

JANUARY 10, 2012

APPROVED PURCHASE OF NEW 2012 JD 624K WHEEL LOADER UNDER NYS OGS CONTRACT #22063 TO NORTRAX FOR \$88,300. INCLUDING LABOR AND TRADE.

2012 AGREEMENT FOR THE EXPENDITURE OF HWY MONEYS IS APPROVED.

2011 BUDGET AMENDMENTS APPROVED.

RESOLUTION FOR CATSKILL MOUNTAINS SCENIC BYWAY NOMINATION AND CORRIDOR MANAGEMENT PLAN ADOPTION.

APPROVED CHANGE ORDER TO INCREASE FUNDS TO \$30,000. FOR LOCAL CONSULTATION -CWC.

RESOLUTION IN SUPPORT OF BELLEAYRE MOUNTAIN.

RESOLUTION TO APPROVE BECOMING AN AMICUS CURIAE IN ACTIONS INVOLVING MUNICIPAL HOME RULE.

APPROVED FUNDING APPLICATION TO THE DEPT. OF STATE LONG TERM COMMUNITY RECOVERY GRANTS PROGRAM.

The Town Board of the Town of Middletown, Delaware County, New York, held their regular monthly meeting on Tuesday, January 10, 2012 at the Town Hall, located on #42339 State Route 28, Margaretville, NY.

The following Board Members were present:

Supervisor.....Marjorie Miller

Council Members.....Brian Sweeney, John Roucek, Mike Finberg and Jake Rosa

Also present were: Town Attorney Carey Wagner, Hwy Supt John Biruk, Nicole Day, Carol O'Beirne, Diane Galusha, M. Jastremski, Terry Johnson, Beth Bush, Scott Soderback, Carl P. Davis, Len Utter, Susanna Finch, Don Kearney, Chuck Freas, Kurt Holcherr and Peter Manning.

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

Minutes of 12/06/11 were approved as submitted, and minutes of 12/13/11 were tabled until February 2012 Board Meeting, by a motion made by J. Roucek, seconded by J. Rosa, carried a vote of (5) ayes and (0) nays.

Supervisor Miller opened the floor to the public. Terry Johnson addressed the Board about the concern of the Arkville Water District if the Hazard Mitigation Plan takes affect. He said "Arkville Water Project stands lose to 1.5 million dollars in tax assessment value which is 15% total value of the district. Also, they will stand to lose \$5,600./year of meter sales so please take this into consideration as the water system would become unaffordable to the rest of the community."

Leonard Utter asked the Board to support Belleayre Mountain as the future of the ski slope is in jeopardy and impact of the mountain is critical. He said "there are 400 full or part-time employees and according to the bookkeeper, out of those 400 employees, 209 have a Delaware County address." Carol O'Beirne seconded L. Utter and said,

“businesses in the area are off 50-70% and it not due to the lack of snow but it is the fact Belleayre have zero marketing funds,” so please support the Resolution. She also stated, “that the Chamber Board agreed to sign on to the Resolution”.

Per recommendation from the Hwy Supt John Biruk, motion was made by J. Roucek to purchase a new JD 624K Wheel Loader from Nortrax for \$86,300., including trade and labor. This motion was seconded by M. Finberg and carried by a vote of (5) ayes and (0) nays. (SEE ATTACHED LETTER AND CUSTOMER PURCHASE ORDER).

Motion was made by B. Sweeney to approve the ATTACHED Agreement for the Expenditure of Highway Moneys for 2012. This motion was seconded by J. Roucek and carried by a vote of (5) ayes and (0) nays.

Motion was made by M. Finberg to approve the ATTACHED list of budget amendments for 2011. This motion was seconded by J. Roucek and carried by a vote of (5) ayes and (0) nays.

J. Rosa addressed the Board about CFA’s which work with private landowners to help promote working landscaped and forestry. He is working on biomass energy for industrial growth in the watershed area. Most of the study has been completed and are securing funding. In Fleischmanns, they would have a formal heating district that would be metered by burning wood chips.

Nicole Day of CADE’s (Center for Agriculture Development & Entrepreneurship) stated “that they have been successful in Otsego Co. and want to move into Delaware and Schoharie Counties.” CADE, a non-profit organization connects farmers and agricultural related business to markets by providing professional, individualized & confidential business and marketing consulting in New York.

Mike Jastremski of Delaware County Planning Board gave the Board the ATTACHED information for the Hazard Mitigation. A motion was made by M. Finberg to approve the ATTACHED funding application to the Department of State Long Term Community Recovery Grants Program. This motion was seconded by J. Rosa and carried by a vote of (5) ayes and (0) nays.

Carl P. Davis read the ATTACHED letter from Town of Middletown Board of Assessors concerning tax relief to properties damaged as a result of the 2011 Flood.

A motion was made by M. Finberg to table the appointment of members for the Middletown Flood Commission until after the Planning Board Meeting has met and discussed this. This motion was seconded by J. Rosa and carried by a vote of (5) ayes and (0) nays.

A motion was made by B. Sweeney to adopt the ATTACHED Resolution for Catskill Mountains Scenic Byway Nomination and Corridor Management Plan Adoption. This motion was seconded by M. Finberg and carried by a vote of (4) ayes and (1) nay. J. Rosa opposed.

A motion was made by J. Rosa to hire Silvertop Graphics to create the Town website as per the ATTACHED proposal and pricing structure. This motion was seconded by J. Roucek and carried by a vote of (5) ayes and (0) nays.

A motion was made by J. Rosa to approve the ATTACHED change order to increase funds available to \$30,000. for the Local Consultation on NYDEP Land Acquisition Contract from Catskill Watershed Corporation. This motion was seconded by B. Sweeney and carried by a vote of (5) ayes and (0) nays.

A motion was made by J. Rosa to adopt the ATTACHED Resolution in Support of Belleayre Mountain. This motion was seconded by M. Finberg and carried by a vote of (4) ayes and (0). J. Roucek abstained from voting.

A motion was made by B. Sweeney to adopt the ATTACHED Resolution to Approve Becoming an Amicus Curiae in Actions Involving Municipal Home Rule Pending Before New York State Appellate Courts. This motion was seconded by M. Finberg and carried by a vote of (5) ayes and (0) nays.

Supervisor M. Miller presented the ATTACHED Supervisor’s Statement to the Board concerning personnel issues.

The Supervisor distributed her monthly financial report for the month of December 2011.

Voucher #10 for the Housing Rehab. Project in the amount of \$16,511.40 was approved for payment by a motion made by J. Roucek, seconded by J. Rosa, and carried by a vote of (5) ayes and (0) nays.

Voucher #32 in the amount of \$56,227.69 to Hubbell, Inc. and Voucher #33 in the amount of \$4,680.05 to LaMont Engineers, P.C. for the Arkville Water Project was

approved for payment by a motion made by J. Roucek, seconded by J. Rosa, and carried by a vote of (5) ayes and (0) nays.

The monthly vouchers were audited and ordered paid by a motion made by B. Sweeney, seconded by J. Rosa, and carried by a vote of (5) ayes and (0) nays. Vouchers approved were #s 001-080, totaling \$130,471.84.

Motion for adjournment was made by J. Rosa, seconded by B. Sweeney. This motion was carried by a vote of (5) ayes and (0) nays and the meeting was adjourned at 9:00 p.m.

DATED: January 31, 2012

PATRICIA F. KELLY
TOWN CLERK