

Town of Andes
Regular Monthly Meeting @ Town Hall
March 13, 2012

Present:

Councilman Daniel Grommeck
Councilman Thomas Hall
Supervisor Martin A. Donnelly

Councilman Martin Liddle
Councilman Wayland Gladstone
Town Clerk Kimberly Tosi

Others:

Anita Lanziero
Melissa Sweeney
William Elwood
Matt Sluiter
Kristen Janke-Schneider- Del Co Planning Dept.
Gino Zamparo
Sharon Drew
Mark Pezzati
Pauline Liu-Catskill Mtn. News

John Schulman
Dorothy Lyman
Bill Palmer
Thomas Navin
Buffy Calvert
Judy Garrison
Ritchie Gabriel
Nelson Bradshaw- Delaware Cty. Times

Call to Order:

The meeting was called to order at 1:00 P.M. by Supervisor Donnelly

Pledge:

The pledge was led by Councilman Grommeck.

Privilege of the Floor:

- Matt Sluiter of Sluiter Agency
It had come to the Agencies attention that Mang Insurance made a solicitation for the town's insurance. Trident insurance company is currently used. There was no increase in the premium at the first renewal. Matt pointed out that Trident had handled our several claims very well. Matt suggested that 2 years is too soon to shop the insurance again and suggested 3 years as a minimum. Supervisor Donnelly suggested that the town leave their policy with Sluiter for the time being.
- Kristin Janke-Schneider of the Delaware County Planning Board
The new FEMA flood maps will go into effect June 19, 2012. The flood damage prevention ordinance needs to be updated. It has not happened since 1989. The Delaware County Planning Board feels that the Flood Plain Administrator should remain the Code Enforcement Officer, and that the town should not adopt the additional optional language of the law. It may cause an increase in cost to the town and DEC is not backing it up or enforcing the laws. The town must determine a fee for flood plain development.

- Glen Faulkner of Margaretville Telephone Company
Mr. Faulkner had sent out correspondence in regards to the new rate adjustments. He was present to answer any questions of the Board. Councilman Gladstone asked if there was anyway that the Town could lower their phone bills. Mr. Faulkner said that he would look into it.
- Sharon Drew
It was questioned whether 580 Main St (The Court Building) was on the water line. Then it was questioned whether any residents have the right to use this water as they please and if it's a public faucet on the outside of the building. It was determined that they are on the town water. Then it was questioned if the water was eventually going to be metered. Supervisor Donnelly stated that down the road yes they will but there is no time frame on that.
- Bob Lidsky
Mr. Lidsky presented the board with a USGS survey concerning fracking for their information. This survey can be found on our website, <http://townofandes.com> and is on file in the Town Clerk's Office. It was questioned by Councilman Gladstone what the town's plan was to extend the Moratorium after the 6 months expires. It is currently in the works with the Delaware County Planning Department reviewing a zoning plan. The Town Attorney is also looking into extending the Moratorium for a year at this time as well.

Reports:

- Highway Report
At this time Highway Superintendent McAdams was excused. He has been having difficulty with loggers destroying roads and was out 'tracking down' loggers. Supervisor Donnelly received the two checks from McAdams for scrap metal and ear-marked them into a fund for Army Surplus purchases.
- Town Clerk's Report
Town Clerk Tosi was asked to speak with the Tremperskill Store in reference to whether or not there is a way to get them the system to sell DECALS.
- Dog Catcher's Report
A letter was received from NYS Department of Agriculture and Markets stating that Jason Mondore is in compliance with all inspections.

Town of Andes Highway Report
Michael R. McAdams, Highway Superintendent
March 12, 2012

Equipment:

2004 Int. 7600 - Water pump leaking ordered new gasket. 105,600 miles

2000 Int. - Replaced Brake can and slack adjuster, Oralls Garage repaired front rear axle differential. 159,603 miles

2003 John Deere Loader - Greased and checked all fluids. 6016 Hours

1978 Cat grader - Changed oil, fuel filters and greased

1991 Ford Alamo Mower - Fixed mower head attachment and welded cracks.
4115 Hours

Sweeper - Fuel tank has been fixed, replaced hoses

Other:

We will be posting Wolf Hollow and Mud Lake Road for 4 ton per axle.

Have been filling holes with cold patch.

I have received 2 checks, Otsego Auto Crushers for \$187.20, and \$246.60

The Highway has spent half as much for snow removal this year.

Respectfully Submitted

Michael R. McAdams
Highway Superintendent

Town Clerk's Report
March 13, 2012

- I would like to apologize to the individuals in the Town who received water bills who are not on the town water system. There was no updated water list, I promise it will not happen for the next billing!
- I would like to request that all information that needs to be put on the agenda for the monthly meetings please be on my desk no later than the Friday before the Board Meeting. I am only one person and I do not think that it is fair to give me everything last minute and expect me to have it done on time. There is a lot of copying, typing, hole-punching, etc. that must be done. If I could have it all on Friday I would be able to have it all completed by Tuesday morning and then if there are any last minute additions that need to be made I can easily add them.
- After the last board meeting it was discussed that I may be able to participate in the insurance buyout made available to the union workers. I discussed this with Meg and she stated that she was under the impression that I was not eligible for health insurance, as there was no money budgeted for me. However on several occasions I have been told I was going to be offered insurance.

Respectfully,

Kimberly A. Tosi



STATE OF NEW YORK
DEPARTMENT OF AGRICULTURE & MARKETS
10B AIRLINE DRIVE
ALBANY, NEW YORK 12235
<http://www.agmkt.state.ny.us>

March 6, 2012

Janis Jacques
Town Clerk - Town of Andes
PO Box 125
Andes, NY 13731

Enclosed is the **Dog Control Officer Inspection Report** completed on **03/02/2012**. This inspection relates to Agriculture and Markets Laws and Regulations which may be viewed on the website above.

As the report indicates, DCO services were rated "Satisfactory". Please make note of any comments listed on the report.

Dog control officer services are subject to inspection by this agency on a regular basis.

Please notify this office within 30 days of any changes in DCO services.

If you have any questions regarding this inspection, please call me.

Debra Toth
Animal Health Inspector
(607) 760-5989

DOG CONTROL OFFICER INSPECTION REPORT - DL-89

Rating: **Satisfactory365**

Purpose: **Inspection**

DATE/TOA: **3/2/12 1:15 pm**

**JASON MONDORE
2787 FALL CLOVE ROAD
DELANCEY NY 13752**

Inspector: **Debra Toth**

Inspector #: **54**

These are the findings of an inspection of your facility on the date(s) indicated above:

- 1. Equipment is available for proper capture and holding Yes
- 2. Dogs are held and transported safely Yes
- 3. Equipment maintained in clean and sanitary condition Yes
- 4. Veterinary care is provided when necessary Yes
- 5. Dogs are euthanized humanely Yes
- 6. Complete seizure and disposition records are maintained for all seized dogs Not Applicable
No seizures yet.
- 7. Dogs transferred for purposes of adoption in compliance with Article 7 Not Applicable
Handled at shelter
- 8. Redemption period is observed before adoption, euthanasia or transfer Not Applicable
Handled at shelter
- 9. Owners of identified dogs are properly notified Not Applicable
No seizures. Discussed notification of owner at DCO initial training/inspection.
- 10. Redeemed dogs are licensed before release Not Applicable
- 11. Proper impoundment fees paid before dogs are released Not Applicable

Town - City - Village Information for Inspection:

TCV CODE	TCV NAME
1201	Town of Andes

Additional Information for Inspection:

Number of Dogs Seized:

Number of dogs seized since previous inspection: 0

REMARKS:

REPRESENTATIVE PRESENT FOR INSPECTION: **Jason Mondore**
TITLE: **DCO**

REVIEWED BY: **Annette Holowka**
REVIEWED DATE: **03/05/2012**

Send to Dave

TOWN OF ULYSSES

10 Elm Street
Trumansburg, NY 14886

(607) 387-5767
Fax (607) 387-5843

March 8, 2012

Martin A. Donnelly
Supervisor, Town of Andes
115 Delaware Avenue
Andes, NY 13731

Dear Mr. Donnelly,

On or about December 22, 2011 you should have received via mail, three documents from David Everett of the law firm of Whiteman Osterman & Hanna regarding a request to join the Town of Ulysses in filing an Amicus Brief in two lawsuits about the issue of Municipal Home Law rights. The documents included a coalition letter to supervisors, a copy of the Amicus Brief, and a draft Resolution. For your reference, I am enclosing an updated letter from Roxanne Marino, Town of Ulysses Supervisor dated February 29, 2012 and the draft Resolution.

This letter serves as a follow up to find out if your city/town has presented this material to your city council/town board. If so, was the Resolution approved and has a copy been sent to the Town of Ulysses? If not, are there plans to present it in the future?

If you require additional information or need copies of the documents sent to you, please contact me at townofulysses@gmail.com. You may also contact Roxanne Marino, Town of Ulysses Supervisor, at roxanne.m.marino@gmail.com; or 607-387-5767 ext. 232.

Thank you for your attention to this important matter.

Sincerely,



Marci Van Der Heide

Volunteer Assistant to Roxanne Marino

Letters & Correspondence:

Jim Watkins @ the NYC DEP contacted Jodie Barker P.E. our engineer at Lamont on 3/5/2012 in reference to High St. and some issues they are trying to resolve.

Meg is working on the need for a reserve for the excess tax levy (update)

On 3/10/2012 we received a follow up letter from the Town of Ulysses in Trumansburg dated 3/8/2012 in reference to their request that we join them in filing Amicus brief concerning municipal home rule rights. I have sent it on to our attorney for his response

On 3/9/2012 Marty, Bud and I opened all sealed bids received at the towns request at noon. They will be awarded to the low bidders today.

On 3/2/2012 Ann Roberti, Frank Winker and I attended the Pepacton boating meeting in Downsville, it looks like everything is going a long on time

I received a letter from the Director of the Delaware County Planning Board advising me that the 6 month moratorium was not approved by the county planning board first which in their eyes makes it illegal, this has been sent on to the attorney

Motions:

Motion on the recommendation from Delaware Opportunities to approve the contractors for a Community Development Block Grant Project, using the Housing Rehabilitation Grant tentatively awarded in the Town of Andes, by the NYS Office of Community Renewal, project ATRCD-07, made by Councilman Liddle, Seconded by Councilman Grommeck. All in favor, motion carried.

Motion to authorize the Town Bookkeeper to issue a refund in the amount of \$132 to Merna Popper for overpayment of a 2011 water bill that was incorrectly relieved on her 2012 County/Town taxes, made by Councilman Liddle, Seconded by Councilman Gladstone. All in favor, motion carried.

Motion to hold a Public Hearing on proposed Local Law (1-2012)-For Flood Damage Protection on April 10, 2012 prior to the regular monthly meeting @ 12:45P.M.

Motion of allow Supervisor Donnelly to advertise for pool supervisor and life guards for the 2012 season, made by Councilman Liddle, Seconded by Councilman Hall. All in favor, motion carried.

Motion to approve a new addendum to our Town Highway purchasing policy and the town's procurement requirements and procedures, made by Councilman Liddle, Seconded by Councilman Hall. All in favor, motion carried.

Approval of Bills:

Motion to approve general warrants#49-77 totaling \$244,142.27

Highway Warrants # 17-32 totaling \$19,515.24

Water warrants #11-16 totaling \$2,801.75

WWTP warrants number 23-39 totaling \$74,041.61, made by Councilman Gladstone, Seconded by Councilman Hall. All in favor, motion carried.

Awarding of Bids:

Motion to award bids number 1 and 2, for arch pipe and galvanized poly pipe to Chemung Supply Corporation, made by Councilman Liddle, Seconded by Councilman Grommeck. All in favor, motion carried.

Bid number 3 was tabled until it can be determined if Seward Sand and Gravel who had the lowest bid, can get DOT approved crushed stone.

Motion to award bid number 4 for gravel, sand, cobbles, bank run sand, bank run gravel, and crusher run, F.O.B., to LaFever Sand and Gravel, made by Councilman Liddle, Seconded by Councilman Gladstone. All in Favor, motion carried.

Motion to award bid number 5 gravel, sand, cobbles, bank run sand, bank run gravel, crusher run, and heavy rock hauling only, to Delaware Bulldozing, made by Councilman Gladstone, Seconded by Councilman Liddle. All in favor, motion carried.

Motion to award bid number 6 seasonal mowing at Shavertown Cemetery to Tri-town Services, made by Councilman Liddle, Seconded by Councilman Gladstone. Councilman Grommeck abstained. All others in favor, motion carried.

Motion to award bid number 7, seasonal mowing at Andes Water Reservoir to Tri-Town Services made by Councilman Liddle, seconded by Councilman Gladstone. Councilman Grommeck abstained. All others in favor, motion carried.

Motion to award bid number 8, excavator equal to a 220 with operator, including hauling of said excavator to LaFever Excavating made by Councilman Gladstone, Seconded by Councilman Liddle. All in favor, motion carried.

Motion to award bid number 9 equal to a 220 excavator with a jack hammer and a thumb by monthly rent, to Anderson, made by Councilman Liddle, Seconded by Councilman Grommeck. All in Favor, motion carried.

Motion to award bid number 10, equal to a 160 excavator with a thumb by monthly rent, to A. Montano, made by Councilman Grommeck, Seconded by Councilman Hall. All in favor, motion carried.

Motion to award bid number 11, equal to a 662B grater by monthly rent to A. Montano, made by Councilman Grommeck, Seconded by Councilman Liddle. All in favor, motion carried.

Motion to award bid number 12 equal to a 310 4-wheel drive backhoe by monthly rent to Nortrax, made by Councilman Gladstone, Seconded by Councilman Liddle. All in favor, motion carried.

Motion to award bid number 13 equal to a 624G Loader by monthly rent, to A. Montano, made by Councilman Grommeck, Seconded by Councilman Liddle. All in favor, motion carried

Bid number 14 did not receive any bids.

Motion to award bid number 15 fuel oil for heating at the town highway garage, library and town court, to Mirabito with their firm bid price, made by Councilman Liddle, Seconded by Councilman Gladstone. All in favor, motion carried.

Motion to award bid number 16, LP gas, at the WWTP, Town Hall, and Spring Water Reservoir to Mirabito with their firm bid price, made by Councilman Liddle, Seconded by Councilman Hall. All in favor, motion carried.

Motion to award bid number 17, winter mix for heating at the town highway garage to Mirabito with their firm bid price, made by Councilman Liddle, Seconded by Councilman Grommeck. All in favor, motion carried.

DELAWARE OPERATIONS, INC.

8-12 Dietz Street, Suite 303, Oneonta NY 13820 • Phone 607-432-8073 • FAX 607-432-0432

**TOWN OF ANDES, NY
TOWN BOARD MEETING
REPORT BY DELAWARE OPERATIONS
March 13, 2012**

1. Water System

- Daily usage of treated water from the water system averaged 14,539 gallons per day for the month of February 2012.

2. Plant Purchases

3. O&M

4. Equipment

- HACH calibrated both turbidity meters on February 27th.

5. Distribution System

DELAWARE OPERATIONS, INC.

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**TOWN OF ANDES, NY
TOWN BOARD MEETING
REPORT BY DELAWARE OPERATIONS
March 13, 2012**

1. WWTP Plant

- Plant effluent flows averaged 21,827 gallons per day for the month of February 2012.

2. SPDES Compliance/NYSDEC, NYCDEP

- The plant discharges of treated effluent to the Tremper Kill Brook; permit compliance for February 2012 met all parameters.

3. Collection System

- High Street is being maintained as required.

4. Plant Purchases.

5. Plant O&M

6. Plant Equipment.

- HACH calibrated all five turbidity meters on February 27th.

7. Gladstone Hollow Septic System

Motion to award bid number 18, gasoline, town highway garage, to Mirabito, made by Councilman Liddle, Seconded by Councilman Hall. All in favor, motion carried.

Motion to award bid number 19, winter mix for fuel oil at the town highway garage, to Mirabito with their firm bid prices on low sulfur diesel, and low sulfur kerosene, made by Councilman Liddle, Seconded by Councilman Grommeck. All in favor, motion carried.

All bids awarded had non-collusive bid certificates attached. All bids that required insurance certificates were attached. All bids are on file in the Town Clerk's Office and attached in the minute book

The bids to fix the roof of the Salt Shed were put off to the next meeting, to see if there was any kind of warranty on it or a clause in the contract with the original builders.

Districts:

Water

Kim and Marge are working to resolve a disputed water bill from last year that had been added to the taxes, the party involved deducted the water bill and then paid what he felt where is correct taxes. This was wrong so now his taxes can't be accepted as paid.

Sewer

At this time DEP is working on the contracts and soon we will begin to order the supplies for the WWTP upgrade.

Adjourned:

Motion made to adjourn the board meeting made by Councilman Liddle, Seconded by Councilman Grommeck. All in Favor, meeting adjourned at 2:08 P.M.

Kimberly A. Tosi
Andes Town Clerk