# TOWN OF ANDES \*REGULAR MONTHLY MEETING \*OCT. 13, '09 TOWN HALL 7:30 P.M.

# PRESENT:

Councilman Daniel Grommeck
Councilman Martin Liddle
Councilman Shayne Moshier
Supervisor Martin A. Donnelly
Town Clerk Janis L. Jacques------Absent & excused
Deputy Town Clerk Sharon Drew
Assessor Tina Moshier
Bookkeeper Meg Hungerford
Keough Consulting Marge Merzig
ALSO:
Wayne Reynolds { Del. Co. D.P.W. Supt. }
Michael Passafiume
Rob Allison
Tom Coddington

### 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:**

The following Highway Report was written & submitted by Supt. McAdams and read by Councilman Liddle.

# Town of Andes Highway Report

# Michael R. McAdams, Highway Superintendent

### October 13, 2009

### **Equipment:**

2004 Int. 7600 – Installed new clutch and throw out bearing, changed oil, greased and checked all fluids.

2004 Int 4x4 – Taken to Ben Funks to replace broken springs under warranty.

2005 JD Backhoe – Greased and checked fluids

2003 JD Loader – Greased and checked fluids

1997 F-150 - Changed fuel filters, oxygen sensor, fixed exhaust

2000 F-550 – Installed sander and getting it ready for winter.

### Other:

We are starting to get our trucks ready for winter.

Beech Hill – All FEMA brook clean outs have been completed. We have torn up the far side of Beech Hill and used brook gravel to fill back in and covered with crusher run. 3 new pipes have been installed.

We will be blacktopping all but 2 FEMA sights on Beech Hill in the next two weeks. We will black top some of Beech Hill with CHIPS money, also.

Barkaboom Road – We will be putting an 8 foot tube in, through FEMA, if DEC will give us an extension.

Bush Hill – We will be putting gravel down

Road inventory will be put in to Delaware County this week.

Brad Darling will be doing inventory on our sluice pipes.

Our independent truck driver has been hauling sand and gravel.

We will be cold patching roads where applicable.

Respectfully Submitted:

# **EXECUTIVE SESSION**

MOTION made by Councilman Liddle second by Councilman Moshier

to enter Executive Session.

**VOTE: ALL AYE. So carried** 

Reason: Legal Time: 7:35

MOTION made by Councilman Liddle second by Councilman

**Moshier to exit Executive Session** 

**VOTE: ALL AYE. So carried** 

Time: 8:15

# **LETTERS & COMMUNICATIONS:**

- 1. To David S. Merzig From Joseph R.Grieco (Attached)
- 2. To Kimberly D.Bose From John J. Bonacic, (Attached)
- 3. To Walter B. Gladstone From Martin A. Donnelly (Attached)

# FROM THE SUPERVISOR:

- 1. Mr. Fred Cubero reported that he had problems with deer and very high grass on Weaver Hollow Road. This has been turned over to Highway Supt. McAdams.
- 2. At our last monthly update regarding the new Highway Garage it was reported, by the engineers, that the cost of the alarm system was left out of the plan estimates. Now, this must be added. Town Board members should refer to the construction manual in the Town Clerks office as it is kept up to date weekly by Delaware Engineering.
- 3. On Sept. 15<sup>th</sup> Marge Merzig { Keough Consulting } and I attended the meeting concerning the new FEMA Flood Plain Maps. We did a news release advising that this could be a problem for some Andes residents. Any questions would be answered by Town of Andes C.E.O. Arthur Short or myself. Mr. Short received one call and I received two calls.
- 4. I received a call from Bill Marchand Close Hollow Road inquiring what LaFever Excavating was doing in the stream. This was turned over to Highway Supt. McAdams.
- 5. I received a phone call from Harold Cole regarding a problem with D.E.P.. This was forwarded for an answer.
- 6. D.E.C.s new regulations on Marcellus Shale Drilling are ONLY 400 pages.
- 7. We had a budget workshop on Sept. 24th. We are still going over various items.
- 8. We have held meetings with residents on High Street and Coulter Brook in reference to the Storm Water Projects on their roads.
- 9. The Gladstone Hollow Project is complete except for paving. The C.W.C. should be picking up the cost over-run of \$19,180.12.
- 10. On Oct. 9<sup>th</sup> Planning Board Chairman Frank Winkler, Planning Board member Alex Adelson and myself met with Mr. Larry Ashman regarding his plans for Senior Housing here in Andes. We conveyed to him our support for this much needed project.

Respectfully submitted,

Martin A. Donnelly Andes Supervisor

# FROM THE TOWN CLERKS OFFICE

- 1. November 10, 2009 starts our 12:30 PM meetings. (Nov. -Dec.- Jan.-Feb.-March and April as per Resolution)
- 2. Please remember to get out and vote on Tuesday November 3<sup>rd</sup> from 6:00AM to 9:00PM.

District #1 voting will take place at our OLD TOWN HALL at 580 Main Street.

District #2 voting will take place at the Rod & Gun Club on County Highway #1.

We will be using our new voting machines this year.

Respectfully submitted;

Sharon M. Drew Deputy Town Clerk

# PRIVILEGE OF THE FLOOR:

Rob Allison spoke briefly on the Road Culvert Project. He also passed out Storm water Assessment Schedules to the Town Board.

# **MOTIONS**

MOTION made by Councilman Liddle second by Councilman Grommeck to have Halloween Trick or Treating in the Hamlet of Andes on Friday, October 30<sup>th</sup> from 4:00 P.M. to 7:00 P.M. VOTE: ALL AYE. So carried.

MOTION made by Councilman Liddle and second by Councilman Moshier to rescind shared services grant to LaBarge. VOTE: ALL AYE. So carried.

MOTION made by Councilman Liddle and seconded by Councilman Gabriel to accept the proposal of Dr. Michael Hattery of the Center for Applied Community Development & Research at Binghamton University for the Local Government Efficiency study of Andes and Bovina under the Department of State Grant at an amount not to exceed \$20,400.00.

VOTE: ALL AYE.. So carried.

MOTION made by Councilman Moshier second by Councilman Liddle to hold a Public Hearing, for the SEQR review of the Andes Housing Project, on Tuesday - Nov. 10, 2009 at 12:15 P.M. at Town Hall. VOTE: ALL AYE. So carried.

# **RES. #47 BY-LAWS FOR BALLENTINE PARK**

WHEREAS; the Town Board has reviewed the By-Laws for Ballentine Park;

It is HEREBY RESOLVED that said By-Laws are adopted.

{ Attached }

Proposed by Councilman Liddle

Seconded by Councilman Moshier

**ROLL CALL:** 

Councilman Gabriel-----AYE

Councilman Grommeck-AYE

Councilman Liddle-----AYE

Councilman Moshier-----AYE

Supv. Donnelly-----AYE

**VOTE: ALL AYE. So carried** 

# RES. #48 THE PEOPLE'S CONVENTION TO REFORM NEW YORK STATE ACT

Whereas, tough economic times and New York State's tremendously high tax burden are causing families and businesses to struggle, while state government has been paralyzed by questions of gubernatorial succession, leadership fighting and political dysfunction; and

Whereas, our State Constitution was originally meant to be a vibrant, living and breathing document, reflective of the times in which we live that holds up to the political dynamic of the day; and

Whereas, our current state Constitution was adopted 115 years ago in 1894 and modified at a constitutional convention in 1938 and at various other times by legislative action; and

Whereas, our state, our nation and the world have changed dramatically in the past forty-two years as the information age has transformed communications, business and government in ways that could not even have been imagined when our state constitution was adopted; and

Whereas, recent events in state government involving gubernatorial succession, legislative stalemates and appointments to statewide elected offices have exposed flaws and weaknesses in our current constitution on these issues; and

Whereas, families and businesses have been forced to cut back, while New York State government continues to spend beyond its means and force unfunded mandates on already overburdened local governments and taxpayers; and

Whereas, in the face of the most challenging economic environment since the Great Depression, the people of New York have little confidence that the state government, as currently structured, is responsive to their wants, needs, or principal concerns; and

Whereas, the people of New York have expressed their desire to hold a "People's Convention" to reform state government, as evidenced by recent Quinnipiac University and Siena College Research polls, showing more than 60 percent of voters supporting a People's Convention to Reform New York; and

Whereas, the people must act now to thwart the dysfunction in Albany, and convene a People's Convention to take New York State government back; and

Whereas, members of the state Legislature have introduced "The People's Convention to Reform New York Act", which grants the people the opportunity to hold a constitutional convention, establishes a procedure for the non-partisan election of delegates, restricts political parties, campaign committees and special interests' influence over delegates, and requires state or local elected officials and officers or party officials to vacate their post upon being elected delegate; and

Whereas, while the Constitution empowers the elected delegates to set the convention agenda for "The People's Convention to Reform New York", we ask that the delegates consider government reforms such as a state spending cap and property tax cap, restrictions on unfunded mandates, debt reform, an absolute ban on backdoor borrowing, public authorities reform, a clear line of succession to the governorship and lieutenant governorship and elections to fill elected state office vacancies; and now, therefore, be it

**Resolved**, that this Legislative Body pause in its deliberations to acknowledge the need for true state government reform and urge the immediate passage and chaptering of the "People's Convention to Reform New York Act", which will allow for the creation of a more accountable and responsive state government by the people to serve the people; and be it further

**Resolved**, that a copy of this Resolution, suitably engrossed, be transmitted to the Governor of the State of New York, the Temporary President of the New York State Senate, the Speaker of the New York State Assembly, and to the Minority Leaders of the Assembly and Senate.

# **MOTION**

Motion made by Councilman Grommeck and seconded by Councilman Gabriel to approve the minutes.

**VOTE: ALL AYES. So carried** 

# **MOTION**

Motion made by Councilman Liddle seconded by Councilman Grommeck to approve the following Reports: Oct. Town Clerk Financial Reports - Highway Report - Oct.. Bookkeeper's Financial Reports - Oct.. D.C.O. Report - Justice Report & Oct. Building Dept. Report.

**VOTE: ALL AYES. So carried** 

# **WARRANTS:**

# **MOTION**

Motion made by Councilman Liddle seconded by Councilman Gabriel to approve the following warrants:

#300-# 340 (VOID- 301)	\$ 56,212.16
#183-# 219	54,382.81
	0.018.71
#45-# 52	2,817.61
#161-# 184	77,281.19
#7-ONLY	2,397.00
#11-ONLY	15,644.80
#4 -ONLY	1,691.75
	#183-# 219  #45-# 52  #161-# 184  #7-ONLY  #11-ONLY

**VOTE:** All Ayes, 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 13, 2009

- 1. Water System
- Daily usage of treated water from the water system averaged 13,200 gallons per day for the month of September 2009.
- 2. Plant Purchases
- 3. O&M

# 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 13, 2009

# 1. WWTP Plant

• Plant effluent flows averaged 32,600 gallons per day for the month of September 2009.

# 2. SPDES Compliance/NYSDEC, NYCDEP

• The plant discharges of treated effluent to the Tremper Kill Brook; permit compliance for September 2009 did not met all parameters. On September 21, 2009 there was a BOD violation due a PLC failure in the SBR.

## 3. Collection System

• High Street is being maintained as required.

### 4. Plant Purchases.

- Delaware Operations requests the approval to purchase 2 pumps from ITT Flygt to have as spares for the existing pumps in the SBR. Flygt model CP3068.180 (3 currently in use) at a cost not to exceed \$1959.00 including shipping and Flygt model DP3068.180 (2 currently in use) at a cost not to exceed \$ 1643.00 including shipping. See attached quote.
- Delaware Operations requests the approval to purchase 3 power supply units from Taggart Electric at a cost not to exceed \$2,290.00 plus shipping and installation. Two of the UPS (battery back up) units will be used to replace failed units in the two Press panels. The third UPS will be used to replace a failed unit in the SBR panel.

### 5. Plant O&M

### 6. Plant Equipment

• On September 9 we replaced the sludge pump in SBR A due to a failed motor.

- On September 21 SBR UPS unit (battery back up) failed causing the PLC for the SBR shut down and not call out. Taggart Elect was able to get the PLC going to restore automatic operation. I also contacted Turnkey Controls to set up a new alarm point that will call out when the UPS shuts down or goes to battery power.
- Contacted Taggart Elect to give us a quote on replacing the deteriorated electrical boxes that are along the walkway in the SBR Building. The current boxes are painted metal and are difficult if not impossible to access. In the past two months there have been three electrical issues in here.
- On September 29 plant staff replaced a heating element in one of the four electric heaters in the SBR Building. To date three out of four heaters elements have been changed.

# **DISTRICTS:**

MOTION made by Councilman Liddle seconded by Councilman Grommeck to authorize Del. Op. to purchase the following:

2 pumps from ITT Flygt not to exceed

#1. \$1,959.00

#2. \$1,643.00

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

MOTION made by Councilman Grommeck and seconded by Councilman Moshier to purchase 3 power units from Taggart Electric not to exceed \$2,290.00 + shipping & installation.

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

MOTION made by Councilman Gabriel seconded by Councilman Moshier to approve the application by 227 Delaware Avenue for connection to the water/sewer system with the following conditions:

- 1. The Town assumes no liability for the installation or operation of the sewer line on private property, especially freezing.
- 2. The Town is notified prior to the installation and representatives will be present for the installation of the pump chamber, backfill of the piping and connection to the existing system.
- 3. The Town recommends the use of SDR 35 because it uses a gasket seal.
- 4. Any changes from the design in the installation must be approved by the Town

**VOTE: ALL AYE. So carried** 

# **ADJOURN:**

MOTION made by Councilman Moshier seconded by Councilman Gabriel to adjourn

VOTE: ALL AYE. So carried

**TIME: 9:20PM** 

10 Algarad

Town of Andes
Pool Project Manager
Post Office Box 335
Andes, New York 13731

September 10, 2009

David S. Merzig, Esquire Kehoe and Merzig, P.C. 8-12 Dietz Street, Suite 202 Oneonta, NY 13820-1888

RE: Andes Municipal Pool RenoSys Corporation

Dear Counselor Merzig:

Enclosed please find a copy of a letter from RenoSys Corporation as well as an *Indemnification / Hold Harmless Agreement* which they require be executed and witnessed. I spoke with Town of Andes Supervisor Martin Donnelly and was instructed to bring the attached to your attention. I will comply with the pressure test request as well as the drawing of the gutter system as installed. Upon your advice to me (or directly to Mr. Donnelly) I will see to the signing and witnessing of the *Indemnification / Hold Harmless Agreement*.

The work completed at the Municipal Pool thus far puts us in the position to move forward with the RenoSys Corporation project as soon as possible.

I await your advice!

Sincerely,

Joseph R. Grieco, Pool Project Manager

been R. Green

xc: file

Supervisor Donnelly 1

Atty Merzig's office via Fax



# RenoSys®

# Indemnification/Hold Harmless Agreement

$\underline{R}$	enoS	ys
PVC	Pool	Shells

RecDeckTM Wet Area Flooring

DuraTech<sup>TM</sup> ool Gutters & Grating

ToughDeck<sup>TM</sup> **PVC** Flooring

Safety Padding

Potable Linings

FuturaPool TM dular Public Pools

poolequip<sub>im</sub> c Pool Equipment mpetitive Prices

The Town of Andes shall indemnify and hold harmless RenoSys Corporation, its officers, employees, and/or agents from any and all liability, damage, loss, claims, demands and actions of any nature whatsoever, for any reason whatsoever, foreseeable of unforeseeable, which arise out of to be connected with, any undertaking, product, goods, merchandise, products, services sold and/or work supplied, furnished or performed by the Town of Andes or its subcontractors, agents, servants, or employees, including with out limiting the generality of the forgoing, all liability, damages, loss, claims, attorneys and adjusted fees, demands and actions on account of personal injury, death, or property loss to RenoSys Corporation is officers, employees, and/or agents, third parties, or property, but shall not include claims resulting from the gross negligence or willful misconduct of RenoSys Corporation. This indemnity and hold harmless is intended to as broad as is permitted by aw and to include claims of every kind and nature — for tort, under contract/or strict liability or other liability without fault; under statute, rule, regulation or order; and otherwise.

IN WITNESS WHEREOF, the unders the, day of, 200	signed has duly executed this Agreement
	Name of Firm
	Address
	Signature
	(Please Print Name and Title)

Witness:

Signature

Date

Print Name

Visit us on the web at... "www.renosys.com" or "www.poolequip.com" RenoSys Corporation

2825 E. 55th Place • Indianapolis, IN 46220 Phone: 800.783.7005 • 317.251.0207 Fax: 317.251.0360 • e-mail: "info@renosys.com"

ECEIVEL VEL



# RenoSys®

Joseph Greico Town of Andes 580 State Hwy 28, Box 355 Andes, NY 13731

RenoSys® PVC Pool Shells

RE: New Stainless Steel Gutter

RecDeck<sup>™</sup>
Wet Area Flooring

July 22, 2009,

Joe.

DuraTech™
Pool Gutters & Grating

We are glad to hear that you have secured a new gutter system for your facility and look forward to our combined efforts in completing your project.

ToughDeck<sup>TM</sup>
PVC Flooring

There are a few things that we would like to address in reference to your new stainless steel gutter system. First, RenoSys Corporation will need drawings of the gutter system that is being installed at your facility; this is to ensure that our PVC Membrane termination does not have to be modified in any way to connect to the new gutter system.

<u>softSide™</u> Safety Padding Second, we would recommend a pressure test to be performed and witnessed on the new gutters system, 10 PSI for 24 hours, to ensure that the gutter is free of any leaks prior to our PVC Membrane installation. A copy of the pressure test result is required; please submit to RenoSys Corporation upon completion. This should be completed prior to any inlet holes drilled in to the supply tube of the new gutter.

RenoSys®
Potable Linings

Third, we would suggest that the top edge of the gutter receives a slip resistant application to ensure that the bather traffic does not result in slippage and injury. Attached to this letter is a hold harmless agreement that we must have executed and witnessed.

FuturaPool TM odular Public Pools

Please feel free to contact me if you have any questions or concerns.

poolequip,...
lic Pool Equipment
Competitive Prices

Chet Smith Project Manager RenoSys Corporation 2825 E. 55<sup>th</sup> Place Indianapolis, IN 46220 (800) 783-7005 chets@renosys.com

Visit us on the web at... "www.renosys.com" or "www.poolequip.com" RenoSys Corporation

2825 E. 55th Place • Indianapolis, IN 46220 Phone: 800.783.7005 • 317.251.0207





JOHN J. BONACIC SENATOR, 42ND DISTRICT

# THE SENATE STATE OF NEW YORK

September 11, 2009

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

COMMITTEES
BANKS
CODES
IUDICIARY
LOCAL GOVERNMENT

Hon. Kimberly D. Bose Secretary Federal Energy Regulatory Commission 888 First Street, N.E. Washington, DC 20426

Re: Project No. 13287-000 - City of New York West of Hudson Hydroelectric Project Dear Secretary Bose:

I am writing in opposition to the City of New York's desire to use the Traditional Licensing Process (TLP) as it relates to the City's application for licensing of the West of Hudson Hydroelectric Project. This project represents an effort to develop hydroelectric power on four New York City owned reservoirs - the Cannonsville, Neversink, Pepacton and Schoharie Reservoirs. Three of these reservoirs - Cannonsville, Neversink, and Pepacton are in my Senate District.

The City of New York has consistently shown an inability to work with localities in my Senate District when it comes to managing its water supply. The City's attempt to use the TLP would limit, if not exclude, public input from watershed municipalities, as they seek to develop a hydro project.

With respect to hydro power in particular, the City has shown an open hostility to working with local community organizations, such as the Delaware County Electric Cooperative (DCEC) in the Catskills. The City has repeatedly given assurances to DCEC that the City will work with them. Unfortunately, the City has repeatedly failed to live up to their promises.

The inability to work with or trust the City with respect to their hydro related actions should mandate the use of the Integrated Licensing Process ("ILP"). The ILP provides for more stringent timetables for all parties and for more frequent and earlier opportunities for public involvement in the process. The historic difficulties between watershed communities and the City – in everything from what type of sports activities are permitted on City owned lands in the watershed, to costs of community septic systems, to reservoir storage and release levels, to the

# Article IX. Agreements with the Town Board

- Section 1. The Executive Board shall execute agreements with the Town in support of Ballantine Park and its mission.
- Section 2. The organization shall adhere to the rules established for use of public property as established by the Town and by State law.
- Section 3. The organization agrees to oversee the operation and maintenance of the park and its activities, payment of expenses and management of projects, as directed by the Town. At all times, directives by the Town shall take precedence over other actions by the organization.

# Article X. Amendments

Section 1. Amendments to these by-laws may be made at any meeting of the general membership with all members notified of the proposed amendments beforehand.

# Article XI. Parliamentary Procedure

Section 1. Roberts Rules of Order Revised, when not in conflict with these by-laws, shall govern the proceedings of this organization.



ITT Water & Wastewater Flygt Products

600 Mile Crossing Blvd Suite 3 Rochester, NY 14624 Tel 585 426 0280 x 215 Fax 585 426 3947

September 14, 2009

Mr. Shane Doice Town of Andes WWTP

Shane -

Thank you for your phone call. Per our conversation we can offer the following:

# Duplicate of 3068.180 - 0351202:

Flygt model CP3068.180 pump with a code 255 C impeller, a 2.7 hp 3 phase / 460 volt motor, FLS ( Float Leak Sensor ) , 30' power cable, and a 3" discharge flange. This pump is ready for rail mounting on 3/4" guide rails. Your cost, including shipping is \$1,959.

Standard delivery from Sweden is nine weeks, however it may be possible to ship from a domestic warehouse much quicker as required.

# Duplicate of 3068.180 - 0351200:

Flygt model DP3068.180 pump with a code 472 D impeller, a 2.4 hp 3 phase / 460 volt motor, FLS (Float Leak Sensor), 30' power cable, and a 3" discharge flange. This pump is ready for rail mounting on 2" guide rails. Your cost, including shipping is \$1,643.

Standard delivery from Sweden is nine weeks, however it may be possible to ship from a domestic warehouse much quicker as required.

Best regards,

Jim Coyne Sales Representative Rochester Office

Office Cell (585) 426-0280 x 215

(585) 329-4272

Fax

(585) 426-3947

jim.coyne@itt.com

PAGE 01/01

TAGGART ELECTRIC, INC.

200 MERRICKVILLE RD. SIDNEY CENTER, NY 13839 607-829-2823

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DATE	ESTI.	TE#
9/24/09	2	4

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ANDES WASTE WATER PLANT

PO BOX 85 ATTN: SHANE ANDES, NY 13731

JOB NAME		
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	DESCRIPTION	COST	TOTA.	
2	S3K700 SOLA UNINTERRUPTIBLE POWERSUPPLY	635.00	1,270.	Beautop doucens
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¥				
1				

TOTAL

\$1,270 )

SIGNATURE

# TAGGART ELECTRIC, INC. 200 MERRICKVILLE ROAD SIDNEY CENTER, NY 13839

607-829-2823-OFFICE 607-829-2144-FAX

# JOB PROPOSAL

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COMPANY: ANDES WASTE WATER PLANT	FROM: SCOTT TAG	GART
ATTN: SHANE	DATE: OCTOBER 7	, 2009
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WE ARE PLEASED TO PROVIDE A PRICE OF \$		
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his is an estimate only, not a contract for services. This estimate is for completing the job n our evaluation and does not include material price increases or additional labor and ma hould unforeseen problems arise after the work has started.	as described above. It is based aterials which may be required	