

Town of Ellisburg  
Emergency Board Meeting Minutes  
October 21, 2022

Members of the board present: Doug Shelmidine, Don Goodnough, Joel Bovee, Kurt Gehrke

Member of the board absent: Mike Hubbard

Others present: Debbie Payne

Public: (per sign in sheet):

Emergency Meeting called to order in the meeting room of the Town Hall at 4:15 pm by Supervisor Shelmidine.

Purpose of Emergency Meeting: Water Main Replacement on Route 289, Belleville, Water District No. 2.

**RESOLUTION #23 of 2022  
State of Emergency with  
Town of Ellisburg Water District No. 2**

WHEREAS, at a Special Emergency Meeting of the Town Board for the Town of Ellisburg, New York held at the Town Office at 11574 S. Main Street on October 21, 2022 at 4:15 pm the following Board Members were:

PRESENT: Doug Shelmidine-Supervisor  
Joel Bovee  
Kurt Gehrke  
Donald Goodnough

ABSENT: Michael Hubbard; and

WHEREAS, the Town Board of Ellisburg, Jefferson County, NY is a duly formed municipal corporation and which previously formed an improvement district and constructed a water distribution system to provide abundant potable water for residents and commercial properties within that improvement district known as Water District No. 2; and

WHEREAS, infrastructure within that district generally requires excessive attention, repair and maintenance, and is posing genuine and rapidly worsening dangers; and

WHEREAS, the Town Board has coordinated efforts with the Town Engineers to proceed with efforts and a plan to replace a substantial portion of that infrastructure in an orderly fashion in the near future; and

WHEREAS, a portion of the water main located along NYS Route 289 and from the intersection of County Route 85 and NYS Route 289 due north to 7342 NYS Route 289 and consisting of 1,350± feet has experienced greater unanticipated problems, evidenced by at least three substantial breaks within the past thirty (30) days and affect the ability to provide abundant potable water thereby jeopardizing the health, safety and

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welfare of multiple residents, including persons present at the Belleville-Henderson School; and

WHEREAS, proceeding with the public work associated with advertising for bids and letting of contracts would likely require several months and the Town Board considers this scenario to be a local public emergency arising out of unforeseen occurrence(s) or condition(s) and which affects public buildings including the life, health and safety of inhabitants within the affected water district and which require immediate action, which cannot otherwise await competitive bidding, contracts for public work, or the purchase of supplies, material or equipment; and

WHEREAS, the Board hereby authorizes and supports the Town Supervisor in declaring a Local State of Emergency as a result of the scenario and which shall continue for thirty (30) days expiring November 21, 2022 at 4:30pm unless extended or otherwise terminated by further Board action.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Ellisburg, New York that:

1. The forgoing recitations are incorporated herein and made a part hereof as it set forth hereafter.
2. The Town Board hereby declares a Local State of Emergency within the Town of Ellisburg Water District No. 2 to be effective immediately and to be effective for a period of thirty (30) days to November 21, 2022 at 4:30pm.
3. The Town Engineers are hereby authorized and directed to promptly identify materials needed to replace the aged infrastructure/water main located along NYS Route 289 and from the intersection of County Route 85 and NYS Route 289 due north to 7342 NYS Route 289 and consisting of 1350± feet and within Water District No. 2 and to locate a ready, willing and able supplier of those materials to the Town on an emergency basis, subject to Board approval.
4. The Town Engineer is hereby authorized and directed to locate a ready, willing and able contractor with suitable credentials to provide the equipment and labor needed to replace the infrastructure, as specified above, on an affordable, reasonable and emergency basis, subject to Board approval.
5. The anticipated cost for materials provided and labor performed shall be provided to the Town on an expedited basis for review and consideration, and the Town Engineers and Town Attorneys shall assist the Town Board in contracting for the materials to be provided and services to be performed on an emergency basis, as specified above.

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6. The Board declares and determines this Local State of Emergency to constitute and exemption to the general rule for advertising for bids and letting of contract as specified at NY General Municipal Law §103.
7. The Town Engineer, Town Attorney, Town Clerk, and their agents and employees shall proceed accordingly.

The foregoing Resolution was offered by Board Member, Kurt Gehrke, and seconded by Board Member, Donald Goodnough, and upon roll call vote of the Board was duly adopted as follows:

Supervisor Doug Shelmidine	Yes
Joel Bovee	Yes
Kurt Gehrke	Yes
Michael Hubbard	Absent
Donald Goodnough	Yes

Dated: October 21, 2022

Debra L Payne, Town Clerk

Meeting adjourned at 4:35pm

Respectfully submitted,

*Debbie Payne*

Debbie Payne, Town Clerk