

**TOWN OF ANDES
TOWN HALL**

**PUBLIC HEARING
REGULAR MONTHLY MEETING**

**FEB. 9, 2010
12:30 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
Bookkeeper Meg Hungerford
Deputy Town Clerk Sharon Drew
Assessor Tina Moshier
Keough Consulting - Marge Merzig**

ALSO:

**T.W. Coddington Walton Reporter Jodi Barker - LaMonte Eng..
Michael Harrington - LaMonte Eng.**

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 REVIEW - STORM-WATER PROJECT ON HIGH STREET &
COULTER ROAD.**

Margery Merzig, Keough Consulting, presented the following description of the scope of the projects:

Coulter Road Stormwater & Pavement Rehabilitation Project

Town of Andes, Delaware County

Project Description

Drainage improvements to be incorporated into the Coulter Road Drainage Improvements Project will include:

- Installation/re-grading of approximately 1,900 LF of roadside ditches.
- Installation of approximately 200 LF of stormwater conveyance piping and concrete gutters near the Post Office (corner of Coulter and Tremper Kill Roads).
- Installation/replacement of approximately 900 LF of driveway culverts and stormwater conveyance piping.
- Installation of two (2) Stormwater Treatment Units.

High Street Stormwater Improvements Project

Town of Andes, Delaware County

Project Description

Drainage improvements to be incorporated into the High Street Drainage Improvements Project will include:

- Installation of approximately 450 LF of storm sewer.
- Installation of approximately 550 LF of concrete gutter.
- Installation of 60 LF of transverse drainage interceptor.
- Installation of two (2) vortex separation stormwater treatment units.

Councilman Gabriel asked about the paving of the roads. High Street and Coulter Road will be bid with an alternate to pave the entire roadway. CWC will pay the original bid and the Town will cover through CHIPS funds the remaining. Since catch basins on Coulter Road will be repaired through the Sewer Fund., a portion of the highway paving on Coulter Road will be funded by the sewer budget

At the end of the presentation, having heard no additional comments from the Board or the public, she recommended that the Board declare no negative impact on the environment.

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

VOTE: ALL AYE. So carried.

TIME: 12:45 P.M.

REGULAR MONTHLY MEETING - ANDES TOWN BOARD.**CALL TO ORDER:**

Supv. Donnelly called the meeting to order at 12:40 P.M..

HIGHWAY REPORT:

No Highway Report.

PRIVILEGE OF THE FLOOR:

None.

LETTER & COMMUNICATIONS:

Supervisor Donnelly read the following:

JNS TOWERS, LLC.

February 1, 2010

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

COPY FOR YOUR
INFORMATION

RE: Municipal Tower Update

Dear Supervisor Donnelly:

As per our conversation on January 26, 2009 I am furnishing you with an update regarding Municipal Towers Sites in the Town of Andes.

As you know, JNS and the Town of Andes entered into an agreement in September 2008 to develop a communication tower to be located on town property (s). At the time, we had a wireless service provider (Crossroads Wireless) who had shown strong interest in locating on the tower. Unfortunately, Crossroads Wireless was unable to get funding for their system build-out and thus backed out of this location and others across New York State. In addition, shortly after Crossroads departure the national economy suffered a severe credit crisis and all service providers stopped spending money and have held this position up this moment.

We have posted the location (s) on our website and have repeatedly approached Verizon, AT&T, Sprint and T-Mobile on developing the tower (s) at these locations to service the town. We are optimistic that eventually conditions will change that will allow the carriers to continue the development of their systems. Until then we must wait.

Please do not hesitate to contact me should you have any questions or require additional information.

Regards,



Kim E. McDonnell
Director of Client Relations

CC: file

SCOTT MURPHY
20TH DISTRICT, NEW YORK

120 CANNON HOUSE OFFICE BUILDING
(202) 225-5614

T.B.F.Y.I.

COMMITTEE ON AGRICULTURE
COMMITTEE ON
ARMED SERVICES 165

Congress of the United States
House of Representatives
Washington, DC 20515

January 5, 2010

Dear Martin,

As the new year begins, we should reflect on both our accomplishments in the past year and the difficult road that remains ahead. It is in this spirit that I write to thank you for your service and to renew my commitment to working with you for the betterment of Upstate New York.

As our region faces new and unprecedented challenges, we must continue to work together to meet them. If there is anything I can do to assist you, please do not hesitate to be in touch.

Thank you for your commitment to the people of New York's 20th District, and I look forward to working together in 2010.

Sincerely,

Scott Murphy

M.C.

Scott Murphy
Member of Congress

T. B. F. J.

Town Copy

P.O. Box 125, Andes, NY
845-676-4791
TDD -1-800-662-1220

January 8, 2010

The Honorable Thomas J. McNamara
65 Broadway - Room 210
Saratoga Springs, NY 12866

Re: Blumstein v. Paterson et al

Dear Judge McNamara,


On behalf of the Town of Andes, let me express the impact your decision will have on the less than 1,000 total residents of the Town of Andes.

Andes became subject to Chapter 556 on the NYS laws of 2002, known colloquially as the Large Parcel Law, in 2004. The Law has created wildly unrealistic and unpredictable real estate valuations in the Town. Because, as you know, the Town sets its equalization rate based on property valuations, the tax rate and levy on local property owners has been so unpredictable as to be nearly impossible to sustain. Andes Central School is gravely impacted by this unpredictability and the town itself has seen great difficulty in funding its services, especially highway, because the ability to levy against the many "large parcels" is so uncertain.

I believe this law undermines our home rule to a very great degree. The Large Parcel law has created a climate of fear and resentment in our western Catskill towns. Local legislators like me are forced to enact rates which turn out to be unexpected and often incorrect in their application. My constituents over and over fight with me and my assessor on valuations over which we have no recourse. My Town's residents strongly support the local school, but the people are confused and discouraged. This is the impact of the Large Parcel law.

We were promised by the State Legislature that these provisions would be corrected, but with the strength of the NYC bloc at all levels of the Legislature, we see now that a judicial remedy may be the only way to eliminate the inequities existing in this statute. I sincerely hope you can see that this law is clearly unconstitutional. I and the Andes Town Board respectfully request that you decide to abolish and nullify the Large Parcel Law.

Thank you for your attention to the Town of Andes situation.

Sincerely,

Martin A. Donnelly
Town Supervisor

Cc: Town Board
Town Attorney

Read This

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Town of Andes

Andes, NY 13731

125 Main Street
Andes, NY 13731
845-676-4791

January 12, 2010

Jeff Howe, Community Mitigation Analyst
ISO Processing Center
4 B Eves Drive
Suite 200
Marlton, NJ 08053

Dear Mr. Howe,

In response to your December 9 letter, let me first apologize for the delay in responding. Our Code Enforcement Officer has been out sick.

However, I have been able to determine that our situation is such that we are able to affirm that our ISO rating should remain at CL Classification 7. We follow the State Building Code exactly.

In addition, in cooperation with our code officer, we will be developing a plan to as far as possible effect the changes you recommend.

Sincerely,

Martin A. Donnelly, Andes Town Supervisor

Cc: Town Board

Read this

DELAWARE COUNTY
DEPARTMENT OF PUBLIC WORKS

P.O. BOX 311

DELHI, N.Y. 13753

WAYNE D. REYNOLDS, P.E.
COMMISSIONER

Main Office and Yard
Page Avenue
Delhi, N. Y. 13753

January 12, 2010

Town of Andes
PO Box 205
Andes, NY 13731

Attn: Mr. Martin Donnelly, Supervisor

Re: Transfer Stations

Dear Mr. Donnelly:

In accordance with your request, this letter will address solid waste managed at the Town transfer station. Please note that the transfer stations within the Delaware County system are owned and operated by the Towns. As such, the Towns have all control on the management of the waste and recyclables up until the time that it is actually placed in a County box. Once in the County box, it becomes the County property and any unauthorized removal is a theft of County property. The County does not allow scavenging from any box for two reasons. The first is liability and the second is loss of revenue. The liabilities of having someone enter the box to retrieve an item is the largest concern. It is extremely unsafe from the perspective of unstable, shifting loads, exposure to pathogens and just generally dangerous to a human. No one should ever enter a box.

It should be noted however, that "reuse" is the highest priority on the State's hierarchy of Waste Management. The State strongly supports the reuse of items for their intended purpose. The County's Solid Waste Management Plan also encourages reuse where feasible. The County's plan goes as far as suggesting the construction and operation of a "salvage facility" at the County Solid Waste Management Center where people can drop off their unwanted but reusable products that some other person might need. We have not constructed the facility due to concerns over costs and management. The County does actively encourage individuals and institutions to work with nonprofit organizations where possible to find homes for reusable items. The Town's management of these items on the Town owned transfer station property is certainly consistent with the County plan. Every reusable item removed from the waste stream prior to being placed in a County box saves everyone money. It obviously benefits the person who is going to avoid the purchase of the item. It benefits the County taxpayer in saving the cost of transporting the item and ultimately disposing of it.

In my opinion, you run your transfer station very well. You observe the County rules on recycling and disposal, maintain your facilities in a neat condition, provide for the reuse of many items and maximize the weight of material to be transported in the County boxes.

If you have any further questions, please feel free to call.

Sincerely,



Wayne D. Reynolds
Commissioner

WDR/ldh

FROM THE SUPERVISOR:

- 1. I wrote a letter of thanks to Dave Ohman of Del. Eng. and to Noah Katz of Freshtown Grocery for their support of the Dec. 19th ribbon cutting.
- 2. We sent out announcement letters to Roshan Houshmond, Margaret Moshier - ASHC, & Michael Passafiume - Ballantine Park advising they were all awarded grants from the Roxbury Arts Group.
- 3. The County Rt. #2 bridge { above the triangle } will be repaired as soon as possible. Wayne Reynolds { Del. Co. Hwy. Supt. } advised that he had no choice other than to make it a single lane for now.
- 4. We have given Delaware Operations employees, from our WWTP, permission to use the showers at our new Highway Garage until we upgrade the WWTP.

Respectfully submitted;

Martin A. Donnelly - Andes Supervisor

FROM THE TOWN CLERK:

- 1. All Oaths of Office are completed and have been sent to our County Clerk to be filed.
- 2. I have completed all State, County & Judicial certifications and they all have been sent on to be filed with the various agencies.
- 3. The CENSUS will soon be starting. Next month Supv. Donnelly will have an explanation as to how important this is.
- 4. Keep funds in our County. Renew your registration & drivers license at our Delaware County Motor Vehicle offices.
- 5. FREE RABIES CLINIC for cats & dogs: DELHI TOWN GARAGE - FRIDAY - FEB. 25th - 4:00 P.M. to 6:00 P.M..

Respectfully submitted;

Janis L. Jacques - Andes Town Clerk

MOTIONS:**Result of the Public Hearing:**

MOTION made by Councilman Gabriel 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. And { if applicable } consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR Part 600.5, this action will achieve balance between the protection of the environment and the need to accommodate social & economic considerations.

VOTE: ALL AYE. So carried.

MOTION made by Councilman Gabriel second by Councilman Moshier to accept the offer from SEMO for the development of The Town of Andes Emergency Planning Guide, at no cost to the Town of Andes. {This Emergency Planning Guide was accepted by Delaware County also.}

VOTE: ALL AYE. So carried.

{ Based on our attorneys advise }:

MOTION made by Councilman Grommeck second by Councilman Gabriel to advise the “ Friends of Ballantine Park “ that a 501C3 Corp. is NOT needed at this time.

VOTE: ALL AYE. So carried.

HIGHWAY BUSINESS:

Supv. Donnelly: " Once again, no Highway Report and Supt. McAdams is not here to answer our questions. Question for Mike - we have no idea why you would be spending \$12,308.01 on the 1999 Int. and this bill will be held out pending discussion with you - Mike - regarding this.

Also anything that is spent in the new Highway Garage, equipment or whatever it may be is coming out of your Highway Budget. So we would like very much for you to tell us what account you want to take it from. In the event we do not hear from you - we will have to do it for you. "

MOTION made by Supv. Donnelly second by Councilman Moshier that { if she agrees } to hire Barbara Short to clean at the new Highway Garage *** office - bathrooms - break-room & hall-way **** on Tuesday & Thursday from Nov. thru April and once a week from May thru Oct.. { As she does at Town Court & Town Hall --- at the same rate of pay & no benefits }

VOTE: ALL AYE. So carried.

MOTION made by Supv. Donnelly second by Councilman Moshier to do an additional change order by contacting Luzon to provide services to include fuel master 2500 fuel management system, leak detection unit and to register tanks w/ DEC as part of the additional cost on the new Highway Garage Project.

VOTE: ALL AYE. So carried.

MOTION made by Councilman Moshier second by Councilman Gabriel to accept the Eliash property on Route 28 as a Town of Andes Road with the following stipulations:

#1. This road is grand fathered because it was constructed before the Town moratorium.

#2. This road meets the specifications.

#3. This road will be considered a " *seasonal road* " until there are at least \$1,000,000.00 in property value within the development. At such time as sufficient development has taken place, the Town of Andes will upgrade the road to a fully maintained road.

VOTE: ALL AYE. So carried.

RESOLUTION #27 ACCEPTING THE HIGHWAY GARAGE PROJECT
AS COMPLETE & AUTHORIZING FINAL
PAYMENT

WHEREAS; the Town Board of the Town of Andes in 2009 authorized the construction of a new Highway Garage facility on County Route 1, and;

WHEREAS; the construction of the facility has been completed and all punch list items have been accomplished, and;

WHEREAS; the project engineer, Delaware Engineering, P.C., has formally certified the completion of the project and recommends final payment to all contractors,

THEREFORE BE IT RESOLVED that; the Town Board of the Town of Andes HEREBY accepts the project as complete and authorizes final payments to all contractors.

Proposed by Councilman

Second by Councilman

ROLL CALL:

Councilman Gabriel-----

Councilman Grommeck-----

Councilman Liddle-----

Councilman Moshier-----

Supv. Donnelly-----

VOTE:

MOTION made by Councilman Moshier second by Councilman Gabriel to
TABLE Res. #27.

VOTE: ALL AYE. So carried.

MINUTES:

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

VOTE: ALL AYE. So carried.

REPORTS:

MOTION made by Councilman Moshier second by Councilman Gabriel to approve the following Reports: Jan. Supv. Bookkeeper's Report, Jan. Town Clerk's Financial Report, Jan. Justices Financial Report, Jan. Tax Collector's Report, D.C.O. Report, Building Dept. Report and Highway Report.

VOTE: ALL AYE. So carried.

MOTION made by Supv. Donnelly second by Councilman Moshier to approve the Warrants as follows and to **HOLD** the New Hwy. Garage Warrant until the March Town Board Meeting and to hold out voucher #7 { and check } on the Highway Warrant

GENERAL	#9-#59	\$262,886.54
HIGHWAY	#3-#25	35,335.33
WATER	#1-#5	956.90
WWTP	#1-#24	48,390.21
New Hgy. Garage	#1-#4	308,348.38
Shavertown Cem.	#1-ONLY	300.00

VOTE:

ALL AYE. So carried.

EXECUTIVE SESSION:

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

VOTE: ALL AYE. So carried.

TIME: 1:25 P.M.

REASON: Legal

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

VOTE: ALL AYE. So carried.

TIME: 1:45 P.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
February 9, 2010**

1. Water System

- Daily usage of treated water from the water system averaged 18,600 gallons per day for the month of January 2010.

2. Plant Purchases

3. O&M

4. Equipment

DELAWARE OPERATIONS, INC.

175

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
February 9, 2010

1. **WWTP Plant**
 - Plant effluent flows averaged 41,400 gallons per day for the month of January 2010.

2. **SPDES Compliance/NYSDEC, NYCDEP**
 - The plant discharges of treated effluent to the Tremper Kill Brook; permit compliance for January 2010 did not meet all parameters. On January 26, 2010 the SBR's were in storm mode due to the heavy rain. In storm mode two micro and sand filters need to be on line. # 2 micro unit began short cycling (excessive backwashing to the head of the plant) and had to be taken off line and cleaned (CIP) which resulted in **bypassing** a portion of the flow around this unit.

3. **Collection System**
 - High Street is being maintained as required.

4. **Plant Purchases.**
 - Delaware Operations request the approval to purchase 125 feet of 3/16" stainless steel chain from McMaster-Carr at a cost of \$8.72 per foot plus shipping. The chain will be used to replace the deteriorated chain that is attached to the five pumps that are in the bottom of the SBR.

5. **Plant O&M**
 - Delaware Operations request approval for the yearly PM contract with Cummins Northeast for the generator at the WWTP. The cost of semi annual routine maintenance is \$1640.83.

6. **Plant Equipment**

MOTION made by Mr. Second by Mr. to approve Delaware Operations requests as follows:

125 feet of 3/16" stainless steel chain - McMaster & Carr - \$8,72 per foot + shipping

Yearly PM contract for generator - Cummins NE - semi annual maintenance \$1,640.83.

VOTE: ALL AYE. So carried.

ADJOURN:

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

VOTE: ALL AYE. So carried

TIME: 3:00 P.M.

Janis L. Jacques

**Andes Town Clerk
Andes District's Clerk**

Janis L. Jacques
Martin Stannully A.S.
Steve Fehrl

Town of Andes

Andes, NY 13731-0125

P.O. Box 125, Andes, NY
1-845-676-4791
TDD -1-800-662-1220

February 12, 2010

Mr. Michael Eliash
4625 Beech Hill Road
Andes, NY 13731

Dear Mr. Eliash,

In follow-up to my phone call, I am writing to let you now that, after reviewing your request and the requirements set by the Town Board and Planning Board, the Andes Town Board has taken the following actions:

1. The Town Board has recognized that the road in your development has met the standards set by the Town for road specifications.
2. The Town Board has recognized that your completion of the road in your development preceded the moratorium set in 2008 and therefore can be grandfathered in as a town road.
3. Your development has not yet reached the valuation required to establish a town maintained road. Therefore the Town Board has agreed to accept your road as a "seasonal use road", but agrees to accept it as a fully maintained Town Road, as soon as the valuation reaches \$1,000,000.

Please inform the Town Board the name you wish to assign to the road. We will let you know of its acceptance as soon as we can.

Sincerely,



Janis Jacques, Andes Town Clerk
For the Town Board

CC: Martin A. Donnelly
Town Board
Planning Board