

JUNE 11, 2013

PUBLIC HEARING - LOCAL LAW NO, 2 OF 2013 - A LOCAL LAW OF THE TOWN OF MIDDLETOWN, DELAWARE COUNTY, NEW YORK ENACTING A RIGHT-TO-FARM LAW.

2013 HIGHWAY AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEYS DUE TO CHIPS INCREASE OF \$60,297.17 APPROVED.

RESOLUTION NO. 7 OF 2013 - A RESOLUTION RATIFYING MIDDLETOWN’S MOA WITH CSEA MEMBERS APPROVED.

AGREEMENT WITH DOLLAR GENERAL TO REDUCE TAX BURDEN OVER THE NEXT THREE YEARS APPROVED.

BETH BUSH AUTHORIZED TO SEEK PROPOSALS FOR RFP SINGLE AUDIT.

BETH BUSH AUTHORIZED TO SEEK PROPOSALS FOR THE CONSTRUCTION OF THE VESTIBULE.

BETH BUSH AUTHORIZED TO SEEK BIDS FOR NEW FURNACE AND INSTALLATION IN TOWN HALL.

BIDS AWARDED FOR EWP PROJECTS.

AUTHORIZED SUPERVISOR MILLER TO MAKE REQUEST TO THE WORK PROGRAM TO MOW AROUND THE PUMP HOUSE.

JUSTICE GARY ROSA AND SUPERVISOR MARJORIE MILLER AUTHORIZED TO SIGN FOR MONIES RECEIVED BY JUSTICE GLEN GEORGE.

The Town Board of the Town of Middletown, Delaware County, New York, held their Public Hearing and regular Monthly Meeting on Tuesday, June 11, 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, James Gray, Matthew Gray, Beth Bush, David Goodchild, Len Utter, Jim Waters, Jackie Cowan, Bill Taylor, Russ Drew, Terry Johnson, Lillian Browne - Walton Reporter, Geoff Samuels, Kurt Holcherr, Peggy Kingston, Don Kearney, Hwy Sup’t John Biruk, John Wolham - ORPTS and Kevin Young.

ATTACHED Agenda prepared by Supervisor Miller.

Supervisor Miller opened the Public Hearing at 7:00 p.m. The Town Clerk read the ATTACHED legal notice advertising the Public Hearing. The Town Board reviewed and discussed the proposed Local Law.

The floor was opened for public comment. (SEE ATTACHED NEWS STORY FOR PUBLIC COMMENTS, ETC.) Supervisor Miller closed the Hearing at 7:21 p.m.

Supervisor Miller called the Town Board Meeting to order at 7:21 p.m.

Minutes of 05/14/13-Town Board Meeting and 05/29/13-Special Meeting were 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's Monthly Financial Reports for 04/2013; Town Clerk's Monthly Reports for 04/2013; Building & Zoning Monthly Reports for 04/2013 and Justice Court Monthly Reports for 04/2013 approved as submitted, by a motion made by M. Miller, seconded by B. Sweeney, carried by a vote of (4) ayes and (0) nays.

Supervisor Miller opened the floor to the public. Lillian Browne stated that since the second public comment was removed, she had a question about Item 14 on the agenda, "Is another judge going to be approved or assigned and what action the Town is going to be taken as to the removal of Judge George? Supervisor Miller said "No action at this time." Lillian Browne asked about Item 5, "What legal action, if any, is going to be taken of whoever changed the documents?" Supervisor Miller replied "That is going to be addressed during the meeting". Lillian Browne asked "Was the second public comment removed as an oversight or error? Supervisor Miller said "It was not an error but removed as she has a long business meeting tonight". No one else wished to address the Board.

Kevin Young was asked by Supervisor Miller to come to the meeting to talk to the Town Board and answer any questions as to what happened with the change to the Sewer Use Law. (SEE ATTACHED NEWSPAPER ARTICLES)

Motion was made by M. Finberg to approve the amended ATTACHED Agreement for the Expenditure of Highway Moneys for 2013 showing the CHIPS increase of \$60,291.17. 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 Resolution No. 7 of 2013 - A Resolution Ratifying Middletown's MOA with CSEA Members. This motion was seconded by M. Finberg and carried by a vote of (4) ayes and (0) nays.

John Wolham, Regional Director of Office of Real Property Tax Services presented the Town Board with the ATTACHED Changing from Three Member Board of Elected Assessors and Supervisor Miller handed the ATTACHED Assessor Memo 6.13 that she prepared to the Town Board. John Wolham and Supervisor Miller discussed the pros and cons of the Town going to sole assessor and what the qualifications are for that position. Assessors David Goodchild and Jacqueline Cowan both felt that there should be three members on the board.

Councilman J. Rosa wanted to see the Agreement outlining the formula for calculating assessments for the properties before he agreed to the proposed Resolution No 8 of 2013 - City of New York Proposed Settlement so the Town Board tabled it until next month.

Attorney Fairbairn reviewed the tax assessment reduction with Dollar General. Motion was made by M. Miller to accept the agreement to reduce the tax burden over the next three years to balance the obligation without refund. 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 authorize Beth Bush to seek proposals for a RFP Single Audit. This motion was seconded by J. Rosa and carried by a vote of (4) ayes and (0) nays.

Motion was made to by M. Miller to authorize Beth Bush to seek proposals for the construction of the vestibule. 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 authorize Beth Bush to seek bids for new furnace and installation in Town Hall. 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 award the ATTACHED bid for the Mill Brook Project to Hubbell Inc. for the amount of \$29,977. This motion was seconded by M. Finberg and carried by a vote of (4) ayes and (0) ayes. Motion was made by M. Miller to award the ATTACHED bid for the Bauer Project to Hubbell Inc. for the amount of \$59,710. 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 award the ATTACHED bid for the Bull Run Project to LaFever Excavating for the amount of \$46,500. 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 award the ATTACHED bid for the Dry Brook Project to Hubbell Inc. for the amount of \$68,709. 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 award the ATTACHED bid for the Margaretville School Project to LaFever Excavating for the amount of \$39,300. This motion was seconded by J. Rosa and carried by a vote of (4) ayes and (0) nays.

Terry Johnson gave an update of the Arkville Water Project. Motion was made by M. Miller to authorize Supervisor Miller to make a request to the work program to continue to mow around the pump house. 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 authorize Justice Gary Rosa and Supervisor Miller to sign for monies received by Justice Glen George. This motion was seconded by B. Sweeney and carried by a vote of (4) ayes and (0) nays.

Voucher #94 in the amount of \$63,060.95 to Stephan Miller General Cont. for the Arkville Water Project was approved for payment by motion made by M. Miller, seconded by B. Sweeney, 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 337-414, totaling \$166,343.26.

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 9:07 p.m.

DATED: June 28, 2013

PATRICIA F. KELLY
TOWN CLERK