

Town of Andes
**Public Hearing: Proposed Local Law titled “A local law regarding permitted
film and video productions in the Town and Hamlet of Andes”**
September 11th, 2018 6:45PM
Andes Town Hall

Present:

Supervisor Wayland ‘Bud’ Gladstone	Councilman Thomas Hall
Councilman Ritchie Gabriel	Councilman Dale Cole- Absent & Excused
Councilman Shayne Moshier-Absent & Excused	Town Clerk Kimberly Tosi
Highway Superintendent John Bouton	

Others:

William Duke	Carol Bloise	Mike Terry
Peter Calvert	Brian Finley	John Schulman
Dorothy McArdle	Judy Garrison	Rob Goecks
Michael Mercurio	Joyce Haut	Jeffrey Ashton
Bobbi Howell	Frank Winkler	Eric Van Benschoten
Sally Van Benschoten	Sharon Drew	Robyn Ciccone
Barbara Raggi	Ann Roberti	Liz Rothberg
Irene DeSanto		

Call to Order:

The public hearing was called to order at 6:51PM by Supervisor Gladstone.

Public Comment/Questions:

*Several questions asked regarding the purpose of the local law and will school projects, etc be exempt.

Adjourn:

Motion to adjourn the public hearing made by Councilman Hall, Seconded by Councilman Gabriel. All in favor, Councilman Moshier and Councilman Cole-Absent and Excused. 6:58PM.

**Town of Andes
Regular Meeting
September 11th, 2018 7:00PM
Andes Town Hall**

Call to Order:

The meeting was called to order by Supervisor Gladstone at 7:01PM.

Pledge:

The Pledge of Allegiance was led and recited by Councilman Gabriel.

*A moment of silence was held for the victims of 9/11.

Approval of Minutes:

Motion to approve the July 2018 Meeting Minutes, made by Councilman Gabriel, Seconded by Councilman Hall. All in favor, Councilman Moshier and Councilman Cole-Absent and Excused.

Privilege of the Floor:

Robert Goecks, Linda Goecks, Barbara Raggi, and Elizabeth Rothberg

RE: Crescent Hill Road

Mr. Goecks, resident of Crescent Hill Road, brought up concerns over the condition of his road. He suggested that the Town Board when planning the budget should consider the upgrade of roads to be a capital investment in the future of Andes. He believes this may help with the future development of the Town.

Ms. Raggi, spoke over her concern of the condition of Skyline Drive, off of Crescent Hill Road. She would like to see the road upgraded and felt it would cost less to maintain if this could happen.

Highway Superintendent Bouton responded that he does have plans to oil and stone the remainder of Crescent Hill, however it will have to be built back up before this can take place. This will take some time.

Supervisor Gladstone stated that in 2017 he requested the highway superintendent to give him an estimate of how much it would cost to oil and stone the remaining roads. Just that would cost roughly \$3 million in 2017. This estimate did not include the cost to bring the roads to the necessary condition to do this work.

Mr. Goecks asked if the Town had considered bonding the money to complete the roads or seeking out grant money.

Roberta Howell and Joyce Haut

RE: Ad hoc Historic Preservation Group Update

Ms. Howell came to the board with a request for an update on the historical homes with absentee homeowners that have been of concern. The Historic Preservation Group is worried that the LLCs that own the homes are driving the fate of the community.

The Planning Board Chairman Frank Winkler stated that they have developed a draft proposal.

Mary Davis asked for the status on the Building Inspectors violations on the buildings in question. Artie did inspect and violations have been issued but no specific update was available.

John Schulman

RE: FoodWorks Tax Exempt Status

Mr. Schulman spoke regarding his concerns over the business now occupying the Andel Inn building, known as FoodWorks which is now operating a café. He stated that they are not paying taxes because of their tax exempt status. He and other business owners feel that competition is always a good thing but it should be at a level playing field.

Supervisor Gladstone stated that the business has gone back to the Andes Planning Board for a special use permit for the new café. The planning board public hearing for this will be on October 15th, at 7:30PM. The tax concerns are and will continue to be addressed by the board. The taxes on this building are currently being paid as they did not obtain the property until after the date to file the exemption.

Reports:

Supervisor's Report

July 12th- I received an email from DEPs Charlie Laing regarding a concern of Highway Superintendent Bouton's regarding side of the road maintenance on DEP lands. DEP's only concern is if there is any work changing water flow or major work concerning water.

July 16th- Concerns have been raised over people not seeing the stop sign coming off County Route 2/Cabin Hill. Should we paint "Stop" in the road or any better ways?

July 19th- I spoke with Peg Ellsworth regarding our grant application. It has been submitted and we hope to learn more by December.

July 25th- Concerns over speeding on Delaware Ave. I called Sheriff DuMond for patrolling. He has also notified NYS Police. Patrols have taken place and tickets have been issued for speeding.

July 26th- There has been a memorial set up for donations to Ballantine Park in honor of Larry Breakstone, a good friend of Ballantine Park and Andes Residents.

July 30th- Attended a meeting with John Moffet and Tom Suzao regarding the new well. Old well will not work after numerous testing trials. The sulfur issue cannot be resolved.

Councilman Moshier and I also met with Kristin Janke Schneider of Delaware County Planning to discuss with local business owners and the IDA about their special use permit and the 501(c) 3 status at Food Works.

August 23rd- A RFP for new well to be drilled at the school went out to three companies for quotes.

August 26th- The Andes Rhythm and Food Festival was a huge success. Thanks to Mary Davis and Joe Damone. We would like to see more use of Ballantine Park this way.

State Route 28 between Lake Delaware and the Hamlet has been resurfaced. I will now ask when Route 28 towards Margaretville will be done.

September 10th- I met with Pam West Finkle, of the Andes Library regarding their building project. Concerns have come up regarding the flood elevation. The condition of the new part of the building being raised up and out of the flood plain and making it ADA compliant. I will be attending the Library Board Meeting on September 20th to discuss the project. Structure issues are a concern.

I will also be attending the School board meeting to discuss updates on moving forward with the well project.

Artie and I attended the Planning Board meeting for a discussion on having more clarity in special use permits so he has a better understanding of what the Planning Board has allowed businesses to do.

- *Received a letter from M. Van Valkenburgh of Delhi, concerning the new DPW facility.
- *Received a letter from Jim Basile, Assessor from the Town of Franklin
- *Copied in a letter from the Town of Hamden to Paul Lenz of NYC DEP.
- *Received a letter from Jane Miller of the Perch Lake Association
- *Received letters of Prior Written Notice of Defects from Norberto Rosmanintto of Weaver Hollow Road, Bruce Soules of Weaver Hollow Road, and Michael McAdams of Engel Road.

~Bud Gladstone
Andes Supervisor

Town Clerk's Report

*The Town has received a request by the Zoning Board of Appeals to change some language in the Town Zoning Laws. The Law making the change is being presented to the Board today. The Local Law along with a SEQR form must be completed and sent to the Delaware County Planning Board for review. Kristin Janke Schneider--- "You may want to let the Town Board know that both zoning ordinances are in need of substantial revision, so they will be going through the motions all over again if they pass an amendment just for the public notice requirement. In the meantime, I think that the ZBA is fully within their rights to continue to require notification of adjacent landowners since they've had it as a policy for so long – it's just

that this one got sticky when the zoning language (or lack thereof) was brought to light in the middle of a meeting.”

*The September Primary will be held in both Districts on September 13th, 2018 Noon-9PM for the Democrat and Reform Parties. The Town is continually seeking individuals to be election inspectors. Please reach out if you would be interested.

*On July 19th, 2018 Supervisor Gladstone met with the CWC to renew the Grader BAN. The remaining balance is \$71,235.79. The renewal for the Loader BAN will be in October.

*Hunting Licenses are now on sale. DMP sales are available until October 1st, 2018.

Respectfully,
Kimberly A. Tosi, Town Clerk

Building Inspector/Code Enforcement Officer Report

- *7 Building Permits
 - *7 c/o searches
 - *14 Inspections
 - *1 Violation
 - *1 c/o issued
 - *1 c/c issued
 - *3 follow up violations
- Artie Short, Building Inspector/CEO

Highway Report

(attached)

*A new box is needed for one of the trucks. John had two quotes, the lowest for \$24,277.10. This will be needed relatively soon. John will seek another quote. He looked for used boxes but all were in very rough shape. Board asked what funds he will be using for the purchase. He was not certain. This will be evaluated at the budget workshop when the third quote is received.

Pool Report

- We were open from June 17th - September 3rd
- Over 90 children were enrolled in swim lessons this season
- We participated in the Andes Community Day Parade with a float and took second place.

~Rachel Andrews, Pool Director

Committees:

Highway-

*CDL Policy

Needs to be decided if the board agrees with the Union's changes. No employees have gone to the training yet because the agreement has not been decided upon.

***Beech Hill Culvert Project**

Please be Advised Road Closure for Town of Andes:

Beech Hill Road Pipe Replacement will begin September 13th, 2018 until September 21st, 2018. Beginning September 13th, will be one lane road until September 21st. September 19th, 2018 Beech Hill Road will be closed 7:30AM until 6PM that evening if all goes well. On September 20th the road will be closed 9AM until 3PM. The site is located at 4247 Beech Hill Road approximately 2 miles from intersection of Beech Hill Road and NYS Route 30 and approximately 3 miles from Lew Beach side.

~John Bouton, Andes Highway Superintendent

***52 Delaware Ave Sidewalk issues.**

There are several sidewalk issues that need to be addressed. Will contact Delaware Bulldozing regarding getting a quote for all.

Transfer Station-

*Committee Update?

*C&D: 2nd Q 2017 \$4,623.18 and 2nd Q 2018 \$3,493.05

Pool-

LFA- Questions about the Fuel Tank Anchoring Project? Individuals who sent in applications are wondering the status. No update available. Will reach out to the Flood Commission to see what the status is.

Other-

*Assessor's Office. There are important changes to exemptions for property owners age 65 & over taking place. Please contact the Assessor's Office for more information on how this may affect you.

We received a letter from NYS Dept of Taxation & Finance confirming the Town's equalization rate of 100% again this year.

Motions:

Motion to hold a budget workshop on Tuesday, September 18th, 2018 at 7:00PM at the Andes Town Hall, made by Councilman Gabriel, Seconded by Councilman Hall. All in favor, Councilman Moshier and Councilman Cole-Absent and Excused.

Motion to authorize Supervisor Gladstone to sign the 2018 DCO contract with Heart of the Catskills Humane Society, made by Councilman Hall, Seconded by Councilman Gabriel. All in favor, Councilman Moshier and Councilman Cole-Absent and Excused.

Motion to authorize Highway Superintendent Bouton to advertise for the Winter 2018 bids, to be received by October 4th, 2018 at 12PM. The bids will be opened on October 5th, 2018 at 10AM and will be awarded at the October Regular Board Meeting on October 9th, 2018 at 7:00PM, made by Councilman Gabriel, Seconded by Councilman Hall. All in favor, Councilman Moshier and Councilman Cole-Absent and Excused.

Motion to authorize Supervisor Gladstone to complete the SEQR for the proposed local law, titled "A Local Law to Amend the Provisions of the Town Zoning Law Article 5 'Site Plan Review and Special Use Permits' to Require Notice to Adjacent Landowners of a Special Use Permit Hearing", and send the completed form along with the Local Law to Delaware County Planning Department for their comment, made by Councilman Hall, Seconded by Councilman Gabriel. All in favor, Councilman Moshier and Councilman Cole-Absent and Excused.

Motion to approve the July 2018 Supervisor, Justice, and Town Clerk Financial Reports, made by Councilman Hall, Seconded by Councilman Gabriel. All in favor, Councilman Moshier and Councilman Cole-Absent and Excused.

Motion to approve the August 2018 Justice and Town Clerk Financial Reports, made by Councilman Gabriel, Seconded by Councilman Hall. All in favor, Councilman Moshier and Councilman Cole-Absent and Excused.

Resolutions:

Resolution 29 of 2018 Friends of Ballantine Park Bank Account

Be it resolved, that the Town Board of the Town of Andes hereby authorizes Supervisor Wayland 'Bud' Gladstone and Town Clerk Kimberly Tosi to be the signors on the Friends of Ballantine Park Bank Account. Town Clerk Kimberly Tosi will be replacing Marty Donnelly.

Proposed by: Councilman Gabriel
Seconded by: Councilman Hall

Roll Call:
Councilman Moshier-----Absent & Excused
Councilman Hall-----Aye
Councilman Cole-----Absent & Excused
Councilman Gabriel-----Aye
Supervisor Gladstone-----Aye

Resolution 30 of 2018 A local law regarding permitted film and video productions in the Town and Hamlet of Andes

In the Matter of Adoption of Local Law entitled "A local law regarding permitted film and video productions in the Town and Hamlet of Andes"

WHEREAS, the Town Board has reviewed and considered the proposed local law; and

WHEREAS, the Local Law was presented to the Town Board at least 10 days prior to the Town Board meeting on September 11th, 2018; and

WHEREAS, the public hearing on the proposed local law was held on September 11th, 2018 at 6:45PM at the Town Hall; and

WHEREAS, the public hearing was properly noticed in the Town's official newspaper; and

WHEREAS, the Town Board reviewed and considered all public comments received on the proposed Local Law; and

WHEREAS, the proposed Local Law was on file for inspection at the Town Clerk's office prior to the hearing and during the public review process;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE TOWN BOARD OF ANDES, DELAWARE COUNTY, NEW YORK:

THAT THE Town Board of the Town of Andes hereby determines that the proposed Local Law, attached hereto and made a part hereof, is hereby adopted as a Local Law entitled "A local law regarding permitted film and video productions in the Town and Hamlet of Andes"

IT IS FURTHER RESOLVED, that the Town Clerk and Attorney for the Town are hereby directed to take such actions as are necessary to implement this resolution and effect adoption of the Local Law

Proposed by: Supervisor Gladstone
Seconded by: Councilman Hall

Roll Call:
Councilman Moshier-----Absent & Excused
Councilman Hall-----Aye
Councilman Cole-----Absent & Excused
Councilman Gabriel-----Aye
Supervisor Gladstone-----Aye

Resolution 31 of 2018 ZBA Chairman

Be it resolved, that the Town Board of the Town of Andes, hereby appoints Robert Abbate to serve as Chairman of the Zoning Board of Appeals with a term of September 11th, 2018 to December 31st, 2020

Proposed by: Councilman Gabriel
Seconded by: Councilman Hall

Roll Call:
Councilman Moshier-----Absent & Excused
Councilman Hall-----Aye
Councilman Cole-----Absent & Excused
Councilman Gabriel-----Aye
Supervisor Gladstone-----Aye

Resolution 22 of 2018 Town of Andes Class A CDL Policy Amendment

WHEREAS, the previously adopted policy has been reviewed by the CSEA union representative; and

WHEREAS, said representative is in agreement with the policy as long as the Town Board adds to the policy, that if an employee is terminated they will not have to pay back the cost of said training.

NOW THEREFORE, be it resolved that the Andes Town Board agrees to these terms and will add this amendment to the Class A CDL Policy upon passage of this resolution.

Proposed by: Councilman Hall
Seconded by: Councilman Gabriel

Roll Call:
Councilman Moshier-----Absent & Excused
Councilman Hall-----Aye
Councilman Cole-----Absent & Excused
Councilman Gabriel-----Aye
Supervisor Gladstone-----Aye

Approval of Bills:

Motion to approve July General Warrants # 199-258 totaling \$14,585.27
Highway Warrants #171-193 totaling \$43,993.37
WWTP Warrants #85-94 totaling \$5,908.48
Water Warrants #55-60 totaling \$20,362.71, made by Councilman Hall,
Seconded by Councilman Gabriel. All in favor, Councilman Moshier and Councilman Cole-
Absent and Excused.

Motion to approve August General Warrants #259-307 totaling \$16,834.93
Highway Warrants #194-245 totaling \$74,187.90
WWTP Warrants #95-109 totaling \$29,228.89
Water Warrants #61-71 totaling \$3,836.77
Shavertown Warrants #3 totaling \$450.00, made by Councilman Gabriel,
Seconded by Councilman Hall. All in favor, Councilman Moshier and Councilman Cole-Absent
and Excused.

Motion to approve September General Warrants #308-331 totaling \$18,247.60
Highway Warrants #246-270 totaling \$31,401.29
WWTP Warrants #110-122 totaling \$47,968.77
Water Warrants #72-79 totaling \$6,041.02, made by Councilman Hall,
Seconded by Councilman Gabriel. All in favor, Councilman Moshier and Councilman Cole-
Absent and Excused.

Districts:

*Call System for situations like boil water advisory. Spoke with representative from Nixle. I was referred to the company by the Town of Hancock. She quoted a price of \$3500 annual fee. I spoke with the School regarding their phone call system. It runs through a program that they utilize for their website, etc it would not be viable for the Town to utilize it. It is designed for schools. All other Town's in the County that I received a response back from, do not use a call system. They only advertise by way of the radio and their Town's website.

Melvin Harrington, Andes Emergency Management Coordinator reached out and said that in cases like this we can utilize the Reverse 911 system through Delaware County at no fee. This would cover the landline numbers in the district and then the Town could generate a list of emails and other contact information.

*Water bills were mailed on August 14th, 2018. They are due on October 31st. Any unpaid Water and Sewer bills will be sent to Delaware County to be added to the property taxes on November 16th.

Public Comment/Questions:

*Ann Roberti thanked Supervisor Gladstone for his vote regarding the Delaware County DPW facility.

*Eric Van Benschoten asked if the Town has an emergency board that would work on the Town's Emergency Management Plan. The board will look at the plan and see if it needs to be updated. This may be something that could be worked on with Delaware County Emergency Services.

Adjourn:

Motion to adjourn made by Councilman Hall, Seconded by Councilman Gabriel. All in favor, Councilman Moshier and Councilman Cole Absent & Excused. 9:02PM.

Council Member:

A recent poll of Town Council Members in Delaware County revealed that a number of them are not aware of the situations roiling up concerning the construction of a new County DPW facility. Although last year the estimate for the facility was \$23 million and this year the price has risen to \$27 million, it was determined by the Board of Supervisors that this multi-million dollar outlay did not need to be overseen by the Capital Improvement Committee as the County Mental Health Facility in Walton has been.

The preferred location chosen by the BOS Public Works Committee involved taking property by Eminent Domain to build a bridge from State Route 10 to access the facility. The current solution involves another situation of taking property by Eminent Domain. Eminent Domain means there is no other alternative. It involves litigation. That costs money.

DPW Commissioner Wayne Reynolds has said at Public Meetings that the County DPW has saved \$15 million over the years toward the facility. A request was made of the County FOIL Officer as to the location of these funds and was told that this is 'intra and inter office information and does not have to be released to the public.' Commissioner Reynolds has also said that some of this money must be kept in reserve, but the rest of the funds for the project will be funded by grants and bonds. Ultimately, that money comes from the residents of Delaware County.

The proposed facility covers 80,000 square feet, the size of the entire shopping plaza in Delhi from Ace Hardware to the Price Chopper. This facility is to house vehicles and machinery.

The County is shrinking both in population and the available, useable property as NY City usurps more land: fewer tax payers and less taxable land.

There are other alternatives which would include a smaller facility and using available land adjacent to the current facility.

It is distressing that not all 19 Supervisors believe a \$27 million structure, plus litigation, engineering studies, and other expenses warrants sharing this information with Council Members and the public at their Town Meetings. A project of this magnitude deserves discussion. Please discuss it at your Town Meetings.

M. Van Valkenburgh, Delhi, NY

There is a Public Hearing, August 6 at 6pm at the Public Safety Building in Delhi.

OPINION

LETTERS TO THE EDITOR

Will They Ever Listen?

It's been a year since the Dog and Pony Show which was touted as a Public Hearing where 200 residents attend the Delaware Academy on July 12, 2017. It was in fact a Public Listening where a few people presented a 2 hour dissertation on their concept of "what should be" for the growth of the County. In fact most communities in the county are diminishing in size. The entire Delaware County is shrinking by several hundred residents a year. That's reduction in the tax base.

The presentation emphasized the importance of heated and cooled garages to house millions of dollars of trucks and heavy equipment. Many residents don't or can't house their own vehicles, cars, tractors, etc. If vehicles should be heated and snow removed, what about school buses?

The residents did not get any answers to their questions for over six months and there was no way to question the answers. They aren't allowed to speak at County Board meetings without prior endorsement of their position by the Chair of the Committee of their topic and concurrence by the Board Chair.

At one time the idea of having a trusted Supervisor speaking on their behalf had merit while farmers and their families worked their farms or hunted or fished for food.

Today there are bright, active, retired seniors who don't want to be bullied. They have common sense and prior life experiences that want to share, to be heard, listened to, and learned from. They don't believe the rhetoric they are being fed. They don't want to "be convinced"

their pockets are bottomless because they know that they pay the salaries and for the bond and grant for projects.

When will they be given a truly Public Hearing, a venue where the public will speak and their representatives will LISTEN?

MARIE VANVALKENBURGH
DELHI

Build the Thing

I find it very peculiar that all of a sudden the county has become extremely cost conscious as concerns the proposed purchase of the Bishop property for the new D.P.W. complex. In times past, as with the land purchase for the new jail, I remember no angst over the property cost. Perhaps if one of Delhi's favorite sons is setting the price of the property it soothes the board members to the point where not a peep is heard about eminent domain, or price slashing.

The Bishop property is ideally located and has a state-of-the-art truck garage on the property. It would almost seem that these monkey wrenches are being tossed into the Bishop deal because some of the board are still licking their chops over the Rte. 18 location. One might say "But the Rt. 18 location requires a \$4 million bridge, where does this lead to fiscal sanity? This Rt. 18 site, which is highly unpopular with taxpayers must include a few "perks" which aren't obvious to the average Joe. I would think it prudent to pay the Bishops an honest and fair price and build the thing and then put this melodrama to rest.

JOEL C. CANFIELD
TREADWELL

ASSESSOR'S OFFICE

Town of Franklin
12480 County Highway 21
Franklin, NY 13775

Real Property Tax Service
111 Main St
Delhi, NY 13753

August 13, 2018

Good morning Mike:

Just a brief follow-up with some clarification on your July 25 letterⁱ to the Town Supervisors.

The files I provided on July 2 were tab-delimited files. Though these files could be viewed with Notepad (or MS Excel, Word, a Web browser, etc.), as indicated in the RPSV4 on-line 'Help' under 'Batch File Maintenance', this is the only type of file acceptable for batch file maintenance. The Help documentation appears to differentiate between RPS380 and Batch File Maintenance. If my reference to RPS380 confused you back on July 2, I apologize for that.

In any event, from your August 2 email it looks like you recognized the files I delivered as being correctly formatted batch files. I am hoping you have updated the Town Supervisors that the files I furnished on 7/2/2018 were, in fact, in a useable format.

Lastly I address the issue you raise of a 'current' file. The Assessor is required to file the final assessment roll with the Clerk of the county legislative body on or before July 1ⁱⁱ. Once that roll is filed, the County retains custody of the original final assessment roll and the Assessor has no authorityⁱⁱⁱ to make changes thereto. At that point the Assessor begins compiling the assessment roll for the following year, which the Assessor would then file with the Clerk of the county legislative body on or before the next July 1.

It may be beneficial to reflect on how these rolls were filed when RPT Law §516 was written. Paper assessment rolls were hand-written by the Assessor. The 'Book' was then personally delivered to the Clerk of the county legislative body. At that point the County retained possession of the book, and later added to the book by applying tax rates and extending the tax due for each parcel. Changes after filing the current book were compiled by the Assessor in a new book, which would be filed once annually as the next final assessment roll.

Just as the County would not receive changes being compiled in between assessment roll book filings in the hand-written era, so too, today, the Assessor does not provide the interim products which are now being compiled in the computer era. Where 17 towns in Delaware County contract with you for the service of printing their tentative assessment roll on or before May 1, the 'new information' must be on your database prior to that date, to allow you time for processing, printing, etc. Since Franklin and Hancock publish the tentative and final assessment rolls themselves, there is no pressing need to have the underlying data available to the county before July 1, annually. The county can only levy taxes on the current final assessment roll. The county cannot extend taxes on an unfiled roll, nor on a tentative assessment roll.

I agree with you concerning having up-to-date owner names and addresses. Real Property Tax Law §518 specifically requires changes made to an already filed assessment roll for owner name and addresses, only. As you acknowledged in your July 25 letter, I have been – and will continue – providing you with these changes throughout the year.

As I have previously offered, please contact me at your earliest convenience if I can answer any questions and/or assist you in any way to complete the batch maintenance routine to update your file. As we have offered in the past, if it is your choice, we can provide you with the db/log files which ORPTS has had no problem merging.

Sincerely,



Jim Basile, IAO
Assessor

CC: Supervisors

ⁱ The exclusion of the 9th school district – Walton – is assumed to be a simple oversight

ⁱⁱ NYS Real Property Tax Law §516

ⁱⁱⁱ 12 Op. Counsel SBRPS No. 1

Town of Hamden



WAYNE E. MARSHFIELD
TOWN SUPERVISOR

6754 Basin Clove Road * Hamden, New York 13782
Phone (607) 746-6660 * Fax (607) 746-2405

Mr. Paul Lenz, Deputy Chief of Natural Resources Division
NYCDEP Bureau of Water Supply
71 Smith Avenue
Kingston, NY 12401

Dear Paul Lenz:

Thank you for your letter dated 7/23/2018 regarding land acquisition of parcel #3751. Having said what you did about bullet number one shows me nothing more than a blatant disregard for the economic survival of the towns that the City partners with.

The City is destroying the towns especially when purchasing a subdivision which has no water quality benefits. If I were to offer to purchase one lot from that same seller of that subdivision, do you think for a minute they would say sorry, you have to buy all nine parcels? Certainly not, why, because he or she knows that only the City of New York has the financial backing to purchase all nine. This same property owner (seller) to my knowledge has "never" solicited these properties for sale to the public. This is a crime and totally unfair to our communities and unfair to the supposed partnership you have with our communities.

On top of that I will let the legal community deal with whether it is a violation of the Memorandum of Agreement. The Town of Hamden says it is a violation, as our economic viability is at stake here -- the purchase of one our very few certified subdivision in order to prevent future home construction and jeopardize our future as a community violates the objectives of the Memorandum of Agreement and is unacceptable. Please accept our strong opposition in purchasing these properties; your explanation that this is a "compelling" purchase means that purchasing dry lots with road and utility access in order to prevent affordable home construction in a community with a population density of per mile, a per capita income 30% below the state average and that is losing population (in particular its youth) is insulting to our community and the MOA.

Sincerely yours,

A handwritten signature in cursive script that reads "Wayne E. Marshfield".

Wayne E. Marshfield, Town of Hamden Supervisor

cc: Tina Mole', Chairperson, Delaware County Board of Supervisors
Molly Oliver, Commissioner, Delaware County Watershed Affairs
Alan Rosa, Executive Director, Catskill Watershed Corporation
Coalition of Watershed Towns - Delaware County Supervisors
Senator John J. Bonacic
Senator James Seward
Senator Frederick J. Akshar II
Assemblyman Clifford W. Crouch
Assemblyman Brian Miller
Assemblyman Christopher Tague
Thomas Snow, NYSDEC
Vincent Sapienza, Commissioner, NYCDEP
Town of Hamden Town Board
Kevin M. Young, Esq., Young/Sommer LLC
Governor Andrew Cuomo

30 July 2018

Bud Gladstone, Supervisor
Town of Andes
115 Delaware Avenue
Andes, NY 13731

Dear Mr. Gladstone,

The Perch Lake Road street sign is missing from the Route 30 end of the road. We know that it has been reported missing by a few residents from the lake. Thus far it has not been replaced.

Our community at the lake consists of 35 households and a children's camp. There are also several properties along Perch Lake Road leading up to the lake. We feel that for safety reasons this sign must be reinstalled right away. Emergency vehicles need this sign in order to find the way to properties that have called for them. Please take care of this as soon as possible, summer is the time when most residents are at the lake.

We appreciate your efforts to correct this situation. Thank you.

Sincerely,



Jane Miller, Secretary
Perch Lake Association
145 Perch Lake Lane
Andes, NY 13731

541 Cemetery Road (mail)
Margaretville, NY 12455
845-676-4659

PRIOR NOTICE LAW 65A

Date: August 26, 2018

NORBERTO ROMANINO
4857 WEAVER HOLLOW RD
MARGARETVILLE NY
12455

Town Of Andes
County Of Delaware
State Of New York
115 Delaware ave.
Andes New York,
13731

Attention:

Andes Supervisor
Andes Town Board
Andes Highway Superintendent

On WEAVER HOLLOW Rd. in the town of Andes, County of Delaware State Of New York where the Town of Middle Town and andes town line commences at approximately 6/10 Mile and 6/10 Tenths up a **HAZARD CONDITION EXIST.** Under prior notice law 65-a you are hereby officialy notified.

Tree Limb is hanging over the road Right side of the road
by Fire no 1361 same location LEFT side of the road Tree hanging
over the road.

Norbert Romanino

August 26, 2018
DATE

PRIOR NOTICE LAW 65A

Date: July 26, 2018

Bruce Soules
4050 Weaver Hollow RD
Margaretville New York
12455

Town Of Andes
County Of Delaware
State Of New York
115 Delaware ave.
Andes New York,
13731

Attention:

Andes Supervisor
Andes Town Board
Andes Highway Superintendent

On Weaver Hollow RD in the town of Andes, County of Delaware State Of New York where the middletown and andes town line commences at approximately 3 Mile and 2 Tenths up a **HAZARD CONDITION EXIST.** Under prior notice law 65@ you are hereby officialy notified. At the intersection of the Shangri La Circle there has been 2 people killed 6 accidents, and who has the right of way.


BRUCE SOULES


DATE

PRIOR NOTICE LAW 65A

Date: July 26, 2018

Bruce Soules
4050 Weaver Hollow RD
Margaretville New York
12455

Town Of Andes
County Of Delaware
State Of New York
115 Delaware ave.
Andes New York,
13731

Attention:

Andes Supervisor
Andes Town Board
Andes Highway Superintendent

On Weaver Hollow RD in the town of Andes, County of Delaware State Of New York where the middletown and andes town line commences at approximately 3 Mile and 2 Tenths up a **HAZARD CONDITION EXIST.** Under prior notice law 65@ you are hereby officially notified. At fire number 4355 road washed out do to driveway pipe plugged can't get in driveway.


BRUCE SOULES


DATE

PRIOR NOTICE LAW 65A

Date: July 26, 2018


Bruce Soules
4050 Weaver Hollow RD
Margaretville New York
12455

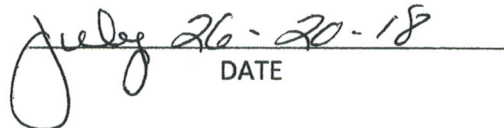
Town Of Andes
County Of Delaware
State Of New York
115 Delaware ave.
Andes New York,
13731

Attention:

Andes Supervisor
Andes Town Board
Andes Highway Superintendent

On Weaver Hollow RD in the town of Andes, County of Delaware State Of New York where the middletown and andes town line commences at approximately 3 Mile and 2 Tenths up a **HAZARD CONDITION EXIST.** Under prior notice law 65@ you are hereby officially notified. At fire number 4265 road is washed out can not enter drive way.


BRUCE SOULES


DATE

PRIOR NOTICE LAW 65A

Date: July 26, 2018

Bruce Soules
4050 Weaver Hollow RD
Margaretville New York
12455

Town Of Andes
County Of Delaware
State Of New York
115 Delaware ave.
Andes New York,
13731

Attention:

Andes Supervisor
Andes Town Board
Andes Highway Superintendent

On Weaver Hollow RD in the town of Andes, County of Delaware State Of New York where the middletown and andes town line commences at approximately 3 Mile and 2 Tenths up a **HAZARD CONDITION EXIST.** Under prior notice law 65@ you are hereby officialy notified. A 3 ft tube that crosses the town road at fire number 3742 has us head wall at lower end and a large hole at the other end of the tub. It is very hazardous.


BRUCE SOULES


DATE

PRIOR NOTICE LAW 65A

Date: July 26, 2018

Bruce Soules
4050 Weaver Hollow RD
Margaretville New York
12455

Town Of Andes
County Of Delaware
State Of New York
115 Delaware ave.
Andes New York,
13731

Attention:

Andes Supervisor
Andes Town Board
Andes Highway Superintendent

On Weaver Hollow RD in the town of Andes, County of Delaware State Of New York where the middletown and andes town line commences at approximately 3 Mile and 2 Tenths up a **HAZARD CONDITION EXIST.** Under prior notice law 65@ you are hereby officialy notified. At fire number 4265 road is washed out can not enter drive way.


BRUCE SOULES


DATE

Michael McAdams
Sandra McAdams
35 Engel Rd, PO Box 263
Andes, NY 13731

Town of Andes
County of Delaware
115 Delaware Ave
Andes, NY 13731

RE: Hazardous conditions

Town of Andes Supervisor
Town of Andes Town Board
Town of Andes Highway Superintendent:

We have enclosed two notices to the Town of Andes in regards to Old Gladstone Hollow Road. This road condition is very poor. The road has been washed out on the lower end for at least 2 weeks. It is getting worse with each rain storm.

The tube, for which the Highway Superintendent mentioned in the minutes in June, 2018, is becoming progressively worse. It is sinking all the way across the road. It is not safe to drive over and our vehicles are being damaged due to the poor conditions.

This road is a dead end road, and it is the only way for the people on Engel and Old Gladstone Hollow Roads to travel. If this is not fixed, there will be no way for people to get to or from their homes. I know that right now the heating fuel trucks will not travel this road and if there is a fire, I doubt that the fire trucks will be able to get to the homes.





8/4/18

Sept highway report

We got millings from rt 28 shoulders, the men put them down on Calhoon hill and some up on Perch lake rd we have some more going on at a later date

The culvert for beech hill is going in on Sept 19th road will be closed on the 19th and 730 to 330 on 20th

Old Gladstone Hollow culvert will be going in weather permitting week of the 17th of Sept was hoping to get this done on the 12 th but not looking good

mowing of roads were completed and a 2nd pass and cut back is beginning

monday the 10th we had a maintenance day all equipment was pulled in and gone through

The week of the 24th sept oil and stone should be taking place from fire hall town line lower main st to the light and Depot st to the town line county rt 2 also beech hill will be getting oil and stone





**Cives Corporation, dba
Viking Cives (USA)**
14331 Mill Street
Harrisville, NY 13648
Phone: (315) 543-2321
Fax: (315) 543-2366
www.vikingcives.com

QUOTATION

Quote ID: 80529-A

Page 1 of 1

Viking Contract Pricing

Customer: TOWN OF ANDES HIGHWAY DEPARTMENT
Contact:
Address: P.O. BOX 246
ANDES NY 13731

Phone: 845-676-4781
Fax:
Attn: JOHN BOULTON

Quote Number: 80529-A
Quote Date: 8/27/2018
Quote valid until: 9/27/2018
For: 10' SD BODY-LOOSE
*Stock Body-VC Maine
Terms: Net 30 days
Salesperson: DAVE MCBURNIE
FOB: Destination

QUANTITY	DESCRIPTION		
	Viking Side Dump includes:, 86" Inside Width, 98" Outside, Standard 3/16" Corten Steel Construction, 1/4" Hardox 450 Tipper Floor, 25:1 Wormgear Gearbox, Double Acting Tailgate, Solid Curb Sidewall, Ladder Front Left Bar Flights Every 2nd Link, SS Tipper Hinge & Pin, Remote Grease, Cab Shield, Single Acting Telescopic Hoist		
1	ON10001 - PL1011SD (6.6/8.85 cap.) 30" Side Height with 39" Tailgate Height		
1	ON10004 - Side Tilt Indicator		
1	ON10007 - Asphalt Apron		
1	S79180X - Delivery from VCU - Maine on return trip		

This Equipment to be shipped loose; Un-installed
CA to be determined by Customer
Does not contain lighting, tarp system, or accessories not listed above.
Body, hoist and mounting kit only
Stock Body - No screens, or coal doors in tailgate
*VCU: May need to order 01312084 Tipper Indicator, and Corten Rear Apron to complete order

Delivery to Customer

Quote Total:	\$34,353.00
30.00% Discount:	(\$10,305.90)
Total Cost For Equipment:	\$24,047.10
Charges	230
Total Due	\$24,277.10

Customer must fill out the information below before the order can be processed...

Accepted by:	
Date:	
P.O. number:	

The price and terms on this quotation are not subject to verbal changes or other agreements unless approved in writing by the Home Office of the Seller. All quotations and agreements are contingent upon strikes, accidents, fires, availability of material and all other causes beyond our control. Prices are based on costs and conditions existing on date of quotation and are subject to change by the Seller before final acceptance.

- ◆ Typographical and stenographic errors subject to corrections. Purchaser agrees to accept either overage or shortage not in excess of ten percent to be charged pro-rata. Purchaser assumes liability for patent and copyright infringement when goods are made to Purchaser's specifications. When quotation specifies material to be furnished by the purchaser, ample allowance must be made for reasonable spoilage and material must be of suitable quality to facilitate efficient production.
- ◆ Conditions not specifically stated herein shall be governed by the established trade customs. Terms inconsistent with those stated herein which may appear on Purchaser's formal order will not be binding on the Seller.
- ◆ Unless otherwise stated, Installation charges do not include modifications to exhaust systems, cab protectors or bumpers.

1/4"

Tenco Industries INC.

5700 S. Lima Rd
P.O. Box 635
Lakeville, NY 14480
Phone: 585-346-3040
Fax: 585-346-2982

August 29, 2018

T/O Andes

RE: Quote to piggyhack off of Oneida Co Contract

Tenco Inc. is pleased to offer the following equipment for your consideration.

(1)Tenco All Season dump body model TC-101-B-SS Stainless steel includes:, Cab shield
SS 24", Air tailgate, SS-12" apron, grease line extensions. shovel holder, 1 center coal
door and 3 hole cut out of the rear corner posts

Your price for the above equipment for you is \$39,993.00

OPTION#1 Steel body in lieu of SS Delete \$8,729.00 (\$31,264.00)

OPTION#2 Roll rite tarp system shipped loose

Please note, you will have to pick up here at Tenco

If you have any further questions please feel free to contact me at 1-800-808-3626.

All prices and freight terms are F.O.B. Origin

Thank you,
Shane Chapman

I _____, a representative of Town, Village, City or County wish to accept the above
listed quotation.

Signature

SOUSSION / QUOTATION

Date 3/14/2018



Tenco inc.
1318 Prncipale
St-Valérien de Milton, QC J0H 2B0
CANADA

Notre Numéro de Soumission 20276229
Our Quotation Number

Tél. : 450 549-2411
Fax : 450 549-2410

Expire le 4/13/2018
Expires on

Vendu à / Sold to :

Contact

Tél.:

Télec.

Votre contact / Your contact

Vendeur / Vendor

Quantité Quantity	No. Produit Product No	Description
1	529230039	12M BODY TCB-10-T-CL-C-CL-LF
1	529300845	24" CAB SHIELD WITH HOLES
1	529300002	TCB-9, 10 INSTALLATION SET
1	649280084	TCB-9, 10 TELESC. CYL. SA
1	529300968	SS LOW SIDE REAR POST, 3 HOLES
-1	529300907	STD LOW SIDE REAR POST
1	529300772	CENTER COAL DOOR
1	529300344	TCB-10 CENTRALIZED GREASE SET 3PTS
1	529300001	AIR TAILGATE SWITCH
3	TENCO OPTIONS	

Transport non inclus / Taxes non incluses
Freight not included / Taxes not included

Total 27424.50\$

*Please note A tarp shipped loose is \$1,966.⁰⁰
Freight is not included*

*Thanks
[Signature]*

SUBMISSION / QUOTATION

Date 3/14/2018



Tenco Inc.
 1318 Principale
 St-Valérien de Milton, QC J0H 2B0
 CANADA

Acte Numéro de Soumission 22280856
 Our Quotation Number

Tél. : 450 549-2411
 Fax : 450 549-2410

Expire le 4/13/2018
 Expires on

Vendu à / Sold to :

Contact
 Tél.: Téléc.

Votre contact / Your contact
 Vendeur / Vendor

Quantity / Quantité	No. Product / Product No	Description
1	529230091	12M BODY TCB-10-T-NL-C-NL-LF
1	529300846	24" SS CAB SHIELD WITH HOLES
1	529300002	TCB-9, 10 INSTALLATION SET
1	649280084	TCB-9, 10 TELESC. CYL. SA
1	529300968	SS LOW SIDE REAR POST, 3 HOLES
-1	529300981	STD SS LOW SIDE REAR POST
1	529300858	CENTER SS COAL DOOR
1	529300344	TCB-10 CENTRALIZED GREASE SET 3PTS
1	529300001	AIR TAILGATE SWITCH
3	TENCO OPTIONS	

Transport not included / Taxes not included
 Freight not included / Taxes not included

Total 36153.20\$

Hey Bob! I stopped out August 14, 2018 to look at the sidewalk ramp you sent me pictures of. It was lightly raining but not a down pour. As you can see from the pictures, there is a small area on the right as you walk across the cross walk towards your house where the sidewalk has subsided approximately $\frac{1}{2}$ " to $\frac{3}{4}$ " causing some ponding.

As per Highway Law Section 140 Subsection 18 the Town is responsible for the maintenance of sidewalks along State Highways.

Please contact the Town of Andes with any sidewalk issues. Thanks!!!

From Scott Norwalk, NYS DOT

To Bob Armstrong





Senior citizens exemption recipients must apply for Enhanced STAR separately

In the past, older adults who qualified for the *Partial Tax Exemption for Real Property of Senior Citizens* (also known as the senior citizens or aged exemption) were automatically granted the Enhanced STAR exemption.

Due to changes in New York State law, beginning with applications for 2019, you must apply separately for the senior citizens exemption and the Enhanced STAR exemption.

To apply for or renew the Enhanced STAR exemption, follow the instructions outlined in this pamphlet.

To apply for or renew the senior citizens exemption, file the applicable form below with your assessor:

- **first-time applicants** must file Form RP-467, *Application for Partial Tax Exemption for Real Property of Senior Citizens*
- **renewal applicants** must file Form RP-467-RNW, *Renewal Application for Partial Tax Exemption for Real Property of Senior Citizens*

Deadlines

The deadline for applications is March 1 in most communities, but the date varies in some locations. Contact your assessor for the deadline in your area.

Need forms?

You can download the forms for the Enhanced STAR and senior citizens exemptions from the Tax Department's website at www.tax.ny.gov, or you can obtain forms from your assessor.

Need assistance?

- Contact your local assessor. To find contact information for your assessor, visit our Municipal Profiles website at www.orpts.tax.ny.gov/MuniPro.
- Call the New York State Tax Department at 518-457-2036.
- Visit the Tax Department's website at www.tax.ny.gov.

2019 Changes to Exemptions for Property Owners Age 65 and Over



OFFICE OF REAL PROPERTY TAX SERVICES
WA HARRIMAN CAMPUS
ALBANY NY 12227-0801
PHONE: 518-457-2036



www.tax.ny.gov



To receive the Enhanced STAR exemption, you must enroll in the Income Verification Program (IVP)

You only need to enroll in the IVP once. If eligible for the Enhanced STAR exemption, you'll automatically receive the exemption each year thereafter.

Once enrolled, benefits include:

- the comfort of knowing you can't miss the renewal deadline, and
- greater privacy, since you'll no longer need to share your income tax returns with your assessor's office.

In the first year, your assessor will verify your eligibility based on the income information you provide.

In the following years, the New York State Tax Department will verify your income eligibility. You will not need to renew the exemption or provide copies of your tax returns to your local assessor. The Tax Department will contact you if any additional information is needed.

If you already receive the Enhanced STAR exemption:

Already enrolled in the Income Verification Program?

If so, you don't need to take any action to continue receiving the Enhanced STAR exemption. The Tax Department will contact you if any additional information is needed.

If you are also receiving the senior citizens exemption, you will still need to annually file Form RP-467-Rnw, *Renewal Application for Partial Tax Exemption for Real Property of Senior Citizens*, with your assessor.

Not yet enrolled in the Income Verification Program?

You must renew your application for the Enhanced STAR exemption and enroll in the IVP.

Submit the following forms to your assessor:

- Form RP-425-Rnw, *Renewal Application for Enhanced STAR Exemption for the 2019-2020 School Year*; and
- Form RP-425-IVP, *Supplement to Forms RP-425-E and RP-425-Rnw*. Be sure to include the Social Security numbers of all property owners and any owner's spouse who resides at the property.

You must also provide proof of income as described on your forms.

If you are also receiving the senior citizens exemption, you will still need to annually renew that benefit with your assessor.

To renew your application for the senior citizens exemption, file Form RP-467-Rnw, *Renewal Application for Partial Tax Exemption for Real Property of Senior Citizens*, with your assessor.

Are you receiving the Basic STAR exemption and eligible for Enhanced STAR this year?

You must apply for the Enhanced STAR exemption and enroll in the IVP.

Submit the following forms to your assessor:

- Form RP-425-E, *Application for Enhanced STAR Exemption for the 2019-2020 School Year*, and
- Form RP-425-IVP, *Supplement to Forms RP-425-E and RP-425-Rnw*. Be sure to include the Social Security numbers of all property owners and any owner's spouse who resides at the property.

You must also provide proof of income as described on your forms.

If you're eligible for the senior citizens exemption, file Form RP-467, *Application for Partial Tax Exemption for Real Property of Senior Citizens* separately with your assessor

Never received a STAR exemption before?

If you're a new homeowner or first-time STAR applicant, you need to register for the STAR credit with the Tax Department, instead of applying for the exemption. For more information about the STAR credit, visit www.tax.ny.gov/STAR.

Instructions for Nassau County residents

Complete Form RP-425-IVP, *Supplement to Forms RP-425-E and RP-425-Rnw*, along with the Nassau County *Enhanced STAR Property Tax Exemption Application* (available for download from the county's website at www.nassaucountyny.gov).

Submit both forms to the address in the instructions on the county's application. For assistance, contact the Nassau County Department of Assessment at 516-571-1500.



Certificate of the Final State Equalization Rate
for the 2018 Assessment RollMr. Wayland Gladstone , Supervisor
Town of Andes
P.O. Box 125
Andes, NY 13731County of Delaware
Town of Andes
Municipal Code: 122000
Final State Equalization Rate: * 100.00 *

I, Brian F. Moon, hereby certify that on July 26, 2018 the State Office of Real Property Tax Services established a final State equalization rate of 100.00 for the above named municipality.

Brian F. Moon
Real Property Analyst 2

Note: Since your municipality did not file a complaint with respect to the tentative rate, the final equalization rate is the same as the tentative rate. Notice of the final rate will be filed with the clerk of the county legislative body and in the office of the State Comptroller.

Ms. Tina Moshier , Assessor - Sole Elected
Town of Andes
P.O. Box 356
Andes, NY 13731

2018 Equalization Rate Status

Municipal Code	Municipal Name	(A) 2017 State Equalization Rate	(B) 2018 State Equalization Rate and Status	(C) Percentage Change in Estimate of Full Value
122000	Town of Andes	100.00	100.00 Final	0.00%
122200	Town of Bovina	23.50	23.00 Final	2.17%
122400	Town of Colchester	3.04	2.97 Final	2.36%
122600	Town of Davenport	75.25	75.25 Final	0.00%
122800	Town of Delhi	60.00	61.00 Final	-1.64%
123000	Town of Deposit	4.05	4.16 Final	-2.64%
123200	Town of Franklin	99.00	90.50 Final	9.39%
123400	Town of Hamden	18.00	18.00 Final	0.00%
123600	Town of Hancock	12.49	11.71 Tentative	6.66%
123601	Village of Hancock	75.67	77.10 Final	-2.79%
123800	Town of Harpersfield	28.50	28.50 Final	0.00%
123801	Village of Stamford	36.88	37.18 Final	-1.00%
124200	Town of Masonville	100.00	100.00 Final	0.00%
124600	Town of Middletown	101.00	102.00 Final	-0.98%
124800	Town of Roxbury	100.00	100.00 Final	0.00%
125000	Town of Sidney	85.50	85.50 Final	0.00%
125200	Town of Stamford	26.40	26.00 Final	1.54%
125400	Town of Tompkins	3.93	4.03 Final	-2.48%
125600	Town of Walton	100.00	100.00 Final	-0.39%
129902	Delaware County C.A.P. #2	100.00	100.00 Final	0.00%
	Town of Kortright			
	Town of Meredith			

Column C is the percentage change in the estimate of full value between the 2017 State equalization rate and the 2018 State equalization rate due to the change in full value standard.

This percentage change is important because county and school taxes are apportioned according to a municipality's share of the full value of the county or the school. A municipality will be apportioned a larger share of the tax levy if its full value increases by a larger percentage than others, or if its full value decreases less than the decrease for other municipalities in the county or school.

The information shown in columns B and C is subject to change as the other tentative rates are established in the county and as rates are finalized after the completion of rate complaint processing. You will be sent a complete report when we have established 2018 State equalization rates for all municipalities in your county.



PO Box 88, 46610 State Hwy 10, Delhi, NY 13753
Phone: 607-746-3080 Fax: 607-746-7896
E-mail: info@heartofthecatskills.org

AGREEMENT

This agreement, made this 30th day of JUNE 2018 between the Town of Andes (the "Town"), in Delaware County, NY, (town) (county)

and THE HUMANE SOCIETY OF CENTRAL DELAWARE COUNTY, INC. (d/b/a HEART OF THE CATSKILLS HUMANE SOCIETY) ("HCHS"), in Delhi, NY;

WHEREAS, the Town occasionally has stray or lost dogs and cats that are picked up by its employees;

NOW, THEREFORE, in consideration of the premises and the consideration hereinafter recited, the parties agree as follows:

1. The Town assumes all responsibility for the handling and turning over of any dog or cat to HCHS and agrees to hold harmless and defend HCHS from any and all claims in connection with the picking up and turning over of said animals, and euthanizing of any such animal turned over to HCHS by the Town.
2. In the case where the Town has a holding facility for the handling of stray dogs and cats, the Town will hold such animals for five days before turning over such animals to HCHS on the sixth day.
3. The Town agrees to pay HCHS a fee of forty dollars (\$40.00) for each dog and five dollars (\$5.00) for each cat turned over to HCHS by the Town, its agents or employees.
4. If the Town is not a township in Delaware County, the Town shall also pay an annual contract fee of \$250.00 to HCHS, due upon signing of this agreement.
5. For court ordered holds, or for any animal brought to HCHS in connection with allegations of animal cruelty, the Town will be charged a boarding fee of \$10 per day for each animal (either cat or dog) for the period of time of the hold or, in the case of an animal cruelty case, the period of time before the prosecuting authority notifies HCHS in writing that it does not require the animal to be held in connection with its prosecution, payable by the Town upon receipt of billing from HCHS.
6. HCHS assumes all responsibility for collecting fees from any person who redeems any animal that has been turned over to HCHS by the Town. HCHS assumes all responsibility for collecting impoundment fees from any person who redeems an animal that has been turned over to HCHS by the Town. HCHS will keep all impoundment fees as part of HCHS's \$40.00 fee (as set forth in

paragraph 3 above) and will bill the remainder of that fee to the Town, which fee shall be payable upon receipt of billing from HCHS.

7. The Town shall deliver the animals to HCHS by the Dog Control Officer of the Town, or a duly designated agent or employee of the Town. The Dog Control Officer shall keep a record of all such animals left with HCHS.

8. The Town understands that fees of HCHS are subject to change. HCHS will notify the Town thirty (30) days before any change is to take effect.

9. HCHS agrees to bill the Town for stray animals brought to the shelter by the Dog Control Officer.

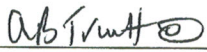
10. HCHS agrees to accept, upon payment of the fees mentioned above, any animal brought to it by the Town and to take good care of each such animal as is HCHS's usual practice.

11. Following the expiration of the redemption period as outlined in Article 7 of the New York State Agriculture and Markets Law ("Article 7"), Section 117 (4)&(6), ownership of seized dogs will be transferred to HCHS pursuant to Article 7, Section 117 (7) for the purpose of placing them in adoptive homes, transferring them to the State University of New York, foster care or another approved shelter, or for any other lawful purpose as provided in Article 7, Section 117 (7-a).

12. This agreement may be cancelled upon review of same by the governing body of either party. Each party agrees to give other party thirty (30) days' written notice of cancellation.

The Humane Society of Central Delaware County, Inc.

The Town

By: 
Name: Brent Truitt
Title: Treasurer

By: 
Name:
Title:

Name of Current Dog Control Officer: _____
Telephone Number of DCO: _____

A local law regarding permitted film and video productions in the Town and Hamlet of Andes

Section 1. Legislative Intent; purposes.

A. The Town Board finds that film and video production activities are being undertaken more frequently at locations in communities in Delaware County, including the Town of Andes.

B. The Town Board wishes to encourage and facilitate film and video production activities at locations in the Town because of the economic value such activities can bring to the Town, but also recognizes that provision must be made for the safety of the public and the welfare and convenience of Town residents.

C. To do so, the Town Board finds that it is necessary to establish a permit requirement for film and video activities in the Town to avoid the potential adverse impact of such activities, if unregulated, on the Town and its residents.

D. The Town Board finds that it will be in the public interest to adopt guidelines that provide maximum flexibility for those undertaking film and video activities in the Town, while maintaining appropriate consistency in the manner in which the Town reviews and acts on applications for filming.

Section 2. Permit Required

A. General. A permit issued pursuant to this chapter is required prior to any person, organization, corporation, group or other entity engaging in the activity of filming or photographing a commercial, movie, documentary, television program, catalog, or magazine layout, or any other presentation upon the streets, sidewalks, or any other property owned by the Town of Andes, or any other property located within the Town's boundaries.

B. Exemption. A permit pursuant to this chapter shall not be required if five or fewer individuals constitute the entire cast and crew engaged in one of these activities described in subsection a above.

Section 3. Application for a permit

A. Application form. An applicant may obtain an application form from the Town Clerk. The information requested on the application form shall include, without limitation, the following:

- 1.) The name and address of the applicant.
- 2.) The proposed location(s) of the filming or still photography
- 3.) The date(s) and time(s) the permit is intended to cover.
- 4.) The number in the cast and crew.
- 5.) The number of vehicles

6.) The person in charge on site.

B. Submission to Town Clerk. The following materials shall be submitted by the applicant to the Town Clerk at least seven days before the proposed date to start the filming or still photography:

- 1.) A completed application form.
- 2.) A \$350.00 nonrefundable application fee
- 3.) A certificate of insurance and indemnification agreement.

C. Review by Town Attorney. The Town Clerk shall forward the certificate of insurance and the indemnification agreement to the Town Attorney for approval. The Town Attorney shall send such approved or disapproved documents back to the Town Clerk.

D. Permit fee. The Town Clerk shall calculate the permit fee required to be paid by an approved applicant as follows:

- 1.) Film Fee. \$100.00 per day shall be paid for each day covered by the permit.
- 2.) Cleanup Deposit. A separate certified check in the amount of \$500.00 for each day covered by the permit shall be paid

E. Issuance of permit. The Town Clerk shall countersign an approved application. The Town Clerk shall collect the permit fee calculated pursuant to subsection D from the applicant. Payment of the permit fee shall be in the form specified. Upon payment of the permit fee, the Town Clerk shall issue the permit to the applicant. The permit shall set forth the name of the applicant and the location(s), date(s) and time(s) of the filming or still photography.

Section 4. Filming on private property

A. No regulated filming activities shall be filmed, videotapes, or recorded in any media format, or otherwise made, on any private property in the Town of Andes without first obtaining a permit from the Town Board. Exempt filming activities are exempt from the provisions of this local law.

B. The Town Board may issue guidelines for permits to ensure that the public health, safety and welfare will be protected, and that regulated activities will not adversely affect the safety or welfare of residents and property in the Town. Guidelines shall include, but are not limited to, provisions for regulating the use of private and public property for parking, noise, lighting, limitations on the hours and days of operation, and limitations on the frequency of activities at individual locations. Guidelines for permits, and amendments thereto, may be adopted by resolution of the Town Board.

Section 5. Filming on Public Property

A. No filming activity, as defined by this local law, shall be conducted on any public property in the Town of Andes, including by not limited to streets, sidewalks, parks and buildings, without first obtaining a permit from the Town. A permit shall also be required for the running of cable, the placing or storing of equipment of any kind, the parking of vehicles or any other film-related activities on any public property, or any other use of public property for filming activities.

Section 6. Traffic Control

Traffic control will be the responsibility of the applicant. Applicant must contact the Delaware County Sheriff's Office, New York State Police, or Andes Fire Department with assistance. A fee or donation may be required to any Department who so chooses to provide assistance.

The Andes Highway Superintendent must be contacted prior to any filming taking place in the streets or roads of the Town of Andes.

Section 7. Cleanup deposit

A. Each applicant whose application has been approved shall give the Town Clerk a certified check in the amount of \$500.00 for each day covered by the permit, which check shall be held and not deposited by the Town during the duration of the permit period.

B. At the termination of the permit period, the Town Building Inspector or Town Highway Superintendent, as appropriate, shall inspect the locations listed on the permit and determine if the locations require cleanup efforts by town personnel.

C. If cleanup is required, the Town Building Inspector or Town Highway Superintendent, as appropriate, will coordinate that effort. They will provide the Town Clerk with a statement setting forth the actual cost to the town of providing said cleanup services. If the actual cost is less than the deposit collected pursuant to Subsection A, the town shall remit the balance to the applicant. If the actual cost is more that the deposit collected pursuant to Subsection A, the applicant shall be responsible for providing the balance to the town within 30 days of the termination of the filming.

D. If no cleanup is required, The Town Building Inspector or Town Highway Superintendent shall notify the Town Clerk of that fact, and the Town Clerk shall promptly remit the certified check to the applicant.

Section 8. Payment of Fees

Any fee collected under this local law shall be paid either in cash or by check made payable to the Town of Andes and shall be delivered to the Town Clerk.

Section 9. Notice

The Town Clerk shall give notice to the Building Inspector/Code Enforcement Officer and Highway Superintendent of each permit issued.

Section 10. No alterations to town property.

A permit holder shall be responsible for any damage to town property or facilities that may result from the permit holder's activities. No alterations are to be made at filming sites, including, without limitation, cutting trees, digging holes, and trimming bushes, without the express authorization of the Town Board.

Section 11. Compliance with other laws.

Issuance of a permit pursuant to this local law does not relieve the permit holder of its duty to comply with all other town local laws, ordinances, and regulations during the duration of the filming or photography.

Section 12. Insurance requirements

Every application for a permit pursuant to this local law shall include a certificate of insurance that evidences a public liability insurance policy covering the Town as an additional insured in the minimum amount of the \$1,000,000.00 per occurrence for the duration of the filming. The applicant shall also submit an indemnification agreement that states that the applicant agrees to assume all liability for and will indemnify and hold the town harmless of and free from any and all damages that occur to persons or property by reason on said filming.

Section 13. Permit available at film site.

The permit holder shall be required to have the permit available for inspection by the Town of Andes or its designees at the site of the filming for the duration of the permit period.

Section 14. Extension of permit period

An applicant which has been granted a permit may submit to the Town Clerk a request to extend the duration of the permit. The Town Supervisor will make the decision whether or not to grant such request. If permission is granted, the Town Clerk shall collect from the applicant an additional \$--- for each additional day added to the permit period. The Town Clerk shall then modify the applicant's permit to indicate the granted extension period.

Section 15. Penalties for offenses

A. Any action by any person, organization, corporation, group, or other entity which violates or does not comply with any provision of this local law shall be punishable by a fine of not less than \$100 and not more than \$1000, and, in addition, anyone convicted hereunder of not complying with the requirements of Section 7 may be subject to a fine of not less than the amount of the actual costs incurred and owed to the town, and not more than an amount equal to twice said actual costs.

B. Each continuing day of violation of this chapter shall constitute a separate offense.

C. In addition to the above provided penalties, the town may also maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with, or to restrain by injunction the violation of, this local law.

Section 16. Severability

The provisions of this local law are severable. If any provision of this local law or its application to any person or circumstance is held invalid, said invalidity shall not affect any other provision or application of this local law which can be given effect without the invalid provision or application of the local law.

Section 17. When effective

This local law shall take effect immediately upon filing with the Secretary of State as provided by law.

Training Cost Acknowledgement

for Class "A" CDL Training Candidate

The Town of Andes has determined that:

- It is prudent for the Town of Andes to have employees who have Class A Commercial Driver's Licenses; and
- The Town recognizes the need to help current and future employees obtain this type of license; and
- The Town will agree to pay for the training for a Class A CDL license for employees who voluntarily wish to participate in such a program.
- The funding for the training will come from the Highway Budget and will be paid by way of voucher.
- The Town of Andes will refund applicants the difference in the price of a Class "B" CDL and a Class "A" CDL license at the time of renewal.
- The failure of the applicant to finish the course and/or pass the road test and obtain the Class "A" CDL license will require the applicant to refund the Town of Andes the entire cost of training, and the Town may deduct up to 10% of the total reimbursement from that employee's paycheck each pay period until the reimbursement has been repaid, unless other arrangements are made with the Town.
- If the applicant fails the training course or road test, no retraining or retesting fees will be paid until full reimbursement is made to the Town for the first failed attempt.
- If the Applicant terminates employment with the Town of Andes Highway Department within two (2) years of the date of completion of training, the applicant will be required, upon resignation, to repay the cost of training immediately to the Town of Andes. If the Town terminates employment with the Applicant prior to the expiration of two (2) years from the date of completion of training, the Applicant will not be responsible for reimbursing the cost of the training.

I understand and acknowledge that I am expected to successfully complete and graduate from Class "A" Commercial Driver's License Training and pass the required road test. I further understand that by signing this agreement, I am agreeing to and will be bound by all of the terms and conditions set forth above.

Signature

Name

Date

CEDARWOOD ENVIRONMENTAL SERVICES

8-12 Dietz Street, Suite 303, Oneonta NY 13820 • Phone 607-441-3246 • FAX 607-441-3251

**TOWN OF ANDES, NY
TOWN BOARD MEETING
REPORT BY CEDARWOOD ENVIRONMENTAL SERVICES
August 8, 2018**

1. Water System

Daily usage of treated water from the water system averaged 27,100 gallons per day for the month of July 2018.

2. Plant Purchases

Change second stage filters on July 3, 2018 and on July 27, 2018 at a cost of \$912.00.

3. O&M

4. Equipment

5. Distribution System

6. Library Well

Ran well on July 31, 2018.

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**TOWN OF ANDES, NY
TOWN BOARD MEETING
REPORT BY CEDARWOOD ENVIRONMENTAL SERVICES
August 8, 2018**

1. WWTP Plant

Plant effluent flow averaged 43,000 gallons per day for the month of July 2018.

2. SPDES Compliance/NYSDEC, NYCDEP

The plant discharges treated effluent to the Tremper Kill Brook. The WWTP was in compliance for July 2018.

3. Collection System.

Inflow and Infiltration issues.

4. Plant Purchases.

5. Plant O&M

All running well

6. Plant Equipment.

Purchased chemical feed pump at a cost of \$439.04.

7. Gladstone Hollow Septic System

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**TOWN OF ANDES, NY
TOWN BOARD MEETING
REPORT BY CEDARWOOD ENVIRONMENTAL SERVICES
September 10, 2018**

1. Water System

Daily usage of treated water from the water system averaged 27,100 gallons per day for the month of August 2018.

2. Plant Purchases

Change second stage filters on August 10, 2018 at a cost of \$456.18.

3. O&M

4. Equipment

5. Distribution System

6. Library Well

Ran well on August 21, 2018.

CEDARWOOD ENVIRONMENTAL SERVICES

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**TOWN OF ANDES, NY
TOWN BOARD MEETING
REPORT BY CEDARWOOD ENVIRONMENTAL SERVICES
September 10, 2018**

1. WWTP Plant

Plant effluent flow averaged 61,000 gallons per day for the month of August 2018.

2. SPDES Compliance/NYSDEC, NYCDEP

The plant discharges treated effluent to the Tremper Kill Brook. The WWTP was in compliance for August 2018.

3. Collection System.

Inflow and Infiltration issues.

4. Plant Purchases.

5. Plant O&M

All running well

6. Plant Equipment.

7. Gladstone Hollow Septic System