

Town of Andes
Regular Meeting
September 14th, 2021 7:00PM
Andes Town Hall and Via Zoom

Present:

Supervisor Wayland ‘Bud’ Gladstone
Councilman Ritchie Gabriel
Councilman Shayne Moshier
Highway Superintendent John Bouton

Councilman Thomas Hall
Councilman Dale Cole
Town Clerk Kimberly Tosi
Building Inspector/CEO Alfred Mohr

Others:

Cyndi Wright
Rachel Andrews
Joey Berghammer

Mark Pezzati
Mike Terry

Others via Zoom:

Leigh Infield-The Reporter
Robyn Ciccone
Peter Calvert-Andes Gazette
Ryann Holmes

Eric VanBenschoten
Irene DeSanto
Nick Carbone-Delaware County Planning
“Good Citizen”

Call to Order:

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

Pledge:

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

Minutes:

Motion to approve the July 2021 Regular Meeting Minutes, made by Councilman Moshier,
Seconded by Councilman Gabriel. All in favor, Motion carried.

Privilege of the Floor:

Kristina Zill- Transition Catskills

RE: Clean Energy Community Grants

Ms. Zill spoke with the Board in relation to the award of two \$5,000 grants that the Town has received to be used on a clean energy project. There is additional money available to the Town if they continue completing action items with NYSERDA. Further discussion took place regarding what action items may be achievable for the Town and what projects should be evaluated.

Ms. Zill will reach out to the individuals who give presentations on the NY Stretch Code to see if they can give a presentation at the Board’s October Meeting. CEO Mohr will research and get quotes on ground and air source heat pumps for the Town Hall.

Nick Carbone-Delaware County Planning Dept.

RE: Stream Acquisition Program

Mr. Carbone, the Watershed Affairs Coordinator of the Delaware County Planning Board spoke in regards to a new land acquisition program NYC DEP will be expanding into Delaware County. The letter explaining this program is including in these minutes. If the Town decided to opt in to this program 70% of all land in the Town (including lands in the Hamlet and Hamlet extensions) would be eligible to be purchased by NYC DEP.

Reports:

Pool Report

(attached)

*Robyn Ciccone suggested that the 20 MPH speed limit in the school zone should be expanded to non-school days and times due to the children and families in the area during the summer months as well. Supervisor Gladstone will reach out to NYS DOT to see if that would be a possibility.

Highway Report

(attached)

*Purchase of a new dump truck was discussed. John presented the Board with two quotes that he had received from two different companies. One projecting a delivery of July 2022 and the other September 2022. Discussion took place regarding using any fund balance for the 2021 budget year being earmarked for a purchase such as this.

Building Inspector Report

CEO Mohr provided the board with an oral report: 24 permits issued, 56 inspections completed, 9 c/o searches, and 1 fire inspection.

Supervisor's Report

Date Check Rec'd	Check Details	Amount
7/27/2021	NYS Comptroller-ARPA	\$60,930.54
8/4/2021	Kimberly Tosi-Town Clerk	\$3,836.50
8/4/2021	Kimberly Tosi-DECALS	\$4.98
8/4/2021	Margaret Moshier-Tax Collector	\$446.60
8/17/2021	Nicholas Burton-Justice	\$150.00
8/31/2021	NYS Comptroller-ARPA	\$248.77
9/1/2021	Kimberly Tosi-Town Clerk	\$3,887.00
9/1/2021	Kimberly Tosi-DECALS	\$34.35
9/2/2021	NYS Comptroller-4397 #366 PW101	\$29,767.66
9/7/2021	Thomas Joyce-Justice	\$1,190.00

*July 21st- Shayne and I met with Tyson Robb of Delaware County DPW regarding having signs made up for the transfer station.

*July 22nd- John Bouton and I met with Matt Sluiter to go over the Town's insurance renewal.

-I spoke with Nick Carbone regarding SAP which we will be discussing this evening.

-John Bouton asked to do the school parking lot

*August- I met with Senator Peter Oberacker in Bovina to discuss his ideas for an ambulance service within the County; a hybrid version which would be commercial/volunteer.

*September 4th- Met with the Streetscape Committee. The clock has been ordered and should be delivered soon. Cost overruns with the Main Street building renovations have brought about funding issues. The MARK Project will be working on trying to help us with this situation and getting the Town reimbursed.

*I spoke with Dale Tait regarding a shared services agreement with Andes Central School, Andes Fire Department and the Town Highway Department for new tower on top of Mt. Pisgah, as there are issues with the current system. I asked Dale to bring a proposal to the town for consideration.

*I reached out to Bill Drew to trim trees that are hanging low on sidewalks including cleanup for \$100.

*Delaware County Business: The Delaware County Behavioral Health Clinic has been completed; DPW has started the construction of their new facility; Emergency Services- Discussion on contracting with commercial ambulance service to supply a couple of ambulances in the County to help supplement the shortage of volunteers within local fire departments. This is not to replace volunteers but to give better coverage.

*I met with Robyn Ciccone and Debbie Marmaro regarding a reboot of the Chamber of Commerce.

Respectfully Submitted,
Bud Gladstone, Andes Supervisor

Old Business:

Cannabis Opt-out Local Law-The Town Board was presented with a proposed local law to opt out of allowing cannabis retail dispensaries and on-site consumption sites as authorized under Cannabis Law Article 4

Letters were received from the Delaware County Sheriff and Delaware County Chamber of Commerce.

Commercial Tent Camping Local Law-The Town Board was presented with the latest draft of the proposed local law to regulate commercial tent camping.

New Business:

Transfer Station-Discussion took place regarding the seasonal transfer station employee. The tire bin will be available at the transfer station the last two weeks of September. Please check with the attendants prior to bringing your tires in case of a delay in the delivery of the bin.

Library Parking Lot-Highway Superintendent Bouton will be meeting with the company who he works with to see if it would be possible to get their equipment into the parking lot. He will let the board know all developments.

Letter Received from Irene DeSanto- letter included in these minutes

Town Calendar:

September

Date	Item	Department
9/6	Town Hall Closed Labor Day	Building, Assessor, and Town Clerk
9/13	Planning Board Meeting 7:30PM	Planning
9/14	Town Board Meeting 7:00PM	Town Board
9/22	Budget Workshop 6:00PM	Town Board
9/23	Budget Workshop 6:00PM	Town Board
9/27	Zoning Board Meeting (if needed) 7:00PM	Zoning

October

Date	Item	Department
10/6	Winter Bid Due 12:00PM	Town Clerk
10/7	Winter Bid Opening 9:00AM	Town Clerk
10/11	Town Hall Closed Columbus Day	Building, Assessor, and Town Clerk
10/12	Public Hearing-Proposed Local Law to opt out of allowing cannabis retail dispensaries and on-site consumption sites as authorized under Cannabis Law Article 4 6:45PM	Town Board
10/12	Public Hearing-Proposed Local Law to regulate commercial tent campsites 6:45PM	Town Board
10/12	Town Board Meeting 7:00PM	Town Board
10/12	Winter Bid Awards 7:00PM	Town Board
10/25	Zoning Board Meeting (if needed) 7:00PM	Zoning
10/31	October Water Bills Due	District Clerk

November

Date	Item	Department
11/2	General Election 6:00AM-9:00PM	
11/4	Town Board Meeting 7:00PM	Town Board
11/8	Planning Board Meeting 7:30PM	Planning
11/11	Town Hall Closed Veteran's Day	Building, Assessor, and Town Clerk
11/22	Zoning Board Meeting (if needed) 7:00PM	Zoning
11/25	Town Hall Closed Thanksgiving	Building, Assessor, and Town Clerk
11/26	Town Hall Closed	Building, Assessor, and Town Clerk

Motions:

Motion to start a clean energy fund to continue to work towards further grant funding through NYSERDA Clean Communities Program, made by Councilman Cole, Seconded by Councilman Moshier. All in favor, Motion carried.

Motion to authorize Town Clerk Tosi to begin the required paperwork for a clean heating and cooling campaign action item for the NYSEERDA Clean Communities Program, made by Councilman Moshier, Seconded by Councilman Hall. All in favor, Motion carried.

Motion to keep the seasonal transfer station employee on through Columbus Day 2022, made by Councilman Moshier, Seconded by Councilman Hall. All in favor, Motion carried.

Motion to hold the 2022 Budget Workshops on September 22nd & 23rd, 2021 at 6:00PM, made by Councilman Moshier, Seconded by Councilman Gabriel. All in favor, Motion carried.

Motion to authorize Town Clerk Tosi to advertise for the Winter 2021 bids, to be received by Wednesday, October 6th, 2021 at 12PM. The bids will be opened on Thursday, October 7th, 2021 at 9AM and will be awarded at the October Regular Board Meeting on October 12th, 2021 at 7:00PM, made by Councilman Hall, Seconded by Councilman Gabriel. All in favor, Motion carried.

Motion to hold a public hearing for a Proposed Local Law to opt out of allowing cannabis retail dispensaries and on-site consumption sites as authorized under Cannabis Law Article 4, on Tuesday, October 12th, 2021 at 6:45PM at the Andes Town Hall and via Zoom, made by Councilman Moshier, Seconded by Councilman Hall. All in favor, Motion carried.

Motion to hold a public hearing for a Proposed Local Law to regulate commercial tent campsites, on Tuesday, October 12th, 2021 at 6:45PM at the Andes Town Hall and via Zoom, made by Councilman Gabriel, Seconded by Councilman Moshier. All in favor, Motion carried.

Motion to approve the July 2021 and August 2021 Town Clerk, Justice's and Supervisor's Financial Reports, made by Councilman Gabriel, Seconded by Councilman Hall. All in favor, Motion carried.

Motion to appoint Laurie Andrews the Town of Andes Emergency Management Coordinator, made by Councilman Gabriel, Seconded by Councilman Cole. All in favor, Motion carried.

Resolutions:

Resolution 20 of 2021 Authorization for Justice Court Funding

Be it resolved, that the Town Board of the Town of Andes authorizes the Andes Town Court to apply for a JCAP grant in the 2021-2022 grant cycle up to \$1,400.00;

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 Hall
Seconded by: Councilman Gabriel

Roll Call:
Councilman Moshier----Aye

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

Resolution 21 of 2021 Surplus Equipment

WHEREAS, the Town of Andes has highway department equipment and vehicles that are no longer of functional value or use to the Town and may have resale value,

NOW THEREFORE BE IT RESOLVED, that the equipment listed below is declared surplus to be sold as allowed per NYS Law:

*1990 Eager Beaver Trailer VIN: 112HMV305LT036577

AND BE IT FURTHER RESOLVED, that if no offers are received for a particular item, that the items may be disposed of through the appropriate means; and

BE IT FURTHER RESOLVED, that the Board reserves the right to reject any or all offers and that Highway Superintendent Bouton is hereby authorized to execute this resolution.

Proposed by: Councilman Hall
Seconded by: Councilman Cole

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

Approval of Bills:

Motion to approve August General Warrants #195-233 totaling \$19,673.45

Highway Warrants #197-217 totaling \$31,531.67

CHIPS Warrants #31-43 totaling \$60,302.22

WWTP Warrants #89-103 totaling \$36,682.87

Water Warrants #40-44 totaling \$2,504.85

Shavertown Warrants #1 totaling \$200.00

September General Warrants #234-266 totaling \$77,387.77

Highway Warrants #218-256 totaling \$27,684.41

CHIPS Warrants #44-45 totaling \$103,733.72

WWTP Warrants #104-118 totaling \$47,335.20

Water Warrants #45-51 totaling \$4,860.32

Shavertown Cemetery Warrants #2-3 totaling \$1,570.00

Andes Rural Cemetery Warrants #1 totaling \$1,470.00
FEMA Warrants #1-8 totaling \$20,706.99, made by Councilman Moshier,
Seconded by Councilman Cole. All in favor, Motion carried.

Districts:

Water-

Resolution 22 of 2021 Cedarwood Environmental Services Water System Operating Contract

BE IT RESOLVED, that the Andes Town Board hereby enters into a contract with Cedarwood Environmental Services for the operation of the Andes Water Treatment Plant and professional administration of the same facility for a period of three years.

Proposed by: Councilman Gabriel

Seconded by: Councilman Hall

Roll Call:

Councilman Cole---Aye

Councilman Moshier---Aye

Councilman Gabriel---Aye

Councilman Hall---Aye

Supervisor Gladstone---Aye

Sewer-

Resolution 23 of 2021 Andes Sewer District 2022 Budget

Be it resolved, that the Andes Town Board hereby authorizes Cedarwood Environmental Services prepared Andes Sewer District #1 2022 Budget to be sent to NYC DEP for preliminary approval prior to passage by the Town Board.

Motion to table resolution 23 of 2021 until the 2022 budget workshop on September 22nd made by Councilman Moshier, Seconded by Councilman Gabriel. All in favor, Motion carried.

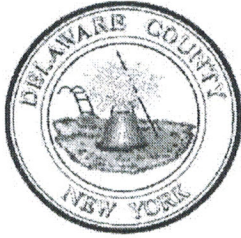
Public Comment/Questions:

*Irene DeSanto and Robyn Ciccone addressed the board regarding the certified letter Irene sent to the Town Board and Planning Board. The letter addressed concerns regarding the fireworks behind the Hotel on Community Day and at the Stars and Stripes event. All proper procedures were followed by the firework company to obtain permits from the Town for both events. What happens after a permit is issued is not under the authority of the Town and would need to be handled between property owners.

Another issue the letter addressed was some offensive chalk sidewalk drawings and material in a store on Community Day. Again this is not an issue that the Town has any authority over.

Adjourn:

Motion to adjourn made by Councilman Hall, Seconded by Councilman Moshier. All in favor, 9:06PM.



DELAWARE COUNTY DEPARTMENT OF PLANNING AND WATERSHED AFFAIRS

Highway Department Building • P.O. Box 367 • Delhi, New York 1375
Phone (607) 832-5444 • Email : pln@co.delaware.ny.us

July 14, 2021

Dear Town Council Members:

This correspondence is designed to inform you of a new component of NYCDEP Land Acquisition Program (LAP) titled the Streamside Acquisition Program (SAP). This program is focused on the acquisition of riparian buffers and parcels with significant surface water criteria.

SAP was initiated as a pilot program in the Schoharie Basin and administered through the Catskill Center for Conservation & Development for the past three years. SAP is expected to be expanded to all towns in the West of Hudson Watershed and could have a substantial impact on villages and hamlets. The following issues are of concern to the Delaware County Planning and Watershed Affairs Department.

- Municipalities will have the choice to **“Opt-in”** to the program. If the villages, hamlets choose to participate, the minimum parcel size will be waived for acquisition. Parcels less than ten acres will be open to solicitation by NYCDEP, parcels this small are currently not available for purchase by NYCDEP in the core LAP.
- The potential exists for the target parcels to be subdivided, this will require a resolution by the towns to accept sub-standard or non-compliant parcels. Each community will have to determine based on their comprehensive plans, zoning scheme and other relevant considerations, if this is in the public’s best interest.
- All parcels purchased in fee through SAP will have a NYSDEC easement placed on them in perpetuity. The easement language could preclude or at least create impediments for future flood mitigation work and infrastructure installation.
- Preliminary investigations have shown that a significant portion of parcels in each hamlet or village have the surface water criteria needed to meet the SAP requirements, in most hamlets, nearly half the parcels could qualify.

The Delaware County Planning and Watershed Affairs Department wants to keep the towns informed during this period leading up to the adoption of the next NYSDEC Water Supply Permit. Any questions concerning this letter and its contents can be directed to Shelly Johnson-Bennett at (607) 832-5444 or Nick Carbone (607) 832-5437.

Pool Report - September 14, 2021

Lifeguards for 2021 Season

- ★ Rachel Andrews
- ★ Jonathan Andrews (sub)
- ★ Macayla Carron
- ★ Alexis Redden
- ★ Anna Post
- ★ Joanna Grommeck
- ★ Hans Hilson-Schneider
- ★ McKenzie Wilson
- ★ Fiona O'Neill
- ★ Sylvia Liddle
- ★ Gretel Hilson-Schneider*
- ★ Aims Smit*
- ★ Eleanor Wagner*
- ★ Ellie Lees*

- 4 new lifeguards were added to the returning crew this year. They completed their course in the middle of August. Welcome Gretel Hilson-Schneider, Aims Smit, Eleanor Wagner, and Ellie Lees.
- 98 students enrolled in swimming lessons, 50 were on average showing up
 - First day of swimming lessons was July 6
 - Last day with a party was August 13
 - Thanks to Wood's BBQ for volunteering their time to cook food for us!
- ACS CROP came for swimming lessons and free swim for 2 weeks in July
- SK CROP program came for free swim from July - the first week in August.
 - Next year I would like to offer swimming lessons to the SK CROP program from 12-1
- The Lifeguards put together a float for the Community Day parade and took 1st place
- The Reporter came in and interviewed myself and 2 other lifeguards. They had a wonderful article in the paper
- DOH came for yearly inspection on September 1, 2021. Minor violations were found.
- We closed for the season on September 6, 2021

September 2021 Highway Report

August 2 oil and stone wolf hollow and Lake View Dibble rd.

Aug 3 oil and stone weaver hollow

Aug 4 replaced springs on 07 int., replaced pipe on Felton rd. met with land owner on 22 hill side drive about beaver problem water was crossing road and put water against foundation. We have since ditched along road to help alleviate the problem. Grader work on Brower and Weaver ave. Warren Weaver rd.

Aug 5th Grader work on Deer lick, Felton, and Little Dingle. Met with DEP about stock pile material for cross mt. Mix salt sand in salt shed. Replaced rear tires on 2500 replaced rims and tires on rake and 1 tire on pump.

Aug 9 finished grader work on Deer Lick went to Post rd. worked Perch Lake. 2 trucks to help Roxbury.

Aug 10 Worked Davis Hollow and Ridge rd. put grader patch on some bad spots on ridge rd. sent 2 trucks to Roxbury. Worked Bush hill and Mary Smith. Checked complaint on Timberland drive water jumped culvert made repair. Cut tree out of Cross Mt. Called NYSGE for tree on wires.

Aug 11 Grader work Mary Smith, Upper Perch Lake, and Bush Kill. Start grader work on Brace Hollow. Grader to Cross Mt.

Aug 12 work Cross Mt. and Brace Hollow, Clean up trucks and Equipment for community day.

Aug 16 contacted Delaware county health nurse shut down shop due to covid related issues all not vaccinated must stay home until tested.vaccinated must monitor symptoms if no symptoms may return to work.

Aug 17 I called Brian checked on symptom's he had none I asked him to take care of scheduled work on bush kill we had set up with Lafever excavating and DEP.

Aug 18 Brian worked on Bushkill retaining wall.

Aug 19 20 23 Brian and Dan worked on Bushkill

Aug 24 Brian and Dan BushKill o.t. finish up

Aug 25 26 Roger Dan Jason Brian Greg work Brace and haul crusher run

Aug 30 all back work and haul crusher run Brace. Work cross Mt. ditch. Ditch Hillside.

Aug 31 work Cross Mt. ditch

September 1 Shop day Grease trucks mow Canada Hollow. Luzon finely showed up and we need a sensor for the fuel system of which we are still waiting on.

Sept 2 Check roads mow Canada Hollow Ditch on Upper Perch Lake.

Sept 7 working Cross Mt. crusher run, worked Campbell rd.

Sept 8 work Cross Mt. had truck 302 tip over waiting on adjusters to see if they are going to total truck or rebuild. The truck was the 6x6 from the Town of Fabius .

Sept 9 Heavy rain checked roads got load of cold patch for patching.

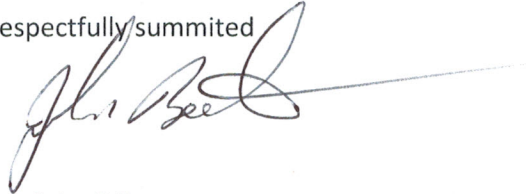
Sept 13 worked on Cross Mt. called on insurance.

Sept 14 work on cross Mt.

I would like make the 1990 eager beaver trailer surplus and put it on auctions international id NO. 112HMV305LT036577.

I have been in contact with truck dealers on new truck purchase trucks ordered now are 1 year minimum out that gives us time to work this into our budget for next year and research loans and grants that may become available.

Respectfully submitted

A handwritten signature in black ink, appearing to read "John R Bouton", with a long horizontal flourish extending to the right.

John R Bouton



Ray Pucci
President
Delaware County Chamber of Commerce
5 ½ Main Street
Delhi, NY 13753
RPucci@DelawareCounty.org
www.DelawareCounty.org

July 26, 2021

Dear Elected Officials:

The Delaware County Chamber of Commerce urges town and village officials to not “opt-out” of the opportunity to allow cannabis-related businesses and capture much-needed tax revenue.

Enclosed is a statement from the Chamber outlining our reasons.

Please make this statement part of the official record and read it at your next meeting.

Sincerely,

Ray Pucci
President

County Chamber Urges Local Officials to Allow Retail Cannabis Sales

The Delaware County Chamber of Commerce urges towns and villages to not “opt-out” of the opportunity to allow cannabis-related businesses and capture much-needed tax revenue. The Chamber seeks opportunities to sustain and grow our economy. Beyond retail opportunities, cannabis sales will allow our distressed farmers to tap into this multi-billion dollar industry, through cultivation as well as sales.

The Chamber supports legal cannabis sales for the following reasons:

- The Chamber supports all legal businesses
- Total market demand for legal adult-use cannabis in New York is about \$3.7 billion in the current fiscal year [Marijuana Legalization in New York State--A Fresh Look by James Parrott and Michele Mattingly], with demand rising to \$3.9 billion by FY 2027. However, because legal sales would grow over time and gain market share at the expense of illicit sales, legal market sales would rise from \$566 million in the first full fiscal year of implementation (FY 2023) to \$2.6 billion four years later (FY 2027).
- Using these estimates, State excise tax revenue would be \$159 million in FY 2023, rising to \$765 million in FY 2027. Local share of the excise tax would generate \$25 million, statewide, in FY 2023, rising to \$114 million in FY 2027.
- The Parrott/Mattingly report used a model to reflect 100% in-state cultivation and processing of all cannabis to estimate that the \$2.6 billion in retail sales projected for FY 2027 would generate 50,860 jobs, \$2.2 billion in employee compensation, \$4.7 billion in value added, and \$6.1 billion in total economic output. In addition to the sales-related tax revenues projected above, the expansion of an entire economic sector in New York State will generate additional state and local tax revenue.
- Delaware County farmers, retail owners, residents, and visitors will lose if surrounding towns and counties allow cannabis businesses. Tourists will flock to cannabis-friendly communities and residents will simply buy products elsewhere, depriving Delaware County of those tax revenues.

The public policy question of whether cannabis should be legal is not relevant to the issue of allowing adult-use retail sales and cultivation facilities to operate in Delaware County communities. Adult-use cannabis legislation was passed by the NYS Legislature and signed by the Governor in March 2021. Disagreement with the law should be taken up with our state representatives and regulators, and not town supervisors and mayors. Instead, the Chamber urges local officials to support legal businesses and allow retail cannabis sales.

Irene DeSanto
1154 Fish Hollow Road
Delancey, NY 13752
Email: irene0013@hotmail.com

Supervisor Bud Gladstone
And Andes Town Board Members
Planning Board Chairman Frank Winkler
And Andes Planning Board Members
Andes, New York 13731

August 23, 2021

Sent via certified mail

Dear All Listed Above:

As a proud Andes resident for over 30 years, I am compelled to write to you regarding issues that I believe need your immediate attention.

1. On the night of August 14, 2021, Andes Community Day, there was an extensive fireworks display for the public in the back of the Andes Hotel, conducted on private property, without permission. It is my understanding that the people who planned and/or managed Andes Community Day hired and paid for the person who conducted the display, with many people attending, and the crowd was not Covid-19 managed. I have photographs of the event.

The owner of the property is Andreas Gerdes. As he is out of the country, I am his appointed representative in Andes. Andreas indicated to me that no one contacted him, nor did they contact me to obtain permission to conduct the display of fireworks. We did not receive any information regarding a plan, a permit, liability insurance, a covid management plan, or any other documentation of approval of the activity. This is a reckless, irresponsible action, a violation of personal property, and is legally actionable.

It is also my understanding that there is another event planned by Stars and Stripes on September 11, 2021, whereupon another fireworks display is featured, to be held at the same place, behind the hotel on Andreas' private property. How and why do people assume that it is acceptable to use someone else's personal property for fireworks displays, or any other use, as no one has contacted me nor Andreas for permission?

Fireworks are extremely dangerous and must be conducted by professional, experienced people. If not handled properly, fires, injuries, destruction of property abound, which is why liability insurance is a must, yet there was none on 8/14/2021. Also, it encourages a crowd situation; amid a covid uprising in Andes, how is this acceptable? What covid management plan will be in place for the upcoming Stars and Stripes event? If a lawsuit ensues due to mismanagement of fireworks, covid exposure, destruction of property, and/or a host of other issues, Andreas Gerdes and the Town of Andes are at risk for legal ramifications. I trust that you do not want to see anything of that nature occur and am hopeful you will contact the Stars and Stripes Committee, as well as the people who hired the fireworks display company on 8/14/21 and advise them that they need to protect the property owner, themselves, and the Town of Andes legally, and follow the appropriate steps when organizing these events.

We are specifically demanding that the organizers who wish to use the property behind the hotel that belongs to Andreas, or any other properties owned by Andreas, must provide a written plan of what they intend to do on the property, how it will be used, including time and date details, quantity of people, provide liability insurance listing him and his representatives additionally insured, and provide a covid management plan, including how they plan to enforce it. This all must be in writing, pre-approved prior to any events.

2. The second issue to address involves the business Willbees, at the corner of Main Street and Delaware Avenue (the former "Cantina" building.) As I said at the opening of this letter, I have lived in Andes for over 30 years, and raised my children here. I now have three young grandchildren, two age 10 and one age 8, who visit on a regular basis. Twice now they have encountered very disturbing, unacceptable situations at Willbees, as follows:

- a. A few weeks ago, my grandchildren were playing on the sidewalk near Willbees with their scooters. They noticed in the window of Willbees prominently displayed male genital "sculptures." One of the kids (not my grandchildren, but he was with my grandchildren) asked the owner how the sculptures are made, and the owner proceeded to show him in the presence of all of the children there, exactly how to make a "male genital mold" of their own "personal private parts." My grandchildren relayed the conversation to me. I remain shocked, disgusted and worried that this is happening in our town.
- b. On Andes Community Day, this year, there were chalk drawings of male genitals on the Andes town sidewalk, as "arrows" pointing to the entrance of Willbees. Attached are photographs. I know for a fact that this is not the first complaint about these drawings, because photos were sent to our Supervisor, and other parents have complained to me, as well. As you know, many families walk in the area to and from the pool. Another friend said they went into the store to buy retro furniture, and found themselves surrounded by "penis art." They were so uncomfortable, they walked out and encountered a family about to enter and said, "don't bring your children in there."

I am horrified that these two incidents occurred with my grandchildren and wonder what the hell is happening in Andes. Is it losing its small-town benefits? I now am worried about my grandchildren playing in the Hamlet of Andes. **Are they safe?!** When my children grew up here in Andes, they knew the corner building as the General Store, then Dave & Bernies, then the Cantina. Now my grandchildren know that building as "the penis store." This is all very distressing and disappointing.

When the Planning Board approved the Willbees business, did they examine the nature of the business? If they did and approved it, why? If they did not, why not? Isn't that the purpose of the Planning Board and the Town Board, to protect and ensure the safety of the Town and its residents? All of you manage and control the Town and Hamlet of Andes, and all I see lately is a town, that used to be a wholesome and safe place to live and raise your children, turn into a unsafe, anything goes environment. I find this extremely alarming and demand answers as to why this is being allowed.

The issues outlined in this letter are not to be ignored. I look forward to hearing from you. Thank you for your prompt attention.



Irene DeSanto



AGREEMENT

BETWEEN THE TOWN OF ANDES, NEW YORK

**AND CEDARWOOD ENVIRONMENTAL SERVICES
(DELAWARE OPERATIONS INC.)**

FOR SERVICES AS A CONTRACT WATER TREATMENT PLANT OPERATOR

THIS AGREEMENT made the 23th day of August, 2021 by and between the TOWN OF ANDES, NEW YORK, located at the Town Hall, Andes, New York 13737, (herein referred to as the Owner), and Cedarwood Environmental Services, having a place of business at 464 Main Street, Oneonta, New York 13820, (herein referred to as the Operator).

WITNESSETH:

WHEREAS, the Owner is desirous to contract for the operation of their Water Treatment Plant, and to maintain professional administration of the same facility for a period of Three (3) years,

AND WHEREAS, the Owner is desirous of entering into an agreement for the purchase of services for Operator and engineer to complete the agreed upon tasks as they relate to the operation of the Andes Water Treatment Plant for a period of Three (3) years,

AND WHEREAS, the Operator has submitted a proposal to the Owner for contract operation, for engineering support services, supervision, and general administration, the Owner now desires to enter into an agreement.

THEREFORE, the Town and Operator do mutually agree as follows:

(1) The Operator shall provide the following services to the Town, subject to modification at any time by the Town:

- a. Daily inspection of the Water Plant and all required daily testing.
- b. Routine sampling required by the NYS Department of Health.
- c. Filing of monthly reports to the NYS Department of Health.
- d. Handle any inspections by the NYS Department of Health.
- e. Write any needed correspondence, pertaining to daily operation, to the NYS Department of Health and explain any correspondence received.
- f. Annual flushing of hydrants on the system.
- g. Operation of Well when needed.
- h. Monthly cleaning of chlorination equipment.
- i. Technicians Services - \$80 per hour*.
Technicians would be available to help in repairs to the system, gather information needed for mapping of the water system, location of valves and

lines, development of preventative maintenance programs, corrosion control development and implementation, installation of metering equipment, and other work outside the scope of daily operations.

- j. The Operator will receive prior approval from the Owner for any operational expense that exceeds \$500 unless required in an emergency situation. In an emergency situation, the Operator shall notify the Owner as soon as possible of the circumstances of the emergency.
- k. Engineering Services - \$150 per hour.
These services would include submittals to the NYS Department of Health that require the stamp of a licensed Professional Engineer.
- l. Should the Operator be required to provide services beyond the above-mentioned services those services shall be provided only with prior authorization from the Owner and shall be billed at the following rates:

Engineering (not related to Operations)	\$150.00 per hour
Corporate Management	\$130.00 per hour
Operations	\$95.00 per hour
Mechanic	\$85.00 per hour*
Laborer	\$75.00 per hour*

**If work is completed under the New York State Prevailing Wage Law, the hourly rate will be the current prevailing wage schedule for the locality where the work is performed.*

(2) The Town agrees to provide the following in conjunction with operation of the water system:

SNOW REMOVAL	LAWN CARE
ALL EXCAVATION WORK	CHEMICALS
MATERIAL AND SUPPLIES	ANY PERMIT FEE(S)
PLANT INSURANCE	CAPITAL IMPROVEMENTS
UTILITIES	SPECIALIZED MAINTENANCE CONTRACTS
LABORATORY COSTS	LAB SUPPLIES

(3) The Town shall pay to the Operator, for the above-described services, a monthly sum of: for contract year 2022 - One Thousand Two hundred and Eighty-Two dollars (\$1,282.00), for contract year 2023 - One Thousand Three hundred and Fourteen dollars (\$1,314.00) and for contract year 2024 - One Thousand Three Hundred and Forty-Seven dollars (\$1,347.00) for year three of this contract.

BILLING FOR PERSONNEL SERVICES WILL BE DONE ON A MONTHLY BASIS AT THE ABOVE RATES.



CONTRACT DURATION TO RUN FROM JANUARY 1, 2022 THROUGH DECEMBER 31, 2024. PAYMENTS ARE DUE TO THE OPERATOR WITHIN THIRTY (30) DAYS OF INVOICE DATE.

(4) TERMINATION:

- a. This agreement may be terminated in whole or in part in writing by the Owner and/or Operator for its convenience, provided that the other party is given (1) not less than sixty (60) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate and (2) an opportunity for consultation with the terminating party prior to termination.
 - b. If this agreement is terminated by the Owner based upon the improper actions of the Operator, an equitable adjustment in the price provided for compensation in this agreement shall be made for work actually performed hereunder, but (1) no amount shall be allowed for anticipated profit on unperformed services or other work, and (2) any payment due to the Operator at the time of termination may be adjusted to cover any additional costs to the recipient because of the Operator's default.
 - c. If this agreement is terminated by the Operator based upon the improper actions of the Owner, any equitable adjustment shall include a reasonable profit for services or other work performed to date. The equitable adjustment for such a termination shall provide for payment to the Operator for services rendered and expenses incurred prior to the termination.
 - d. Upon Notice of Termination by either Owner or the Operator, the Operator shall be obliged to continue to operate the Treatment Facility for a period not to exceed two (2) months from the date of the Notice if so desired by the Owner. During this period, the Operator shall work with an Owner's designated representative, contractor, and/or employee to familiarize them with the treatment processes. During this period, the Operator shall oversee the operation of the Facility, with Owner's designated representative, contractor, and/or employee in a trainee position. The Operator will remain responsible for the efficient operation of the processes. The Operator will not be responsible for any unauthorized changes in the treatment processes by Owner's designated representative, contractor, and/or employee.
- (5) REMEDIES.** Except as may be otherwise provided in this Agreement, claims, counter-claims, disputes, and other matters in question between Owner and the Operator arising out of or relating to this Agreement or the breach thereof will be decided by arbitration if the parties mutually agree, or in a court of competent jurisdiction within the State in which Owner is located. The parties agree that Delaware County will be the proper venue for any such litigation or arbitration.



- (6) **INSURANCE.** The Operator shall obtain and maintain during the life of this contract, at this own expense, such Worker’s Compensation, Public Liability and Professional Liability insurance as will adequately protect the Operator from claims which may arise or result from the Operator’s performance or by anyone employed by him. Upon request from the Owner, the Operator shall provide a Certificate of Insurance attesting to the requisite coverage and limits.
- (7) The Owner agrees to indemnify and hold harmless the Operator, its officers, employees, or agents, for any liability for damages or claims for personal injury including death, property damage caused by blockage, ruptures, effluent discharges, release or escape of materials to air, land, or water, which are beyond control of or were not caused by the sole negligence of the Operator, its officers, employees, or agents.
- (8) The Operator acknowledges that it is an independent contractor and not Owner’s employee in connection with the work undertaken by the Operator in the Agreement. The Operator alone is responsible for any loss or damage caused by its subcontractors, agents, or employees, and will fully defend, indemnify, protect, and save harmless Owner against any and all loss, damage, expense, penalties and/or fines resulting from any and all claims and liabilities arising from the operation of the wastewater treatment facility by the Operator and its subcontractors, agents, or employees, during the performance of this Agreement or any Agreement between Owner and the Operator for extra work. The Operator will accept no financial liability including fine and/or penalties resulting from Owner’s failure to approve requested work.

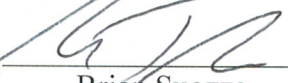
IN WITNESS WHEREOF, the Owner and the Operator have hereto set their hands the day and year first above mentioned.

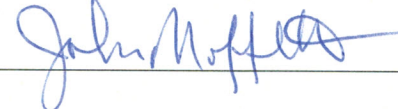
TOWN OF ANDES, NEW YORK

By:  8/15/2021
Wayland Gladstone
Supervisor

Attest: 

DELAWARE OPERATIONS, INC.

By:  8/30/2021
Brian Suozzo
President

Attest: 

CEDARWOOD ENVIRONMENTAL SERVICES

PO Box 1360, Oneonta NY 13820 • Phone 607-441-3246 • FAX 607-441-3251

**TOWN OF ANDES, NY
TOWN BOARD MEETING
REPORT BY CEDARWOOD ENVIRONMENTAL SERVICES
August 5, 2021**

1. Water System

Daily usage of treated water from the water system averaged 23,300 gallons per day for the month of July 2021.

2. Plant Purchases

3. O&M

Changed some filters in July 2021.

4. Equipment

5. Distribution System

6. Library Well

Ran well on July 26, 2021.

CEDARWOOD ENVIRONMENTAL SERVICES

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**TOWN OF ANDES, NY
TOWN BOARD MEETING
REPORT BY CEDARWOOD ENVIRONMENTAL SERVICES
August 5, 2021**

1. WWTP Plant

Plant effluent flow averaged 51,000 gallons per day for the month of July 2021.

2. SPDES Compliance/NYSDEC, NYCDEP

The plant discharges treated effluent to the Tremper Kill Brook. The WWTP Effluent Turbidity meter was offline for approximately a week due to electrical issues Had to order parts to repair.

3. Collection System.

4. Plant Purchases.

Permeate pump from Siewert Equipment at a cost of \$2675.17. Batteries for generator from Cummins at a cost of \$2379.96.

5. Plant O&M

All running well.

6. Plant Equipment

7. Gladstone Hollow Septic System

CEDARWOOD ENVIRONMENTAL SERVICES

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**TOWN OF ANDES, NY
TOWN BOARD MEETING
REPORT BY CEDARWOOD ENVIRONMENTAL SERVICES
September 8, 2021**

1. Water System

Daily usage of treated water from the water system averaged 23,500 gallons per day for the month of August 2021.

2. Plant Purchases

Filters from Mountain Filtration Systems at a cost of \$956.16. Ordered an extra case of filters this month due to price increase starting September 1, 2021.

3. O&M

Changed some filters in August 2021.

4. Equipment

5. Distribution System

6. Library Well

Ran well on August 11 & 12, 2021.

CEDARWOOD ENVIRONMENTAL SERVICES

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**TOWN OF ANDES, NY
TOWN BOARD MEETING
REPORT BY CEDARWOOD ENVIRONMENTAL SERVICES
September 8, 2021**

1. WWTP Plant

Plant effluent flow averaged 41,000 gallons per day for the month of August 2021.

2. SPDES Compliance/NYSDEC, NYCDEP

The plant discharges treated effluent to the Tremper Kill Brook. The WWTP Effluent Turbidity meter was offline for one day due to electrical issues Had to order parts to repair.

3. Collection System.

4. Plant Purchases.

Swing basin pump from Shrier-Martin at a cost of \$6,183.15.

5. Plant O&M

All running well.

6. Plant Equipment

7. Gladstone Hollow Septic System