

MARCH 13, 2012

PUBLIC HEARING - LOCAL LAW NO. 2  
OF 2012 - A LOCAL LAW FOR FLOOD  
DAMAGE PREVENTION.

PURCHASE OF NEW PHOTOCOPYING  
MACHINE FOR TOWN HALL IS  
APPROVED.

HWY SUPT AUTHORIZED TO SEEK  
BIDS FOR FUEL, MATERIALS AND  
SERVICES.

4 DAY/10 HOUR HWY WORK WEEK  
FOR SUMMER SEASON IS APPROVED.

LOCAL LAW NO. 1 OF 2012 - CODE  
ENFORCEMENT AND/OR BUILDING  
INSPECTOR MUST BE A RESIDENT OF  
DELAWARE CO. ADOPTED.

LOCAL LAW NO. 2 OF 2012 - A LOCAL  
LAW FOR FLOOD DAMAGE  
PREVENTION ADOPTED.

RESOLUTION TO ADD BUSINESSES  
THAT ARE ELIGIBLE FOR CWC FLOOD  
RELIEF PROGRAM.

The Town Board of the Town of Middletown, Delaware County, New York, held their regular monthly meeting on Tuesday, March 13, 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, Mike Finberg, Jake Rosa  
and John Roucek

Also present were: Town Attorney Carey Wagner, Hwy Supt John Biruk, Kent Manuel of Del. Co. Planning Dept., Terry Johnson, Ken Taylor, Amy Taylor, Beth Bush, Carl P. Davis, Don Kearney, Kurt Holcherr, Ingrid van der Leeden, Jeff Warner, Doris Warner, Cassie Palen, Robert Beckerman, Rebecca Saunders, Agnes Freas, Peg Ellsworth, Heather Brighton, Ken Meskill, Raymond Prochaska, Frank Canavan, Attila Wenger, Blanca Calderon, Joyce St. George and Pauline Liu.

Supervisor Miller called the meeting to order at 7:00 p.m. The Town Clerk read the ATTACHED legal notice advertising the public hearing.

Code Enforcement Officer Carl P. Davis gave a presentation of the flood damage prevention. Kent Manuel of Del. Co. Planning Dept. concurred with Carl P. Davis. Supervisor Miller opened the floor to the public for comments and concerns. Cassie Palen asked "what area are the new maps for, just city land and the reservoir area? Carl P. Davis said "they are for the entire Town of Middletown and you can go on the Del. Co. site to see the flood maps". There were no further comments or questions, and Supervisor Miller closed the hearing at 7:17 p.m.

Minutes of 02/14/2012 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 John Roucek was not present at this time.

Supervisor Miller opened the floor to the public. Terry Johnson addressed the Board and said "he was not happy about the floor not being open to the public after the meeting". Ingrid van der Leeden wanted to know if the voucher she submitted in December was going to be paid tonight and to invite the entire Board to attend a meeting

at the Library at a mutual agreed upon date. Atilla Wenger said he was discouraged about our garbage situation at the Transfer Station. He said he has received rude comments from the garbage operators and that it was not “user friendly”. Blanca Calderon urged the Town Board to keep Hog Mountain Road open.

A motion was made by M. Finberg to lease a Sharp MX-M310 Digital Imager, Sharp MX-FN13 Inner Finisher and Sharp MX-DE11 (2) 50-sheet stand from Delaware Business Systems on a 48-month FMV lease at \$171.62 per month per the ATTACHED proposal. This motion was seconded by M. Miller and carried by a vote of (5) ayes and (0) nays.

Motion was made by J. Roucek to authorize the Hwy Supt to advertise for annual bids for fuel, materials, and services. This motion was seconded by M. Finberg and carried by a vote of (5) ayes and (0) nays. (COPY OF LEGAL NOTICE ATTACHED).

Motion was made by M. Finberg to approve the ATTACHED Hwy Union’s request for a 4 day/10 hour work week. This motion was seconded by J. Roucek and carried by a vote of (5) ayes and (0) nays.

Peg Ellsworth of Mark Project gave an update of the Flood Relief Programs which were or are still available for individuals and businesses.

Motion was made by M. Finberg to adopt the ATTACHED Local Law No. 1 of 2012 - Code Enforcement Officer and/or Building Inspector must be a resident of Delaware County. 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 approve the ATTACHED Resolution of the Town Board of the Town of Middletown determining that there are no adverse impacts on the environment from adoption of the Flood Damage Prevention Law. This motion was seconded by B. Sweeney and carried by a vote of (5) ayes and (0) nays. A motion was made by J. Roucek to adopt the ATTACHED Local Law No. 2 of 2012 - Flood Damage Prevention Law. This motion was seconded by B. Sweeney and carried by a vote of (5) ayes and (0) nays.

The Board took no action to set a Public Hearing for the Sewer Use Law as it is premature until after the meeting with Attorney Kevin Young, City of New York, Town of Middletown and the Village of Margaretville on May 21, 2012. The Board felt we have a Sewer Use Law with the sunset provision in place and the City has had 12 years and still hasn’t done anything with the sewer extensions.

Motion was made by M. Finberg to approve the ATTACHED Resolution amending the Resolution adopted October 21, 2011 regarding CWC Flood Relief Authorization to add businesses that are eligible. This motion was seconded by J. Rosa and carried by a vote of (5) ayes and (0) nays.

The Board had no objections or comments in relation to the ATTACHED notice of liquor license renewal from Oakley’s Place, Inc.

Supervisor Miller acknowledged receipt of the ATTACHED Statement in Support of Repairing Hog Mountain Road by Ellen Fauberbach along with the Petition and said we are waiting to see what the cost will be.

A motion was made by M. Finberg to approve the Town Clerk to attend the NYS Town Clerk’s Assoc. Conference on April 23-April 25, 2012 at Saratoga Springs, NY. This motion was seconded by J. Rosa and carried by a vote of (5) ayes and (0) nays.

The Supervisor distributed her monthly financial report for the month of February 2012.

Voucher #12 for the Housing Rehab. Project in the amount of \$47,135.90 to Mark Project was approved for payment by a motion made by J. Rosa, seconded by J. Roucek, and carried by a vote of (5) ayes and (0) nays.

Voucher #36 in the amount of \$470.00 to NYSEG; Voucher #37 in the amount of \$2,185.95 to Hubbell; Voucher #38 in the amount of \$871.74 to LaMont Engineers, P.C. and Voucher #39 in the amount of \$4,025.14 to Cowan Excavation for the Arkville Water Project was approved for payment by a motion made by J. Roucek, seconded by M. Miller, 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. Roucek, and carried by a vote of (5) ayes and (0) nays. Vouchers approved were #s 154-223, totaling \$272,706.20.

Motion for adjournment was made by M. Miller, seconded by J. Rosa. This motion was carried by a vote of (5) ayes and (0) nays and the meeting was adjourned at 8:23 p.m.

DATED: March 27, 2012

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PATRICIA F. KELLY  
TOWN CLERK