

**TOWN OF ANDES
TOWN HALL**

**PUBLIC HEARING
REGULAR MONTHLY MEETING**

**12:00 NOON
12:30 P.M.**

PRESENT:

- Councilman Ritchie Gabriel**
- Councilman Daniel Grommeck-----Absent & excused**
- Councilman Martin Liddle**
- Councilman Shayne Moshier-----Absent & excused**
- Supv. Martin A. Donnelly**
- Town Clerk Janis Jacques**
- Highway Supt. Michael McAdams**
- Bookkeeper Meg Hungerford**
- Deputy Town Clerk Sharon Drew**
- Delaware Oppertunites - Linda Hitt**

ALSO:

Alex Bene / T.W. Coddington { Walton Reporter } / Anita & Don Lanziero

PUBLIC HEARING:

CALL TO ORDER:

Supv. Donnelly called the Public Hearing to order at 12:00 Noon.

PLEDGE:

The Pledge of Allegiance was recited lead by Councilman Gabriel.

PUBLIC HEARING PURPOSE:

Community Development Block Grant

Linda Hitt of Delaware Oppertunites made a presentation regarding the status of the grant application with the Governor's Office of Community Renewal. Residents of the Town of Andes were invited to express their recommendations for use of a proposed Community Development Block Grant. Other options for the use of the grant were discussed and Linda Hitt explained that except for public facilities, the grant was limited to those with low to modern incomes. Those present expressed a desire for the Town of Andes to proceed with the plan. All persons desiring to be heard were heard.

MOTION:

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

VOTE: ALL AYE. So carried.

CALL TO ORDER:

Supv. Donnelly called the Regular Monthly Meeting of the Andes Town Board to order at 12:30 P.M..

All who were here for the Public Hearing remained.

Town of Andes Highway Report

Michael R. McAdams, Highway Superintendent

March 10, 2009

Equipment:

2004 Int 7600 – Replaced Air Valve.

1999 Int – Changed passenger side rear spring and pins, 158,750 miles

1991 Autocar 4x4 – Changed idler pulley, bracket and adjuster, 11504 hours

1996 Autocar tri-axle – replaced exhaust manifold temp. sensor and sent truck to Dickson Diesel to get it running

2000 F550 – Replaced fuel pump, 64,511 miles

2003 JD Loader – Changed oil, fuel, air filters and greased, 4347 hours

2000 Dodge P/U – Changed upper and lower ball joints on both sides , 103,523 miles

2005 310SC Backhoe – Repaired back-hoe bucket, 2108 Hours.

Other:

All employees have had their hearing tests for 2009

DPW called and indicated that they do not want us to run our chains on their roads. They would like us to take them on and off on our roads. This would be a hazard to my employees to have them putting chains on alongside the road at 4:00A.M. It would cost more money to do this and the roads would not be getting done as fast.

The inventory will be turned into Delaware County and the Town Clerk's this week.

December 11, 2008 was declared a FEMA disaster. We will see if we can get refunded for salt, sand and the guys wages.

The Town should adopt the County and State bid.

Thank you to Jimmy Johnson for the meat platter that he shared with us.

All sluice pipes are being checked today to see if there OK for the next rain storm.

We have all permits for our fuel tanks, gas tanks and oil tanks.

Respectfully Submitted,

Michael R. McAdams, Highway Superintendent

EXECUTIVE SESSION:

Litigation & personnel

MOTION made by Councilman Liddle second by Councilman Gabriel to enter Executive Session.

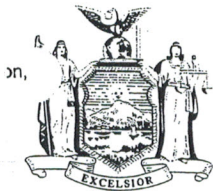
VOTE: ALL AYE. So carried.

TIME: 12:36 P.M.

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

VOTE: ALL AYE. So carried.

TIME: 1;10 P.M.



JOHN J. BONACIC
SENATOR, 42ND DISTRICT

THE SENATE
STATE OF NEW YORK

February 18, 2009

RANKING MINORITY MEMBER
COMMITTEES ON
HOUSING, CONSTRUCTION
& COMMUNITY DEVELOPMENT
RACING, GAMING AND WAGERING

COMMITTEES
BANKS
CODES
JUDICIARY
LOCAL GOVERNMENT

Supervisor Martin Donnelly
Town of Andes
580 Main Street
Andes NY 13731

Dear Marty:

I am writing to update you on the State budget. As you are aware, last year the Legislature appropriated funding for equipment and/or capital improvements in the amount of \$10,000.00. Governor Paterson has essentially frozen any and all State spending he and his administration deem unnecessary.

Sadly, I believe the Governor is acting politically by freezing funds in communities where local Senators are opposing his efforts to raise taxes. Currently, myself and other Senators are fighting the Governor's efforts to increase taxes and fees on things such as soda, cable television, iPod tunes, haircuts, water, and literally over 100 other common goods and services New Yorkers use.

I will fight to ensure that this funding is re-appropriated. At this time, given the Governor's insistence on eliminating virtually any spending he deems inappropriate, I strongly encourage you to consult with the State Agency administering this grant to confirm it is secure before any funds are expended against it.

Should you have any questions on this matter, please contact Governor Paterson at (518) 474-8390.

Sincerely,

JOHN J. BONACIC
State Senator

JJB/lcc:sc

□ ALBANY OFFICE: ROOM 508 LEGISLATIVE OFFICE BUILDING, ALBANY, NY 12247 (518) 455-3181

□ DISTRICT OFFICE: 201 DOLSON AVENUE, SUITE F, MIDDLETOWN, NY 10940 (845) 344-3311

□ DELAWARE CO. OFFICE: 111 MAIN STREET, DELHI, NY 13753 (607) 746-6675

EMAIL: BONACIC@SENATE.STATE.NY.US





THE ASSEMBLY
STATE OF NEW YORK
ALBANY

RANKING MINORITY MEMBER
Committee on Agriculture

COMMITTEES
Economic Development, Job Creation,
Commerce and Industry
Labor
Ways and Means
Rules

CLIFFORD W. CROUCH
Assemblyman 107TH District

February 26, 2009

Janis Lynn Jacques, Clerk
Town of Andes
115 Delaware Ave, P.O. Box 125
Andes, NY 13731

Dear Honorable Jacques:

Please accept this correspondence as acknowledgement of receiving the resolutions you forwarded to my office; Resolution #25; Opposition to Governor Paterson's plan to freeze state tax payments for state forest lands and Resolution #26; Request by the Town of Andes regarding the dedication of federal medical assistance for health care.

A number of upstate legislators and I have joined together to oppose this. We have also sent a letter to the Governor asking him to withdraw his proposal to freeze the state tax payments.

Thank you for your correspondence pertaining to this issue. If you have any further questions please feel free to contact my office.

Sincerely,

Clifford W. Crouch
Member of Assembly
107th District

CWC/ro

DELAWARE ENGINEERING, P.C.

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

March 6, 2009

To Read

Mike Bosak
State Architect
USDA - Rural Development
441 South Salina Street. Suite 357
Syracuse, NY 13202

(via 2nd day Fed Ex)

Re: Town of Andes
Highway Garage Project

Sub: USDA Engineering Agreement Form RD 1942-19
For USDA Approval and Distribution

Dear Mike:

Enclosed are four (4) originals of the subject contract form and attachments for the Andes Highway Garage, with Owner and Engineer signatures, for subsequent execution by USDA Rural Development. We understand that following USDA review and approval and signing, that USDA will return one copy to the Town and one copy to our office for our files.

We have appended the existing contract and existing Contract Amendment No. 1 to the USDA form.

We believe that these documents are ready for execution by USDA Rural Development.

Thank you for your continuing assistance on this project. Please contact me if you have any questions at 607-432-8073 and/or e-mail me at dohman@delawareengineering.com.

Respectfully,

DELAWARE ENGINEERING, P.C.



Dave Ohman, P.E.

C:\Contracts\Andes (T)\Highway Garage\USDA\USDA Contract Transmittal Letter 03-06-2009.doc
Enclosures

FROM THE SUPERVISOR:

- 1. The Roxbury Arts Group has awarded the Town of Andes a \$1,750.00 grant to have four concerts in Ballentine Park this summer. The award date is March 22nd and I will be there to accept this grant on behalf of the Town of Andes.**
- 2. We have an estimate from Foamco to add foam insulation { R-20 } to the soffits, ridges, gables & walls of our new Town Hall. Amount - \$6,400.00.**
- 3. We received a letter from Jodie Barker - PE of LaMonte Eng. Regarding details to the Gladstone Hollow Culvert Replacement Project. Work should soon be started.**
- 4. Letters have gone to homeowners, in Andes, from Delaware Opportunities in reference to a Block Grant to assist homeowners with the repair of their home. First the Town has to qualify for the Grant and if we are successful - the homeowner would then have to qualify. The last time we did this - we were granted \$400,000.00.**
- 5. On Feb. 17th our annual Water Report was sent to all Water District users. Please continue to let your water run - very slowly - until we are out of this cold spell.**

Respectfully submitted;

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

FROM THE TOWN CLERK:

- 1. All certifications have been completed and sent to the appropriate agencies.**
- 2. SPECIAL ELECTION - Tuesday - March 31st - 6:00 A.M. to 9:00 P.M. - both districts. This is to elect a candidate to replace US Rep. Kirsten Gillibrand - who is now our U.S. Senator. Please vote.**
- 3. We are trying to set up a free rabies clinic - for cats & dogs - sometime in May. We will let you know the date.**

Respectfully submitted;

**Janis Jacques
Andes Town Clerk**

**PRIVILEGE OF THE FLOOR:
NONE**

MOTIONS:

**MOTION made by Councilman Gabriel second by Councilman Liddle to proceed with advertising the bids as discussed. Bid opening will be held on Monday April 6,th @ 12:30 P.M. @ Town Hall and bid awards will be held on Tuesday April 14th @ 12:30 P.M. @ the Regular Monthly Town Board Meeting.
VOTE: ALL AYE. So carried.**

**MOTION made by Councilman Gabriel second by Councilman Liddle to accept the estimate from Foamco - to add insulation in the new Town Hall as stated - not to exceed \$6,400.00.
VOTE:
ALL AYE. So carried.**

RESOLUTIONS:

RES. #30 AUTHORIZATION TO ACCEPT BIDS

BE IT RESOLVED that; Town of Andes Highway Supt., Michael McAdams, is HEREBY authorized to accept Delaware County bids and New York State bids.

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

ROLL CALL:

**Councilman Gabriel-----AYE
Councilman Grommeck-----Absent & Excused
Councilman Liddle-----AYE
Councilman Moshier-----Absent & Excused
Supv. Donnelly-----AYE
VOTE: ALL AYE. So carried**

RES.#31**RESOLUTION AUTHORIZING SETTLEMENT OF
PENDING ASSESSMENT REVIEW PROCEEDING
COMMENCED BY BALLANTINE MANOR LLC**

WHEREAS, a Petition and Notice to Review the Assessment for taxation for the tax year 2007-2008 (March 1, 2007 Taxable Status Date) of the real estate of the above-named petitioner (the "Petitioner") in the Town of Andes, County of Delaware, State of New York (the "Town"), Tax Map No. 259.11-1-1.11 located at 160 Main Street in the Town (the "Property"), was duly served upon the Assessor of the Town, and the Town (the "Respondents") on or about July 27, 2007, and

WHEREAS, the Respondents and said property owner are prepared to enter into an agreement and stipulation of compromise and settlement of their differences in summary as follows:

That the proceeding for the year 2007-2008 in relation to the Property be settled and that an Order and Judgment to that effect may be entered without further notice to either party on the following terms and conditions:

1. This settlement is made in resolution of all past and present claims or proceedings with respect to the
2. Approval of this settlement and all required authorizations and enactments by the necessary parties shall be made in good faith and as expeditiously as possible.
3. Pursuant to RPTL §727, the pending proceedings shall be settled by establishing the assessment of the subject Property at the revised assessment of \$38,595.00

All other provisions of RPTL §727, including RPTL §727(2) shall apply to this settlement.

4. In the event payment of taxes as originally assessed for tax year 2007-2008 have already been made, the Town of Andes, the County of Delaware and the Andes Central School District be and hereby are authorized and directed to refund the amount of Town(including Highway and Joint Fund and Light District), County and School District taxes that may have been paid on account of said original assessments in excess of the amount of taxes based upon the reduced assessments as herein ordered and determined.

5. The Town, acting through its assessor, shall make or cause to be made upon the proper books and records and on the assessment rolls of the Town of **Andes** the entries, changes and corrections necessary to conform the assessments to the agreed-upon assessments.

6. The Petitioner agrees to discontinue with prejudice and without costs to either the Petitioner or the Town, the tax assessment review proceedings for tax year 2007-2008, and attorneys for the parties hereto shall execute a stipulation on behalf of the parties for submission to the court, and an order shall be entered thereon without further notice.

7. The parties acknowledge, as this Stipulation is entered into, for good and valuable consideration on the part of, and received by all parties hereto, and constitutes the entire agreement among the parties.

8. The parties agree that this Stipulation may be filed and docketed in the Office of the Delaware County Clerk as provided in the New York Civil Practice Law and Rules.

9. An Order may be entered upon this Stipulation by either party on notice to the other party

WHEREAS, it appears to be in the best interests of the Town to settle said matters as recommended by the Town Attorney and Assessor without further attendant legal and appraisal costs relating to said matters.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Andes in regular session duly convened as follows:

1. The Assessor of the Town be and she hereby is authorized to enter into a stipulation of settlement of said pending proceeding on the terms set forth herein.
2. The Town Attorney be and he hereby is authorized to consent to entry of appropriate court orders to accomplish said settlement and upon entry of the court orders directing the establishment of said assessments as aforesaid to execute stipulations of discontinuance of the said proceedings.
3. This Resolution shall take effect immediately.

Proposed by Supv. Donnelly

Second by Councilman Gabriel

ROLL CALL:

Councilman Gabriel-----AYE

Councilman Grommeck-----Absent & excused

Councilman Liddle-----AYE

Councilman Moshier-----Absent & excused

Supv. Donnelly-----AYE

VOTE: ALL AYE. So carried.

RES.#32**RESOLUTION AUTHORIZING SETTLEMENT OF
PENDING ASSESSMENT REVIEW PROCEEDING
COMMENCED BY BALLANTINE MANOR LLC**

WHEREAS, a Petition and Notice to Review the Assessment for taxation for the tax year 2007-2008 (March 1, 2007 Taxable Status Date) of the real estate of the above-named petitioner (the "Petitioner") in the Town of Andes, County of Delaware, State of New York (the "Town"), Tax Map No. 259.7-1-18.1 located at 255 Main Street in the Town (the "Property"), was duly served upon the Assessor of the Town, and the Town (the "Respondents") on or about July 27, 2007, and

WHEREAS, the Respondents and said property owner are prepared to enter into an agreement and stipulation of compromise and settlement of their differences in summary as follows:

That the proceeding for the year 2007-2008 in relation to the Property be settled and that an Order and Judgment to that effect may be entered without further notice to either party on the following terms and conditions:

1. This settlement is made in resolution of all past and present claims or proceedings with respect to the
2. Approval of this settlement and all required authorizations and enactments by the necessary parties shall be made in good faith and as expeditiously as possible.
3. Pursuant to RPTL §727, the pending proceedings shall be settled by establishing the assessment of the subject Property at the revised assessment of \$75,000.00

All other provisions of RPTL §727, including RPTL §727(2) shall apply to this settlement.

4. In the event payment of taxes as originally assessed for tax year 2007-2008 have already been made, the Town of Andes, the County of Delaware and the Andes Central School District be and hereby are authorized and directed to refund the amount of Town(including Highway and Joint Fund and Light District), County and School District taxes that may have been paid on account of said original assessments in excess of the amount of taxes based upon the reduced assessments as herein ordered and determined.

5. The Town, acting through its assessor, shall make or cause to be made upon the proper books and records and on the assessment rolls of the Town of **Andes** the entries, changes and corrections necessary to conform the assessments to the agreed-upon assessments.

6. The Petitioner agrees to discontinue with prejudice and without costs to either the Petitioner or the Town, the tax assessment review proceedings for tax year 2007-2008, and attorneys for the parties hereto shall execute a stipulation on behalf of the parties for submission to the court, and an order shall be entered thereon without further notice.

7. The parties acknowledge, as this Stipulation is entered into, for good and valuable consideration on the part of, and received by all parties hereto, and constitutes the entire agreement among the parties.

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9.. An Order may be entered upon this Stipulation by either party on notice to the other party

WHEREAS, it appears to be in the best interests of the Town to settle said matters as recommended by the Town Attorney and Assessor without further attendant legal and appraisal costs relating to said matters.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Andes in regular session duly convened as follows:

1. The Assessor of the Town be and she hereby is authorized to enter into a stipulation of settlement of said pending proceeding on the terms set forth herein.

2. The Town Attorney be and he hereby is authorized to consent to entry of appropriate court orders to accomplish said settlement and upon entry of the court orders directing the establishment of said assessments as aforesaid to execute stipulations of discontinuance of the said proceedings.

3. This Resolution shall take effect immediately.

Proposed by Councilman Liddle

Second by Councilman Gabriel

ROLL CALL:

Councilman Gabriel-----AYE

Councilman Grommeck-----Absent & excused

Councilman Liddle-----AYE

Councilman Moshier-----Absent & excused

Supv. Donnelly-----AYE

VOTE: ALL AYE. So carried.

MINUTES:

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

VOTE: ALL AYE. So carried.

REPORTS:

MOTION made by Councilman Liddle second by Councilman Gabriel to approve the following Reports: Feb. Town Boards Bookkeeper's Report, Town Clerk Report, Highway Supt. Report, Tax Collector's Report, Building Dept. Report and D.C.O. Report.

VOTE: ALL AYE. So carried.

WARRANTS:

MOTION made by Councilman Gabriel second by Councilman Liddle to approve the following Warrants:

| | | |
|----------------|-----------------|--------------------|
| GENERAL | #64-#102 | \$18,269.27 |
| HIGHWAY | #34-#58 | 36,671.42 |
| WATER | #8-#12 | 1,647.71 |
| WWTP | #19-#40 | 82,915.47 |

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
March 10, 2009**

1. Water System

Daily usage of treated water from the water system averaged 18,400 gallons per day for the month of February 2009.

2. Plant Purchases

3. O&M

1. WWTP Plant

- Plant effluent flows averaged 39,350 gallons per day for the month of February 2009.

2. SPDES Compliance/NYSDEC, NYCDEP

- The plant discharges of treated effluent to the Tremper Kill Brook; permit compliance for February 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. Liddle second by Mr. Gabriel to approve the scope of work from Delaware Operations and - as approved by Andy Stor of NYCDEP - to evaluate the repair of the WWTP and authorize the District Chairman - Martin A. Donnelly - to sign same.

VOTE:
ALL AYE. So carried.

ADJOURN:

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

VOTE:
ALL AYE. So carried.
TIME:
1:30 P.M.

Martin Liddle
Martin Donnelly
A.S. 4/16/09