

TOWN OF ANDES

**ORGANIZATIONAL MEETING
TOWN HALL**

**JAN. 11, 2011
12:30 PM**

PRESENT:

**Councilman Ritchie Gabriel
Councilman Daniel Grommeck
Councilman Martin Liddle
Councilman Shayne Moshier
Supv. Martin A. Donnelly
Town Clerk Janis Lynn Jacques
Highway Supt. Michael McAdams
Deputy Town Clerk Sharon Drew
Assessor Tina Moshier**

ALSO:

**T.W. Coddington { Walton Reporter }
Terry Hannum { Delaware County Times } Carl Wenner**

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.

PUBLIC HEARING:

LOCAL LAW #1 for 2011 - Dog Control for the Town of Andes

Any questions and / or comments?

Councilman Liddle: " Is that normal to put all that in there? "

Supv. Donnelly: " I hear you. But we must approve this. "

ADJOURN:

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

VOTE: ALL AYE. So carried.

TIME: 12:45 P.M..

ORGANIZATIONAL: CALL TO ORDER

APPOINTMENTS:

BE IT RESOLVED that;

RES. #1 TOWN OF ANDES PLANNING BOARD MEMBER

Art Reed be re-appointed to the Andes Town Planning Board.

Term expires 12/31/17

RES. #2 TOWN OF ANDES ZBA; MEMBER

Darwin Finkle be re-appointed to the Town of Andes ZBA.

Term expires: 12/31/14

RES. #3 MONTHLY MEETINGS - TOWN BOARD

monthly meetings of the Andes Town Board will be the second Tuesday of each month at Town Hall - Nov. / Dec. / Jan. / Feb. / March & April at 12:30 PM and the remainder of the year at 7:30 PM.

RES. #4 MONTHLY MEETINGS - TOWN OF ANDES PLANNING BOARD

monthly meetings of the Andes Town Planning Board will be the SECOND Monday of each month at Town Hall at 7:30 P.M.

RES. #5 MONTHLY MEETINGS - TOWN OF ANDES ZBA

monthly meetings of the Town of Andes ZBA will be the FOURTH Monday of each month at Town Hall at 7:00 PM.

RES. #6 DEPOSITORIES OF FUNDS

* NBDC - Andes * NBT - Norwich * & * NB - Delhi * are appointed as Town of Andes depositories of funds.

RES. #7 PETTY CASH

Petty Cash be disbursed as follows:

Town Clerk - \$25.00 { Carried forward }

Justice - \$50.00 { Carried forward }

Tax Collector - \$25.00 { Carried forward }

RES. #8 AUTH. FOR SUPV. TO PAY VOUCHERS IN ADVANCE OF AUDIT

Town of Andes Supv. Martin Donnelly be authorized to pay the following vouchers in advance of audit: Utilities / Election & Primaries / Postal / Insurance / Retirement. Whatever is necessary to save money.

RES. #9 DELEGATE TO ASSOC. OF TOWNS MEETINGS

Any Town of Andes elected official is authorized to attend any Assoc. Of Towns meetings.

RES. #10 MILEAGE REIMBURSEMENT

Mileage reimbursement for Town of Andes officials is fifty five cents per mile.

RES. #11 PROCUREMENT POLICY / INVESTMENT POLICY

STANDARDS FOR OFFICERS & EMPLOYEES POLICY

DRUG & ALCHOL TESTING POLICY / HIGHWAY POLICY /

WORKPLACE VIOLENCE PROTECTION

The above named Town of Andes Policies are as in effect.

RES. #12 ANNUAL ACCOUNTING

that the Annual Accounting for the Town of Andes: Town Clerk / Supervisor / Justices & Tax Collector will take place at Town Hall on Tuesday - Feb. 15, 2011 at 12:30 P.M..

RES. #13 COMMITTEE MEETINGS:

that the Highway Committee will meet at the Highway Garage at 3:00 PM on Monday prior to meetings. Building Committee & Pool Committee will meet at the Town Clerk's office prior to monthly meetings to review vouchers & reports. Scheduled time will be Thursday prior to meetings at 12:30 PM. Flexibility in time when prior commitments come up.

RES. #14 OFFICIAL NEWSPAPER

The Delaware County Times - Delhi - is the official newspaper and if time negates the use of said newspaper, the Oneonta Star or Binghamton Press will be used.

RES. #15 POOL DIRECTOR

JoAnn Perry be appointed the ONLY Pool Director for the Town of Andes. Term - 12/31/ 2011 - and as per the agreement with the Town Board

RES. #16 CONSTRUCTION / RENOVATION COMMITTEE

The following be appointed to the Construction / Renovation Committee:

Councilmen: Gabriel and Liddle

RES. #17 TOWN HALL & TOWN HIGHWAY & TOWN COURT BUILDINGS COMMITTEE

The following be appointed to the Town Hall & Town Highway Garage Buildings Committee:

Councilmen: Grommeck and Moshier

RES. #18 HIGHWAY COMMITTEE

The following be appointed to the Highway Committee:
Councilmen: Gabriel and Liddle

RES. #19 HEALTH OFFICER

Dr. Freeman be appointed Health Officer
Term: thru 12/31/2014

RES. #20 SALARIES & WAGES

that salaries & wages are as per the 2011 Budgets

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.

APPOINTMENTS:

All other appointments are already existing appointments.

ALL POLICIES & BUDGET ARE ON FILE IN THE TOWN CLERK'S OFFICE.

MOTION made by Councilman Gabriel second by Councilman Liddle to close the
2011 Organizational Meeting.

VOTE: ALL AYE. So carried.

TIME: 12:57 P.M..

TOWN OF ANDES

Town Hall

PRESENT:

All who were at the Organizational Meeting.

**REGULAR MEETING
DISTRICT'S MEETING**

JAN. 11, 2011

1:00 P.M.

CALL TO ORDER:

Supv. Donnelly called the meeting to order at 1:00 P.M..

HIGHWAY REPORT:

Town of Andes Highway Report

Michael R. McAdams, Highway Superintendent

January 11, 2011

Equipment:

2004 Int. – Replaced springs, changed fluids in transmission

1991 Autocar – Put wedges on rear tires

1996 Volvo – Rear rims broke and studs, waiting on new rim

Loader – Fixed headlights, greased and made chains for it, ordered a new oil cooler

John Deere Grader – Made a set of chains up

Pickup – We don't have one running

All trucks have been greased and fluids checked

Other:

On Monday January 10, 2010, Marge Merzig and I turned the rest of FEMA project sights in for 2006 flood. Hopefully, we receive money for these sooner than the rest.

Inventory has been turned in to Delaware County and the Town Clerk's for 2011.

Paperwork has been turned in for 2010 for plowing and sanding City roads.

Respectfully Submitted,

Michael R. McAdams,

Highway Superintendent

FROM THE SUPERVISOR:

1. We received the U.S.D.A. funding for our highway garage@ 3.75% which is DOWN from 4.75%. When we received it, we paid off our loan from N.B.D.C..
2. In a few minutes, we are going to pass Local Law #1 for 2011 - DOG CONTROL LAW FOR THE TOWN OF ANDES. As of Jan. 1, 2011 the Dept. of Ag. & Markets will no longer be involved in the licensing of dogs in N.Y.S.. It will now be up to the Town Clerks office to handle this. BUT - Ag. & Markets will STILL get a share of the licenses.
3. The new Delaware County Storm Water Corridor Program is now available and we will apply for whatever we can get.
4. The C.W.C. approved our request for an additional \$2,500.00 for the G.H.R. culvert replacement project for a total of \$146,500.00.

W.W.T.P. District:

1. The plant continues to fail every time we have a heavy rain. In Dec. we had failures at least three times. It was very lucky for us that Delaware Operations is on the job and know what they are doing. They were able to get the plant to limp along.
2. The D.E.C. issued a consent order to us from the W.W.T.P. in Nov. 2010. I have met with our Town attorney { David Merzig }, Jim Swazzo & Lou Dibble from Delaware Operations and Marge Merzig from Keough Consulting. It appears that D.E.P. will now have to pay for all the required plant up-grades in order for us to be able to comply with the D.E.C. W.W.T.P. requirements. Keough Consulting prepared all the applications that we need to file for grants and / or low interest loans in order to obtain the funding that is needed. This will assist N.Y.C. with payments required to correct problems at the plant.
3. On Dec. 29, 2010 our Town attorney { David Merzig } wrote to the N.Y.C.D.E.P. - attention Deborah DeGraw P.E. - advising her of the consent order & telling her what we are doing to resolve the problem.

WATER DISTRICT:

1. Keough Consulting has been trying to get approval from the U.S.D.A. for us to use the balance of the grant - \$10,000.00 to purchase meters. These meters will be required shortly - for new residences - to measure flow so it makes sense to get them now.

On Jan. 8, 2011 - I called Pat Snover at U.S.D.A. and Marcy Newman for an answer. Approval has been given to us.

Respectfully submitted

Martin A. Donnelly - Supervisor

6379 St. Hwy. 28
Fly Creek, NY 13337

January 3, 2011

Supervisor Martin Donnelly & Members of the Town Board
P.O. Box 125
Andes, NY 13731

Dear Sirs:

I am writing to you about the former Town of Andes gravel bank on Back River Road in Hamden, which I own. In discussions I have had with Al Hewitt, the mine/land specialist for NYSDEC in Schenectady, I was given to understand that the Town of Andes is responsible to close the gravel bank to DEC specs.

I was later told by Andes Highway Superintendent Michael McAdams that the town will close the gravel bank, but that there were no funds available last fall to do it.

I would appreciate your input on this issue at your January 11th Town Board Meeting, which I will try to attend. I would like to resolve this matter as soon as possible, whether that be a starting date for closing the gravel bank or a letter of intent from the Town Board.

I am enclosing an additional copy of this letter for each Board member. Thank you.

Sincerely,
Carl F. Wenner



PRIVILEGE OF THE FLOOR:**Carl Wenner****Re; Hamden gravel bank**

“ The letter is pretty self explanatory. This is just kind of been hanging out there. “
Supv. Donnelly: “ We will follow up on this as we believe this has all been done.”

MOTIONS:

MOTION made by Councilman Gabriel second by Councilman Moshier to authorize Supt. McAdams to advertise for bids and to hold the bid awards or rejections on March 8, 2011, at our Regular Monthly Meeting, and to advertise bids and opening date. All bids MUST be in no later than 11:00 A.M. - Tuesday - March 1st, 2011.

VOTE: ALL AYE. So carried.

MOTION made by Councilman Gabriel second by Councilman Liddle to approve of the 2011 agreement to expend highway moneys for CHIPS.

VOTE: ALL AYE. So carried.

MOTION made by Councilman Gabriel second by Councilman Grommeck to authorize Assessor - Tina Moshier - to get three quotes from truck dealers { to certain specifications } for a 2011 truck and for the Town Board to accept the lowest responsible quote - if met.

VOTE: ALL AYE. So carried.

EXECUTIVE SESSION:

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

VOTE: ALL AYE. So carried.

TIME: 1:15 P.M..

LEGAL

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

VOTE: ALL AYE. So carried.

TIME: 1:23 P.M..

TOWN OF ANDES**Local Law No. One of the Year 2011**

A local law **"Dog Control Law for the Town of ANDES"**

Be it enacted by the Town Board of the Town of Andes as follows:

Section 1:

Purpose: The Town Board of the Town of Andes finds that the running at large and other uncontrolled behavior of licensed and unlicensed dogs has caused physical harm to persons, damage to property and have created nuisances within the Town. The purpose of this Local Law is to protect the health, safety and well being of persons and property by imposing restrictions on the keeping and running at large of dogs within the Town, and to provide for the licensing and identification of dogs and the protection of the dog population.

Section 2:

Authority: This Local Law is enacted pursuant to the provisions of Article 7, Chapter 59; Part T of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York.

Section 3:

Title: The title of this Law shall be Dog Control Law of the Town of Andes.

Section 4:

Definition of Terms: As used in this Local Law the following words shall have the following respective meanings:

(a) "Dog" means male and female, licensed and unlicensed, members of the species canis familiaris.

(b) "Owner" means person entitled to claim lawful custody and possession of a dog who is responsible for purchasing the license for such dog unless the dog is, or has been, lost and such loss was promptly reported to the dog control officer and a reasonable search has been made. If a dog is not

licensed, the term "owner" shall designate and cover any person who or which at any time owns or has custody or control of, harbors, or is otherwise responsible for any dog which is kept, brought or comes within the Town. Any person owning or harboring a dog for a period of one (1) week prior to filing any complaint charging a violation of this Local Law, shall be held in and deemed to be the owner of any dog found to be in violation of this chapter. If any such person shall be under 18 years of age, the head of the household in which said minor resides shall be deemed to have custody and control of said dog and shall be responsible for any acts of said dog in violation of this Local Law.

(c) "Run at Large" means to be in a public place or on private land without the knowledge, consent and approval of the owner of such lands.

(d) "Town" means the Town of Andes.

(e) "Person" means any individual corporation, partnership, association or other organized group of persons or other legal entities.

(f) "Harbor" means to provide maintenance, food or shelter to any dog.

Section 5:

Restrictions: It shall be unlawful for any owner of any dog in the Town to permit or allow such dog to:

(a) Run at large unless the dog is accompanied by its owner or a responsible person and under the full control of such owner or person. For the purpose of this Local Law, a dog or dogs hunting in the company of a hunter or hunters shall be considered as accompanied by its owner.

(b) Engage in habitual and loud howling, barking, crying or whining or conduct as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such dog.

(c) Uproot, dig, or otherwise damage any vegetables, lawns, flowers, garden beds, or other property without the consent or approval of the owner.

(d) Chase, jump upon or otherwise harass any person in such manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm.

(e) Habitually chase, run alongside of or bark at motor vehicles, motorcycles or bicycles while on a public street, highway, or place, or upon private property without the consent or approval of the owner of such property.

(f) Create a nuisance by defecating, urinating or digging on public property, or on private property or by overturning garbage, containers and/or

spreading garbage on the ground without the consent or approval of the owner of such property. Failure by any owner to cleanup and remove waste deposited by any dog defecating or urinating on any property without the consent of the owner shall constitute a separate violation of this local law.

(g) If a female dog, when in heat, be off the owner's premises, unrestrained by a leash.

Section 6:

Licensing of Dogs:

(a) All dogs within the Town of Andes four (4) months of age or older shall be licensed unless otherwise exempted. The owner of each dog required to be licensed shall obtain, complete and return to the Town Clerk a dog license application together with the appropriate license fee, any applicable license surcharges and such additional fees as may be established by the Town of Andes. Each license application shall be accompanied by proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination would endanger the dog's life, in which case vaccination shall not be required.

In the case of a spayed or neutered Dog, every application shall be accompanied by a certificate signed by a licensed veterinarian showing that the Dog has been spayed or neutered, except that such certificate or affidavit is not required if same is already on file with the Town Clerk. In lieu of the spay or neuter certificate an Owner may present a statement certified by a licensed veterinarian stating that he or she has examined the Dog and found that because of old age or other reason, the life of the Dog would be endangered by spaying or neutering. In such case, the license fee for the Dog shall be the same as a spayed or neutered Dog.

(b) Issuance of License and Identification Tag: Upon validation by the Town Clerk or its designee, a Dog license shall be issued to the Owner and a record of its issuance retained in the office of the Town Clerk. The Town Clerk or its designee shall assign an identification number to a Dog when it is first licensed. Such identification number shall be carried by the Dog on an Identification Tag which shall be affixed to the collar of the Dog at all times. Any person wishing to replace a tag previously issued shall pay the sum of three dollars (\$3.00) to the Town Clerk or its designee for a replacement tag and issuance of a new identification number.

(c) Each license shall be valid for one year and shall not be transferable.

(d) Fees for Licensing of Dogs: The Town of Andes establishes a fee for a dog license issued pursuant to this Section 6 at \$2.50 for spayed or altered dogs. The sum of \$7.50 if the dog for which the application is made is unspayed or unneutered. In addition to the license fee established above, each applicant shall pay a surcharge of \$3.00 if the dog to be licensed is unaltered. (Sum of \$2.50 for spayed or neutered dog and Sum of \$10.50 for un-spayed or un-neutered dog)

(e) Enumeration fee: In the event the Town Board determines the need for a dog enumeration, a fee of \$50.00 will be assessed to any owner whose dog is found unlicensed or with an expired license at the time the enumeration is conducted.

(f) Purebred License: The Town of Andes will not issue Purebred or Kennel Licenses. All dogs will be licensed individually in accordance with the fee system set forth above.

(g) Service Dogs: The Town of Andes Clerk may waive the license fee for any guide dog, service dog, hearing dog, or detective dog, or police search dog, or working dog or war dog upon the presentation of satisfactory proof that the dog is actually performing those purposes.

(h) All dog licenses may be purchased or renewed at the Town offices during normal business hours. Additionally, dog licenses may be purchased or renewed by regular mail addressed to the Town Clerk at the address of the Town offices accompanied with the appropriate fee and requisite rabies vaccination certificate. License fees are nonrefundable in whole or in part.

(i) All fees will be used in funding the administration of the Dog Control Law of the Town of Andes.

Section 7:

Procedure for Seizure of Dogs:

(a) The Dog Control Officer or any peace officer or police officer of the Town of Andes shall seize:

1. Any dog which is not identified and which is not on the owner's premises, and

2. Any dog which is not licensed whether on or off the owner's premises, and

3. Any licensed dog which is not in the control of its owner or custodian or not on the premises of the dog's owner or custodian, if there is

probable cause to believe the dog is dangerous, and

4. Any dog which poses an immediate threat to the public safety, and
5. Any dog found in violation of paragraphs (a) through (g) of Section 5 of this Law.

(b) Such seized dog shall be kept and disposed of in accordance with the provisions of Article 7 of the Agriculture and Markets Law and the Dog Control Officer or any peace officer or police officer of the Town of Andes shall execute and carry out any order of the Town Justice of the Town of Andes in any action or proceeding commenced to enforce this Local Law.

(c) The Dog Control Officer or peace officer or police officer of the Town of Andes observing a violation of this Local Law in his presence shall issue and serve an appearance ticket for such violation. Said appearance ticket shall charge a violation and no violation of the statute shall be construed as a misdemeanor.

(d) Any person who observes a dog in violation of this Local Law may file a complaint under oath with the Dog Control Officer or peace officer or police officer of the Town of Andes specifying the nature of the violation, the date thereof, a description of the dog and the name and residence, if known, of the owner of such dog. Such complaint may serve as a basis for enforcing the provisions of this Local Law.

(e) No action shall be maintained against the Town of Andes or any duly designated Dog Control Officer or peace officer or police officer of the Town of Andes or any other agent or officer of the Town to recover the value of any dog or for damages or injuries to the dog or compensation for the destruction of any dog seized or destroyed pursuant to the provisions of this Local Law.

Section 8:

Penalties: Any person convicted of a violation of this Local Law shall be liable for a civil penalty of Fifty Dollars (\$50.00) for a first violation; of Seventy-five Dollars (\$75.00) for a second violation and for One Hundred (\$100.00) for each subsequent violation. Pursuant to New York State Agriculture and Markets Law, all money and penalties collected by the Town for violation of this Law remain the property of the Town. The money can be used for Dog control purposes.

Section 9:

Amendment: The amount of fees and penalties set forth in this local law

may be amended from time to time by a majority vote of the Town Board.

Section 10:

Separability: Each separate provision of this Local Law shall be deemed independent of all other provisions herein and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 11:

Repealer: This Local Law shall supersede all prior Local Laws, Ordinances, Rules and Regulations relative to the control of dogs within the Town of Andes, with the exception of Local Law #1 - 2010 { A Local Law to establish and impose fines for failing to properly handle defecation by dogs or cats }

Section 12:

Effective Date: This Local Law shall be effective after filing with the Secretary of State.

Proposed By Councilman Moshier

Second by Councilman Gabriel

ROLL CALL:

Councilman Gabriel-----AYE

Councilman Grommeck-----AYE

Councilman Liddle-----AYE

Councilman Moshier-----AYE

Supv. Donnelly-----AYE

VOTE: ALL AYE. So carried.

may be amended from time to time by a majority vote of the Town Board.

Section 10:

Separability: Each separate provision of this Local Law shall be deemed independent of all other provisions herein and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 11:

Repealer: This Local Law shall supersede all prior Local Laws, Ordinances, Rules and Regulations relative to the control of dogs within the Town of Andes, with the exception of Local Law #1 - 2010 { A Local Law to establish and impose fines for failing to properly handle defecation by dogs or cats }

Section 12:

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Proposed By Councilman Moshier

Second by Councilman Gabriel

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 Gabriel second by Councilman Liddle to approve the Dec. Town Clerk Financial Report / Dec. Bookkeeper's Financial Report / Dec. Justice Report / Dec. Building Dept. Report & Dec. D.C.O. Report.

VOTE: ALL AYE. So carried.

WARRANTS:

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

GENERAL	#428-#449	\$10,855.72
HIGHWAY	#260-#278	45,745.03
WATER Dist.	#75-#82	2,100.25
WWTP	#236-#256	59,843.71
NEW HGY. GAR.	#14-#17	20,210.74
GENERAL ***2011 & late 2010	#1-	{ Bills still coming in }
HIGHWAY ***2011 & late 2010	#1-	{ Bills still coming in }
{ When 2011 funds become available }		
2011-2010 will have Board approval prior to going to bookkeeper.		
And all other late 2010 bills		

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
January 11, 2011**

1. Water System

- Daily usage of treated water from the water system averaged 31,610 gallons per day for the month of December 2010.
- The Spring Reservoir Site and the Library Well will be getting 911 addresses.
- New York Rural Water Association helped locate two leaking services on December 6th. The service at 217 High Street is leaking between the main and the curb stop. The repair will be made in the spring. The second leak is at 39 Delaware Avenue. This leak is located in the basement floor and should be repaired by the homeowner.

2. Plant Purchases

3. O&M

4. Equipment

- On the 22nd 1st and 2nd stage filter cartridges were replaced at the Reservoir Site.

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
January 11, 2011**

1. WWTP Plant

- Plant effluent flows averaged 49,995 gallons per day for the month of November 2010. December's effluent flow averaged 34,128 gallons per day. The decrease in flow is due to the repair of four laterals.

2. SPDES Compliance/NYSDEC, NYCDEP

- The plant discharges of treated effluent to the Tremper Kill Brook; permit compliance for December 2010 did not meet all parameters. Permit violations were effluent turbidity greater than 0.5 ntu for more than 2160 minutes for the month and TSS % removal.

3. Collection System

- High Street is being maintained as required.
- On December 7th lateral leaks were repaired at 143 and 155 Main Street.

4. Plant Purchases.

5. Plant O&M

- Delaware Operation requests the approval for Burgh Schoenenberger to calibrate the influent, effluent, and sand filter flow meters at a cost of \$1,125.

6. Plant Equipment

- On December 21st micro filter #1 began backwashing prematurely. Plant staff has been in contact with Siemens Water Technologies to resolve this issue. Siemens is scheduled to be on site January 19th.
- Also on December 21st Atlas air compressor #1 failed. Glauber Equipment has been on site and told use that a bearing failed in the air end. They will make the repair when parts come in.

DISTRICT'S:

MOTION made by Mr. Liddle second by Mr. Grommeck to approve Burgh Schoenenberger to calibrate the influent, effluent and sand filter flow meters at a cost of \$1,125.00.

VOTE: ALL AYE. So carried.

RES.#21 ACCEPTING THE COMPLETION OF THE WATER PROJECT

Whereas, the Town of Andes has upgraded the water system at the reservoir with the assistance of USDA as an Emergency Water Grant; and

Whereas, with the assistance of Delaware Operations and Wakeman Inc. the project has come in under budget; and

Whereas, the NYS Department of Health has inspected the project and found it acceptable; and therefore be it

RESOLVED that the Town of Andes accepts the project as complete; and further

RESOLVED that the Town certified that its operator, Delaware Operations, is a NYS Certified Operator, License # NYS 0036690.

Proposed by Mr. Liddle

Second by Mr. Moshier

ROLL CALL:

Mr. Gabriel-----AYE

Mr. Grommeck-----AYE

Mr. Liddle-----AYE

Mr. Moshier-----AYE

Chairman Donnelly-AYE

VOTE: ALL AYE. So carried.

ADJOURN:

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

VOTE: ALL AYE. So carried. **TIME:** 1:45 P.M..

Janis Lynn Jacques

Andes Town Clerk

Andes District's Clerk

Handwritten signatures:
 Daniel Grommeck
 Mr. Liddle
 Mr. Moshier
 Chairman Donnelly A.S.

Handwritten signatures:
 Janis Lynn Jacques
 Moshier
 Moshier

11/21/11 Jan. please file to page -

TOWN OF ANDES

NO. 1 DELAWARE COUNTY, NEW YORK \$1,700,000

BOND ANTICIPATION RENEWAL NOTES, SERIES 2010A

Town of Andes, Delaware County, New York (herein called the "Town") hereby acknowledges itself indebted and for value received promises to pay to the National Bank of Delaware County or registered assignee, the sum of

ONE MILLION SEVEN HUNDRED THOUSAND AND NO/100 DOLLARS (\$1,700,000)

on July 22, 2011, together with interest thereon from the date hereof _____ at the rate of One and Ninety hundredths per centum (1.90%) per annum _____ payable at maturity. Both principal of and interest on this Notes will be paid in lawful money of the United States of America at National Bank of Delaware County, Walton, New York.

This note may be redeemed at any time prior to maturity.

This note is issued pursuant to proceedings duly adopted by the Town Board of the Town of Andes on April 8, 2008 and also pursuant to a Certificate of Determination dated July 23, 2010, entitled "Certificate of Determination of the Town Supervisor of the Town of Andes, Delaware County, New York, dated July 23, 2010 Authorizing the Sale, Issuance and Delivery of the Bond Anticipation Renewal Notes, Series 2010A of said Town in the Aggregate Principal Amount of \$1,700,000."

The Town has designated this note as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

The faith and credit of the Town are hereby irrevocably pledged for the punctual payment of the principal of and interest on this note according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution and statutes of the State of New York to exist, to have happened and to have been performed precedent to and in the issuance of this note, exist, have happened and have been performed, and that the issuance of the Town's \$1,700,000 Bond Anticipation Renewal Notes, Series 2010A, together with all other indebtedness of the Town is within every debt and other limit prescribed by the Constitution and laws of such State.

IN WITNESS WHEREOF, the Town, in accordance with the proceedings authorizing this note, has caused this note to be signed and its corporate seal to be hereunto affixed and attested as appears below, and this note to be dated as of the 23rd day of July, 2010.

ATTEST:

TOWN OF ANDES
DELAWARE COUNTY, NEW YORK

Janet L. Sweeney
Town Clerk

(SEAL)

By: *Walter Sweeney* A.S.
Town Supervisor



131-133 DELAWARE STREET
P.O. Box 389
WALTON, N.Y. 13856
(607) 865-4126
1/11/2011

Janis Jacques
Andes Town Clerk
PO Box 125
580 Main St,
Andes, NY 13731

Andes Town Clerk,

Enclosed is your paid copy of the Town of Andes Bond Anticipation Note that was paid off early on 1/10/2011. Thank you very much for your early payment. Please retain this paid original bond for your records.

Sincerely,


Ann Crane, Accounting

AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEYS - CHIPS 2011

AGREEMENT between the Town Superintendent of the Town of Andes, Delaware County, New York, and the undersigned members of the Town Board.

Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highways, and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows:

1. GENERAL REPAIRS. The sum of \$ 180,000.00 shall be set aside to be expended for primary work and general repairs upon 110. miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.
2. PERMANENT IMPROVEMENTS. The following sums shall be set aside to be expended for the permanent improvement of town highways:
 - (a) On the road commencing at Beech Hill Rd. and leading to _____, a distance of 1 miles, there shall be expended not over the sum of \$ 90,000.
Type 18 ft. Width of traveled surface Blacktop
Thickness 2" Subbase _____
 - (b) On the road commencing at Barkaboom Rd. and leading to _____, a distance of 1 miles, there shall be expended not over the sum of \$ 90,000.00
Type 18 ft. Width of traveled surface Blacktop
Thickness 2" Subbase _____
 - (c) On the road commencing at _____ and leading to _____, a distance of _____ miles, there shall be expended not over the sum of \$ _____
Type _____ Width of traveled surface _____
Thickness _____ Subbase _____

Executed in duplicate this 10th day of January, 20 11.

Martin J. J. J. AS.
Supervisor
James J. J. J.
Councilman
James J. J. J.
Councilman

Martin J. J. J.
Councilman
James J. J. J.
Councilman
James J. J. J.
Town Superintendent

NOTE: This Agreement should be signed in duplicate by a majority of the members of the Town Board and by the Town Superintendent. One copy must be filed in the Town Clerk's office and one in the County Superintendent's office. COPIES DO NOT HAVE TO BE FILED IN ALBANY.