

**Town of Andes
Regular Meeting
August 15th, 2017 at 7:00PM
Andes Town Hall**

Present:

Supervisor Wayland 'Bud' Gladstone
Councilman Dale Cole
Councilman Thomas Hall-Absent and Excused

Councilman Shayne Moshier
Councilman Thomas Joyce
Town Clerk Kimberly Tosi

Others:

Deborah Schneider
Ron Guichard
Peter Lederman
Anthony Derek Curl
Linda Dunne Egnor

Sharon Drew
Alex Wilson
Mary Davis
Wyva Hasselblad
Mimi Vu

Mike Terry
William Duke
George Montecalvo
Mary Sheerin

Call to Order:

The meeting was called to order at 7:00PM by Supervisor Gladstone.

Pledge:

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

Approval of Minutes:

Motion to approve the July 2017 Regular Meeting Minutes, made by Councilman Moshier, Seconded by Councilman Joyce. All in favor, Councilman Hall-absent and excused, motion carried.

Privilege of the Floor:

*Peter Lederman

RE: Crescent Hill Road

Mr. Lederman spoke to his concern regarding the state of the road. He was told that it would be oil and stoned two years in a row and it has still not been completed. Prior to the board meeting Supervisor Gladstone spoke with Highway Superintendent McAdams who stated that work is scheduled to commence in September after the CHIPS reimbursement check is received. This work is at the discretion of the Highway Superintendent and no promises of its completion were made by the Highway Superintendent or any member of the Town Board Members. Mr. Lederman also raised concern over the end of the road at the intersection of State Highway 28 and the potential of it being blacktopped in the future. He was informed that the highway superintendent has the final say over what repairs are made to the roads and that he should reach out to him for further help with this matter.

*Deborah Schneider and Alex Wilson

RE: Historical District in Hamlet

Ms. Schneider read a summary of the intentions (attached) of the group of individuals involved in this matter. Their concern arose when there was discussion that the company that owns the

Broadlands property was looking to sell to NYC and may then sell the many buildings they own in the hamlet. Mr. Wilson spoke of Peg Ellsworth of the MARK Project and her wealth of knowledge and knowledge of funding sources that may be available for the historic preservation of buildings. Supervisor Gladstone read a memo from Kristin Janke Schneider (attached).

Reports:

Highway Report (attached)

*We may need to make an insurance claim for the roller incident, still waiting on the estimate of what it will cost to fix.

*Delaware County DPW has reached out to Mike regarding renting a bay at the highway building for the winter. Their employee would park their truck there and work from there.

*There have been complaints that the plants in the 'Triangle' are posing a traffic hazard. It is very hard to see over them if you are in a low car. Councilman Joyce will speak with Mary Davis.

Supervisor's Report

*July 17th- we received a check from Delaware County for snow removal for \$25,662.46.

*July 20th- We signed the note renewal with the CWC for the Grader loan.

*July 19th- I signed the Indemnity agreement papers for Wayne Bank for the dog demonstration that was held on Community Day.

*July 15th- I spoke with Wayne Reynolds regarding Delaware County DPW renting space in the old highway building for County Equipment for winters. On August 15th I reached out to him again.

*July 22nd- I called Peg Ellsworth of MARK Project regarding the grant received for Andes. This will be discussed with the business community.

*July 26th- I spoke with Wayne Reynolds regarding the redesign at the transfer station. We will be meeting at a later date to discuss.

*July 31st- I attended a meeting at the Public Safety building in Delhi regarding FEMA reimbursement for the Snow storm in March. Highway Superintendent McAdams will be completely all necessary paperwork. The Deputy Highway Superintendent also attended the meeting.

*August 15th- I spoke with Rachel Andrews regarding the boy's bathroom. The pooling water issue will be addressed this fall. Rachel would also like permission to try to obtain a grant for an AED for the pool.

*We received the reimbursement check for our latest request for the Smart Growth Grant at the RR Station totaling \$27,803.10.

*David Andrick will be in Town next week to evaluate the lighting at Town buildings to determine if we qualify for any funding for upgrades to more energy efficient lighting. He will be at the September board meeting to discuss his findings.

*The construction of the emergency services tower on Mt. Pisgah is still in the works. They are waiting on the storm water results to come back. The road is expected to be started in two weeks. After this is completed the construction of the tower will begin.

Committees-

Flood Commission-

Councilman Joyce reported that the next Public Hearing will be held on September 15th, 2017 at 6PM in the ACS gymnasium.

Pool-

*The floor in the boy's bathroom will be a larger project than initially thought. It will be completed this fall so as to not interrupt normal operation. Rachel also requested that she be allowed to purchase a divider or that it be built in the boy's room to put cleaning supplies behind.

*The pool has been running great. There have been no issues. Staffing will be available through Labor Day.

*The storage shed needs a new ramp and floor. The diving board needs to be recoated.

*Rachel has requested that internet be installed in the pool lifeguard room. This would allow them access to weather, etc. MTC will be contacted regarding the cost.

*The new chairs that were to be donated have not been received. Councilman Moshier will be reaching out regarding this. Several of the chairs have had to be thrown out this year.

*Rachel also requested permission to apply for a grant for an AED.

Cemeteries-

Councilman Moshier reported that Harvey Morse will be beginning the work on the road to the Andes Rural Cemetery shortly. He has also hauled in the material for the graves and stones.

Economic Development Committee-

Councilman Joyce reported that the Chamber of Commerce has officially taken over the meetings. Their next meeting will be September 11th at 6PM.

Transfer Station-

Councilman Cole stated that there is still a problem with individuals using the transfer station that do not have stickers. The board will be reviewing options to handle the situation.

Motions:

Motion to move forward with the idea of creating a historic preservation commission to begin with reaching out to Kristin Janke Schneider of the Delaware County Planning Department to investigate the creation of the local law, as well as holding a public information session to receive input on the laws creation and development, made by Supervisor Gladstone, Seconded by Councilman Joyce. All in favor, Councilman Hall-absent and excused, motion carried.

Motion to authorize Rachel Andrews, Pool Director, to apply for grant funding for an AED at the Pool/Town Hall and Highway Department, made by Councilman Moshier, Seconded by Councilman Joyce. All in favor, Councilman Hall-absent and excused, motion carried.

Motion to approve the July Supervisor's Financial Report, Town Clerk's Financial Report, Justices' Financial Report, and Tax Collector's Financial Report, made by Councilman Moshier, Seconded by Councilman Joyce. All in favor, Councilman Hall-absent and excused, motion carried.

Resolutions:

Resolution 16 of 2017 A RESOLUTION AUTHORIZING THE PURCHASE OF 2017 CASE 721 G LOADER AND RELATED EQUIPMENT, AUTHORIZAING THE ISSUANCE OF SERIAL BONDS IN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$65,483.83 OF THE TOWN OF ANDES, DELAWARE COUNTY, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURCHASE AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

BE IT RESOLVED, by the Town Board of the Town of Andes, Delaware County, New York, The Town (by favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as “purpose”) to be financed pursuant to this resolution is a 2017 Case 721 G Loader and related equipment. The maximum cost of said purpose will not exceed \$151,683.03.

SECTION 2. The Town Board plans to finance a portion of the maximum estimated cost of said purpose by the issuance of serial bonds in an amount not to exceed \$65,483.83 of said Town, hereby authorized to be issued pursuant to the Local Finance Law.

SECTION 3. It is hereby determined that the 2017 Case 721 G Loader and related equipment, is an object or purpose described in subdivision [28] of paragraph (a) of section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is fifteen (15) years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will not be in excess of five (5) years.

SECTION 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on said bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewal of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing terms, form and contents and as to the sale and issuance of the bonds herein authorized and of

any bond anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, the for capital purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse such expenditure with the proceeds of the bond or bond anticipation notes authorized by Section 2 of this resolution. This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to insure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designation the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town hereby determines that the purchase of the 2017 Case 721 G Loader and related equipment is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEGR") is required.

SECTION 12. The validity of said serial bonds or any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) Such obligations are authorized for a purpose for which said Town is not authorized to expend money, or

(b) The provisions of the law which should be complied with at the date of publication of this resolution are not substantially complied with and an action, suit, or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 13. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in the official newspaper or newspapers of the Town.

SECTION 14. This resolution is not subject to permissive referendum pursuant to Section 35.00 b. (1) of the Local Finance Law and shall take effect immediately.

Proposed by: Councilman Moshier
Seconded by: Councilman Joyce

ROLL CALL:

Councilman Joyce-----Aye
Councilman Hall-----Absent and Excused
Councilman Cole-----Aye
Councilman Moshier----Aye
Supervisor Gladstone --Aye

Resolution 17 of 2017 Loader Purchase SEQR

BE IT RESOLVED that, in regards to the purchase of the 2017 Case 721 G Loader and requisite funding actions, having considered the draft and final Short Form Environmental Impact Statement and having considered the preceding written facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617.11, the Town Board of the Town of Andes finds that:

1. The requirements of 6 NYCRR Part 617.11 have been met; and
2. The Town Board declares this is a Type II action and no other determination or procedures are required.
3. Consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the action is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable by incorporating as conditions to the decision those mitigating measures that were identified as practicable.
4. And (if applicable) consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR Part 600.5, this action will achieve balance between the protection of the environment and the need to accommodate social and economic considerations.

Proposed by: Councilman Joyce
Seconded by: Councilman Moshier

ROLL CALL:

Councilman Joyce-----Aye
Councilman Hall-----Absent and excused
Councilman Cole-----Aye
Councilman Moshier-----Aye
Supervisor Gladstone -----Aye

Resolution 18 of 2017 Highway Budget Transfer

BE IT RESOLVED to amend the highway budget, to add \$94,003.21 to DA5112.2 CHIPS budget line contingent upon receiving our first CHIPS reimbursement check on September 15th.

Proposed by: Councilman Joyce

Seconded by: Councilman Cole

ROLL CALL:

Councilman Joyce-----Aye

Councilman Hall-----Absent and Excused

Councilman Cole-----Aye

Councilman Moshier-----Aye

Supervisor Gladstone-----Aye

Approval of Bills:

Motion to approve General Warrants #189-220 totaling \$28,030.90

Highway Warrants #165-191 totaling \$32,302.62

WWTP Warrants #89-99 totaling \$48,569.75

Water Warrants #58-65 totaling \$6880.56

Smart Growth Warrants #6-15 totaling \$9,883.16, made by Councilman Joyce, Seconded by Councilman Moshier. All in favor, Councilman Hall-absent and excused, motion carried.

Districts-

-Water

-Sewer

Public Comments/Questions:

*Sharon Drew asked the board if they knew of old records that were stored in the old highway garage in black bags in the ceiling. No one was aware. It will be addressed.

Executive Session:

RE: Personnel

Motion to enter executive session made by Councilman Joyce, Seconded by Councilman Cole. All in favor, Councilman Hall-absent and excused, 9:07PM

Motion to exit executive session made by Councilman Moshier, Seconded by Supervisor Gladstone. All in favor, Councilman Hall-absent and excused, 10:04PM

Adjourn:

Motion to adjourn the meeting made by Councilman Cole, Seconded by Councilman Joyce. All in favor, Councilman Hall-absent and excused, 10:05PM.

I'm Deborah Schneider. I'm here on behalf of a group of residents and business owners who have met over the past two months to discuss the vacant properties in the hamlet. We have concerns that the unique beauty of Andes will be adversely affected without safeguards in place to protect the character, heritage and the financial viability of the town we love. Andes needs urgent establishment of an Historic Preservation Commission which would serve this purpose.

There is insufficient protection to preserve the historic character of many of the vacant buildings that contribute so much to the beauty and the tax base of this town. When these buildings are sold, there is a strong chance that any one of them could be torn down or altered in such a manner that the character of the town would be lost forever.

We come before the Planning Board and Town Board to propose the establishment of a local preservation law that would protect these historic buildings. This has worked well in Roxbury and many other historic towns in NYS and across the country.

Seeing the positive results in Roxbury contrasted by the blighted remains of some other towns and villages in Delaware County and the Catskills, we hope that the Town Board and Planning Board will support a plan to set up an Historic Preservation Commission. The aim would be to prevent wholesale damaging changes to the buildings of the historic district of Andes.

We look forward to hearing your views and receiving your support for this plan.



DELAWARE COUNTY PLANNING DEPARTMENT

Highway Department Building • P.O. Box 367 • Delhi, New York 13753
Phone (607) 832-5444 • Fax (607) 832-6070 • Email: pln@co.delaware.ny.us

MEMORANDUM

TO: Bud Gladstone
FROM: Kristin Janke Schneider
DATE: August 15, 2017
RE: Establishment of a Historic Preservation Law

As discussed at the Planning Board meeting last night, I have reviewed the Hamlet of Andes Zoning Law, the Town of Roxbury Historic Preservation Law (2008), and the Model Landmarks Preservation Local Law for New York State Municipalities (2014). If it is the Town's desire to pursue its own Historic Preservation Law – and therefore the establishment of a Historic Preservation Commission – I will be happy to assist in drafting it with the Town attorney.

Andes currently has an established Historic District overlay in the Hamlet's zoning law. This overlay zoning district has the same extent as the established Historic District boundaries. Within this overlay district, the following actions are subject to site plan review pursuant to general site plan criteria (Section 7.6-F.1) and historic criteria:

- "exterior alteration, restoration, reconstruction, demolition or relocation of historic buildings or structures"
- "new non-historic buildings or structures (including relocation) or substantial alteration of existing non-historic buildings or structures," and
- "other non-structural activities on or adjacent to historic properties including blasting, tunneling, trenching, excavation, filling, grading, paving, fencing, landscaping, lighting, and signage which by their nature may threaten or detract from the value or character of the historic buildings, structures, sites or areas"

The issue with this provision is that there is actually no "historic criteria" to be found within the zoning law. There is therefore no specific standard to which the Planning Board can hold a reviewable action within the Historic District overlay.

This omission can be resolved as part of the zoning amendments that the Planning Board intends to undertake in the future (after the comprehensive plan update is complete). These amendments would ensure that the Planning Board would have criteria against which reviewable actions could be measured. The criteria could mirror those found in the Model Landmarks

Preservation Local Law, with the caveat being that the Planning Board's expertise regarding historic preservation may not be as robust as a well-formed, standalone Historic Preservation Commission.

In reviewing Roxbury's Historic Preservation Law, my most significant concern was the absence of a "Definitions" section. This section – perhaps one even more extensive than the one included in the Model Landmarks Preservation Local Law – is crucial to the appropriate application of any land use law. Beyond that, I believe that Roxbury's version is a good example of a basic, pared-down Historic Preservation Law. I do not know whether it would accomplish everything that Andes would seek to accomplish with such a law, and I therefore recommend that the Town review the full Model Landmarks Preservation Local Law as well.

I believe that the establishment of a Historic Preservation Law may satisfy the intentions of those concerned with preserving the character of Andes' Historic District. It would create a means by which any relevant actions within the Historic District could be reviewed and approved or denied, and be done so in a manner that is more stringent than the current zoning law. (Any review by the Historic Preservation Commission would be in addition to relevant reviews by the Planning Board.)

Beyond actions taken within the Historic District, there is also a concern regarding properties being allowed to fall into disrepair. There is nothing in Roxbury's Historic Preservation Law that addresses that situation, but the Model Landmarks Preservation Local Law indicates that landmarks or properties within an historic district may not be allowed "to fall into a serious state of disrepair." It requires maintenance consistent with the "Property Maintenance Code of New York State Uniform Fire Prevention and Building Code," which Andes is already subject to.

The Model Landmarks Preservation Local Law goes on to require the maintenance of certain interior portions of buildings (Section 22(c)). The Town of Andes should examine this section closely and determine whether it is willing to not only adopt such standards, but commit to their enforcement. Like Roxbury, Andes may not find this section palatable.

If you have any further questions, please don't hesitate to contact me.

ANDES HIGHWAY REPORT

AUGUST

05 JOHN DEER BACKHOE HOURS 5,214- Grease and checked all fluids

2015 VOLVO GRADER- Replaced transmission filter and fluid greased and checked all fluids

1996 VOLVO AUTOCAR- Replaced hydraulic hose and fitting, repaired airline fitting

1989 JOHN DEERE GRADER- Replaced seals in rotary pump greased and checked all fluids needs emergency brake shoes

04 INTERNATIONAL 5600- Replaced air brake valve

09 INTERNATIONAL 5600- Replaced air brake valve, right front axle seal

04 INTERNTIONAL 7600- Greased and checked all fluids, checked brakes

1990 EAGER BEAVER TRAILER- Adjusted all brakes, replaced marker light and tail light

We also swept Dingle Hill, cut brush on Wolf Hollow, worked these roads Ridge Road, Little Dingle Hill, Kovba Road, Wedemeyer road, Shaver Hill, Hyzer Hill, Brace Hollow, Perch Lake. We also Mowed beach hill Barkaboom, Jones and Close hollow. We hauled gravel to Hyzer Hill. Hauled gravel and cobels to wolf Hollow spur and garvel in multiple areas on wolf hollow. Replaced pipes on Little Dingle Hill and Warren Weaver rd. The highway superintendent thinks that the roller is not big enough and very unstable. Also we oil and stoned Ridge road, Dingle Hill, and Hyzer Hill . The roller that we rented was tipped on its side and the damages that were done to it will be paid in house so that our insurance premium does not go up.

Sincerely,

Michael Mcadams

CEDARWOOD ENVIRONMENTAL SERVICES

8-12 Dietz Street, Suite 303, Oneonta NY 13820 • Phone 607-441-3246 • FAX 607-441-3251

**TOWN OF ANDES, NY
TOWN BOARD MEETING
REPORT BY CEDARWOOD ENVIRONMENTAL SERVICES
August 2, 2017**

1. Water System

Daily usage of treated water from the water system averaged 19,300 gallons per day for the month of July 2017.

2. Plant Purchases

One case of 0.35 filters at a cost of \$423.03.

3. O&M

Changed second stage filters on July 24, 2017.

4. Equipment

5. Distribution System

6. Library Well

CEDARWOOD ENVIRONMENTAL SERVICES

8-12 Dietz Street, Suite 303, Oneonta NY 13820 • Phone 607-441-3246 • FAX 607-441-3251

**TOWN OF ANDES, NY
TOWN BOARD MEETING
REPORT BY CEDARWOOD ENVIRONMENTAL SERVICES
August 2, 2017**

1. WWTP Plant

Plant effluent flow averaged 33,000 gallons per day for the month of July 2017.

2. SPDES Compliance/NYSDEC, NYCDEP

The plant discharges treated effluent to the Tremper Kill Brook. The WWTP was in compliance for July 2017.

3. Collection System

4. Plant Purchases.

5. Plant O&M

All running well

6. Plant Equipment.

7. Gladstone Hollow Septic System