

Town of Andes
Public Hearing at Andes Town Hall
Proposed Local Law #4 of 2013

A local law to place a time limit on building permits in the Hamlet of Andes
And Proposed Local Law #5 of 2013

A local law to place a time limit on building permits in the Town of Andes
September 10th, 2013 at 7:15PM

Present:

Supervisor Martin A. Donnelly	Councilman Daniel Grommeck
Councilman Thomas Hall	Councilman Martin Liddle
Councilman Wayland Gladstone	Highway Superintendent McAdams
Town Clerk Kimberly Tosi	Dog Control Officer Jason Mondore

Other:

Kevin Brown	Thomas Joyce	Anita Lanziero
Dale Cole	Buffy Calvert	Fred Cubero
Tom Doane	Tom Coddington-Walton Reporter	

Call to Order:

The meeting was called to order at 7:28PM.

Pledge:

The pledge of allegiance was led and recited by Councilman Grommeck.

A moment of silence was held for those lost on September 11th.

Public Comment:

Several members of the public asked questions concerning why these local laws were needed. No one spoke for or against.

Adjourn:

Motion to adjourn the public hearing made by Councilman Gladstone, Seconded by Councilman Liddle. Adjourned at 7:32PM

Town of Andes
Regular Board Meeting at Andes Town Hall
September 10, 2013 at 7:30PM

Call to Order:

The regular board meeting was called to order by Supervisor Donnelly at 7:32PM.

Privilege of the Floor:

Kevin Brown-ZS Security

Mr. Brown spoke in reference to the Town Hall's security system. Currently the Town is using Sentry Alarms which has had issues in the past. Mr. Brown would like to take over the maintenance of the system, monitoring, and testing as needed. A rate of \$30.95/month which would include the yearly system check was proposed. Supervisor Donnelly said that the board would discuss it and let him know their decision.

Tom Doane- Gulf Brook Road

Mr. Doane spoke in reference to Gulf Brook Road. He wanted to know if it could be oil and stoned. Highway Superintendent McAdams indicated that he was waiting on a grant which had already been approved to be finalized to begin the work.

Mr. Doane also questioned why the town had only approved the tax breaks for veterans and not disabled persons. He requested that the board look in to this.

Lastly, Mr. Doane spoke of his dealings trying to subdivided and sell his property to NYC. Supervisor Donnelly suggested he hire an attorney.

Reports

Highway Report 7/10/13 – 9/10/13

Equipment

2004 International 7600 – Adjusted Clutch and lubricated linkage, replaced cabin air filter, Installed new brake shoes on both rear axles, replaced rear rim on passenger's side. Replaced front steer axle brake can and clevis, installed new engine fan and Front rear axle cover, checked all fluids and greased 114,168 miles.

2000 International – Replaced passengers side rear brake can 196,296 Miles

1999 International – Changed O-ring on hydraulic fitting on tank,

1996 Volvo Tri-axle – Replaced double Maxi brake valve, installed new passenger's side rear spring's, Checked and added fluids as needed,

1986 Chevy Utility Service Truck – 2 new front tires, rebuilt starter and installed. 44,900 Miles. We added various tools and padlocks to this truck to help with break downs along the roads. Generator and Air compressor also work well in this truck.

2005 JD Backhoe – Greased and checked all fluids regularly

2003 JD Loader – Greased and checked all fluids. 6783 hours

1989 JD Grader – Greased and checked all fluids regularly

1978 CAT Grader – Greased and Checked all fluids regularly, removed chain to engage axles and then reinstalled.

Roads Worked

Heanning's Road, Barns Hill Road, Fish Hollow Spur Rd, Stevens Road, Fish Hollow Road, Turkey Valley Road, Herr Road, Bussey Hollow Road, Shaver Hollow Road, Rich Road, Brace Hollow Road, Mayer Road, Firment Road, Perch Lake Road, Liddle Road, Mary Smith Road, Alten Road, Butler Road, Cross Mountain Road, Mary Smith Road, Bush Hill Road, Mud Lake Road, Warren Weaver Road, Brower Hill Road, Conklin Road,

Bussey Hollow Road – Hauled 90 Loads of Gravel to various sections of the road.

Fall Clove Road – Ditched from Bryden Lake Road to Steven's Driveway.

Close Hollow Road – Worked Road and Fixed Corner above Liddle Road with 7 loads of Cobbles and 8 loads of Gravel.

Weaver Hollow Road – Ditched Complete Road and Worked all Dirt sections

Gulf Brook Road – Worked Road and added one load of gravel over pipe by Dot's.

Roads Mowed

Perch Lake Road, Jones and Close Hollow Road, Liddle Road, Alten Road, Crescent Hills Road

New Culverts

Fall Clove Road – 2' x 40' Plastic Culvert between both Fish hollow roads below bishops log lot 7/25/13

Fall Clove Road – 18" x 40' Plastic Culvert just before bishops log road 7/25/13

Fall Clove Road – 18" x 40' Plastic Culvert between Basmajian's old place and Cole's 7/30/13

Fall Clove Road - 18" x 40' Plastic Culvert between Basmajian's old place and Cole's 7/30/13

Fall Clove Road – 18” x 40’ Plastic Culvert between Basmajian’s old place and Cole’s 7/31/13

Fall Clove Road – 18” x 5’ Plastic Culvert Replaced damaged end in Whoop section by log lot 8/19/13

Canada Hollow Road – 18” x 40’ Plastic Culvert First pipe below Pillars at upper end 8/28/13

Canada Hollow Road – 18”x40’ Plastic Culvert just before narrow spot by dirt bike track 8/28/13

Canada Hollow Road –18”x30’ Plastic Culvert Just before Everett’s House heading down 9/3/13

Canada Hollow Road – 18” x 30’ Plastic Culvert between Everett’s and the Hill 9/3/13

Canada Hollow Road – 18” x 30’ Plastic Culvert Just before driveway before hill 9/4/13

Canada Hollow Road – 3’ x 40’ Plastic Culvert on flat below Hill half way down Road 9/4/13

Other

We turned in the CHIPS reimbursement on 8/8/2013. It was for \$153,895.76. We expect to receive the check on September 20, 2013.

Respectfully Submitted,

Michael McAdams

*Highway Superintendent McAdams added that a 20’ long pipe was stolen on Canada Hollow Road. This was turned into the Sheriff’s Department, but it is not likely we will ever know who took it.

**Councilman Gladstone asked if we had ever rented the mower. McAdams stated that we did not, because it was not available.

***Councilman Gladstone asked if we were going to need to make any large tire purchases before winter. McAdams indicated that most have already been purchased, however we will need a few more grader tires. They will also be purchasing/making more chains.

Supervisor’s Report

- 1.) Local Law proposed in reference to unreasonable noise.
- 2.) Dave’s Letter to Camp Nubar’s Attorney
- 3.) My letter dated 8/3/12 to Dylan Walrath of the NYS DEC requesting a partial payment of \$5,320.87 from the Smart Growth Grant that has been advanced from our General Fund
- 4.) On Tuesday 9/10/13 Bud and I will be going to a meeting at SUNY Delhi with our engineer, their AIA Dept and construction department in reference to the building of our proposed new town court.

- 5.) I would like a motion from the board to use our Good Neighbor funds for this project. We hope to start in January 2014.
- 6.) I would like a motion to advance \$4000 to pay the architect Marilyn Kaplan for a total of \$7000 for the Rail Road Station. This will be repaid from the Smart growth funds. I need your permission to sign her contract.
- 7.) We started Union negotiations on 9/5/13, union negotiations are not open to the public, no action can be agreed to unless we are in a regular board meeting. Our next session is on 9/12/13.
- 8.) On 9/5/13 the NYS Comptroller's wrote to me to advise us that based on their preliminary review of our financial operations they have determined that any further audit is not needed.
- 9.) The NYS Office of Real Property Tax has announced the final equalization rate for the Town of Andes will be at 100%.
- 10.) We urge all our residents that are senior citizens or receiving the NYS Basic Star Program to speak to our Assessor Tina Moshier she can advise you on the new rules. She cannot file for you as in the past. This must be done by you before December 31st. The Enhanced Star Program is not affected by the new program rules set by the state.
- 11.) Our outside attorney Bob Beebe wrote to me on 8/23/13 enclosing the copies of the court stipulations and final court order from Judge Lambert in the NYC v. Andes Assessments that states all proceedings against us from 1999 through 2012 have been dismissed. Finally, but we won at no cost! He also shows us what our assessments for 2013, 2014, and 2015 are to be. It should be noted we had no change or give back to NYC because the accuracy of our assessments per Bob's comments
- 12.) On 8/28/2013 the Youth Bureau wrote to advise us that our funding for the 2013 year will be \$332.00 it has been going down for the last 2 or 3 years.
- 13.) On 8/28/13 ACS Superintendent of schools wrote to me in reference to shared services with the Town of Andes fuel tanks and the ACS fuel tanks. The school would like to partner with us and use our fuel tanks at no cost to us they would work with Mike and pay their own way. Mike is going to have the Superintendent come to a highway committee meeting soon.
- 14.) On 8/8/13 I wrote to Paul Lenz section chief of the DEP in reference to the shared cost for signs on the Shavertown Bridge Trail. It is my understanding (verbally) that Mr. Lenz has agreed to share the sign cost with us.
- 15.) I have received a letter from Mr. Charles A. Bonnes of Bussey Hollow Road dated 8/15/2013 it has been turned over to Mike and he will meet with Mr. Bonnes.
- 16.) The Andes Town pool and its lack of expert direction is once again the topic of concern. It is true the pool operation is largely based on our ability to staff the pool with life guards. They are young students that provide outstanding service to the Town of Andes during the summer at our pool. It has been said that money to pay them is the problem created by the Town Board and pool management by us. If you cannot find already qualified lifeguards or ones that can be trained no amount of money will change

that. Some informed residents and non-residents refer to the coach at Delhi as a possibility. He works at his job full time and as of 8/23/13 he would consider odd days in the summer or maybe on his vacation. This would help with some of the problems we have. While it had nothing to do with our poor management the Delhi pool shut down for over a week in August due to a chemical problem (and still is). We would like to extend to anyone interested the opportunity to become a qualified American Red Cross lifeguard, this would allow us to establish a standby list of volunteers like we use to have 15 or twenty years ago. Sadly no one steps up to volunteer and help solve the problem. Our beautiful town pool was completely refurbished 2 or 3 years ago. Thanks to the generosity of Walter Gladstone not one dime of tax payer funds were used.

- 17.) The Town Board is starting to prepare next year's budgets while a few folks don't care, we must keep in mind our older and young families ability to pay the taxes.
- 18.) We should address transfer station stickers.
- 19.) Last week we also received a small reimbursement from the Smart Growth grant around \$500.

*Supervisor Donnelly has nominated Jonathan Andrews for a Youth Bureau award.

**The NYSHIP conference was discussed. It was suggested that the benefits administrator should attend this.

Town Clerk's Report

*Please be advised that my new office hours are as follows, Monday 5PM to 9PM and Tuesday through Friday 8AM to 4PM, closed 12-1PM for lunch.

**Beginning in October our meetings will again switch to 1PM, here at the town hall.

***The Town Clerk's Office will be closed Monday September 30th and Tuesday October 1st. Anyone who would like to do the DMP application please come in before these dates as no one will be here to sell any DECALS at this time.

****I was approached by our election inspectors today, asking about having their dinners provided to them. Apparently several other towns do this for their inspectors. I told them they I would ask the board if this is something that they would consider.

-The election inspector's dinners will be discussed during budget workshops.

Dog Control Officer's Report

-Mr. Mondore stated that he has been receiving numerous calls from Delaware County Public Health to go out and check on the health of quarantined dogs after dog bites. He normally does this and keeps a record. However, he was not certain if he had to do this. NYS Department of Ag and Markets indicated to him that this was not part of his job. He does not mind doing it, however the other day he had to travel 42 miles to do so.

Supervisor Donnelly told Mr. Mondore to submit a bill for the mileage to the town.

Motions

Motion to authorize Supervisor Donnelly to sign the contract with Marilyn Kaplan totaling \$7000.00 for the Preservation Architecture at the Rail Road Station made by Councilman Hall, seconded by Councilman Liddle. All in favor, motion carried.

Motion to advance \$4000, totaling \$7000 to pay the architect Maryilyn Kaplan for her Preservation Architecture at the Rail Road Station, to be repaid from the Smart Growth Grant Funds when received made by Councilman Gladstone, seconded by Councilman Liddle. All in favor, motion carried.

Motion to allow Highway Superintendent McAdams to trade a plow to Bovina for a wing tower for one of our new Army Surplus trucks, made by Councilman Liddle, seconded by Councilman Grommeck. All in favor, motion carried.

Motion to approve the July 2013 minutes, August 2013 Town Clerk's financial report, Supervisor's report, and Justice's Report, and the September 2013 Town Clerk's financial report, Supervisor's report and Justice's Report, made by Councilman Gladstone, seconded by Councilman Liddle. All in favor, motion carried.

Motion to authorize Supervisor Donnelly to sign the agreement to purchase the BAS Town Clerk's program and the BAS utility billing program, made by Councilman Hall, seconded by Councilman Gladstone.

Motion to approve the payment for the election inspectors working today, prior to the October Board Meeting, made by Councilman Gladstone, Seconded by Councilman Liddle.

Resolutions

Resolution 18 of 2013 Adoption of the Delaware County Multi-Jurisdictional All-Hazards Mitigation Plan Update

WHEREAS, Delaware County, with the assistance of Tetra Tech, Inc., has gathered information and prepared the Delaware County Multi-Jurisdictional All-Hazards Mitigation Plan; and

WHEREAS, the Delaware County Board of Supervisors determined in Resolution 107 of 2003 that a Multi-Jurisdictional All-Hazards Mitigation Plan representing all the towns and villages in Delaware County would be more efficient to produce than each community drafting and adopting its own; and

WHEREAS, the Delaware County Multi-Jurisdictional All-Hazards Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, Delaware County is a local unit of government that has afforded the citizens an opportunity to comment and provide input on the Plan and the actions in the Plan; and

WHEREAS, Delaware County and the Town of Andes have reviewed the Plan and affirm that the Plan will be updated no less than every five years;

NOW THEREFORE, BE IT RESOLVED by the Town Board of the Town of Andes hereby adopts the Delaware County Multi-Jurisdictional All-Hazards Mitigation Plan, and resolves to execute the actions in the Plan.

Proposed by: Councilman Hall

Seconded by: Councilman Grommeck

Roll Call:

Councilman Grommeck-----Aye

Councilman Hall-----Aye

Councilman Liddle-----Aye

Councilman Gladstone-----Aye

Supervisor Donnelly-----Aye

Resolution 19 of 2013 New Town Court Funds

Be it resolved by the Town Board of the Town of Andes to use the monies available in the Good Neighbor account to fund the construction of the proposed new Town Court

Proposed by: Councilman Gladstone

Seconded by: Councilman Hall

Roll Call:

Councilman Grommeck-----Aye

Councilman Hall-----Aye

Councilman Liddle-----Aye

Councilman Gladstone-----Aye

Supervisor Donnelly-----Aye

Resolution 20 of 2013 Budget Amendment

Be it resolved to amend the budget, to add \$153,895.76 to DA5112.2 the CHIPS budget line, contingent upon receiving our first CHIPS reimbursement from NYS on September 20th.

Proposed by: Councilman Liddle

Seconded by: Councilman Grommeck

Roll Call:

Councilman Grommeck---Aye

Councilman Hall-----Aye

Councilman Liddle-----Aye

Councilman Gladstone----Aye

Supervisor Donnelly-----Aye

Local Laws

Resolution 21 of 2013 Time Limit on building permits in the hamlet of Andes

In the Matter of Adoption of Local Law No. 4 of 2013 entitled "A Local Law to place a time limit on building permits in the Hamlet of Andes"

WHEREAS, the Town Board has reviewed and considered the proposed Local Law #4 of 2013; and

WHEREAS, the Local Law was presented to the Town Board at least 10 days prior to the Town Board meeting on September 10, 2013; and

WHEREAS, the public hearing was properly noticed in the Town's official newspaper on August 26, 2013; and

WHEREAS, the public hearing on the proposed local law was held on September 10, 2013 at 7:28PM at the Town Hall; and

WHEREAS, the Town Board reviewed and considered all public comments received on the proposed Local Law; and

WHEREAS, the proposed Local Law was on file for inspection at the Town Clerk's office prior to the hearing and during the public review process;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE TOWN BOARD OF ANDES, DELAWARE COUNTY, NEW YORK:

THAT THE Town Board of the Town of Andes hereby determines that the proposed Local Law No. 4 of 2013, attached hereto and made a part hereof, is hereby adopted as a Local Law entitled "A local Law to place a time limit on building permits in the Hamlet of Andes", and

IT IS FURTHER RESOLVED, that the Town Clerk and Attorney for the Town are hereby directed to take such actions as are necessary to implement this resolution and effect adoption of the Local Law

Proposed by: Councilman Liddle

Seconded by: Councilman Hall

Roll Call

Councilman Grommeck-----Aye

Councilman Hall-----Aye

Councilman Liddle-----Aye

Councilman Gladstone-----Aye

Supervisor Donnelly-----Aye

Resolution 22 of 2013 Time Limit on building permits in the Town of Andes

In the Matter of Adoption of Local Law No. 5 of 2013 entitled "A Local Law to place a time limit on building permits in the Town of Andes"

WHEREAS, the Town Board has reviewed and considered the proposed Local Law #5 of 2013; and

WHEREAS, the Local Law was presented to the Town Board at least 10 days prior to the Town Board meeting on September 10, 2013; and

WHEREAS, the public hearing was properly noticed in the Town's official newspaper on August 26, 2013; and

WHEREAS, the public hearing on the proposed local law was held on September 10, 2013 at 7:28PM at the Town Hall; and

WHEREAS, the Town Board reviewed and considered all public comments received on the proposed Local Law; and

WHEREAS, the proposed Local Law was on file for inspection at the Town Clerk's office prior to the hearing and during the public review process;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE TOWN BOARD OF ANDES, DELAWARE COUNTY, NEW YORK:

THAT THE Town Board of the Town of Andes hereby determines that the proposed Local Law No. 5 of 2013, attached hereto and made a part hereof, is hereby adopted as a Local Law entitled "A local Law to place a time limit on building permits in the Town of Andes", and

IT IS FURTHER RESOLVED, that the Town Clerk and Attorney for the Town are hereby directed to take such actions as are necessary to implement this resolution and effect adoption of the Local Law

Proposed by: Councilman Gladstone

Seconded by: Councilman Liddle

Roll Call

Councilman Grommeck-----Aye

Councilman Hall-----Aye

Councilman Liddle-----Aye

Councilman Gladstone-----Aye

Supervisor Donnelly-----Aye

Resolution 23 of 2013 Board of Assessment Review

BE IT RESOLVED, that Harvey Morse is hereby reappointed to the Board of Assessment Review

Proposed by: Councilman Grommeck

Seconded by: Councilman Hall

Roll Call:

Councilman Grommeck-----Aye

Councilman Hall-----Aye

Councilman Liddle-----Aye

Councilman Gladstone-----Aye

Supervisor Donnelly-----Aye

Approval of bills

Motion to approve August General Warrants #199-241 totaling \$36,206.79

Highway Warrants #139-170 totaling \$57,634.34

WWTP Warrants #181-213 totaling \$57,674.54

Water Warrants #42-46 totaling \$1,415.84

Made by Councilman Liddle, Seconded by Councilman Gladstone. All in favor, motion carried.

Motion to approve September General Warrants #242-265 totaling 11,772.84

Highway Warrants #171-191 totaling \$36,077.52

WWTP Warrants #214-234 totaling \$109,149.25

Water Warrants #47-53 totaling \$3,553.61

Shavertown Warrant #4 totaling \$2,479.99

Made by Councilman Liddle, seconded by Councilman Hall. All in favor, motion carried.

A break was taken 8:49, meeting commenced at 8:51PM.

Districts

Sewer-

Water-

August purchase approved.

Adjourn

Motion to adjourn the meeting, made by Councilman Liddle, Seconded by Councilman Hall. All in favor.

8:55PM

Respectfully

Kimberly A. Tosi

Town Clerk

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
August 13, 2013**

1. WWTP Plant

- Plant effluent flows averaged 23,053 gallons per day for the month July 2013.

2. SPDES Compliance/NYSDEC, NYCDEP

- The plant discharges of treated effluent to the Tremper Kill Brook; permit compliance for July 2013 did not meet all parameters. The effluent temperature exceeded 21 degrees Celsius for 3 days.

3. Collection System

- High Street is being maintained as required.

4. Plant Purchases.

5. Plant O&M

6. Plant Equipment.

- The generator was serviced by Cummins Northeast on July 2nd and a load bank test was performed.

7. Gladstone Hollow Septic System

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**TOWN OF ANDES, NY
TOWN BOARD MEETING
REPORT BY DELAWARE OPERATIONS
September 10, 2013**

1. WWTP Plant

- Plant effluent flows averaged 23,980 gallons per day for the month August 2013.

2. SPDES Compliance/NYSDEC, NYCDEP

- The plant discharges of treated effluent to the Tremper Kill Brook; permit compliance for August 2013 did not meet all parameters. The effluent temperature exceeded 21 degrees Celsius for 2 days.

3. Collection System

- High Street is being maintained as required.

4. Plant Purchases.

5. Plant O&M

6. Plant Equipment.

7. Gladstone Hollow Septic System

DELAWARE OPERATIONS, INC.

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**TOWN OF ANDES, NY
TOWN BOARD MEETING
REPORT BY DELAWARE OPERATIONS
August 13, 2013**

1. Water System

- Daily usage of treated water from the water system averaged 24,264 gallons per day for the month of July 2013.

2. Plant Purchases

3. O&M

- Delaware Operations requests the approval to purchase 2 UV lamps, 2 UV sensors, and one Top Bolt from H2O Distributers at a cost of \$734.76 plus shipping.
- Yearly Department of Health Sampling was completed on July 10th.

4. Equipment

- On July 26th UV unit #2 lamp was replaced.
- On July 29th a new UV sensor kit was installed on unit #2 to resolve intensity issues.

5. Distribution System

DELAWARE OPERATIONS, INC.

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**TOWN OF ANDES, NY
TOWN BOARD MEETING
REPORT BY DELAWARE OPERATIONS
September 10, 2013**

1. Water System

- Daily usage of treated water from the water system averaged 22,943 gallons per day for the month of August 2013.

2. Plant Purchases

3. O&M

4. Equipment

- On August 19th plant staff changed 1st and 2nd stage filter cartridges.
- On August 28th a new UV sensor kit was installed on unit #1 to resolve intensity issues.

5. Distribution System

Local Law No 4 of the year 2013

Town of Andes - County of Delaware
A Local Law to place a time limit on building permits in the Hamlet of Andes

Be it Enacted by the Town Board of the Town of Andes, Delaware County, New York, as follows:

SECTION 1. PURPOSE AND INTENT

It is the purpose of this Local Law to assure timely work upon issuance of a building permits.

SECTION 2. AMENDMENT

The Hamlet of Andes Zoning Law is hereby amended as follows:

7.2 Building Permits

No building or structure shall be erected, added to or structurally altered until a permit therefore has been issued by the Zoning Enforcement Officer. All building permits issued shall become void one calendar year from the date it is issued, unless otherwise authorized on the records of the Town at the time of issuance. Any further work on any premises after the expiration date shall constitute a violation of this chapter. Except upon order by the Board of Appeals, no permit shall be issued for any construction or alteration or use thereof where it would be in violation of any provision of this law.

SECTION 3. INTERPRETATION; CONFLICT WITH OTHER LAWS

In their interpretation and application, the provisions of this Local Law shall be held to be minimum requirements adopted for the promotion of the public health, safety, or the general welfare. Whenever the requirements of this Local Law are inconsistent with the requirement of any other lawfully adopted rules, regulations, ordinances or local laws, the more restrictive provisions, or those imposing the higher standards, shall govern.

SECTION 4. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Office of the Secretary of State of the State of New York, in accordance with the applicable provisions of law, and specifically Article 3, Section 27 of the New York State Municipal Home Rule Law.

Local Law No 5 of the year 2013

**Town of Andes - County of Delaware
A Local Law to place a time limit on building permits in the Town of Andes**

Be it Enacted by the Town Board of the Town of Andes, Delaware County, New York, as follows:

SECTION 1. PURPOSE AND INTENT

It is the purpose of this Local Law to assure timely work upon the issuance of building permits.

SECTION 2. AMENDMENT

The provisions of Town of Andes Zoning Law § 6.02(e) is hereby amended as follows:

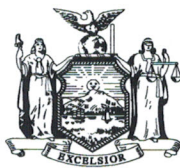
All building permits issued shall become void one calendar year from the date it is issued, unless otherwise authorized on the records of the Town at the time of issuance. Any further work on any premises after the expiration date shall constitute a violation of this chapter. Except upon order by the Board of Appeals, no permit shall be issued for any construction or alteration or use thereof where it would be in violation of any provision of this law.

SECTION 3. INTERPRETATION; CONFLICT WITH OTHER LAWS

In their interpretation and application, the provisions of this Local Law shall be held to be minimum requirements adopted for the promotion of the public health, safety, or the general welfare. Whenever the requirements of this Local Law are inconsistent with the requirement of any other lawfully adopted rules, regulations, ordinances or local laws, the more restrictive provisions, or those imposing the higher standards, shall govern.

SECTION 4. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Office of the Secretary of State of the State of New York, in accordance with the applicable provisions of law, and specifically Article 3, Section 27 of the New York State Municipal Home Rule Law.



T. B. F. I.

THOMAS P. DiNAPOLI
COMPTROLLER

STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER
110 STATE STREET
ALBANY, NEW YORK 12236

DIVISION OF LOCAL GOVERNMENT
AND SCHOOL ACCOUNTABILITY
Tel: (518) 474-4037 Fax: (518) 486-6479

September 5, 2013

Martin Donnelly
PO Box 525
Andes, NY 13731

Dear Mr. Donnelly and Members of the Town Board:

A top priority of the Office of the State Comptroller is to help local government officials manage government resources efficiently and effectively and, by so doing, provide accountability for tax dollars spent to support government operations. The Comptroller oversees the fiscal affairs of local governments statewide, as well as compliance with relevant statutes and observance of good business practices. This fiscal oversight is accomplished, in part, through our audits, which identify opportunities for improving operations and Town governance. Audits also can identify strategies to reduce costs and to strengthen controls intended to safeguard local government assets.

In accordance with these goals, we planned to conduct an audit of your financial operations. As part of our preliminary work, we conducted interviews with Town personnel and reviewed other financial records and reports. Our procedures were not designed to provide assurance as to the Town's financial statements, internal control structure or extent of compliance with statutory and regulatory requirements.

Based on the findings from our preliminary assessment we have determined that no significant recommendations would likely result from any further continuation of our audit and we have made a decision to terminate this engagement prior to completion.

We wish to thank you and your staff for the time and assistance given us in performing our audit of the Town. If you have any questions feel free to contact me at 607-721-8306.

Sincerely,

Christopher Fedorick
Principal Examiner
Division of Local Government
and School Accountability

cc: Town Board Members

STAR Registration Fact Sheet

New legislation requires all homeowners receiving a Basic STAR exemption to register with the New York State Tax Department in order to receive the exemption in 2014 and subsequent years.

This is part of a new initiative to protect New Yorkers against inappropriate or fraudulent STAR exemptions.

Who must register?

Resident homeowners who currently receive the Basic STAR exemption must register with the New York State Tax Department in order to receive the exemption in 2014 and subsequent years.

- Homeowners do not need to re-register every year.
- Based on the information provided in the registration process, the Tax Department will confirm homeowners' eligibility in future years.

Senior citizens

Senior citizens receiving the Enhanced STAR exemption are not affected by the new registration requirement. However, in order to receive Enhanced STAR, seniors must continue to:

- apply annually, or
- participate in the Income Verification Program.

Resident homeowners applying for STAR for the first time are not affected by this year's registration procedure. To apply for STAR a new applicant must:

- use Form RP-425, *Application for School Tax Relief [STAR] Exemption*, available on the Tax Department's Web site, and
- file the application with their local assessor.

When does registration begin?

Registration will begin **August 19, 2013** and continue through **December 31, 2013**.

- The Tax Department will mail instructions to all homeowners who currently receive the Basic STAR exemption. The letters will include a STAR code that homeowners will need to register.
- Because seniors who receive Enhanced STAR are not affected by the new requirements, they will not receive new instructions from the Tax Department.

continued on back

How does a homeowner register?

Online registration

The fastest and easiest way for homeowners to register is through the Tax Department's Web site, **www.tax.ny.gov**.

Homeowners will need their STAR code to register. In addition to being included in the instructions that were mailed to them, homeowners will be able to find their STAR code through an online lookup or by calling the Tax Department at [518] 457-2036.

Online registration is a simple process that will require homeowners to provide some basic information about their eligibility for the STAR exemption. Homeowners will need to:

- provide the STAR code and confirm the property address
- provide the names and social security numbers for all owners of the property and spouses
- confirm that the property is the primary residence of one of its owners [married couples with multiple residences may only claim one STAR exemption]
- confirm that the combined income of the owners and their spouses who reside at the property does not exceed \$500,000
- confirm that no resident owner receives a residency-based tax exemption from another state

Telephone registration - (518) 457-2036

Homeowners who are unable to register online will be able to register over the phone. The Tax Department will also provide telephone support to any homeowners who have questions about online registration.

What happens when homeowners do not register?

The Tax Department will send homeowners additional letter reminders in December 2013 and January 2014.

In February 2014 the Tax Department will give assessors the names of any homeowners who did not register, or who were determined not to be eligible for STAR. The assessment roll entries for these homeowners will not include the STAR exemption.

- Homeowners who the Tax Department found to be ineligible for STAR will have the right to administrative review within the Tax Department, and review before the State Board of Real Property Tax Services.

T.B. Ry. I.

THE LAW OFFICE OF
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OF COUNSEL
PAUL M. MALECKI
PAUL B. BERGINS
LEGAL ASSISTANT
KIMBERLY A. SPATH

August 23, 2013

Martin Donnelly
P.O. Box 525
Andes, New York 13731-0525

Re: Town of Andes v. City of New York

Dear Marty,

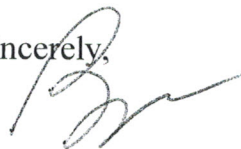
I am pleased to enclose copies of the Stipulation and Final Order, approved by Justice Lambert, which ends the litigation in which the City of New York sought to reduce the Town's assessments of the Pepacton Reservoir. The Court's Order dismisses all proceedings against the Town from 1999 through 2012.

For the current roll and those for 2014 and 2015, the assessments are to be set as follows:

<u>Parcel #</u>	<u>Assessed Value</u>
325.1-11	\$ 7,268.636
325.1-12	\$ 615,580
343.-1-4	\$59,602,128

If Tina has any questions, please have her call me. It has been a pleasure to work with you for all of these years, Marty, and I hope we can stay in touch.

Sincerely,



Robert L. Beebe

T.B. FY-1

ANDES CENTRAL SCHOOL

85 Delaware Avenue
P.O. Box 248
Andes, New York 13731

Telephone (845) 676-3166

Fax (845) 676-3181

Guidance
Glenn Reynolds

Superintendent
Dr. Robert L. Chakar, Jr.

Treasurer
Janice Stevens

Wednesday, August 28, 2013

Mr. Marty Donnelly
Andes Town Supervisor
Andes, NY 13731

Dear Mr. Donnelly:

On behalf of the school and tax payers, I would like to share a consideration with you and the Town Board for your reflection. Our gas and diesel pumps are in need of replacement. The approximate cost of this upgrade is between \$50,000.00 and \$60,000.00. Instead of replacing our existing fuel pumps, I would request that the school be able to utilize the Highway Department's fueling facility as the Fire Department does. We would be flexible with fueling times, purchasing "key cards" and being responsible for the costs of our fuel use.

Currently, Andes has between 4-6 buses that require diesel fueling daily and we have 3 vehicles that require gas once a week. We would entertain any suggestions as to how this arrangement would work; including having our fuel distributor provide the fuel, have the town bill the school for its use, etc....

In closing, any suggestions that the Town Board could provide in utilizing a more cost effective/collaborative use of tax payer monies would be welcomed. Should there be anything I need to do, including attending a Town Board meeting, I would welcome the opportunity to share my thoughts.

Respectfully,



Dr. Robert L. Chakar, Jr.
Superintendent of School

C: Andes Board of Education

T.B.FY-I

**Charles A. Bonnes
265 Bussey Hollow Road
Andes, New York 13731**

August 15, 2013

**Michael R McAdams
Superintendent of Highways
Town Garage
Andes, New York 13731**

Dear Mr. McAdams:

Enclosed is a copy of a letter I sent you in May requesting the replacement of the berm that was improperly removed from my property. Although there recently was work done along Bussey Hollow Road, nothing seems to have been done to begin this process. Furthermore, stone and tar was put down in front of other homes on the road but nothing was done for us. It would be beneficial to us were this done below our lower driveway as dust from the road blows in at that point.

I would appreciate hearing from you as to your intentions with respect to these matters. I can be reached by mail, by phone at 676 4406 or by email at cbonnes@nyc.rr.com.

Very truly yours,

Cc: Martin Donnelly

*Martie,
If you have any thoughts with respect to these matters, please let me know.
Charles*

**Charles A. Bonnes
265 Bussey Hollow Road
Andes, New York 13731**

May 8, 2013

**Michael R. McAdams
Superintendent of Highways
Town Garage
Andes, New York 13731**

Dear Mr. McAdams:

Our home is at the top of Bussey Hollow Road. We would appreciate your seeing that the removed portion of the four foot berm that ran along the downhill side of Bussey Hollow Road above our upper driveway be restored as dirt becomes available. This berm was on our property and over the years has been improperly removed.

Prior to 1991, this portion of Bussey Hollow Road was very narrow, rarely maintained and never plowed. In order to mitigate this situation I agreed to personally pay a significant portion of the expense of having the road realigned and widened. As part of that effort, we conveyed to the Town of Andes a surveyed right of way for the realigned road and the town conveyed back to us all rights it might have to any property lying outside of the deeded right of way. A strip of land approximately six feet wide along the downhill side of the road was excluded from the deeded right of way as I wished to retain control of the berm that ran there. The town was concerned about drainage from the road through the berm, and we agreed that ditches could be cut and at least one culvert placed through the berm.

At that time there were numerous trees along that side of the road that clearly indicated where the deeded right of way ended. As these trees died and the boundary became less clear, the berm was gradually eliminated and the road began to migrate off the deeded right of way. It is this condition that I want corrected. The necessary drainage ditches can, of course, be restored, and the culvert that was pushed over the bank when that portion of the berm was removed can be restored.

The conveyances were all properly recorded by my attorney and the attorney for the town at that time.

Should you have any questions or should you like to review the situation with me, please call me at 845 676 4406 or contact me by email at cbonnes@nyc.rr.com.

Thank you for your attention to this matter.

Very truly yours,