

**TOWN OF ANDES
TOWN HALL**

PUBLIC HEARING

**DEC. 12, 2010
12:30 P.M.**

PRESENT:

**Councilman Ritchie Gabriel
Councilman Daniel Grommeck
Councilman Martin Liddle
Councilman Shayne Moshier
Supervisor Martin A. Donnelly
Town Clerk Janis L. Jacques
Assessor Tina Moshier
Town Clerk Deputy Sharon Drew
Keough Consulting Marge Merzig
Del. Co. Pl. Bd. Director Nicole Franzese
Del. Co. Soils & Water Jessica**

CALL TO ORDER:

Supv. Donnelly called the Public Hearing to order at 12:30 P.M..

PLEDGE:

The Pledge of Allegiance was recited lead by Councilman Gabriel.

SEQR REVIEWS:

- #1. Storm - water Master Plan**
- #2. Wastewater Treatment Plant Upgrade**

Marge Merzig, of Keough Consulting, reviewed the SEQR documents for the two projects.

COMMENTS AND/OR QUESTIONS:

No comments and / or questions.

MOTION made by Councilman Liddle second by Councilman Moshier to adjourn the Public Hearing.

VOTE: ALL AYE. So carried.

TIME: 12:40 P.M.

CALL TO ORDER:

Supv. Donnelly called the Regular Monthly Meeting to order at 12:45
12:40 P.M..

Town of Andes Highway Report

Michael R. McAdams, Highway Superintendent

December 14, 2010

I will be attending a Highway Superintendent's meeting today, regarding CHIPS, and feel this is very important to the Town, so I will not be attending today's meeting.

Roads:

Brook gravel caused Little Dingle Hill to flood during the last rain storm. We cleaned the brook and will be doing more extensive cleaning next spring.

FEMA sites on Beech Hill road have been blacktopped.

Equipment:

All trucks have been greased, and filters have been checked.

2009 Int. – Replaced tire.

Loader – Greased, got all lights working

Ford 550 – Installed 3 new belts

Building:

One of the trucks hit a door. I have turned it into the insurance company.

Other:

On Shaver Hollow, one of the trucks hit a tree. I have pictures of the plow on the truck that was damaged.

I have ordered a load of salt.

Sunday, December 12, when we had an ice storm. I could only get 4 employees to come to work. It is very difficult to get the roads done with only a few men to work.

I would like to recommend Bradley Darling as my working foreman for the year 2011.

Merry Christmas and Happy New Year to you all!

Respectfully Submitted,

Michael R. McAdams

Highway Superintendent

PRIVILEGE OF THE FLOOR: Delaware County Planning Board:

Nicole Franzese - Director re: New agreement between DEP & Watershed Towns

Ms. Franzese gave a brief overview of the new agreement between DEP & Watershed Towns. She further explained that there will be Public Hearings and various resolutions to be addressed, for the towns, in the next few months. Dates & times will be advertised.

BIDS:

MOTION made by Councilman Liddle second by Councilman Moshier to award the bid from Tri Town Services for plowing at the water reservoir. Bid: \$399.50 per season.

VOTE: ALL AYE. So carried.

MOTION made by Councilman Liddle second by Councilman Grommeck to award the bid from Tri Town Services for plowing at the WWTP. Bid: \$674.50 per season / If loader needed - \$75.00 per hr.

VOTE: ALL AYE. So carried.

MOTION made by Councilman Moshier second by Councilman Liddle to award the bid from Tri Town Services for snow removal at the pump house. Bid: \$150.00 per season.

VOTE: ALL AYE. So carried.

{ Tri Town was sole bidder. Insurance & Non-collusive bid certificates were attached to each bid }

Jesslyn Cleary
402 Lower Main Street
Andes NY 13731
Tel 845-676-3650 Jesclear@aol.com

6 December 2010

Mr. Martin Donnelly
Town Supervisor
and
Andes Highway Dept

Good morning ~

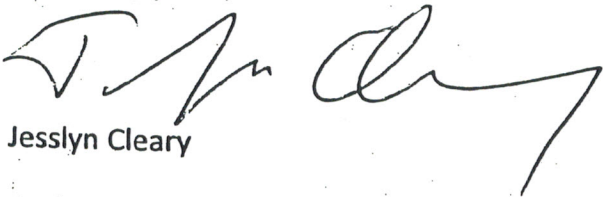
It's 8:50 a.m., and I want to let you know that I have just finished shoveling the sidewalk in front of my house. I estimate there was five or six inches of snow, overnight, and it's still snowing lightly. But I got my sidewalk cleared of last night's snow by 9 a.m.

I also want to tell you that in an effort to cooperate, and to keep my blood pressure down, I also shoveled the street beyond my sidewalk of all the accumulated snow there; I did NOT push it into the street, I either pushed it into MY OWN DRIVEWAY, or other places on my own property. I did this to prevent the snow plows from plowing in my sidewalk after I have diligently shoveled and followed the town rules. I do not want to be fined.

These past years, I have followed the town instructions to have my sidewalk clear, only to hear a plow go by, and go out to find that my sidewalk had been buried in snow --- and salt-laden snow at that, which then hardens into huge heavy chunks, and it is even harder to shovel.

I wish the town would consider hiring someone to simply clear all the sidewalks, and figure it into our years tax bill, or whatever. I would support such an action.

Very truly yours,



Jesslyn Cleary

Kim E. McDonnell
Vice President of Operations

Corporate Drive, Suite 103
Central Valley, NY 10917
845.928.3053 (o) 845-527-4531 (c)
mcdonnell@jnstowers.com

Martin Donnelly
Supervisor
Town of Andes
PO Box 125
Andes, NY 13731

RE: JNS Towers Update

Dear Supervisor Donnelly,

As we enter into the New Year I wanted to let you know that JNS Towers continues to market your municipal property to wireless carriers in hopes of gaining interest to expand or enhance wireless coverage in your area.

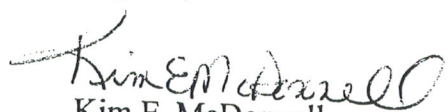
JNS regularly communicates with all the major wireless service providers (Verizon, AT&T, T-Mobile and Sprint) regarding your location for the possible development of a cell tower.

With a slow but steady return in the economy wireless carriers have resumed building new sites and expanding their coverage areas. We remain optimistic that your property may be of interest to at least one of the major carriers in the future.

Although we cannot guarantee a time frame, please be assured that JNS Towers puts forth its best efforts in bringing wireless service to your community. In the event we are contacted by a wireless carrier with interest in your property we will contact you immediately. If you are contacted by a wireless carrier or representative, please have them contact JNS.

If you have any questions or need additional information, please feel free to contact me.

Regards,



Kim E. McDonnell
Vice President of Operations

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www.jnstowers.com

FROM THE SUPERVISOR:

1. On Nov. 19, 2010 we were advise that the Calico Indian Project has been approved under the Governors Smart Growth Program. Andes will receive \$82,390.00 to meet the terms of our Grant request.
2. On Dec. 1, 2010 - I wrote, on behalf of the Town of Andes, to Don Bishop at the O'Connor Foundation, thanking them for the two grants received in 2010. The Grants were for the summer concerts.

WWTP:

1. There continues to be problems at the WWTP and all the heavy rain makes the problems worse. Delaware Operations have had the system videoed and now knows where most of the leaks are. They have had Delaware Bulldozing working on some of them.
2. We received the Consent Order from DEC and the fine has been paid. Our Town Attorney, David Merzig, has responded to the DEC & DEP advising them that we now will be fixing the WWTP the way it SHOULD HAVE BEEN DONE 7 YEARS AGO.
3. Delaware Operations will be doing some work on the Gladstone Hollow extension due to leaks.

From all of us here to all of you - Merry Christmas.

Respectfully submitted,

Martin A. Donnelly
Town of Andes Supervisor

FOR THE RECORD:

I received a Notice of Renewal Application for An On premises Alcoholic Beverage License from Edward O'Neill - owner of The Andes Hotel.

Janis L. Jacques
Andes Town Clerk

MOTIONS:

MOTION made by Councilman Liddle second by Councilman Gabriel to table Supt. McAdams request for Working Forman.

VOTE: ALL AYE. So carried.

MOTION made by Councilman Liddle second by Councilman Gabriel to hold the Jan. 2011 Andes Town Board Organizational Meeting & Regular Monthly Meeting on Tuesday - Jan. 11th @ 12:30 P.M.. { Which is the regular day & time }

VOTE: ALL AYE. So carried.

MOTION made by Councilman Moshier second by Councilman Liddle to extend insurance coverage to eligible active members Andes Fire Volunteer Firefighters and eligible active members Andes E.M.S. as per Legislation S5111. Entire cost to be payable by the applicant.

VOTE: ALL AYE. So carried.

MOTION made by Councilman Liddle second by Councilman Moshier that the Town of Andes is in complete agreement with Delaware County Resolution # 234 { In Opposition To The Proposed Elimination Of Jobs At The Belleayere Mountain Ski Center } and that copies of this Motion and Del. Co. Res. #234 will be forwarded to various N.Y.S officials.

VOTE: ALL AYE. So carried.

{ Storm-water Master Plan }

MOTION made by Councilman Liddle second by Councilman Grommeck that having considered the draft and final 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.
- #2. 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.
- #3. Consistent with the applicable polices 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 & economic considerations;

VOTE: ALL AYE. So carried

MOTION made by Councilman Grommeck second by Councilman Liddle to accept the new Union Contract between C.S.E.A. & the Town of Andes for the Town of Andes highway employees. Starts Jan. 1, 2011.
VOTE: ALL AYE. So carried.

MOTION made by Councilman Moshier second by Councilman Liddle to authorize Supv. Donnelly to close on the USDA loan.
VOTE: ALL AYE. So carried.

RESOLUTIONS:

**RES. #37 AUTHORIZATION FOR BOOKKEEPER TO CLOSE
2010 BOOKS**

Authorization is **HEREBY** given to Andes Town Board Bookkeeper - Meg Hungerford { Kortright Creek Financial } to do whatever is needed to close out the 2010 Town of Andes Books.

Proposed by Councilman Moshier

Second by Councilman Liddle

ROLL CALL:

Councilman Gabriel-----AYE

Councilman Grommeck-AYE

Councilman Liddle-----AYE

Councilman Moshier----AYE

Supv. Donnelly-----AYE

VOTE: ALL AYE. So carried.

RES.#38 U.S.D.A Community Development Block Grant

WHEREAS: the Town of Andes has been awarded a grant from the N.Y.S. Office of Community Renewal under provisions of the U.S. Dept. of Dept. of Housing & Urban Development, Community Development Block Grant, Small Cities Program identified as 35HR1-10 for the purposes of conducting a housing rehabilitation program and;
WHEREAS; the above referenced grant requires that the Town of Andes is to complete an environmental review record and further to designate a local official as the Certifying Officer responsible for all activities associated with the environmental review process.

NOW THEREFORE BE IT RESOLVED that;

- #1. Martin A. Donnelly is HEREBY named the Certifying Officer responsible for all activities associated with the environmental review process with respect to CDBG Grant Number 35-HR1-10; and**
#2. This resolution shall take effect immediately.

Proposed by: Councilman Gabriel

Second by: Councilman Liddle

ROLL CALL:

Councilman Gabriel-----AYE

Councilman Grommeck---AYE

Councilman Liddle-----AYE

Councilman Moshier-----AYE

Supv. Donnelly-----AYE

VOTE: ALL

**RES. #39 TITLE: ADOPTION OF THE EAST AND WEST BRANCH
DELAWARE RIVER STREAM CORRIDOR MANAGEMENT PLANS**

WHEREAS, The Delaware County Soil and Water Conservation District (DCSWCD) and New York City Department of Environmental Protection (NYCDEP) have worked closely with a local Project Advisory Committee, the Town of Andes and other watershed stakeholders to develop the East Branch Delaware River (EBDR) and West Branch Delaware River (WBDR) Stream Corridor Management Plans (SCMPs) which takes a science based, long term management approach to the streams in the basin; and

WHEREAS, The Delaware County Board of Supervisors declared lead agency for the adoption of both SCMPs and coordinated the environmental review with the other involved agencies, towns, and villages as a Type 1 action under 6 NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA); and

WHEREAS, Delaware County Board of Supervisors issued a negative declaration under SEQRA for the adoption of the EBDR and WBDR SCMPs, Resolution No. 206, on October 22nd, 2008; and

WHEREAS, the Delaware County Board of Supervisors have adopted the EBDR and WBDR SCMPs by Resolution No. 207, on October 22nd, 2008; and

WHEREAS, The EBDR and WBDR SCMPs address water quality and economic vitality issues as defined by local communities and regional experts; and

WHEREAS, The Town of Andes has adopted and supports the goals of the Delaware County Action Plan for water resource protection; and

WHEREAS, The Town of Andes has adopted and supports the goals of the Delaware County All-Hazards Mitigation Plan; and

WHEREAS, The DCSWCD and the Town of Andes recognize that the EBDR and its tributaries are a key element of the identity of the Pepacton Reservoir watershed, and the WBDR and its tributaries are a key element of the identity of the Cannonsville Reservoir watershed; and

WHEREAS, The DCSWCD and the Town of Andes have worked cooperatively on stream management issues relevant to both public and private interests; and

WHEREAS, The DCSWCD and the Town of Andes desire to work cooperatively to implement the EBDR and WBDR SCMPs for the common benefit of both parties, protection of the natural resources and the interests of the broader watershed stakeholders;

NOW, THEREFORE, BE IT RESOLVED The Town of Andes recognizes, and adopts the East and West Branch Delaware River Stream Corridor Management Plans as guidance documents that can assist the Town and its landowners with addressing long term management of the East and West Branch watersheds in a manner that is consistent with the protection of public and private property, the protection of natural resources, goals and strategies for water quality protection, and economic opportunities as defined in the plan, and in a way that will provide the Town of Andes, its landowners and visitors with multiple benefits.

**Proposed by Councilman Moshier
Second by Councilman Grommeck**

ROLL CALL:

Councilman Gabriel———AYE

Councilman Grommeck—AYE

Councilman Liddle———AYE

Councilman Moshier———AYE

Supv. Donnelly———AYE

VOTE: ALL AYE. So carried

RES. #40 AMENDMENT TO AGREEMENT BETWEEN THE CATSKILL WATERSHED CORPORATION AND TOWN OF ANDES FOR INSTALLATION OF STREAM CORRIDOR PROTECTION MEASURES

THIS AGREEMENT, made and entered into the 14th day of Dec., 2010, by and between **THE CATSKILL WATERSHED CORPORATION** (the "CWC"), a local development corporation having its principal office at Main Street, P.O. Box 569, Margaretville, State of New York, and the **TOWN OF ANDES** ("the Owner"), located at 580 Main Street, Andes, County of Delaware, State of New York, the CWC and the Town of Andes collectively referred to as the "Parties"; and

WHEREAS, the CWC is a non-profit corporation established to administer Watershed Protection and Partnership Programs, including the Stream Corridor Protection Program ("Program"); and

WHEREAS, pursuant to the 1997 New York City Watershed Memorandum of Agreement (Watershed MOA), paragraph 127, New York City Department of Environmental Protection (NYCDEP) established a Stream Corridor Protection Program to pay for the costs of designing, constructing and implementing stream corridor project projects in the West of Hudson Watershed such as stream bank and channel stabilizations; and

WHEREAS, pursuant to Paragraph 127(d) of the 1997 New York City Watershed Memorandum of Agreement (Watershed MOA), CWC transferred funds and shall select and design the projects and allocate amounts of such CWC Stream Corridor Funds to each selected project jointly with New York City and in consultation with municipalities; and

WHEREAS, the Town of Andes applied for grant funding as described in the Stream Corridor Protection Program application and the Gladstone Hollow Culvert Replacement Project has been reviewed by the Board and been determined to be an eligible project for funding; and

WHEREAS, pursuant to Resolution Number 1389, the CWC Board approved funding to the Town of Andes and authorized a not to exceed amount of One Hundred Thousand Dollars (\$100,000) for design, construction and implementing a Stream Corridor Protection Project with regard to the Gladstone Hollow Culvert Replacement Project as described in their program application; and

WHEREAS, pursuant to Resolution Number 1548, the CWC Board approved additional funding to the Town of Andes and authorized a not to exceed amount of One Hundred Twenty-Seven Thousand Dollars (\$127,000) for design, construction and implementing a Stream Corridor Protection Project with regard to the Gladstone Hollow Culvert Replacement Project; and

WHEREAS, pursuant to Resolution Number 1625, the CWC Board approved additional funding to the Town of Andes and authorized a not to exceed amount of One Hundred Forty-Four Thousand Dollars (\$144,000) for design, construction and implementing a Stream Corridor Protection Project with regard to the Gladstone Hollow Culvert Replacement Project; and

WHEREAS, the Town of Andes has applied for additional funding in the amount of Two Thousand Five Hundred Dollars (\$2,500) as described in the revised budget for the Gladstone

Hollow Culvert Replacement Project and has been reviewed by the Board and been determined to be an eligible project for additional funding; and

WHEREAS, pursuant to Resolution Number 1814, the CWC Board approved additional funding to the Town of Andes and authorized a not to exceed amount of One Hundred Forty-Six Thousand Five Hundred Dollars (\$146,500) for construction and implementing a Stream Corridor Protection Project with regard to the Gladstone Hollow Culvert Replacement Project as described in their program application; and

NOW THEREFORE, the Parties Agree and Stipulate that the Agreement originally dated September 25, 2008 between CWC and the Town of Andes is amended as follows:

Section 3.02 Payment Generally

A: The CWC shall pay the Owner or the Owner and Contractors in an amount not to exceed One Hundred Forty-Six Thousand Five Hundred Dollars (\$146,500) over the term of this Agreement for the eligible Stream Corridor Protection Costs associated with designing and/or implementing the Stream Corridor Protection Project incurred during the term of this Agreement, in accordance with the payment procedures set forth in Section 3.03 of the Agreement. CWC may decrease the recommended funding limit after receipt of construction bids. CWC shall withhold the 10% contract retainage on construction costs as outlined above in Section 2.01.

IT IS expressly understood that in all other respects, said terms and conditions of the agreement shall be in full force and effect.

THIS amendment of the agreement shall bind heirs, executors, administrators and assigns of the respective parties.

**Proposed by Councilman Liddle
Second 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

MINUTES:

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

VOTE: ALL AYE. So carried.

REPORTS:

MOTION made by Councilman Moshier second by Councilman Liddle to approve the following Reports: Dec. Town Clerk's Financial Report, Dec. Highway Report, Dec. Justices Report, Dec. Building Dept. Financial Report and Dec. D.C.O. Report.

VOTE: ALL AYE. So carried.

{ Town Board Bookkeeper's Financial Report pending }

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

GENERAL	#385-#423	\$18,881.90
HIGHWAY	#242-#259	36,989.75
FEMA	#10-#12	323,000.58
WATER DIST.	#66-#74	8,560.34
WWTP	#213-#235	76,695.70
WATER GRANT	#9 - ONLY	150.11
POOL GRANT	#8 - ONLY	1,327.57

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
December 14, 2010**

- 1. Water System**
 - Daily usage of treated water from the water system averaged 26,300 gallons per day for the month of November 2010.
- 2. Plant Purchases**
- 3. O&M**
- 4. Equipment**
- 5. Spring House Upgrade**

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**TOWN OF ANDES, NY
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December 14, 2010**

- 1. WWTP Plant**
 - Plant effluent flows averaged 49,995 gallons per day for the month of November 2010.

- 2. SPDES Compliance/NYSDEC, NYCDEP**
 - The plant discharges of treated effluent to the Tremper Kill Brook; permit compliance for November 2010 did not meet all parameters. Permit violations were effluent BOD, BOD % removal, and TSS % removal.

- 3. Collection System**
 - High Street is being maintained as required.
 - November 8th a lateral leak was repaired at 276 Lower Main Street
 - November 15th a lateral leak was repaired at 311 Lower Main Street

- 4. Plant Purchases.**

- 5. Plant O&M**
 - Delaware Operation requests the approval to purchase six control panel cards. Each card is different at a cost of \$3040.

- 6. Plant Equipment**
 - November 1st #2 micro filter broke a fitting causing a partial bypass around that unit.
 - November 6th SBR analog input card control failure occurred causing the SBR's to shut down. The alarm system was not set up for this failure causing permit violations to occur. Turnkey Controls will be setting up a alarm for this issue.
 - November 17th changes modules on Micro filter #2
 - November 18th changes modules on Micro filter #1

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3. **Collection System**
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 - November 8th a lateral leak was repaired at 276 Lower Main Street
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5. **Plant O&M**
 - Delaware Operation requests the approval to purchase six control panel cards. Each card is different at a cost of \$3040.
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 - November 17th changes modules on Micro filter #2
 - November 18th changes modules on Micro filter #1

MOTION made by Mr. Moshier second by Mr. Liddle to approve the purchase of six panel cards at a cost of \$3,040.00 each.

VOTE: ALL AYE. So carried.

MOTION made by Mr. Liddle second by Mr. Grommeck to accept the proposal from Delaware Operations to provide mandated septic tank inspections in the G. H. W. W. District at a cost of \$1,000.00 & the purchase of a "Sludge Judge"

VOTE: ALL AYE. So carried.

{ WWTP Upgrade

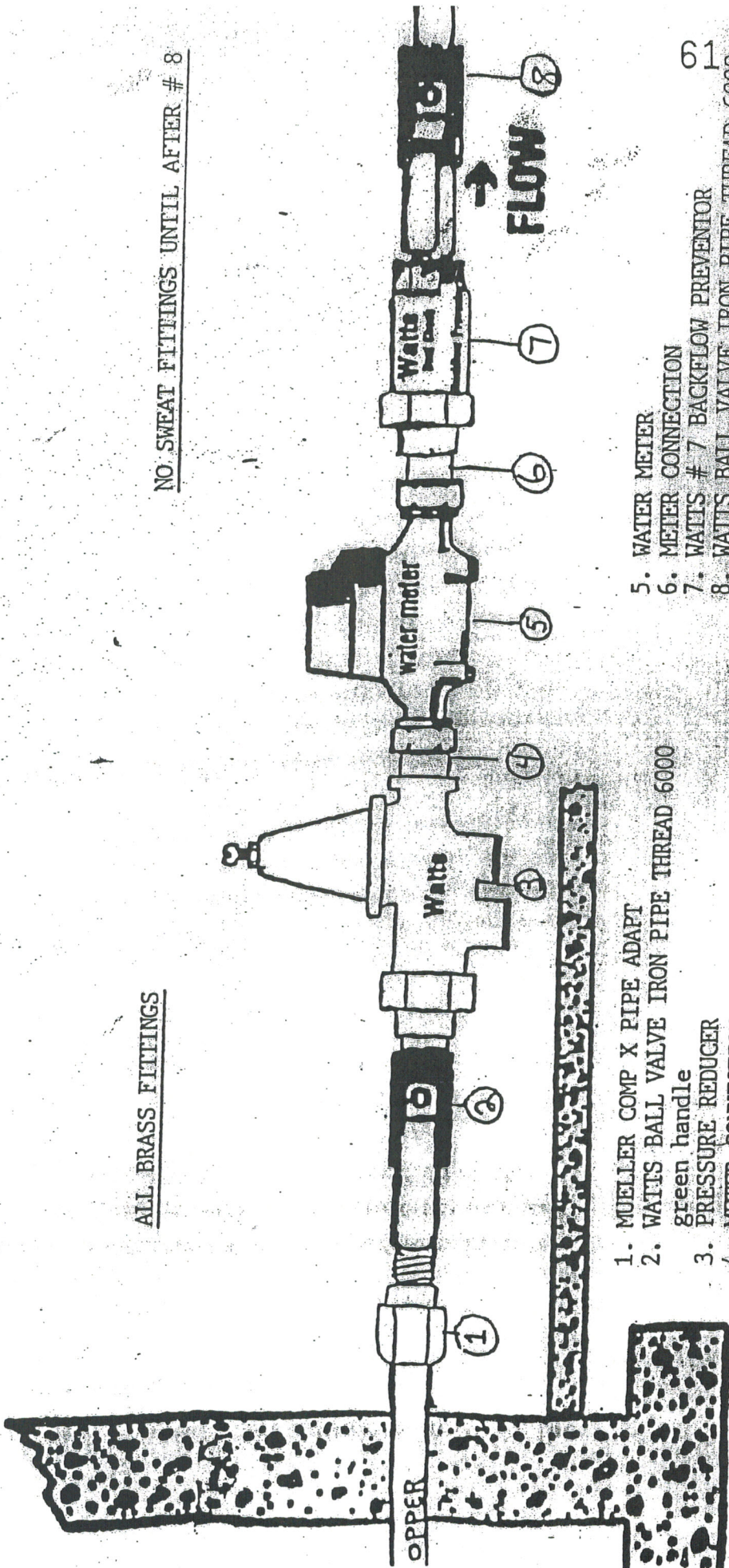
MOTION made by Mr. Gabriel second by Mr. Liddel that having considered the draft and final Environmental Impact Statement and having considered the preceding written facts and conclusions relied on to meet the requirements of 6-NYCRR Part 617.11, the Town Board of the Town of Andes finds that:

- #1. The requirements of 6-NYCRR Part 617.11, have been met.
- #2. 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.
- #3. Consistent with the applicable polices 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 & economic considerations;

VOTE: ALL AYE. So carried

ALL BRASS FITTINGS

NO SWEAT FITTINGS UNTIL AFTER # 8



- 1. MUELLER COMP X PIPE ADAPT
- 2. WATTS BALL VALVE IRON PIPE THREAD 6000 green handle
- 3. PRESSURE REDUCER
- 4. METER CONNECTION

- 5. WATER METER
- 6. METER CONNECTION
- 7. WATTS # 7 BACKFLOW PREVENTOR
- 8. WATTS BALL VALVE IRON PIPE THREAD 6000 green handle

BOND RESOLUTION OF THE TOWN OF ANDES, NEW YORK, AUTHORIZING THE ISSUANCE OF \$2,500,000 SERIAL BONDS TO FINANCE CONSTRUCTION, RECONSTRUCTION AND IMPROVEMENT OF THE TOWN SEWER SYSTEM

BE IT RESOLVED by the Town Board of the Town of Andes, Delaware County, New York as follows:

Section 1. The Town of Andes, New York (the "Town") hereby approves the construction, reconstruction and improvement of the Town sewer system, including reconstruction of the Town wastewater treatment plant, including purification or disposal plants or buildings, the acquisition of land or rights in land and original furnishings, equipment, machinery or apparatus required at an estimated maximum cost of \$2,500,000.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose to be financed by the Town is \$2,500,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall be the issuance of not to exceed \$2,500,000 serial bonds (the "Bonds") or bond anticipation notes of the Town which are hereby authorized to be issued pursuant to this resolution and the provisions of the Local Finance Law.

Section 3. It is hereby determined that the periods of probable usefulness of the aforesaid specific object or purpose is forty (40) years pursuant to subparagraph 4 of Section 11.00(a) of the Local Finance Law. The proposed maturity of the Bonds will be in excess of five years.

Section 4. Pursuant to Section 107.00(d)(3)(1) of the Local Finance Law, current funds are not required to be provided prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

Section 5. 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, for the capital purposes described in Section 1 of this resolution.

Section 6. The Bonds and any bond anticipation notes issued in anticipation of the Bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00 inclusive of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to sell and deliver the Bonds and any bond anticipation notes providing for substantially level or declining annual debt service, is hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 8. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the Town's General Fund. It is intended that the Town shall then reimburse such expenditures with the proceeds of the Bonds and bond anticipation notes authorized by this resolution and that the interest payable on the Bonds and any bond anticipation notes issued in anticipation of the Bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by this resolution with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by Treasury Regulation Section 1.150-2.

Section 9. The serial bonds and bond anticipation notes authorized to be issued by this resolution are hereby authorized to be consolidated, at the option of the Town Supervisor, the chief fiscal officer, with the serial bonds and bond anticipation notes authorized by other bond resolutions previously or heretofore adopted by the Town Board for purposes of sale in to one or more bond or note issues aggregating an amount not to exceed the amount authorized in such resolutions. All matters regarding the sale of the bonds, including the dated date of the bonds, the consolidation of the serial bonds and the bond anticipation notes with other issues of the Town and the serial maturities of the bonds are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 10. Any federal or New York State grant funds obtained by the Town for the capital purpose described in Section 1 of this resolution shall be applied to pay the principal of and interest on the Bonds or any bond anticipation notes issued in anticipation of the Bonds or to the extent obligations shall not had been issued under this resolution, to reduce the maximum amount to be borrowed for such capital purpose.

Section 11. The Supervisor, as chief fiscal officer of the Town is hereby authorized to file an application with the New York State Comptroller pursuant to Section 124.10 of the Local Finance Law to exclude the proposed indebtedness authorized herein from the constitutional and statutory debt limits of the Town.

Section 12. The Supervisor is further authorized to sell all or a portion of the Bonds to the New York State Environmental Facilities Corporation (the "EFC") in the form prescribed in one or more loan agreements (the "Loan Agreements") between the Town and the EFC; to execute and deliver on behalf of the Town one or more Loan Agreements, Project Financing Agreements, and Letters of Intent with the EFC and to accept the definitive terms of

64 one or more Loan Agreements from EFC by executing and delivering one or more Terms Certificates; and to execute such other documents, and take such other actions, as are necessary or appropriate to obtain a loan or loans from the EFC for all or a portion of the costs of the expenditures authorized by this Bond Resolution, and perform the Town's obligations under its Bonds or bond anticipation notes delivered to the EFC, the Project Financing Agreements and the Loan Agreements.

Section 13. The validity of the Bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the 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

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This resolution, or a summary thereof, shall be published in the official newspapers of the Town for such purpose, together with a notice of the Clerk of the Town in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 15. This resolution is subject to permissive referendum pursuant to Article 7 of the Town Law of the State of New York. The Town Clerk is hereby authorized and directed to within ten (10) days after the adoption of this resolution by the Town Board to post and publish a notice in the manner and form prescribed by Article 7 of the Town Law.

Section 16. The Town Supervisor, as chief fiscal officer of the Town, is hereby authorized to enter into an undertaking for the benefit of the holders of the Bonds from time to time, and any bond anticipation notes issued in anticipation of the sale of the Bonds, requiring the Town to provide secondary market disclosure as required by Securities and Exchange Commission Rule 15c2-12.

Section 17. The Town Board hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this resolution.

**Proposed by Councilman Liddle
Second by Councilman Grommeck**

ROLL CALL:

Councilman Gabriel-----AYE

Councilman Grommeck--AYE

Councilman Liddle-----AYE

Councilman Moshier-----AYE

Supv. Donnelly-----AYE

VOTE: ALL AYE. So carried

ADJOURN:

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

TIME: 1:45 P.M.

*Ray Moshier
Councilman
Liddle
Moshier
Liddle
Moshier*

Janis L. Jacques

**Andes Town Clerk
Andes Districts Clerk**

Merry Christmas and Happy Holidays from all of us to all of you!

NON-COLLUSIVE BIDDING CERTIFICATETOWN OF ANDES

By submission of this bid or proposal, the bidder certifies that:

(A) This bid or proposal has been independently arrived at without collusion with any other bidder or with any competitor or potential competitor;

(B) This bid or proposal has not been knowingly disclosed and will not be knowingly disclosed, prior to the opening of bids or proposals for this project, to any other bidder, competitor or potential competitor;

(C) No attempt has been or will be made to induce any other person, partnership or corporation to submit or not submit a bid or proposal;

(D) The person signing this bid or proposal certifies that he has fully informed himself regarding the accuracy of the statements contained in this certification, and under the penalties of perjury, affirms the truth thereof, such penalties being applicable to the bidder as well as the person signing in its behalf;

(E) That the attached hereto (if a corporate bidder) is a certified copy of resolution authorizing the execution of this certificate by the signator of this bid or proposal in behalf of the corporate bidder.

SIGNED: *William F. Dew*

DATE: *11-3-10*

**REQUESTS OF THE TOWN BOARD FOR TRI-TOWN SERVICES:
{ Bill Drew }**

#1. Must have Shayne Boice { WWTP } come show where water & sewer lines are before do any digging in the Hamlet. Example: Library.

#2. Can not shovel walks that are not yours prior to time specified. { 24 hours } Can NOT ride over other peoples walks. Customers have complained.

#3. All bills for other peoples walks you shovel - for the Town of Andes - MUST be in WEEKLY.

#4. Art Short will be out to let you know what other walks are not to be cleared.