

TOWN OF ANDES REGULAR MONTHLY MEETING JULY 14, 09
TUESDAY 7:30 P.M.

PRESENT:

Councilman Ritchie Gabriel
Councilman Daniel Grommeck
Councilman Martin Liddle-----Absent & excused
Councilman Shayne Moshier
Supv. Martin A. Donnelly
Town Clerk Janis L. Jacques
Assessor Tina Moshier
Bookkeeper Meg Hungerford
Keough Consulting Marge Merzig
Del. Co. Pl. Bd. Thomas Evans

ALSO:

Denise Norris **Michael Passafiume**

CALL TO ORDER:

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

PLEDGE:

The Pledge of Allegiance was recited lead by Councilman Gabriel.

HIGHWAY REPORT:

Councilman Moshier read the following Highway Report as presented by Supt. McAdams.

Town of Andes Highway Report

Michael R. McAdams, Highway Superintendent

July 14, 2009

Equipment:

2009 Int. 6x6 – Greased and checked all fluids, changed oil, had towed to Ben Funks because it wouldn't stay running. 12,250 miles

2009 Int 4x4 – greased and checked all fluids

2004 Int 7600 – Ben Funks installed new front spring under warranty, greased and checked all fluids

2004 Int 4x4 – greased and checked all fluids

2000 Int. – Taken to Dickson Diesel for inspection and installed new front spring hangers

1999 Int – Installed new gasket for steering pump

1996 Volvo – changed oil, replaced air valve, rebuilt transmission and new clutch

2000 F 550 – Changed oil and replaced hydraulic hose, 64,720 miles

2003 JD Loader – changed oil, greased, checked fluids, and installed new end bit on bucket, 4600 Hours

2005 JD 310 SG Backhoe – Changed oil, fuel and air filters and greased, 2237 Hours

1976 TD15 Dozer – Changed oil, fuel filter and installed new starter

1994 Morbark Chipper – Fixed hole in radiator and installed new water pump

1975 Sweeper- Installed new broom bristles

1997 F-150 – Replaced front brake shoes

Roads:

Ditched and rolled Old Gladstone Hollow, Gambichler Road, and Engel Road

Weaver Hollow has been ditched, graveled, and rolled.

Little Dingle Hill has been ditched and rolled.

Ditched some of Dingle Hill and put in 2 sluice pipes, graveled road and rolled.

Worked Perch Lake Hill, ditched and rolled.

Wolf Hollow Road is being graveled today.

Cutting trees on Bush Hill Road

Worked Close Hollow Road.

We will be ditching Canada Hollow, Little Road, and Ferraro Road.

We will be getting Beech Hill ready to motor pave.

Other:

The budget will need to be amended to allow me to use the CHIPS money. We will need to add to DA5112.2 \$195,715.00

Town Pit – leveled off top side, tubes have been restacked and piled on upper end of pit, trees have been buried.

Before the next meeting I would like to have a meeting concerning pipes being put in driveways.

Respectfully Submitted,

Michael R. McAdams

Highway Superintendent

PRIVILEGE OF THE FLOOR

None

LETTERS & COMMUNICATIONS:

**Mr. Brian Cousins
597 Grand Avenue
Brooklyn, NY 11238**

Re: 259.10-4-7 (55 Main Street) - Hamlet of Andes

Dear Mr. Cousins,

Enclosed you will find copies of 2 local laws enacted by the former Village of Andes, now enforced by the Town of Andes.

Local Law #1 refers to the duties of a property owner in reference to the care and maintenance of their lawns and shrubs, dated July 7, 1980 in order to assure the health and safety of the hamlet. This letter will serve as your first and only notice that in the event a 15 day period should pass and your lawn and shrubs have not been maintained, the Town of Andes will make arrangements to have your property trimmed and maintained at your expense. WE will add an administrative fee of 15% of the total bill, as stated in the ordinance.

Local Law #2, dated 2-12-96 and approved by the Secretary of State for the Village of Andes, sections 1-5 and 1-16 are applicable to your property. Note these sections are not intended to be all inclusive. Be advised by this letter that you have been notified that your property at 55 Main Street is in dire need of painting and maintenance. It is our intent to maintain the safety and quality of life in the hamlet. This lack of maintenance has been going on for several years; it destroys the health and safety of the hamlet and is dangerous to the community at large. Section 1-16 applies to the owner and owners absent from the hamlet. You have 20 days from the date of this letter to paint your house in an appropriate color. If you fail to do this, the Town will contract to do it for you. All expense of our doing this will be added to your tax bill.

Sincerely,

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

FROM THE SUPERVISOR:**Great news:**

All contracts with the USDA for the New Highway Garage funding have been signed. We also have received a grant in the amount of \$50,000.00 from the USDA for our New Highway Garage. Also, we have a great rate on our BAN - 1.9% - N.B.D.C. - Andes and a great rate with the U.S.D.A.. This has been a great team effort and a great end result and very soon you will see your new Town of Andes Highway Garage.

On July 10th I met with the Deputy Commissioner of the N.Y.C.D.E.P. in reference to our WWTP.

Respectfully submitted'

Martin A. Donnelly
Town of Andes Supervisor

MOTIONS:

MOTION made by Councilman Moshier second by Councilman Grommeck to vote as follows for the Executive Committee of the C.W.T.:

Two year term:

Bill Layton { Supv. Town of Tompkins }

John Meredith { Supv. Town of Walton }

Edward Snow Sr. { Village of Walton }

Alternates:

Craig Dumond { Supv. Town of Masonville }

Ed Snow { Mayor Village of Walton }

John VanBenschoten { Mayor Village of Margaretville }

VOTE: ALL AYE. So carried.

MOTION made by Councilman Gabriel second by Councilman Moshier to accept the proposal from Rettew for the RFP Stormwater Management Plan and to authorize Supv. Donnelly to sign all necessary documents regarding this on behalf of the Town of Andes.

VOTE: ALL AYE. So carried.

MOTION made by Councilman Grommeck second by Councilman Gabriel to approve the agreement with Cornell Coop. Ext. of Delaware Co. regarding grass bio-energy project at the New Town of Andes Highway Garage and to authorize Supv. Donnelly sign all necessary documents regarding this on behalf of the Town of Andes.

VOTE: ALL AYE. So carried.

RESOLUTIONS:

RES. #41 AUTHORIZATION FOR JUSTICE COURT FUNDING

BE IT RESOLVED that; Town of Andes Justice Joseph R. Grieco is HEREBY authorized to submit an application for funding through the Justice Assistance Program for the 2009 cycle.

BE IT FURTHER RESOLVED that; said funding received shall be used to enhance the Justice Courts ability to provide suitable & sufficient services to the Town of Andes.

**Proposed by Councilman Gabriel
Second by Councilman Grommeck**

ROLL CALL:

Councilman Gabriel-----AYE

Councilman Grommeck---AYE

Councilman Liddle-----ABSENT & EXCUSED

Councilman Moshier-----AYE

Supv. Donnelly-----AYE

VOTE: ALL AYE. So carried.

Per # 42

USDA
Form RD 1942-47
(Rev. 12-97)

LOAN RESOLUTION
(Public Bodies)

FORM APPROVED
OMB NO. 0575-0015

A RESOLUTION OF THE _____
OF THE MUNICIPALITY _____
AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING
A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS
ANDES, TOWN OF HIGHWAY GARAGE _____
FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the _____ TOWN OF ANDES
(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of
\$1,650,000.00

pursuant to the provisions of _____; and

WHEREAS, the Association intends to obtain assistance from the Rural Housing Service, Rural Business - Cooperative Service, Rural Utilities Service, or their successor Agencies with the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U. S. C. 1983 (c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$ 10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contract or agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by the Government. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0575-0015. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established and maintained, disbursements from that account may be used when necessary for payments due on the bond if sufficient funds are not otherwise available. With the prior written approval of the Government, funds may be withdrawn for:
 - (a) Paying the cost of repairing or replacing any damage to the facility caused by catastrophe.
 - (b) Repairing or replacing short-lived assets.
 - (c) Making extensions or improvements to the facility.

Any time funds are disbursed from the reserve account, additional deposits will be required until the reserve account has reached the required funded level.

15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain the Government's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$ 50,000

under the terms offered by the Government; that the Supervisor of the
 and Town of Andes ^{is} of the Association ~~are~~ hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee

The vote was: Yeas 4 Nays 0 Absent 1

IN WITNESS WHEREOF, the _____ of the
TOWN OF ANDES has duly adopted this resolution and caused it
 to be executed by the officers below in duplicate on this _____ day of _____, _____.

(SEAL) _____

 By _____

Attest: _____

 Title _____

 Title

RES. #43 BUDGET AMENDMENTS:

BE IT RESOLVED that; following budget amendments are **HEREBY** approved;

From DA3501 to DA5112.2 \$195,715.00

From Parks & Rec. to be set aside for grants \$ 6,000.00

Proposed by Councilman Gabriel

Second by Councilman Grommeck

ROLL CALL:

Councilman Gabriel-----AYE

Councilman Grommeck--AYE

Councilman Liddle-----ABSENT & EXCUSED

Councilman Moshier-----AYE

Supv. Donnelly-----AYE

VOTE: ALL AYE. So carried.

MINUTES:

MOTION made by Councilman Grommeck second by Councilman Moshier to approve the minutes.

VOTE: ALL AYE. So carried.

REPORTS:

MOTION made by Councilman Gabriel second by Councilman Grommeck to approve the following reports: June Supv. Bookkeeper's Financial Report - June Town Clerk's Financial Report - Justice Report Building Inspector's Report - Highway Report - D.C.O. Report.

VOTE: ALL AYE. So carried.

MOTION made by Councilman Moshier second by Councilman Gabriel to approve the warrants as follows:

GENERAL	#198-#244	\$ 24,367.71
HIGHWAY	#110-#152	182,500.14
FEMA	#3-Only	15,761.15
NEW HWY. GAR.	#3-#5	5,155.25
WATER	#28-#34	26,467.90
WWTP	#108-#127	42,748.89
Sh.Tn. Cem.	#3-Only	350.00

VOTE: ALL AYE. So carried.

EXECUTIVE SESSION

MOTION made by Councilman Moshier second by Councilman Grommeck to enter Executive Session.

VOTE: ALL AYE. So carried.

TIME: 7:50 P.M.

REASON: LEGAL & PERSONNEL

MOTION made by Councilman Grommeck second by Councilman Gabriel to exit Executive Session.

VOTE: ALL AYE. So carried.

TIME: 8:35 P.M.

MOTION made by Councilman Gabriel second by Councilman Grommeck to approve the Country Home Sec. bill.

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

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**TOWN OF ANDES, NY
TOWN BOARD MEETING
REPORT BY DELAWARE OPERATIONS
July 14, 2009**

1. Water System

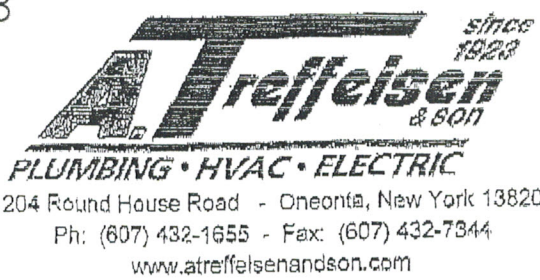
- Daily usage of treated water from the water system averaged 17,000 gallons per day for the month of June 2009.

2. Plant Purchases

3. O&M

- Delaware Operations requests the approval to have A. Treffeisen & Son rebuild the suction and discharge headers for the Gladstone Hollow booster pump station at a cost not to exceed \$2,200.00. The current headers are leaking at the welded joints and the flanges are deteriorating.

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Proposal

To: Andes WWTP
 Tremper Kill Rd
 Andes, NY 13731
 Telephone Number: 845-676-3990
 Fax Number: 845-676-3732

Date: 6/16/2009
 Proposal No: B9-081
 Andes WWTP Rebuild Headers

Work to be done in accordance with specifications for standard estimates, etc.

Rebuild 3" headers with schedule 80 pvc pipe, replace (4) 2" ball valves, unions and nipples with galvanized on pressure pump system.

Labor & Material \$2200

We Propose hereby to furnish material and labor - complete in accordance with the above specifications for the sum of: **\$2,200.00**
two thousand two hundred and xx / 100 Dollars

Payment to be made as follows:

All work is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Worker's Compensation Insurance.

Authorized Signature _____

Note: This proposal may be withdrawn by us if not accepted within 30 days

Acceptance of Proposal -- The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as specified.

Signature: _____

Signature: _____

Date of Acceptance: _____

United Plumbing & Heating Inc.

Po box 1607, 868 Chenango St., Binghamton, NY 13902
Phone (607) 723-3327
FAX (607) 723- 3393

845-676-3732

June 17 2009

Re-Faxed

RE: Well house Piping

Mr. Shane Boice
Delaware Operations, Inc.
Andes Waste Water Treatment Plant

Dear Mr. Boice:

The following is our scope of work and quote for the above mentioned project:

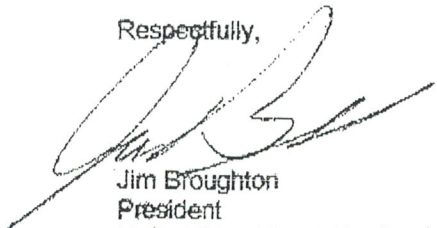
- Remove and dispose of 3 inch galvanized suction and discharge headers from duplex pump skid
- Install new header piping including new isolation valves, unions, and adapters
- All piping to be galvanized with grooved joints. Joints below 2 inch will be threaded
- Work to be performed on straight time

All for the sum of \$6,459.00

Note: To install PVC schedule 80 in lieu of galvanized, the quote is \$4,984.00

Thank you for the opportunity to offer a quote. If you have any further questions, please feel free to contact us.

Respectfully,



Jim Broughton
President
United Plumbing & Heating Inc

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
July 14, 2009**

1. **WWTP Plant**
 - Plant effluent flows averaged 38,900 gallons per day for the month of June 2009.
2. **SPDES Compliance/NYSDEC, NYCDEP**
 - The plant discharges of treated effluent to the Tremper Kill Brook; permit compliance for June 2009 met all parameters.
3. **Collection System**
 - High Street is being maintained as required.
4. **Plant Purchases.**
5. **Plant O&M**

MOTION made by Mr. Gabriel second by Mr. Moshier to approve Del. Op. request for A. Treffeisen & Son to rebuild the suction & discharge headers for the Gladstone Hollow booster pump station not to exceed \$2,200.00.

VOTE: ALL AYE. So carried.

*

ADJOURN:

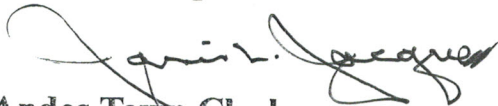
MOTION made by Councilman Gabriel second by Councilman Grommeck to adjourn.

VOTE: ALL AYE. So carried.

TIME: 8:50 P.M.

Graham Moshier
Mayor Donnelly AS
David Howard R
John Hall TC

Janis L. Jacques



Andes Town Clerk
Andes District Clerk

* Motion made by Super. Donnelly second by Councilman Moshier to skip the Aug. Town Bd. Mt. due to conflicts w/ schedules and further to pre-approve the warrants.

JLJ
SMA

Vote - All Aye - So carried.