

**TOWN OF ANDES
TOWN HALL**

MONTHLY MEETING

**OCT. 11, 2011
12:30 P.M.**

PRESENT:

**Councilman Ritchie Gabriel
Councilman Daniel Grommeck
Councilman Martin Liddle ----- Absent
Councilman Shayne Moshier
Supv. Martin Donnelly
Town Clerk Janis L. Jacques
Assessor Tina Moshier
Town Attorney David Merzig
Delaware Operations Lou Dibble, John Moffitt & Shane Boice
Keough Consulting Marge Merzig**

ALSO:

| | | |
|---|--------------------------------------|--------------------------|
| Julia Reisdell { Watershed Post } | Tom Hall | Anita Lanziero |
| Buffy Calvert | Dale Cole | Mary Davis |
| Bill Wagner | Debbie Wagner | Mark Pezzati |
| John Schulman | Linda Short | Rita Carney |
| Bill Feldman | Joseph Sicinski | Susan Dey |
| Paula Montecalvo | Jane Berghammer | Maureen Zappola |
| George Montecalvo | Fred Berghammer | Dominick Zappolla |
| Larry Breakstone | | |
| Tom Coddington { Walton Reporter } | Pauline Liu { Catskill News } | |

CALL TO ORDER:

Supervisor Donnelly called the meeting to order at 12:30 P.M.

PLEDGE:

The Pledge of Allegiance was recited lead by Councilman Gabriel.

PRIVILEGE OF THE FLOOR:

Kim Tosi
Salaries

Mrs. Tosi: “ I wanted to talk about the proposed budget. I was wondering when that will be available.”

Supv. Donnelly: “ The budget has been filed with the Town Clerk - this morning. It can be reviewed in the office. It may not be taken out and it can not be copied. It is still not done, like I told you this morning.”

Mrs. Tosi: “ So I can see it later? “

Supv. Donnelly: “ Sure.”

Town of Andes Attorney David Merzig
Legal Opinions

Mr. Merzig: “ In addressing the hydro fracking issue, municipalities have gone both ways. There are two municipalities that have law suits against them - that have heavy industry legislation for zoning. Those are working their way thru the courts even as we speak. The concern I have is if the Town passes another heavy industry zoning law, which it can certainly do, you are going to be right in the same boat. These laws are going to be either up held or over turned. If they are up held, then I think that is the way to go. If they are going to be over turned, then we will have to look at other options. In the meantime, the best practice is to pass a moratorium against hydro fracking or actually any heavy industry with a six month limitation. But then when you start getting closer to the end of the six months, the Board by Resolution, can extend it up to a year. That way you have a years breathing room to see which way it’s going and to respond accordingly but still having the protection of the prohibition against fracking in the Town. That’s my suggestion. As always, it is up to the Town Board as to which way you want to go. But that gives you an opportunity to flex, based on what happens in the next year. The D.E,C. is going to have its regulations and the comments

will be done. In the Draft, that D.E.C. has put in place, their recommendations are that local zoning be recognized and enforced. Also in their draft they have a road regulation so if there is an application for hydro fracking - there would have to be a road use plan as part of that. There may be some protections that will already be built in - once D.E.C. passes their regulations. I think this moratorium gives you the basis for protection and gives you an option to let you know what the best protection is for the Town.

William Wagner
Setting the record straight

“ My name is Bill Wagner and I am running for Highway Superintendent of Andes. I hear there are rumors going around town about me and I know they come out of the Highway Garage. I would like them to stop. The first rumor I hear is that I quit the town because I was afraid to drive the truck. I started in Oct. and I left in Dec.. The truck I was doing Gladstone Hollow with had no brakes. I asked to put new brakes on the truck that Saturday and I was told not to - that I couldn't do that. So I left the town for that reason. I am sure that anybody here that drives a car or a truck knows that you would not drive any vehicle without brakes. I talked to you, Marty, about this and I guess you talked to Marty Liddle about it because you called me up. I want that rumor to stop because I left because there were no brakes on the truck. This is a safety issue and it should be up to the Highway to see that the equipment is taken care of. All I hear every month is that we changed oil. I hear nothing about fixing brakes or adjusting brakes, changing tires or anything along those lines.

The second rumor I hear is that - if I make Highway Superintendent - I am going to fire all the drivers. That rumor had to have come out of the Highway Garage and you would never want to fire the Highway drivers but maybe you would want to hire another driver. They have a strong C.S.E.A. Union and it is very hard to fire anybody. That is not my intention.

I just would like the rumors to stop. Thank you.”

Delaware Operation Lou Dibble & John Moffet

Update on the Andes WWTP -

Lou Dibble, of Delaware Operations Inc., reported that the repair and remediation of the WWTP was moving along.

“ A Capital Improvement Plan has been submitted to both NYSDEC and NYSDEP and was accepted without changes. In a July meeting with NYCDEP, the City agreed to fund at least 85% of the project. An agreement had already been reached with NYCDEP to fund the Engineering Design of the project and a 20% design was completed and ready to be submitted. A lot of the credit goes to the Town Board and Supervisor Donnelly for their courage in persevering with the negotiations with NYC. The timetable is to complete design by Jan. 2012 and be in construction by May. “

John Moffett, of Delaware Operations Inc., reviewed the changes to be made at the WWTP.

“ The influent chamber would be bypassed to the new equalization tank to be located in the current secondary treatment building { the one with the dome}. The current Sequence Batch Reactors { SBR’s } would be replaced by 20 Membrane Batch Reactors which would serve both secondary and tertiary treatment. The dome will be removed and the other half of the current SBR building would be converted into a stream diversion chamber to be able to handle very high flows during a storm events.”

They, again, thanked the Town Board & Supervisor for their steadfast support of the project.

HIGHWAY REPORT:

Submitted by Supt. McAdams and read by Councilman Gabriel.

Highway Report 9/16/11 – 10/11/11

Equipment

2004 International 7600 – Installed new air tank and straps, greased and checked fluids 99,733 miles.

1999 International – Replaced rear brake can, installed new pinion oil seal on drive axle, greased and checked fluids. 171,451 miles

1982 Eager Beaver trailer – Replaced hub cap

2005 John Deere Backhoe – Greased, checked all fluids and fixed lights

2003 John Deere Loader – Oil leaking out air breather had Nortax here they removed the front axle and took to their shop to fix.

All equipment has been greased and fluids have been checked on a regular basis.

Roads Worked

The Highway Department Has been out Cutting and chipping debris from Hurricane Irene. We have been Fixing wash-outs and working sections as needed. I have attached all the FEMA related flood work that has been completed.

New Culverts

Wolf Hollow Road – 5' x 40' Plastic Culvert Just below turn around by born's 9/19/11

Coss Road – 15" x 25' Steel Pipe Driveway culvert

Wolf Hollow Road – 3' x 40' Plastic Culvert Just above spring on lower end 9/20/11

Wolf Hollow Road – 15" x 35' Steel Culvert at spring run 9/26/11

Other

I would like to address the Rumors going around that I have made employee's operate equipment without brakes which is completely untrue. We have a good maintenance program and records.

Respectfully Submitted,

Michael McAdams

FROM THE SUPERVISOR:

- 1. Our Town Attorney, David Merzig, has addressed the Town Board in reference to our Local Law to ban heavy industry in Andes. I strongly recommend that we follow his advice. He has done a lot of research in preparing for the proposed Local Law.**
- 2. Our Delaware Operations representatives have given the presentation on the status of the WWTP design & rehabilitation. The project is progressing very well.**
- 3. We have been asked, by Clark Company, to finish the High Street & coulter Road Projects in the Spring. This is due to the many problems created by the flooding. We have contacted the C.W.C. and they will extend the contract - with no penalty. Clark Company will also hold their bid with no change.**
- 4. The Pool Director ordered the wrong size diving board. Now we are trying to get them to exchange it as it has not been used.**
- 5. The Andes Fire Dept. will be draining the Town Pool and then we can winterize it.**
- 6. We are still working on our Town Budget. So far we have made many cuts and reduced all salaries but we are still over the new 2% property tax cap. We will need to notify the State Comptrollers Office if we can not reduce it further.**
- 7. Town Justice Burton & I met, last week, with the N.Y.S. Auditors. Now they require the Justices to do a monthly reconciliation in addition to keeping their ledgers.**
- 8. There is a new proposal, from the C.W.T & the D.E.P., that the Watershed Towns allow land trusts to purchase houses, barns etc. on property that the D.E.P. wishes to purchase. Right now the D.E.P. can not purchase any structures. { This wording is available to our Board members }**

9. Someone vandalized one of the stone structures in Ballentine Park. This has been reported to the State Police.

10. Town of Andes elections will take place on Tuesday - Nov. 8th from 6:00 A.M. to 9:00 P.M.. Please remember to vote.

Respectfully submitted,

Martin A. Donnelly
Town of Andes Supervisor

MOTIONS:

MOTION made by Councilman Gabriel second by Councilman Grommeck to authorize Clark Company to finish the High Street & Coulter Road projects in the Spring of 2012 at their same bid price.
VOTE: ALL AYE. So carried.

MOTION made by Councilman Gabriel second by Councilman Moshier to hold the Nov. Town Board Meeting on Thursday Nov. 10 @ 12:15 P.M. @ Town Hall. { Due to Election on Tues. Nov. 8th }
VOTE: ALL AYE. So carried.

MOTION made by Councilman Moshier second by Councilman Grommeck to hold a Public Hearing, on a Local Law - TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW 3-c on Nov. 10th @ Town Hall @ 12:15 P.M.
VOTE: ALL AYE. So carried.

MOTION made by Councilman Gabriel second by Councilman Grommeck to hold the Public Hearing, on the 2012 Town of Andes Preliminary Budget, on Nov. 10th @ 12:20 P.M. @ Town Hall.
VOTE: ALL AYE. So carried.

MOTION made by Councilman Moshier second by Councilman Grommeck to hold a Public Hearing, on a Local Law - HEAVY INDUSTRY MORATORIUM - on Nov. 10th @ 12:25 P.M. @ Town Hall.

VOTE: ALL AYE. So carried.

RESOLUTIONS:

NONE

MINUTES:

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

VOTE: ALL AYE. So carried.

REPORTS:

MOTION Councilman Grommeck second by Councilman Gabriel to approve the following Sept. Reports; Town Board Bookkeepers Financial Report, Town Clerks Financial Report, Justice Financial Report, Building Dept. Financial Report & Planning Board Financial Report.

VOTE:

ALL AYE. So carried.

WARRANTS:

MOTION to made by Councilman Moshier second by Councilman Grommeck to approve the following Warrants:

| | | |
|-----------------------|--------------------|--------------------|
| GENERAL | #285 - #321 | \$45,885.02 |
| HIGHWAY | #186 - #205 | 39,694.77 |
| WATER DISTRICT | #67 - # 73 | 2,712.34 |
| WWTP DISTRICT | #175 - #191 | 48,518.32 |

VOTE: ALL AYE. So carried.

AWARD:

An award was read recognizing our Assessor - Tina Moshier - for fair & equitable assessments. This is the 4th year in a row that Tina Moshier was presented this award from New York State.

{ Copy of the award attached }

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 11, 2011

1. **Water System**
 - Daily usage of treated water from the water system averaged 12,200 gallons per day for the month of September 2011.
2. **Plant Purchases**
3. **O&M**
4. **Equipment**
5. **Distribution System**

DELAWARE OPERATIONS, INC.

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

25

TOWN OF ANDES, NY
TOWN BOARD MEETING
REPORT BY DELAWARE OPERATIONS
October 11, 2011

1. WWTP Plant

- Plant effluent flows averaged 27.911 gallons per day for the month of September 2011.

2. SPDES Compliance/NYSDEC, NYCDEP

- The plant discharges of treated effluent to the Tremper Kill Brook; permit compliance for September 2011 did not meet all parameters. The effluent temperature has exceeded 21 degrees Celsius since July 12th. On September 7th heavy rain from Tropical Storm Lee caused some violations and they include the temporary shutdown of the SBR's and filtration equipment, turbidity greater than 5.0 ntu, turbidity greater than 0.5 ntu for more than 2160 minutes for the month, BOD and TSS percent removal. The wastewater treatment plant was back in compliance on September 9th.

3. Collection System

- High Street is being maintained as required.

4. Plant Purchases.

5. Plant O&M

- Delaware Operations requests the approval to purchase 18 repair couplings for the Micro filtration units from Western Hose & Gasket Company at a cost of \$1,695.60 plus shipping.
- Delaware Operations requests the approval to purchase a new gas detector (for confined space entry), a bottle of calibration gas, and a case with a clip from USA BlueBook at a cost \$1109.41.

6. Plant Equipment.

7. Gladstone Hollow Septic System

MOTION made by Mr. Moshier second by Mr. Gabriel to approve Delaware Operations requests:

Couplings for Micro Filters -Western Hose & Gasket - \$\$1,695.60 + sh.

Gas detector - U.S.A. BlueBook - \$1,109.41

VOTE: ALL AYE. So carried.

ADJOURN:

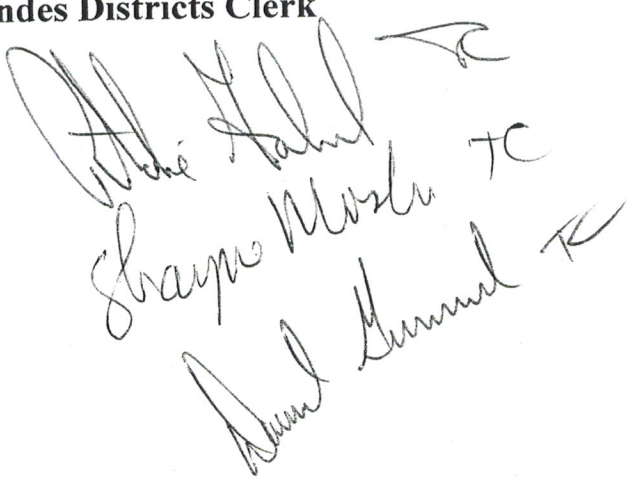
MOTION made by Councilman Grommeck second by Councilman Gabriel to adjourn.

VOTE: ALL AYE. So carried.

TIME: 2:00 P.M.


Janis E. Jacques

**Andes Town Clerk
Andes Districts Clerk**


Three handwritten signatures, each followed by the initials "TC".

EXCELLENCE in
Equity 2011

**THE NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE -
OFFICE OF REAL PROPERTY TAX SERVICES**

recognizes the

Town of Andes

for its efforts to provide property owners with
fair and equitable assessments on the 2011 roll.



John Wolhafer, NYSORPTS Regional Director

8/24/2011

Date

Capital Cost Estimate
 Town of Andes
 MBR Upgrade
 Revision 7/25/2011

| | Modified with Town Forces | NYCDEP | Andes |
|----------------------------------|------------------------------|--------------|------------|
| Influent Pump Station: | \$ 140,000 | | \$ 140,000 |
| Screens | \$ 80,000 | \$ 70,000 | \$ 10,000 |
| EQ Equipment /Install | \$ 45,000 | | \$ 45,000 |
| Concrete | \$ 150,000 | \$ 145,000 | \$ 5,000 |
| Process piping | \$ 100,000 | \$ 100,000 | |
| Misc Metals | \$ 65,000 | \$ 65,000 | |
| Demo SBR Cover | \$ 45,000 | \$ 30,000 | \$ 15,000 |
| MBR equipment | \$ 700,000 | \$ 655,000 | \$ 45,000 |
| MBR equipment install | \$ 250,000 | \$ 250,000 | |
| Yard piping/Temp piping | \$ 75,000 | \$ 65,000 | \$ 10,000 |
| Sludge Demo | \$ 20,000 | | \$ 20,000 |
| Partitions Blower Room | \$ 25,000 | \$ 25,000 | |
| | \$ - | | |
| Total General Contract | \$ 1,695,000 | \$ 1,405,000 | \$ 290,000 |
| | \$ - | | |
| Instrumentation | \$ 88,000 | \$ 88,000 | |
| Electrical | \$ 150,000 | \$ 150,000 | |
| HVAC | \$ 120,000 | \$ 117,000 | \$ 3,000 |
| Bath room Breakroom | \$ 55,000 | | \$ 55,000 |
| | \$ - | | |
| Construction Subtotal | \$ 2,108,000 | \$ 1,760,000 | \$ 348,000 |
| | \$ - | | |
| Contingency | \$ 125,000 | \$ 120,000 | \$ 5,000 |
| Legal/Adm | \$ 55,000 | \$ 47,685 | \$ 7,315 |
| Engineering - Construction | \$ 50,000 | \$ 44,000 | \$ 6,000 |
| | \$ - | | |
| Project Subtotal | \$ 2,338,000 | \$ 1,971,685 | \$ 366,315 |
| | \$ - | | |
| Engineering - Design | \$ 200,000 | \$ 176,000 | \$ 24,000 |
| | \$ - | | |
| | \$ - | | |
| Project total with Design | \$ 2,538,000 | \$ 2,147,685 | \$ 390,315 |

1. Moved \$5,000.00 to Town cost for concrete for grit chamber
2. \$10,000 on Town cost for Yard piping and Temporary piping is for Pump station.
3. Moved \$3,000.00 to Town cost for HVAC for Bathroom/Breakroom
4. Increased Cost of Bathroom/Breakroom from \$35,000 to \$55,000.
5. Reduced Legal/Adm by \$20,000 - proportional allocated cost
6. Adjust contingency to keep similar project cost allocation as Revision #2
7. Move Engineering design cost out.