

APRIL 09, 2013

ADOPTED LOCAL LAW NO. 1 OF 2013 - A LOCAL LAW FOR DOG LICENSING AND CONTROL LAW OF THE TOWN OF MIDDLETOWN, COUNTY OF DELAWARE REPLACING LOCAL LAW NO. 1 OF 2010.

DOG CENSUS PROJECT IS APPROVED.

BIDS AWARDED FOR RENTAL CONSTRUCTION EQUIPMENT WITH AND WITHOUT AN OPERATOR.

ANNUAL BID AWARDED FOR THE PURCHASE OF FUEL.

ANNUAL BID AWARDED FOR HAULING.

APPROVED SALE OF HIGHWAY SURPLUS USED EQUIPMENT.

APPROVED PURCHASE OF 2013 JD 710K BACKHOE WITH TRADE-IN OF JD 710D BACKHOE TOWARD PURCHASE.

HWY DEPT AUTHORIZED TO PURCHASE FROM STATE AND COUNTY BID CONTRACT.

APPROVED HIRING DAVID CURLEY TO OVERSEE TERRY JOHNSON AS "B" OPERATOR AT \$125./MONTH FOR ONE YEAR PLUS \$40./HOUR FOR EMERGENCIES - ARKVILLE WATER.

RESOLUTION NO. 2 OF 2013 - DEPLOYED MILITARY EXTENSION APPROVED.

RESOLUTION NO. 3 OF 2013 - RESOLUTION ESTABLISHING MIDDLETOWN'S 'GOOD NEIGHBOR' POLICY.

RE-APPOINTMENT OF AGNES FREAS TO FAIRVIEW PUBLIC LIBRARY.

PROPOSAL FROM CHERRY FENCING FOR LAWN CARE AND MAINTENANCE AT THE TOWN HALL IS ACCEPTED - \$2450.

RE-APPOINTMENT OF SUSANNA FINCH AND CARL P. DAVIS WITH JOHN NOLAN AS ALTERNATE TO THE EAST BRANCH FLOOD COMMISSION.

The Town Board of the Town of Middletown, Delaware County, New York, held their regular monthly meeting on Tuesday, April 09, 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, Brian Sweeney and John Roucek

Also present were: Town Attorney John Fairbairn, Hwy Supt John Biruk, Carol O'Beirne, Verna Dietrich, Terry Johnson, Lillian Browne - Walton Reporter, Geoff Samuels, Don Kearney William Taylor, Sophie Nogaj and Andy Nogaj.

Supervisor Miller called the meeting to order at 7:00 p.m.

Minutes of 03/05/13-Special Meeting and 03/12/13-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. Councilman B. Sweeney abstained as he was not present at the meeting.

Supervisor's Monthly Financial Reports for 02/2013; Town Clerk's Monthly Reports for 02/2013; Building & Zoning Monthly Reports for 02/2013 and Justice Court Monthly Reports for 02/2013 were approved as submitted, by a motion made by M. Miller, seconded by M. Finberg, carried by a vote of (5) ayes and (0) nays. Councilman John Roucek was not present.

Supervisor Miller opened the floor to the public. Sophie Nogaj presented pictures showing Max's Way Road. She feels something has to be done to improve the road due to health and safety issues. The Town spends money every year to redo the road and then has to redo it again. No one else wished to address the Board.

Carol O'Beirne gave an update of the Scenic By-Way.

Motion was made by M. Miller to adopt the ATTACHED Local Law No. 1 of 2012 - A Local Law for Dog Licensing and Control Law of the Town of Middletown, County of Delaware Replacing Local Law No. 1 of 2010. This motion was seconded by M. Finberg and carried by a vote of (5) ayes and (0) nays.

Motion was made M. Miller to authorize the Dog Control Officer, Verna Dietrich to start the dog census per the ATTACHED 2013 dog census sheet prepared by the Supervisor. This motion was seconded by B. Sweeney and carried by a vote of (5) ayes and (0) nays.

Motion was made by M. Finberg to award all the bids for Proposal No. 1 of 2013 - Rental of Construction Equipment with and without an operator per the ATTACHED list prepared by the Hwy Supt. This motion was seconded by M. Miller and carried by a vote of (5) ayes and (0) nays.

The Town Clerk opened the bids from Mirabito Energy Products. Supervisor read the ATTACHED late bid for fuel. Motion was made by M. Miller to award the bid for fuel to Mirabito Energy Products at the fluctuating prices as there were no other bids received. This motion was seconded by M. Finberg and carried by a vote of (5) ayes and (0) nays.

Motion was made by M. Miller to award all the bids for hauling per the ATTACHED list prepared by the Hwy Supt. This motion was seconded by J. Roucek and carried by a vote of (5) ayes and (0) nays.

Motion was made by M. Miller to authorize Hwy Supt John Biruk to seek bids for sale of surplus equipment. This motion was seconded by J. Rosa and carried by a vote of (5) ayes and (0) nays.

Motion was made by M. Miller to approve the purchase of a new 2013 JD 710K backhoe with the trade-in of the JD 710D backhoe toward the purchase from Nortrax for \$134,400.00. This motion was seconded by M. Finberg and carried by a vote of (4) ayes and (1) nays - J. Rosa.

Motion was made by M. Miller to approve the ATTACHED State and County bids for 2013. This motion was seconded by M. Finberg and carried a vote of (5) ayes and (0) nays.

Motion was made by M. Miller to hire David Curley effective April 1, 2013 to oversee Terry Johnson as "B" Operator at \$125./month for one year plus \$40./hour for emergencies for the Arkville Water. This motion was seconded by J. Rosa and carried by a vote of (5) ayes and (0) nays.

Motion was made by M. Miller to approve the ATTACHED Resolution No. 2 of 2013 - Deployed Military Extension. This motion was seconded by J. Roucek and carried by a vote of (5) ayes and (0) ayes.

Motion was made by M. Miller to approve the ATTACHED Resolution No. 3 of 2013 - Resolution Establishing Middletown's 'Good Neighbor' Policy. This motion was seconded by M. Finberg and carried by a vote of (5) ayes and (0) nays.

Motion was made by M. Finberg to re-appoint Agnes Freas as trustee to the Fairview Public Library. This motion was seconded by J. Rosa and carried a vote of (5) ayes and (0) nays.

Motion was made by M. Finberg to accept the ATTACHED proposal from Craig Cherry to provide lawn care and maintenance at the Town Hall for 2013 in the amount of \$2,450. This motion was seconded by J. Roucek and carried by a vote of (5) ayes and (0) nays.

The Town Board reviewed the ATTACHED letter received from Lyle Smith and Agnes Smith concerning Max's Way Road. Hwy Supt John Biruk explained the procedure of how the road is maintained.

Motion was made by M. Miller to re-appoint Susanna Finch and Carl P., Davis with John Nolan as Alternate to the East Branch Flood Commission. This motion was seconded by M. Finberg and carried by a vote of (5) ayes and (0) nays.

The Board referred the proposed Land Acquisition Project from NYS DEP for Parcel #3029 - 230.0 acres - County Highway 3 to the Planning Board.

Supervisor Miller opened the floor to the public again. Sophie Nogaj addressed the Board again and stated that it is unfair that Kapitko Spur has oil and stone with only one home on it when Max's Way has more homes.

The monthly vouchers were audited and ordered paid by a motion made by M. Miller, seconded by J. Roucek, and carried by a vote of (5) ayes and (0) nays. Vouchers approved were #s 197-262, totaling \$117,096.48.

Motion for adjournment was made by M. Miller, seconded by J. Roucek. This motion was carried by a vote of (5) ayes and (0) nays and the meeting was adjourned at 8:45 p.m.

DATED: April 30, 2013

PATRICIA F. KELLY
TOWN CLERK