk of this board is hereby directed to transmit four (4) certified copies of the foregoing resolution to: New York State Department of Transportation at 317 Washington Street, Watertown, New York 13601, Attn: Timothy J. Vreath