

AUGUST 13, 2013

AWARDED BID FOR 2002 INTERNATIONAL
PAYSTAR 4x4 SNOWPLOW TRUCK FOR \$59,750.

REFERRED CHANGE OF SET-BACKS FOR
CONIFEROUS TREE PLANTING TO THE PLANNING
BOARD.

HWY SUP'T AUTHORIZED TO SEEK BIDS FOR SALE
OF A 1974 OSHKOSH MODEL 2023 4'X4 COMPLETE
WITH A ONE-WAY PLOW AND WING; 1996 FORD
F350 PARTS AND 1996 FORD F-350.

AUTHORIZED \$124,658.32 OF FEMA
REIMBURSEMENT MONEY TO BE TRANSFERRED
FROM THE GENERAL FUND TO THE HIGHWAY
FUND FOR ROAD PAVEMENT.

RESOLUTION NO. 13 OF 2013 - SPENDING OF
UNALLOCATED FUNDS - 2011 SINGLE AUDIT
APPROVED.

RESOLUTION NO. 14 OF 2013 - RESOLUTION FOR
PUBLIC HEARING ON DISSOLUTION OF FIRE
PROTECTION INTO FIRE DISTRICT APPROVED.

SCHEDULED PUBLIC HEARING FOR WEDNESDAY,
SEPTEMBER 11, 2013 AT 6:30 P.M. FOR DISSOLVING
THE VILLAGE OF MARGARETVILLE FIRE
PROTECTION DISTRICT INTO THE MIDDLETOWN
HARDENBURGH FIRE DISTRICT.

RESOLUTION NO. 15 OF 2013 - RESOLUTION OF
THE MIDDLETOWN TOWN BOARD ACCEPTING
PROPOSED LOCAL LAW TO OVERRIDE THE TAX
LEVY LIMIT ESTABLISHED IN GENERAL
MUNICIPAL LAW §3-C AND SCHEDULING PUBLIC
HEARING FOR SAME APPROVED.

SCHEDULED PUBLIC HEARING FOR TUESDAY,
SEPTEMBER 3, 2013 AT 7:00 P.M. - LOCAL LAW NO.
2 OF 2013 - LOCAL LAW TO OVERRIDE THE TAX
LEVY LIMIT.

SCHEDULED SEPTEMBER TOWN BOARD MEETING
DUE TO CONFLICT WITH PRIMARY ELECTION TO
WEDNESDAY, SEPTEMBER 11, 2013 AT 7:00 P.M.

APPROVED CANCELLATION OF WORKSHOPS FOR
2013 WITH THE PROVISION THE AGENDA AND
PAPERWORK BE AVAILABLE BY NOON THE
WEDNESDAY BEFORE THE MEETING.

AWARDED BID FOR ARKVILLE SIDEWALK REPAIR
AND CONSTRUCTION.

TOWN RESPONSE TO PROPOSED "NYC DEP" LAND
ACQUISITION OF PROPERTY ID: #5651 - 95.07+/-
ACRES - DIMMICK MOUNTAIN ROAD APPROVED.

JOHN BREWER TO PAY \$200.00 AS COMMERCIAL HAULER FOR THE USE OF THE TRANSFER STATION UNTIL DECEMBER 31, 2013 APPROVED.

SCHEDULED SPECIAL MEETING FOR TUESDAY, AUGUST 27, 2013 AT 11:00 A.M. TO AWARD BIDS FOR EWP SITE 4 - FLEISCHMANN'S AND . EWP SITE - ARKVILLE TRAILER PARK.

The Town Board of the Town of Middletown, Delaware County, New York, held their regular Monthly Meeting on Tuesday, August 13, 2013 at the Town Hall, located on #42339 State Route 28, Margaretville, NY.

The following Board Members were present:

Supervisor.....Marjorie Miller

Council Members.....Michael Finberg, Jake Rosa and Brian Sweeney

Councilman John Roucek was not in attendance.

Also present were: Town Attorney John Fairbairn, Beth Bush, Bill Taylor, Terry Johnson, Lillian Browne - Walton Reporter, Joe Moskowitz - Catskill Mountain News, Dave Budin, Iris Mead, Fred Miller, John Hubbell, Aaron Bennett, Carol O'Beirne, Barb Funck, Rich Funck, Glen Faulkner, Don Bramley, Steve Finch and Hwy Sup't John Biruk.

ATTACHED Agenda prepared by Supervisor Miller.

Supervisor Miller called the Town Board Meeting to order at 7:00 p.m.

Minutes of 07/09/13-Town Board Meeting were approved as submitted, by a motion made by J. Rosa, seconded by M. Miller, carried by a vote of (4) ayes and (0) nays.

Supervisor's Monthly Financial Reports for 06/2013; Town Clerk's Monthly Reports for 06/2013; Building & Zoning Monthly Reports for 06/2013 and Justice Court Monthly Reports for 06/2013 approved as submitted, by a motion made by M. Miller, seconded by M. Finberg, carried by a vote of (4) ayes and (0) nays.

Supervisor Miller opened the floor for public comment. No one else wished to address the Board.

Motion was made by M. Miller to award the ATTACHED bid to Ben Funk for a 2002 International Paystar 4x4 Snowplow Truck for \$59,750. This motion was seconded by M. Finberg and carried by a vote of (4) ayes and (0) nays. Motion was made by M. Miller to refer the change of set-backs for coniferous tree planting to the planning board for further review and recommendations. This motion was seconded by B. Sweeney and carried by a vote of (4) ayes and (0) nays. Motion was made by M. Miller to authorize Hwy Supt John Biruk to seek bids for the sale of a 1996 Ford F350 Parts Van #1FDKF38F6TEA48168 and a 1996 Ford F-350 Van #2FDKF38F6TCA53697 with a minimum bid of \$500. each. This motion was seconded by B. Sweeney and carried by a vote of (4) ayes and (0) nays. Motion was made by M. Miller to authorize Hwy Supt John Biruk to seek bids by auction and the local newspaper for the sale of a 1974 Oshkosh Model 2025 4x4 Complete With a One-Way Plow and Wing, Van #14167 with a minimum bid of \$7500. This motion was seconded by M. Finberg and carried by a vote of (4) ayes and (0) nays. Motion was made by M. Miller to transfer FEMA reimbursement money of \$124,658.32 from the general fund into the highway fund for road pavement. This motion was seconded by B. Sweeney and carried by a vote of (4) and (0) nays.

Motion was made by M. Miller to approve the ATTACHED Resolution No. 13 of 2013 - Spending of Unallocated Funds - 2011 Single Audit - \$38,000. for Town Hall Furnace Move & Renovation and \$7,000. for Front of Town Hall Vestibule for a total of \$45,000. This motion was seconded by M. Finberg and carried by a vote of (4) ayes and (0) nays.

Dave Budin, Iris Mead, Fred Miller, John Hubbell, Barb Funck, Rick Funck, Glen Faulkner and Steve Finch discussed the pros and cons with the Town Board concerning the dissolution of Fire Protection into Fire District - Village of Margaretville. Fred Miller presented his ATTACHED letter dated August 13, 2013 to the Town Board. Motion was made by M. Miller to approve the ATTACHED Resolution No. 14 of 2013 - Resolution for Public Hearing on Dissolution of Fire Protection Into Fire District. This motion was seconded by M. Miller and carried by a vote of (4) ayes and (0) nays. Motion was made

by M. Miller to schedule a Public Hearing for Wednesday, September 11, 2013 at 6:30 p.m. for the purpose of conducting a hearing regarding Dissolving the Village of Margaretville Fire Protection District into the Middletown Hardenburgh Fire District. This motion was seconded by M. Finberg and carried by a vote of (4) ayes and (0) nays.

Motion was made by M. Miller to approve the ATTACHED Resolution No. 15 of 2013 - Resolution of the Middletown Town Board Accepting Proposed Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-c and Scheduling Public Hearing for Same. This motion was seconded by M. Finberg and carried by a vote of (4) ayes and (0) nays. Motion was made by M. Miller to schedule a Public Hearing for Tuesday, September 3, 2013 at 7:00 p.m. regarding the adoption of Local Law No. 2 of 2013 - Local Law to Override the Tax Levy Limit established in General Municipal Law §3-c. This motion was seconded by M. Finberg and carried by a vote of (4) ayes and (0) nays.

Glen Faulkner, Steven Finch and Don Bramley of MTC gave an update of the MTC Broadband survey report.

Carol O'Beirne and Aaron Bennett gave an update of the East Branch Access.

Motion was made by M. Miller to reschedule the September Town Board Meeting due to conflict with primary election to Wednesday, September 11, 2013 at 7:00 p.m. This motion was seconded by B. Sweeney and carried by a vote of (4) ayes and (0) nays. Motion was made by M. Miller to cancel the rest of the workshops for 2013 with the provision that the agenda and all necessary paperwork would be available to the Town Board or public by noon the Wednesday before the meeting by email or in person. This motion was seconded by B. Sweeney and carried by a vote of (4) and (0) ayes.

Motion was made by M. Miller to award the ATTACHED bid to Hubbell Inc. for 660 linear feet of concrete sidewalk along County Highway 38 in Arkville, NY 12406 from the intersection of State Highway 28 to Barnes Street at the bid price of \$68.00 per linear foot. This motion was seconded by B. Sweeney and carried by a vote of (4) ayes and (0) nays.

Motion was made by M. Miller to approve the ATTACHED Community Review Town Response Form for proposed "NYC DEP" Land Acquisition of Property ID: #5651 - 95.07+/- acres - Dimmick Mountain Road. This motion was seconded by M. Finberg and carried by a vote of (4) ayes and (0) nays. Motion was made by M. Miller to refer the proposed Land Acquisition Project from NYS DEP for Parcel #4801- 84.20+/- acres - Floyd Finch Road and NYS Route 28 to the Planning Board. This motion was seconded by M. Finberg and carried by a vote of (4) ayes and (0) nays.

Motion was made M. Miller to permit John Brewer, as a commercial hauler, to use the transfer station from August 13, 2013 until December 31, 2013 for \$200. This motion was seconded by M. Finberg and carried by a vote of (4) ayes and (0) nays.

Motion was made by M. Finberg to schedule a Special Meeting for Tuesday, August 27, 2013 at 11:00 a.m. to award bids for EWP Site 4 - Fleischmanns and the EWP Site - Arkville Trailer Park. This motion was seconded by M. Miller and carried by a vote of (4) and (0) nays.

The Town Board tabled the signing of the grant contract with Delaware County for EWP projects until Town Attorney John Fairbairn has reviewed it.

Voucher #95 in the amount of \$34,908.94 to Stephan Miller General Contractor; Voucher #96 in the amount of \$49,991.91 to Stephan Miller General Contractor; Voucher #97 in the amount of \$14,250.00 to Hinkley Assoc.; Voucher #98 in the amount of \$4,000.00 to Town of Middletown; Voucher #99 in the amount of \$900.00 to Toski & Co. and Voucher #100 in the amount of \$24,979.60 to LaMont Engineers were approved for payment by M. Miller, seconded by M. Finberg, and carried by a vote of (4) ayes and (0) nays.

The monthly vouchers were audited and ordered paid by a motion made by M. Miller, seconded by M. Finberg, and carried by a vote of (4) ayes and (0) nays. Vouchers approved were #'s 478-549, totaling \$189,739.11.

Motion for adjournment was made by M. Miller, seconded by B. Sweeney. This motion was carried by a vote of (4) ayes and (0) nays and the meeting was adjourned at 9:10 p.m.

DATED: August 27, 2013

PATRICIA F. KELLY
TOWN CLERK