

OCTOBER 11, 2011

SEASONAL LIMITED USE ROAD APPROVED FOR 2011/12.

BUDGET HEARING AND NOVEMBER MONTHLY MEETING TO BE HELD ON 11/09/11.

RETURNED WATER RENTS FOR ARKVILLE AND HALCOTTSVILLE APPROVED FOR 2012 TAX ROLL.

REVENUE ANTICIPATION NOTE APPROVED.

2012 TENTATIVE BUDGET AMENDED AND APPROVED AS PRELIMINARY BUDGET.

EXECUTIVE SESSION-PERSONNEL MATTER.

The Town Board of the Town of Middletown, Delaware County, New York, held their regular monthly meeting on Tuesday, October 11, 2011 at the Town Hall, located on State Route 28, Margaretville.

The following Board Members were present:

- Supervisor.....Len Utter
- Council Members.....Mike Finberg, Brian Sweeney, John Roucek, and Jake Rosa

Also present were: Town Attorney Carey Wagner, Hwy Supt John Biruk, Code Enforcement Officer Carl P. Davis, Beth Bush, Steven Sines, Scott Soderback, Marge Miller, Roger Davis, Mike Hill, Betty Martin, Don Kearney, Ernie & Janet Steiglehner, Julia Green, Wayd Jaquish, Ben Fenton, David Morrell, Claude Clement, George Herbst, Todd Pascarella, Larry Reilly, Roger Davis, Terry Johnson and Charlie Freas.

Supervisor Utter called the regular monthly meeting to order at 7:05 p.m. Minutes of 09/13/11 and 09/19/11 were approved as submitted, by a motion made by B. Sweeney, seconded by J. Rosa, and carried by a vote of (5) ayes and (0) nays.

Supervisor Utter opened the floor to the public. Charlie Freas addressed the Board and asked when will the Preliminary Budget be available to be picked up? Town Attorney Carey Wagner said once the Board passes from Tentative Budget to Preliminary, it is available to the public.

Code Enforcement Officer Carl P. Davis presented the ATTACHED letter from Attorney John R. Fairbairn dated October 11, 2011 along with "Notes of Patrick Davis" to the Board members. Jake Rosa asked that an executive session be held at the end of the regular meeting tonight to review and discuss this further.

Hwy Supt John Biruk updated the Board concerning the slope failure on Hog Mountain Road and he met with Charles Gaynor, a geotechnical engineer from Keystone Associates and feels he will probably put the project out to bid. Hwy Supt John Biruk said he also had two similar slides on Huckleberry Brook that he will do the same with. He has met with FEMA and started filling out the paperwork.

Motion was made by M. Finberg for seasonal limited use of highways for the 2011-2012 winter season. See ATTACHED Notice. This motion was seconded by J. Rosa, and carried by a vote of (5) ayes and (0) nays.

Motion was made by J. Rosa to schedule November Monthly Meeting and 2012 Preliminary Budget Hearing for Wednesday, November 9, 2011. This motion was seconded by J. Roucek, and carried by a vote of (5) ayes and (0) nays.

Motion was made by J. Rosa to approve the ATTACHED lists of returned water rents for Arkville and Halcottsville to be added to the 2012 tax rolls. This motion was seconded by B. Sweeney and carried by a vote of (5) ayes and (0) nays.

Motion was made by B. Sweeney to approve the ATTACHED Revenue Anticipation Note Resolution to authorize the issuance of and to sell not exceeding \$1,000,000 revenue anticipation notes in anticipation of the receipt of FEMA Funds. This motion was seconded by J. Rosa and carried by a vote of (5) ayes and (0) nays.

Next the Board gave further consideration to the 2012 Tentative Budget. Councilmen Rosa and Sweeney proposed that the two Board members who have their health insurance partially paid for by the Town should now pay for their own insurance but should have the option to buy into the health plan, the Justice contractual expenses should be reduced to \$10,000 and the Hwy Dept snow removal and equipment be reduced \$20,000 each, that would be a savings of \$48,500. Also, they wanted to set up a Town of Middletown website for \$1715/year along with an emergency operator for \$750 and communication emergency director for \$500. Hwy Supt J. Biruk felt his department could not take a \$20,000 decrease from his snow removal and equipment budget in order to maintain the roads properly and also he has to keep his trucks and equipment in working condition, some roads would have to be turned back to dirt, etc. M. Finberg said that when he took this job his health insurance was part of the job, if you want to change that, when a Board Member comes up for election, they should at that time change the policy and not give the insurance at that time. After numerous discussions, the Town Board asked Bookkeeper B. Bush to prepare the ATTACHED (2) summaries during the meeting, one was for each department to take a 12% decrease using unexpended balance of \$21,000 with an increase of 1.9% or 13.5% decrease with an increase of 0.6%. The Town Board agreed to a 13.5% decrease for each department using unexpended balance of \$34,623 which results in a 0% increase. Motion was made by M. Finberg to approve the 2012 Tentative Budget, as amended, as the Town's 2012 Preliminary Budget. This motion was seconded by J. Rosa and carried by a vote of (5) ayes and (0) nays.

Motion was made by M. Finberg to approve a letter to be sent to NYC DEP for previously approved land acquisition of 112+/- acres on Brush Ridge Road to allow fishing, hiking and bowhunting only due to population density. This motion was seconded by J. Roucek and carried by a vote of (4) ayes and (1) nays - J. Rosa.

Supervisor Utter distributed his September 2011 financial report to the Board.

Motion was made by J. Rosa at 9:24 p.m. to enter into Executive Session to discuss the material Code Enforcement Carl P. Davis handed to the Board members earlier. Included in the Executive Session were the Deputy Town Clerk and Town Attorney. Motion was seconded by B. Sweeney and carried a vote of (5) ayes and (0) nays. Motion for adjournment was made by L. Utter and seconded by M. Finberg. This motion was carried by a vote of (5) ayes and (0) nays, and the meeting was adjourned at 10:25 p.m. There were no Board decisions per the Executive Session.

Voucher #7 for the Housing Rehab. Project in the amount of \$48,089.00 was approved for payment by a motion made by M. Finberg, seconded by J. Roucek, and carried a vote of (5) ayes and (0) nays.

The monthly vouchers were audited and ordered paid by a motion made by J. Roucek, seconded by J. Rosa, and carried by a vote of (5) ayes and (0) nays. Vouchers approved were #s 623-686, totaling \$503,889.11.

Motion for adjournment was made by B. Sweeney and seconded by J. Roucek. This motion was carried by a vote of (5) ayes and (0) nays, and the meeting was adjourned at 10:35 p.m.

Dated: November 1, 2011

PATRICIA F. KELLY
DEPUTY TOWN CLERK
TOWN OF MIDDLETOWN