

JULY 09, 2013

HWY SUP'T AUTHORIZED TO SEEK BIDS FOR A 4x4 TRUCK, 2002 OR NEWER, WITH 65,000 OR LESS MILEAGE.

CONSIDER A LOCAL LAW ESTABLISHING SET-BACKS FOR CONIFEROUS TREE PLANTING APPROVED.

BID FOR SINGLE AUDIT APPROVED.

BID FOR THE PURCHASE AND INSTALLATION OF A NEW FURNACE APPROVED.

AUTHORIZATION TO SEEK BIDS FOR ARKVILLE SIDEWALK REPAIR AND CONSTRUCTION.

AUTHORIZED A \$50.00 PETTY CASH ACCOUNT FOR THE OFFICE OF THE TOWN SUPERVISOR.

RESOLUTION NO. 9 OF 2013 - NOTICE OF CLAIM APPROVED.

RESOLUTION NO. 10 OF 2013 - SALUTING MIDDLETOWN'S 250<sup>TH</sup> ANNIVERSARY OF SETTLEMENT APPROVED.

RESOLUTION NO. 11 OF 2013 - TOWN OF MIDDLETOWN TO APPROVE BECOMING AN AMICUS CURIAE IN ACTIONS INVOLVING MUNICIPAL HOME RULE IN THE COURT OF APPEALS OF THE STATE OF NEW YORK APPROVED.

RE-APPOINTED JOHN T. NOLAN JR. AS MEMBER OF THE PLANNING BOARD FOR A SEVEN YEAR TERM.

SCHEDULED SPECIAL MEETING FOR TUESDAY, AUGUST 6, 2013 TO AWARD BIDS FOR EWP SITES 2, 3, 4, 5 AND 7 - FLEISCHMANN'S.

HYDRAULIC FRACTURING WEBSITE SURVEY APPROVED.

ANNUAL AGREEMENT WITH THE HEART OF THE CATSKILLS HUMANE SOCIETY APPROVED.

The Town Board of the Town of Middletown, Delaware County, New York, held their regular Monthly Meeting on Tuesday, July 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 and Brian Sweeney

Councilman John Roucek was not in attendance.

Also present were: Town Attorney John Fairbairn, Beth Bush, Len Utter, Bill Taylor, Terry Johnson, Lillian Browne - Walton Reporter, Don Kearney, Hwy Sup't John Biruk, Nelson Delameter, Ernie Steiglehner and Susanna Finch.

ATTACHED Agenda prepared by Supervisor Miller.

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

Supervisor Miller opened the floor for public as to items on the agenda. Len Utter asked "Item #14, Resolution 11, he has no problem with the home rule but as this is written, why the concern when we are in a no drill area? Towns that went this route opened themselves up to some serious litigation and just curious as to why?" Supervisor Miller replied "This is a friend of the Court's brief and it doesn't take a position as to the Middletown land use law so it doesn't put us in any jeopardy whatsoever". Ernie Steiglehner asked "What if you have any questions outside of the agenda?" Supervisor Miller said "Go ahead". He had nothing at this time but then asked "There are no workshops anymore because it conflicts with your schedule and couldn't your Deputy Mike conduct them in your absence". Supervisor Miller stated "We are also experimenting to see if the workshops are entirely necessary but they will continue in the Fall. The Town Board meeting schedule was set in January at our Organizational Meeting". No one else wished to address the Board.

Minutes of 06/11/13-Town Board Meeting and 06/20/13-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 05/2013; Town Clerk's Monthly Reports for 05/2013; Building & Zoning Monthly Reports for 05/2013 and Justice Court Monthly Reports for 05/2013 approved as submitted, by a motion made by M. Miller, seconded by M. Finberg, carried by a vote of (4) ayes and (0) nays.

Motion was made by M. Miller to authorize Hwy Sup't John Biruk to seek bids for a 4x4 truck, 2002 or newer with 65,000 or less mileage. 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 consider a local law establishing set-backs for coniferous tree planting. 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 to Toski & Co., P.C. for the single audit for \$9500. to \$10200., not to exceed the latter amount. This motion was seconded by B. Sweeney and carried by a vote of (4) ayes and (0) nays.

Motion was made by M. Finberg to award the ATTACHED bid to Knoth Heating & Mechanical for the purchase and installation of a new furnace in the amount of \$23,995. This motion was seconded by M. Miller and carried by a vote of (4) ayes and (0) nays.

Motion was made to by M. Miller to seek bids for Arkville sidewalk repair and construction up to 660 feet. This motion was seconded by B. Sweeney and carried by a vote of (4) ayes and (0) nays.

Motion was made by M. Finberg to establish a \$50.00 petty cash account for the office of the Town Supervisor. This motion was seconded by B. Sweeney and carried by a vote of (4) ayes and (0) nays.

Terry Johnson gave an update of the Arkville Water Project. He stated that there was a failure of the entire system due to condensation which sent 110 to 24 volts to one of the panels. He is going to order extra parts to keep on the shelf should this occur again. He has moved the power supply and panels to another location so this should take care of the condensation issue. He was also concerned about the pump house not being ready by the deadline as the contractor took three weeks off. Supervisor Miller suggested that Terry and she have a phone conversation with Stephan Miller General Contracting setting forth the deadline and M. Finberg suggested it be followed by a letter.

The Town Board tabled until next month the dissolution of Fire Protection into Fire District - Village of Margaretville until the Middletown-Hardenburgh Fire District and the Village of Margaretville come to discuss the pros and cons.

Motion was made by M. Miller to approve the ATTACHED Resolution No. 9 of 2013 - Notice of Claim. This motion was seconded by J. Rosa and carried by a vote of (4) ayes and (0) nays.

Motion was made by M. Miller to approve the ATTACHED Resolution No. 10 of 2013 - Saluting Middletown's 250<sup>th</sup> Anniversary of Settlement. 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 approve the ATTACHED Resolution No. 11 of 2013 - Town of Middletown to Approve Becoming an Amicus Curiae in Actions Involving Municipal Home Rule in the Court of Appeals of the State of New York. 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 re-appoint John T. Nolan Jr. to the Town Planning Board for a seven year term. 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 schedule a Special Meeting for Tuesday, August 6, 2013 to award bids for EWP Sites 2, 3, 4, 5 and 7 - Fleischmanns. This motion was seconded by B. Sweeney and carried by a vote of (4) ayes and (0) nays.

The Board had no objections or comments in relation to the ATTACHED notice of liquor license renewal from Margaretville Bowl.

Motion was made by M. Miller to proceed with the ATTACHED Hydraulic Fracturing Website Survey to see how people feel about this particular issue in the Town. J. Rosa stated "This is a waste of taxpayer money as long as DEP is here and protecting their water source." This motion was seconded by B. Sweeney and carried by a vote of (3) ayes and (1) nay - J. Rosa.

Motion was made by M. Finberg to approve the ATTACHED annual agreement with the Heart of the Catskills Humane Society for Control of Dogs. This motion was seconded by J. Rosa and carried by a vote of (4) ayes and (0) nays.

Patricia F. Kelly, Town Clerk informed the Town Board of her appointment of Melinda P. Cammer as Deputy Town Clerk.

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 415-477, totaling \$261,908.57.

Motion for adjournment was made by M. Miller, seconded by J. Rosa. This motion was carried by a vote of (4) ayes and (0) nays and the meeting was adjourned at 8:30 p.m.

DATED: July 23, 2013

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PATRICIA F. KELLY  
TOWN CLERK