

**TOWN OF ANDES  
TOWN HALL**

**PUBLIC HEARING &  
REGULAR MEETING**

**OCT. 14, 2008  
7:00 & 7:30 P.M.**

**PRESENT:**

**Councilman Ritchie Gabriel  
Councilman Daniel Grommeck  
Councilman Martin Liddle  
Councilman Shayne Moshier  
Supv. Martin A. Donnelly  
Town Clerk Janis Jacques  
Highway Supt. Michael McAdams  
Bookkeeper Meg Hungerford  
Assessor Tina Moshier  
Keough Consulting Marge Merzig**

**ALSO:**

<b>Michael Passafume</b>	<b>Dominick Zappola</b>	<b>Jim Barrett</b>
<b>Matthew Perry - Catskill Mt. News</b>	<b>Mike Harrington - LaMont Eng.</b>	
<b>T. W. Coddington - Walton Reporter</b>	<b>Frank Winkler</b>	

**CALL TO ORDER:**

**Supv. Donnelly called the Public Hearing to order at 7:00 P.M..**

**PLEDGE:**

**The Pledge of Allegiance was recited lead by Councilman Gabriel.**

**PUBLIC HEARING:**

**Purpose - 2009 \* Town of Andes Budget / Water District Budget &  
Waste Water Treatment Plant Budget & Lighting Dist. Budget.  
Supv. Donnelly presented the 2009 Budgets.**

**COMMENTS:**

**None**

**MOTION made by Councilman Gabriel second by Councilman Liddle  
to close the Public Hearing.**

**VOTE: ALL AYE. So carried.**

## **REGULAR MONTHLY MEETING**

### **CALL TO ORDER:**

**Supv. Donnelly called the meeting to order at 7:30 P.M..**

### **RES. #49 BUDGETS - 2009 TOWN OF ANDES / LIGHTING DISTRICT / WATER DISTRICT & WWTP BUDGET LIGHTING DISTRICT**

**WHEREAS; the Town of Andes Town Board and District's Board has presented the 2009 Town of Andes and Special District's Budgets at a Public Hearing held on Nov. 14<sup>th</sup> 2008 @ Town Hall at 7:00 P.M.;**

**NOW THEREFORE BE IT RESOLVED that; the 2009 Town of Andes Budget - the 2009 Lighting District Budget { flat rate } -the 2009 Water District Budget & the 2009 WWTP District Budget are HEREBY adopted as presented.**

**Proposed by Councilman Liddle  
Second by Councilman Gabriel**

### **ROLL CALL:**

**Councilman Gabriel-----AYE**

**Councilman Grommeck---AYE**

**Councilman Liddle-----AYE**

**Councilman Moshier-----AYE**

**Supv. Donnelly-----AYE**

**VOTE: ALL AYE. So carried.**

## Town of Andes Highway Report

Michael R. McAdams, Highway Superintendent

October 14, 2008

### Equipment:

We should have our 2 new trucks in 2 to 3 weeks.

We will soon be getting our sanders back together for winter

### Roads:

Boyle Excavating is working on a large FEMA project for 2007 on Beech Hill Road and should be done in 1 week.

Most of the 2006 small FEMA projects on Beech Hill Road are done.

Wednesday we will be putting in a tube on the Barkaboom and we will be putting in walls. Hopefully we can get these done by October 31. We will be working a few hours overtime to try to accomplish this.

Weaver Hollow – Worked up oil and stone to make road smoother for winter.

Dingle Hill – We will be working road and reshaping ditches and putting gravel down.

Holliday and Gulf Brook Road – We will be working road and putting gravel down.

Wolf Hollow Road – We will be putting gravel down

We will be purchasing 600 ton of rock for the Barkaboom Road. These wash outs are not FEMA projects.

I will be hiring Mike Terry as a flagman for the large project that Boyle is doing on Beech Hill.

I have not heard anything from DEP concerning Bush Hill Road and this will have to be finished before winter.

Respectfully Submitted:

Michael R. McAdams, Highway Superintendent

September 23, 2008

Town of Andes Highway Department  
Delaware Avenue  
P.O. Box 125  
Andes, NY 13731

Dear Gentlemen:

On behalf of the homeowners who live around Crescent Hill and Skyline Drive in Andes we would sincerely like to thank you for the beautiful work you have done to rehabilitate these roads.

It seemed like just shortly after we requested your help we were pleasantly greeted by both men and machines reworking the roads. The ruts and gullies are gone, and we now have a wider, smoother road with reopened runoff ditches and cleared culverts. This work should go a long way towards making the drive to and from our homes more comfortable and less dangerous.

We are very appreciative.

Sincerely,

Peter Lederman

Cc: Martin Donnelly  
Town Supervisor

Jorge Jacinto  
President, Crescent Hill Homeowner's Association



## **PRIVILEGE OF THE FLOOR:**

**Michael Harrington -- LaMont Eng.**

**Mr. Harrington gave updates, to the Town Board, on three design projects that LaMont Eng. Is working on for the Town of Andes. The three are:**

**Gladstone Hollow Culvert Replacement Project**

**Coulter Road Project**

**High Street Project**

**Mr. Harrington gave very detailed explanations, accompanied by drawings, on all three projects.**

**{ On file in the Town Clerk's Office }**

## **LETTERS & COMMUNICATIONS:**

**To: Tom Evans - Del. Co. Pl. Bd.**

**{ Attached }**

**From: Marlys Hann**

**To: Andes Water Dist. Bd.**

**From: James Barrett  
{ Trustee U.M. Church }**

## **FROM THE SUPERVISOR:**

- 1. The Town Pool has been closed and the equipment has been removed and stored.**
- 2. We received a letter from Mr. Joseph Castiglione - attorney - advising of trial dates for Keough Consulting { Marge Merzig } to appear on behalf of the Town of Andes. This is in regard to lack of easements by the prior Village. We may have to pay for these.**
- 3. The USDA has acknowledged receipt of our Highway Garage loan & grant application. Keough Consulting { Marge Merzig } has been and will be continuing to work, for us , with them.**
- 4. We received a call on Oct. 8<sup>th</sup> asking if the WWTP could or would take gas drilling wastewater at our WWTP. Shane Boice, head Engineer at the WWTP, advised that we can not and further advised the company representative.**
- 5. On Oct. 3<sup>rd</sup> Southern Tier East Regional Planning advised that they received our proposal for the new Highway Garage. They further advised that under their current area wide clearinghouse procedure for Intergovernmental Review System - we are NOT subject to formal review of the SEQR declarations for this project.**  
**I have also asked our Delaware County Planning Director to support our request for grant funds and she has agreed to do so.**
- 6. On Oct. 9<sup>th</sup> I sent a note to NYSE&G to advise them that we do not pay bills until our Board reviews them. { This in reference to a NYSE&G bill for the WWTP }**
- 7. Congresswomen Kirsten Gillibrand and staff are trying hard to help us with F.E.M.A..**

**Respectfully submitted,**

**Martin A. Donnelly - Town of Andes Supervisor**

**FROM THE TOWN CLERK:**

**1. Please remember to get out and vote on Tuesday - Nov. 4<sup>th</sup> from 6:00 A.M. to 9:00 P.M.. For District #1 voting will take place at our OLD TOWN HALL { which is NOW the Andes Town Court at 580 Main Street. District #2 voting will take place at the Rod & Gun Club on County Highway #1. One of the new machines will be placed in District #1 along with our regular voting machines.**

**2. Thanks to ALL who helped in my office during my recent illness & operation. I am back now and feeling MUCH better.**

**3. Highway Supt. Michael McAdams asked me to take a ride up Barkaboom Road and Beech Hill Road and let him know my thoughts on both roads. Simple - the devastation on those two roads is almost unbelievable. On the majority of our other Town Roads - the pot-holes look rather puny in comparison. All I have to say is this: if you do not live on one of those two roads - consider yourself very lucky.**

**4. Nov. 11<sup>th</sup> starts our 12:30 P.M. meetings. { Nov. - Dec. - Jan. - Feb. - March & April as per Resolution }**

**Respectfully submitted;**

**Janis Jacques  
Andes Town Clerk**

**MOTIONS:**

**MOTION made by Councilman Moshier second by Councilman Gabriel to limit the "Trick or Treating " hours in the Hamlet of Andes - from 5:00 P.M. to 7:00 P.M. -- on Halloween night - Friday - Oct. 31<sup>st</sup>.  
VOTE: ALL AYE. So Carried.**

**RESOLUTIONS:**

**RES. #50 APPOINTMENT**

**BE IT RESOLVED that; Harvey Morse is HEREBY appointed to the Town of Andes Board of Assessment Review. Term: 10-01-08 to 9-30-2013.**

**Proposed by Councilman Moshier**

**Second by Councilman Liddle**

**ROLL CALL:**

**Councilman Gabriel-----AYE**

**Councilman Grommeck---AYE**

**Councilman Liddle-----AYE**

**Councilman Moshier-----AYE**

**Supv. Donnelly-----AYE**

**VOTE: ALL AYE. So carried.**



**RES. # 51 STATEMENT OF NON-DISCRIMINATION**

**WHEREAS; the Town of Andes follows the standards of Article 15 of the New York State Constitution and does not discriminate based on race, color, religion, sex, national origin, age, marital status or physical or mental handicap and;**

**WHEREAS; the Town of Andes Highway Dept. serves all property owners without regard to race, color, religion, sex, national origin, age, marital status or physical or mental handicap;**

**THEREFORE NOW BE IT RESOLVED that; the Town of Andes Highway Dept., under the direction of the Highway Supt. And the Town Board of the Town of Andes shall continue to make all services available within its capacity to all persons in the Town of Andes without discrimination as to race, color, religion, sex, national origin, age, marital status or physical or mental handicap.**

**Proposed by Councilman Moshier**

**Second by Councilman Liddle**

**ROLL CALL:**

**Councilman Gabriel-----AYE**

**Councilman Grommeck--AYE**

**Councilman Liddle-----AYE**

**Councilman Moshier-----AYE**

**Supv. Donnelly-----AYE**

**VOTE: ALL AYE. So carried.**

**RES. #52 CONTROL OF SNOW ON NEW YORK CITY ROADS**  
**BE IT RESOLVED;** as authorized by agreement between New York City and the County of Delaware, and by Resolution of the Delaware County Board of Supervisors - the Town Board of the Town of Andes **HEREBY** approves a certain agreement executed by the Town of Andes Highway Supt. With the Delaware County Highway Supt. For the performance - by the Town of Andes - of the work of control of snow on New York City roads within the boundaries of Delaware County, upon the terms, rules & regulations as are contained in a copy of such agreement that is annexed and hereto and made a part of.

**Proposed by Councilman Gabriel**

**Second by Councilman Liddle**

**ROLL CALL:**

**Councilman Gabriel-----AYE**

**Councilman Grommeck---AYE**

**Councilman Liddle-----AYE**

**Councilman Moshier-----AYE**

**Supv. Donnelly-----AYE**

**VOTE: ALL AYE. So carried**

**MINUTES:**

**MOTION made by Councilman Gabriel second by Councilman Liddle to approve the minutes.**

**VOTE: ALL AYE. So carried.**

**REPORTS:**

**MOTION made by Councilman Moshier second by Councilman Liddle to approve the following Reports: Town Clerk Monthly Financial Report / Bookkeeper's Monthly Financial Report / D.C.O. Monthly Report / Building Dept. Monthly Report.**

**VOTE: ALL AYE. So carried.**

**WARRANTS:**

**MOTION made by Councilman Liddle second by Councilman Grommeck to approve the Warrants as follows:**

<b>General</b>	<b>#363-#404</b>	<b>\$85,168.50</b>
<b>Highway</b>	<b>#199-#212</b>	<b>35,258.84</b>
<b>FEMA</b>	<b>#11-Only</b>	<b>1,936.40</b>
<b>Water</b>	<b>#48-#57</b>	<b>5,064.54</b>
<b>WWTP</b>	<b>#170-#194</b>	<b>47,401.77</b>
<b>Shavertown Cem.</b>	<b>#3-Only</b>	<b>1,649.00</b>

**AND to pre-approve the following:**

**Highway - #213---W.S. Hinkley-----\$915.75-----**  
**#214---Otsego Iron & Metal-----\$17,995.50--**  
**WWTP - #195---EFC Cat. Fund for Future----\$10,245.34**

**VOTE: ALL AYE. So 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 October 14, 2008**

### **1. Water System**

- Daily usage of treated water from the water system averaged 13,800 gallons per day for the month of September 2008; July's and August's daily average flow was 29,500 gallons per day. The daily water use has most likely dropped due to the pool closing for the season.

### **2. Plant Purchases**

### **3. O&M**

### **1. WWTP Plant**

- Plant effluent flows 24,770 averaged gallons per day for the month of September 2008.

### **2. SPDES Compliance/NYSDEC, NYCDEP**

- The plant discharges of treated effluent to the Tremper Kill Brook; permit compliance for September 2008 met all parameters.

### **3. Collection System**

- High Street is being maintained as required.

### **4. Plant Purchases.**

### **5. Plant O&M**



**MOTION made by Mr. Liddle second by Mr. Grommeck to continue with Water District Policy as per U. M. Trustee Barretts request.  
VOTE: 4-AYE / 1-NO { Mr. Moshier }. Motion carried.**

**MOTION made by Councilman Grommeck second by Councilman Liddle to adjourn.  
VOTE: ALL AYE. So carried.  
TIME: 9:00 P.M.**

**Janis Jacques  
Andes Town Clerk / Andes District's Clerk**

September 16, 2008

Mr. Tom Evans  
**ANDES PLANNING BOARD**  
PO Box 482, 115 Delaware Avenue  
Andes, NY 13731

RE: Merna Popper's Public Hearing

Dear Tom Evans:

I did not receive any notice of a public hearing until I received your MEMORANDUM dated September 11th.

My schedule does not allow me to attend the Hearing on September 22nd. Also, I am not willing to expose myself to the obnoxious behavior of Merna Popper.

As her neighboring property owner, I am very much opposed to Merna Popper's proposal to build anything on her property which violates the **Zoning Law of the Hamlet of Andes, adopted by the Town of Andes**. The reasons for my objections are the following:

**ZONING: Area, Height, Density, and Setback Requirements**

- The proposed structure - 30'-6" X 19'-6" - makes coverage over 25% of the lot size. The existing lot between boundary lines and the sidewalk is approximately **8,640** sq. ft. 25% of that area would be **2160** sq. ft.

The existing house and renovated garage combined, have a footprint of approx. **2349** sq. ft., **2609** sq. ft. including the 260 s.f. raised deck. The addition of new structure of **595** sq. ft. would put the total coverage of that lot at **3204** sq. ft.; or close to **38%**.

- I believe that if Merna Popper is planning to operate a business in this new structure, it will be required that she have three (3) off street parking spaces. The driveway into this property is now narrow and dangerous, and if the plan is for 3-car parking with a turn-a-round area within this already too densely occupied space, it would be unworkable and unacceptable. There is no safe parking on the

Highway (especially not in the winter) in front of her house, my house, or across the street.

- I have not seen a site plan of the proposed structure on the site, but if it is located so that it is within the setback requirements, it might mean that there would be either a long 30'-6" wall, a walking / driving / parking area, and / or the clutter of Merna Popper's detritus, 10 feet away from my, or Chantel Robiero's property line. I would strongly object to this because of the blocking of my viewscape, and the intrusion to the quiet enjoyment of my residence and garden.

#### **BUSINESS AND RESIDENTIAL:**

I have been through this horror story before. When Merna Popper first moved into her house and started renovating, she went through a succession of 'so-called' contractors, and mess. I tried to help her - give her advice when she asked for it - and when she was in the midst of her construction disasters I found out that she was telling 'contractors' that she "hated me", and hearing tales from others of her slanderous insults to me. This was detrimental to me personally and to my Professional Architecture practice.

In addition, when she started using her house, and then the garage and yard, as her 'Home Business', the visual, noise, and intrusion into my privacy was intolerable. In September of 2005, I began planning for the fence between our properties so that I could protect myself from her, and her 'Business'. She made my life miserable by fencing off the back of my property, depositing her garbage in my viewscape, and ultimately intimidating Art Short into putting a 'Stop Order' on the construction of the fence which was completely within my legal right to build. Her nastiness cost me way too much time, energy, and many thousands of dollars in legal and surveying costs, not to mention the cost of the fence.

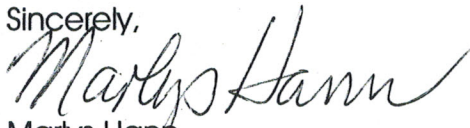
I was so happy when she moved her 'business' off her property. Now she is planning to make a bigger and even more offensive mess next door to me?! There will be vehicles, buildings, lights, signs, junky objects, and noisy people right in front and beside my and my tenant's residence, and my professional office? I don't think so! I will fight against any approval of a 'Special Use Permit, or another building, on her property!



7

She has abused her designation as a 'home business'...I shudder to think how she will abuse her neighbors by getting a Special Permit, bringing her 'business' back, and building another structure. She is now stacking her 'junk' around all the walls of her 'non-conforming' garage, and on her porch and front yard. There are other places in Andes that she could have her business with less cost to her, and much less aggravation, and loss of property value to everyone around.

Sincerely,

A handwritten signature in cursive script that reads "Marlys Hann". The signature is fluid and elegant, with a long, sweeping underline.

Marlys Hann

MARLYS HANN **ARCHITECT**

Cc: Bea Sohni, Chantel Rebeiro, Martha Campbell, Leo Koenig, Bill and Jane Anne Groom, Marty Donnelly



LEGAL AD FOR Oct 8<sup>th</sup>, 2008 EDITION:

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LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the PRELIMINARY Budget for the Town of Andes, Delaware County, State of New York for the fiscal year commencing Jan. 1, 2009 to Dec. 31, 2009 is complete and on file in the Office of the Town Clerk where it is available for public inspection.

FURTHER NOTICE IS HEREBY GIVEN that the Andes Town Board will meet and hold a Public Hearing on Tuesday Oct. 14<sup>th</sup>, 2008 at 7:00 P.M. at Town Hall. At said Public Hearing any person may be heard in favor or against the Preliminary Budget, as compiled, or for or against any item or items therefore contained.

FURTHER NOTICE IS GIVEN that pursuant to Section 108 of Town Law, that the following is the proposed salaries for elected officials;

Supervisor - \$14,000.00 / Town Board - four @ \$3,750.00 EACH / Justices - one @ \$8,137.00 one @ \$6,592.00 / Tax Collector - \$8,000.00 / Sole Assessor - \$40,685.00  
Town Clerk - \$31,106.00 / Supt. Of Highways - \$44,290.00.

This will be followed by Regular Monthly Meeting at 7:30 P.M..  
Dated Oct. 1, 2008

BY ORDER OF THE ANDES TOWN BOARD  
Janis Jacques - Andes Town Clerk



Att: Andes Town Board

As chairman of Andes United Methodist Church Board of Trustees I would like to know why we have to pay for water rent, when we are not hooked to main waterline, we are hooked up to parsonage which the church owns.

Thank You,  
Jim Barnett Chairman.