

**Town of Andes  
Regular Meeting  
October 9<sup>th</sup>, 2018 7:00PM  
Andes Town Hall**

**Present:**

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

**Others:**

Tom Coddington- The Reporter	Bruce Soules
Justin Soules	Dustin Soules
Norberto Rosmaninho	Buffy Calvert- The Gazette
Michael McAdams	Eddie Donoghue- Catskill Mountain News
Sharon Drew	William Duke

**Call to Order:**

The meeting was called to order by Supervisor Gladstone at 7:00PM

**Pledge:**

The pledge of allegiance was led and recited by Councilman Cole.

**Approval of Minutes:**

Motion to approve the September 2018 Minutes, September Budget Workshop Minutes, and the October Budget Workshop Minutes, made by Councilman

**Privilege of the Floor:**

Michael McAdams

RE: Gladstone Hollow Road tree cutting

Mr. McAdams questioned the cutting of trees on Gladstone Hollow Road. He asked if the Town had a permit to do the work. He also stated that the trees and brush should be cleared up. If it rains hard they will clog a nearby pipe. Supervisor Gladstone, stated that he would speak with the Highway Superintendent regarding these concerns.

Norberto Rosmanintto

RE: Weaver Hollow Road

Mr. Rosmanintto stated that the condition of the road is poor. He would like for the Town to pave it. Supervisor Gladstone stated that he would do a site visit with the Highway Superintendent.

Buffy Calvert

RE: Town Wide Emails

Ms. Calvert, thanked the Board and Town Clerk for the new email system.

**Reports:**

Building Inspector Report

- \*1 Demo Permit
- \*4 Building Permits
- \*1 Permit Renewal
- \*7 Inspections
- \*2 Violations
- \*6 C/O Searches
- \*1 C of C Letter

~Artie Short, Building Inspector

Pool Report

We were open from June 17th - September 3rd

- June Total: 341 patrons
- July Total: 2855 patrons
- August Total: 1543 patrons
- September Total: 325 patrons

GRAND TOTAL: 5064

Swimming Lessons Total: 98 children

Closing:

- Waiting on steps to close system
- Haven't closed down bathrooms yet so Travis can have water when he works on the floor
- All lawn chairs, guard chairs, and cleaning poles are put together at the corner of the concrete by the Brown Shed. They will get put away when Travis is finished with the Brown Shed.
- The ladders, diving board, and ramp still have to be taken out.
- All swimming lesson equipment has been moved to the girl's bathroom for the winter.

~Rachel Andrews, Pool Director

Supervisor's Report

\*\*September 20<sup>th</sup>- I attended the Library Board Meeting regarding the possibility of moving to Ballantine Manor and their current construction project.

-I attended the Andes Central School Board Meeting to give an update on the well drilling RFQ. They asked if possible if well drilling can take place on off hours from the school's schedule.

\*\*September 25<sup>th</sup>- I met with Marge Merzig regarding getting the RFQ out to the well drillers.

\*\*September 26<sup>th</sup>- I attended a walk-through of Ballantine Manor- to look at repairs needed and to see if it is possible to make the Manor work for the Library.

\*\*October 1<sup>st</sup>- I called Peg Ellsworth of the MARK Project to see if there's any money available for the Manor if the Library Board chose that route.



\*\*October 3<sup>rd</sup>- The Chamber at a meeting regarding the 200<sup>th</sup> Bi-Centennial-different groups there to discuss ideas to make next year's Community Days a success for the 200<sup>th</sup>. If anyone has any thoughts or ideas, please do not hesitate to reach out!

\*\*October 5<sup>th</sup>- I attended the Library Board Meeting, it was discussed after the walk-through, that it probably isn't financially feasible to move forward with the Manor's upfront cost of renovation, then annual operating costs/maintenance costs most likely too costly for the Library/Town. At this time the Library will be moving forward with the project to remain in the same building. It will be an ongoing discussion as there are many issues that are not certain yet regarding the addition and whether or not it can be lifted the required height.

-I also spoke with Senator Seward regarding the Manor project. Will discuss at a future date.

\*\*October 7<sup>th</sup>- I received a 'teaser' of a film being produced by a couple for the Anti Rent War. It would be a nice addition to the Bicentennial activities next summer.

\*\*Update on the Emergency Services Tower- pouring concrete today and the Tower is scheduled for erection next month. There is internet for cell services for this tower, according to Steve Hood, Delaware County Emergency Services Coordinator.

\*\*Per New York State Department of Transportation: NYS DOT will be trimming trees in the Hamlet of Andes on Delaware Avenue and Lower Main Street. They are scheduled to begin the end of this week or the week of October 15<sup>th</sup> depending on weather and other schedules. The trimming will be taking place for visibility of the signs along these roads. New signs are also being installed for the school zone and cross-walks.

\*Received a letter from Michael R. Bartfeld, Canada Hollow Homeowners Association

\*Received a letter from Senator Charles Schumer, Farm to School Grant Program

\*Received letters of Prior Written Notice of Defects from Nancy Medro for Cross Mountain Road, Justin Soules for Mary Smith Road, and Natalya Zak for Close Hollow/Liddle Road.

\*Received letter from Michael McAdams regarding misuse of highway equipment, fuel, man hours, and material. Supervisor Gladstone reached out to the Town Attorney. The Town will review the situation and respond to any inquiries by the State Comptroller's Office as they are received.

#### Town Clerk's Report

\*The town is developing a town wide email list to provide residents with information on upcoming Town of Andes meetings, alerts, and other information. If you would like to be added to the list, please email the Town Clerk's Office at [andestownclerk@gmail.com](mailto:andestownclerk@gmail.com) or visit our website <http://www.townofandes.com>. On our homepage there is a place to sign up. A sign up page is also available on the Town Clerk's Facebook page. Thank you to Ann Roberti for the suggestion. We currently have 60 subscribers.

#### **Committees:**

Pool- Councilman Gabriel will be reaching out to Travis Balcom regarding finishing up the construction work at the pool. The Fire Department also needs to be contacted pumping some of the water out before winter.

#### **Motions:**

Motion to change the time of the December, January, and February meetings to 6:00PM, made by Councilman Moshier, Seconded by Councilman Hall. All in favor, motion carried.

Motion to approve the September 2018 Supervisor's, Justices' and Town Clerk Financial Reports, made by Councilman Hall, Seconded by Councilman Gabriel. All in favor, motion carried.

Motion to hold Trick-or-Treating in the Town of Andes on October 31<sup>st</sup>, 2018, 5:00PM-8:30PM, made by Councilman Gabriel, Seconded by Councilman Hall. All in favor, motion carried.

Motion to hold the November Regular Meeting on Thursday, November 8<sup>th</sup>, 2018 at 7:00PM, made by Councilman Gabriel, Seconded by Councilman Hall. All in favor, motion carried.

Motion to hold the Public Hearing for the 2019 Budgets on November 8<sup>th</sup>, 2018 at 6:45PM, made by Councilman Moshier, Seconded by Councilman Hall. All in favor, motion carried.

Motion to authorize Supervisor Gladstone to sign the Xerox Corporation lease agreement for the Town Hall copy/fax machine, made by Councilman Moshier, Seconded by Councilman Cole. All in favor, motion carried.

Motion to authorize the bidding of snow removal at the Andes Railroad Station. Bids will be accepted until November 1<sup>st</sup>, 2018 at 11AM. They will be opened on November 1<sup>st</sup>, 2018 at 11:30AM. The bids will be accepted on November 8<sup>th</sup>, 2018 at 7:00PM at the Andes Town Board Regular November Board Meeting, made by Councilman Hall, Seconded by Councilman Gabriel. All in favor, motion carried.

Motion to authorize the seasonal transfer station employee to stay on until the end of October, made by Councilman Moshier, Seconded by Councilman Hall. All in favor, motion carried.

**Resolutions:**

Resolution 32 of 2018 Town of Andes Sexual Harassment Policy

WHEREAS, the Town of Andes is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace, and

WHEREAS, the Town of Andes policy, attached and made a part of these minutes, is one component of the Town of Andes' commitment to a discrimination-free work environment, and

WHEREAS, sexual harassment is against the law and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with the Town. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination law.

NOW THEREFORE, be it further resolved that the Town Board of the Town of Andes hereby adopts said policy. Required training will take place annually for all Town of Andes employees.



Proposed by: Councilman Hall  
Seconded by: Councilman Cole

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

Resolution 33 of 2018 Authorization for Justice Court Funding

Be it resolved that; Town of Andes Justices, Thomas Joyce and Nicholas Burton, are hereby authorized to submit an application for funding through the Justice Assistance Program for the 2018 cycle.

Be it further resolved that; said funding shall be used to enhance the Justice Court's ability to provide suitable and sufficient services to the Town of Andes.

Proposed by: Councilman Moshier  
Seconded by: Councilman Gabriel

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

Resolution 34 of 2018 Board of Assessment Review

Be it resolved, that Harvey Morse is hereby reappointed to the Board of Assessment Review.  
Term: October 1, 2018-September 30, 2023

Proposed by: Councilman Hall  
Seconded by: Councilman Cole

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

Resolution 35 of 2018 Andes Assessor-Deputy Tax Collector duties

WHEREAS, on occasion it is necessary for the Andes Assessor to contact Delaware County Real Property Services, on behalf of the Assessor's Office or Tax Collector's Office to obtain tax information or other information vital to the Town of Andes, and

WHEREAS, Delaware County RPS has in the past not allowed the Assessor to access this information because said Assessor is not the Tax Collector or Deputy Tax Collector.

NOW THEREFORE, BE IT RESOLVED, that the Andes Town Board authorizes the Andes Assessor to carry out the job duties of deputy tax collector, by way of adding these duties to the job description of Andes Assessor.

BE IT FURTHER RESOLVED, that Delaware County Personnel will be contacted to establish these changes.

Proposed by: Councilman Gabriel  
Seconded by: Councilman Cole

Roll Call:

Councilman Moshier----Abstain  
Councilman Hall-----Aye  
Councilman Cole-----Aye  
Councilman Gabriel----Aye  
Supervisor Gladstone --Aye

**Approval of Bills:**

Motion to approve General Warrants #332-364 totaling \$10,232.65  
    Highway Warrants #271-299 totaling \$155,688.86  
    WWTP Warrants #123-137 totaling \$31,952.36  
    Water Warrants #80-88 totaling \$11,148.00

\*Double bill was included in the Highway Warrants, remove #289 (Chemung Supply), new total \$149,952.46, made by Councilman Moshier, Seconded by Councilman Hall. All in favor, motion carried.

**Public Comment/Question:**

Councilman Cole brought up the Election Day Dinners for the Inspectors. He will be delivering the meals again this year. He also stated that this year is Gloria Bacon's 40<sup>th</sup> year as an election inspector. Thank you to Gloria for her service!

**Districts:**

**Water- N/A**  
    **Sewer- N/A**

**Adjourn:**

Motion to adjourn made by Councilman Hall. Seconded by Councilman Cole. All in favor, 7:36PM.



Michael R Bartfeld  
PO Box 968  
Margaretville, NY 12455  
September 19, 2018

Mr Bud Gladstone  
115 Delaware Avenue  
Andes, NY 13731

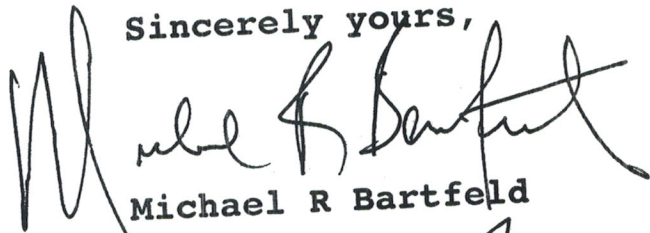
Dear Bud,

On Sunday, September 16th a tree was uprooted on Canada Hollow Road just outside of Canada Hollow Homeowners Association. I called the Town Highway Department and left a detailed message advising there was no ingress or egress for homeowners in the development. I left a message for John Bouton at home as well.

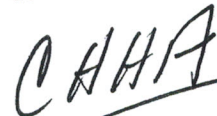
Within one hours time from my calls, on a beautiful, sunny Sunday morning, John came up himself to move and cut up the tree that was blocking the town road. I wish to thank John as well as The Town employee Dan, who completed the job on Monday in such a timely manner. I would like to mention Lew Kolar commends the town for their excellent response.

Please include my correspondence in the Town Of Andes Monthly Minutes. We do not take for granted the services that our Community provides to the Association.

Sincerely yours,

  
Michael R Bartfeld

32 Years of a great place to live!



# United States Senate

WASHINGTON, DC 20510

September 18, 2018

Wayland Gladstone  
Supervisor  
Town of Andes  
PO Box 125  
Andes, NY 13731

Dear Supervisor Gladstone:

Knowing of your commitment to the health and wellbeing of your students, I am pleased to inform you that the United States Department of Agriculture is currently accepting applications for funding under the *Farm to School Grant Program*.

The *Farm to School Grant Program* provides competitive grants to support school districts, state and local agencies, tribal nations, agricultural producers, and non-profit organizations in their efforts to increase local foods served through child nutrition programs. The program offers grants for training, supporting operations, planning, purchasing equipment, developing school gardens, developing partnerships and implementing the farm to school programs. The program teaches children about food and agriculture through garden and classroom education and develops schools' and farmers' capacities to participate in farm to school. The program's goal is to improve access to local foods for eligible schools. I encourage you to visit the program website at <https://www.fns.usda.gov/farmentoschool/fy18-farm-school-grant> for more information.

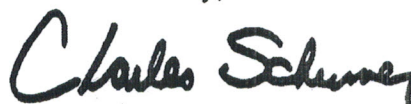
The application period for the *USDA Farm to School Grant Program* will close on **Thursday, December 8, 2018 at 11:59pm EST**. The application process is an online, paperless process; the entire transaction can be completed via the Internet on the Grants.gov website at [www.grants.gov](http://www.grants.gov). In order to submit your application via [www.grants.gov](http://www.grants.gov), you must have obtained a Data Universal Numbering System (DUNS) number and be registered in both the System for Award Management (SAM) at [www.sam.gov](http://www.sam.gov) and on [www.grants.gov](http://www.grants.gov).

If you have difficulty accessing the electronic application materials or have questions about the application process, you may contact the USDA Farm to School Team at [farmentoschool@fns.usda.gov](mailto:farmentoschool@fns.usda.gov).

As always, my staff and I stand ready to assist you with any aspect of the application process. Just call my Grants Director, Jeffrey Dickson, at 202-224-6542 with your questions and comments, or to request a letter of support.

Please do not hesitate to contact me regarding this or any other matter.

Sincerely,



Charles E. Schumer  
United States Senator



**PRIOR NOTICE LAW 65A**

NANCY MEDRO  
43361 STATE ROUTE 30  
Margaretville ny 12455

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

**Attention:**

Andes Highway Superintendent

Andes Supervisor  
Andes Town Board

On CROSS MOUNTAIN in the town of Andes, County of Delaware State Of New York where the middletown and andes town line commences at approximately \_\_\_\_\_ Mile and \_\_\_\_\_ Tenths up a **HAZARD CONDITION EXIST.** Under prior notice law 65@ you are hereby officialy notified.

1. APPROXIMATELY 2 TENTHS OF A MILE FROM TOWN OF MIDDLE TOWN LINE UP THERE IS A HAZARD PIPE EXPOSED
2. 8 TENTHS MILE HAZARD WASH OUT DO TO WATER COMING DOWN THE ROAD

Nancy Madero  
NANCY MADERO

9-25-18  
DATE

PRIOR NOTICE LAW 65A

JUSTIN SOULES  
4052 weaver hollow rd  
Margaretville ny 12455

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

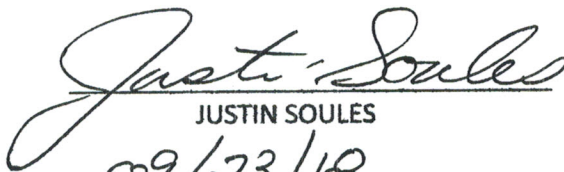
Attention:

Andes Highway Superintendent

Andes Supervisor  
Andes Town Board

On mary smithroad in the town of Andes, County of Delaware State Of New York where the middletown and andes town line commences at approximately \_\_\_\_\_ Mile and \_\_\_\_\_ Tenths up a **HAZARD CONDITION EXIST.** Under prior notice law 65@ you are hereby officialy notified.

FROM BEACH HILL 1.7 MILES UP MARYSMITH THERE A ROAD HAZARD OF LEDGE ROCK STICKING UP IN SEVERAL LOCATIONS THAT HAS CAUSED DAMAGE TO MY VEHICLE

  
JUSTIN SOULES  
09/23/18  
DATE



PRIOR NOTICE LAW 65A

Date: 09/23/18

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

Natalya Zak  
393 Liddle Road  
Andes, NY 12455

**Attention:**  
Andes Supervisor  
Andes Town Board  
Andes Highway Superintendent

Close Hollow/Liddle Road

On ~~Close Hollow~~ in the town of Andes, County of Delaware State Of New York where the middletown and andes town line commences at approximately \_\_\_\_\_ Mile and \_\_\_\_\_ Tenths up a **HAZARD CONDITION EXIST.** Under prior notice law 65@ you are hereby officialy notified.

- ① Approximately 2 1/2 tenth From state route 30 up close hollow  
Road HAZARD
- ② From intersection of close Hollow and Little road up Little Road  
1 tenth mile there is a wash out on the right side

Natalya Zak

09/23/18

DATE

GREETINGS TO THE TOWN OF ANDES


**TOWN SUPERVISOR  
ANDES TOWN BOARD  
ANDES SUPERINTENDENT JOHN BOUTON**

Greetings from form the concerned **Town Of Andes** voters and taxpayers and residents. It has come to our attention the **TOWN OF ANDES** taxpayers that the **TOWN OF ANDES HIGHWAY** run by John Bouton has MISUSED

1. **TAXPAYERS - HIGHWAY EQUIPMENT**
2. **TAXPAYERS - FUEL**
3. **TAXPAYERS - MAN HOURS**
4. **TAXPAYERS MATERIAL (CRUSHER RUN)**

On Old Gladstone hollow Road up to the intersection of engle road and Old Gladstone Hollow Road a Drive Way has been repaired with crusher run rolled and compacted by **Town Of Andes Highway Department** . We the undersigned residents of the **Town Of Andes** have been in touch with the comptrollers office in binghamton ny and have requested a investgation into the misused.

  
\_\_\_\_\_  
Michael McAdams

  
\_\_\_\_\_  
Date

BRUCE SOULES  
OFFICE 4050 WEVER HOLLOW RD  
MARGARETVILLE NEW YORK 12455

NEW YORK STATE COMPTROLLERS  
44 HAWLEY STREET 1702  
BINGHAMTION NEW YORK 139

DEAR SIR OR MADAM,

We are requesting that the comptrollers office to investigate misused of.

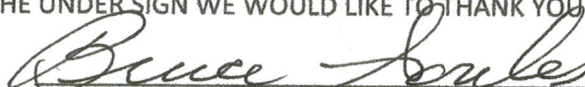
- (1) TAXPAYERS HIGHWAY EQUIPMENT
- (2) TAXPAYERS FUEL
- (3) TAXPAYERS CRUSHER RUN materials
- (4) EMPLOYEES TIME

As of 2016 our Town Of Andes population was 1234 people. We would like to see Our hard earned tax dollars being spent on our PUBLIC HIGHWAYS instead of private driveways . It has come to our attention that the ANDES HIGHWAY DEPARTMENT run by superintendent JOHN BOUTON has been working on a PRIVATE DRIVEWAY. One of which is located on OLD GLADSTONE HOLLOW ROAD in the Town Of Andes Delaware County New York. CRUSHER RUN MATERIAL was applied and COMPAKED BY THE TOWN OF ANDES.

I cant belive that JOHN BOUTON would say they cause any damage to the privet driveway therefore NO TOWN EQUIPMENT SHOULD BE THERE IN THE FIRST PLACE.

THE UNDER SIGN PEOPLE ARE REQUESTING THAT THE COMTROLLERS OFFICE CAN INVESTIGATE TO FIND OUT WHAT HAPPENED

ON THE BEHALF OF THE UNDER SIGN WE WOULD LIKE TO THANK YOU



BRUCE SOULES

Sept. 25, 2018

DATE



concerned taxpayers  
Concerned Taxpayers And Residents  
Residents And Taxpayers Of Town Of Andes Regarding The  
Work Done On A Privet Road By The Town Of Andes

Highway Department With Superintendent JOHN BOUTON

Signature

Address

<u>Justin Soules</u>	<u>4050 weaver Hollow RD Andes</u>
<u>Robert Rosmanides</u>	<u>4857 Weaver Hollow RD. Andes.</u>
<u>Stephane Selles</u>	<u>4052 Weaver Hollow Rd Andes NY</u>
<u>Jim Lepore</u>	<u>3703 Weaver Hollow Rd. Andes</u>
<u>Michael White</u>	<u>4927 weaver hollow RD Andes</u>
<u>Darryl Mangione</u>	<u>1807 CROSS MTN ROAD</u>
<u>Daph</u>	<u>2403 CROSS Mtn Rd Andes N.Y.</u>
<u>Joseph ANDEO</u>	<u>2955 Cross Mountain Road</u>
<u>Natalya Ish</u>	<u>393 Liddle Rd</u>
<u>Bruce Acule</u>	<u>4050 weaver Hollow R. Andes</u>
<u>Dustin Sees</u>	<u>4050 weaver Hollow Rd Andes</u>
<u>Robin Soules</u>	<u>7050 weaver Hollow Andes N</u>
<u>Nancy Madero</u>	<u>4050 weaver Hollow</u>



Kimberly Tosi &lt;andestownclerk@gmail.com&gt;

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## Highway fixing driveway

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**David S. Merzig** <merzig@kehoemerziglaw.com>  
Reply-To: "David S. Merzig" <merzig@kehoemerziglaw.com>  
To: Kimberly Tosi <andestownclerk@gmail.com>

Tue, Oct 9, 2018 at 11:23 AM

I expect that the actions of the highway department are totally appropriate, so long as there was a public benefit received. We can certainly address any concerns of the Comptroller's Office. I would suggest that you respond by confirming that you have received his complaint and that the Town will be inquiring about it and will certainly respond to the Comptroller's Office when we are contacted and also that it has been referred to me.

**David**

**David S. Merzig**  
**Kehoe & Merzig, PC**  
**8-12 Dietz Street Suite 202**  
**Oneonta, New York, 13820**  
**TEL (607)432-4242**

**[www.kehoemerziglaw.com](http://www.kehoemerziglaw.com)**

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