

FEBRUARY 11, 2014

PUBLIC HEARING - LOCAL LAW NO. 1 OF 2014 - A LOCAL LAW OF THE TOWN OF MIDDLETOWN, DELAWARE COUNTY, NEW YORK ENACTING A RIGHT-TO-FARM LAW.

PUBLIC HEARING - LOCAL LAW NO. 2 OF 2014 - A LOCAL LAW OF THE TOWN OF MIDDLETOWN, DELAWARE COUNTY, NEW YORK ENACTING A RIGHT TO PRACTICE FORESTRY LAW.

AUTHORIZED SUPERVISOR TO EXECUTE ENGAGEMENT LETTER TO PROVIDE AUDIT FOR THE YEAR 2013 FROM TOSKI & CO.

CODE ENFORCEMENT OFFICER CARL P. DAVIS AUTHORIZED TO ATTEND THE NYSBOC CENTRAL CHAPTER CONFERENCE IN LIVERPOOL, NY ON APRIL 1-4, 2014.

TOWN CLERK PATRICIA KELLY AUTHORIZED TO ATTEND THE NYS TOWN CLERK'S ASSOC. IN SARATOGA SPRINGS, NY ON APRIL 28-30, 2014.

RESOLUTION #1 OF 2014 - ESTABLISHING SCENIC BYWAY MANAGEMENT ENTITY COMPOSITION APPROVED.

RE-APPOINTED DIANE GALUSHA TO SERVE ON THE CENTRAL CATSKILL COLLABORATIVE.

RESOLUTION #2 OF 2014 - A RESOLUTION APPROVING THE THIRD AMENDMENT TO AN AGREEMENT BETWEEN THE TOWN OF MIDDLETOWN & VILLAGE OF MARGARETVILLE REGARDING BUILDING & ZONING INSPECTIONS APPROVED.

RESOLUTION #3 OF 2014 - STANDARD WORK DAY AND REPORTING APPROVED.

AUTHORIZATION TO SPONSOR THE DELAWARE COUNTY FAIR 5K RUN ON AUGUST 16, 2014 FOR THE AMOUNT OF \$100.00.

EXECUTIVE SESSION---CONTRACT NEGOTIATIONS---NO BOARD ACTION TAKEN.

The Town Board of the Town of Middletown, Delaware County, New York, held two Public Hearings and their regular monthly meeting on Tuesday, February 11, 2014 at the Town Hall, located on #42339 State Route 28, Margaretville, NY.

The following Board Members were present:

Supervisor.....Marjorie Miller

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

Councilman Brian Sweeney was not in attendance.

Also present were: Lillian Browne - Walton Reporter, Linden Wranovics, Lauren Davis, Paul Krickhahn Jr., Leonard Utter, Eleanor Mager, Kurt Holcherr, Tom Grocholl, Jim

Waters, Charles Kowalski, Gaylon Todd, Chris Darling, Don Bramley and Glen Faulkner.

Supervisor Miller opened the Public Hearing at 5:00 p.m. The Town Clerk read the ATTACHED legal notice advertising the Public Hearings.

ATTACHED Agenda prepared by Supervisor Miller.

The Town Board discussed Local Law No. 1 of 2014 - A Local Law of the Town of Middletown, Delaware County, New York Enacting a Right-To-Farm Law.

Charles Kowalski felt that on Page 4, Paragraph (h), the sentence should read “Any reasonable costs associated with the functioning of the dispute resolution committee process should be borne equally by the participants.”

Leonard Utter stated “In essence I agree with the local law and would recommend its passage but I think it is only 50 years too late”. He also suggested that on Page 3, Section 5 that the proposed law be modified to notify all property purchasers of the law.

Lauren Davis reviewed his ATTACHED letter dated February 11, 2014 addressed to the Town of Middletown Board with the Town Board.

Jim Waters said that introducing a local law because one load of manure was dumped and a neighbor didn't like it was “real overkill”. He also stated that he don't believe in passing laws unless there is a real need to do so and he doesn't think that has been demonstrated yet.

There were no further questions or comments from the public, and Supervisor Miller closed the Hearing at 5:28 p.m.

Supervisor Miller opened the second Public Hearing at 5:28 p.m.

The Town Board discussed Local Law No. 2 of 2014 - A Local Law of the Town of Middletown, Delaware County, New York Enacting a Right to Practice Forestry Law.

Charles Kowalski asked if there is anything in the law that protects a person who lives on a private road as to restoring the property back similar to what nature provided?

Jim Waters went through the proposed local law by paragraph and stated his dislikes with the language and definitions which he felt could be interpreted in a multitude of ways. He felt the local law would be a huge disservice to the town, to forestry and to economic expansion.

There were no further questions or comments from the public, and Supervisor Miller closed the Hearing at 5:42 p.m.

Supervisor Miller called the meeting to order at 5:42 p.m.

Motion was made by J. Rosa, seconded by M. Finberg that the Minutes of 01/14/14-Town Board Meeting, Page 2, Paragraph 3 be amended by adding after camera “to be installed in the Highway Superintendent's Office”; 01/07/14-Organizational Meeting and 01/16/14-SpecialMeeting/Annual Audit of Town Officers for Fiscal 2013 were approved as submitted. **(4) Ayes - Marjorie Miller; Mike Finberg; John Roucek and Jake Rosa - (0) Nays.**

Supervisor's Monthly Financial Reports for 12/2013; Town Clerk's Monthly Reports for 12/2013; Building & Zoning Monthly Reports for 12/2013; Justice Court Monthly Reports for 12/2013; Quarterly Water Rents for Halcottsville Water District-07/01/13-09/30/13 and Quarterly Utility Billing Cash Receipts for Arkville Water District -10/01/13-12//31/13 were approved as submitted, by a motion made by M. Miller, seconded by J. Roucek. **(4) Ayes - Marjorie Miller; Mike Finberg; John Roucek and Jake Rosa - (0) Nays.**

Motion was made by M. Miller, seconded by J. Roucek to accept the ATTACHED Annual Report 2013 of Building & Zoning Department prepared by Code Enforcement Officer Carl P. Davis. **(4) Ayes - Marjorie Miller; Mike Finberg; John Roucek and Jake Rosa - (0) Nays.**

Supervisor Miller opened the floor to the public. No one wished to address the Board.

Motion was made by M. Finberg, seconded by J. Rosa to authorize Supervisor Miller to sign the ATTACHED engagement letter to provide audit and related services to the Town of Middletown for the year ended December 31, 2013 from Toski & Co. **(4) Ayes - Marjorie Miller; Mike Finberg; John Roucek and Jake Rosa - (0) Nays.**

Motion was made by M. Miller, seconded by M. Finberg to authorize Code Enforcement Officer Carl P. Davis to attend the NYSBOC Central Chapter Conference from April 1-4, 2014 in Liverpool, NY. **(4) Ayes - Marjorie Miller; Mike Finberg; John Roucek and Jake Rosa - (0) Nays.**

Motion was made by M. Finberg, seconded by J. Rosa to authorize Town Clerk Patricia Kelly to attend the NYS Town Clerk's Assoc. Conference from April 28-30, 2014 in Saratoga Springs, NY. **(4) Ayes - Marjorie Miller; Mike Finberg; John Roucek and Jake Rosa - (0) Nays.**

Motion was made by M. Finberg, seconded by J. Rosa to approve the ATTACHED Resolution #1 of 2014 - Establishing Scenic Byway Management Entity Composition. **(4) Ayes - Marjorie Miller; Mike Finberg; John Roucek and Jake Rosa - (0) Nays.**

Motion was made by M. Miller, seconded by M. Finberg to re-appoint Diane Galusha to serve on the Central Catskill Collaborative. **(4) Ayes - Marjorie Miller; Mike Finberg; John Roucek and Jake Rosa - (0) Nays.**

Motion was made by J. Rosa, seconded by M. Miller to approve the ATTACHED Resolution #2 of 2014 - A Resolution Approving the Third Amendment to an Agreement Between the Town of Middletown & Village of Margaretville Regarding Building & Zoning Inspections. **(4) Ayes - Marjorie Miller; Mike Finberg; John Roucek and Jake Rosa - (0) Nays.**

Motion was made by J. Rosa, seconded by J. Roucek to approve the ATTACHED Resolution #3 of 2014 - Standard Work Day and Reporting. **(4) Ayes - Marjorie Miller; Mike Finberg; John Roucek and Jake Rosa - (0) Nays.**

Motion was made by M. Miller, seconded by M. Finberg to sponsor the Delaware County Fair 5K Run being held on August 16, 2014 in the amount of \$100.00. **(4) Ayes - Marjorie Miller; Mike Finberg; John Roucek and Jake Rosa - (0) Nays.**

Motion was made by J. Roucek, seconded by M. Finberg at 6:00 p.m. to enter into Executive Session to discuss contract negotiations. Included in the Executive Session were the Town Clerk, Don Bramley and Glen Faulkner. **(4) Ayes - Marjorie Miller; Mike Finberg; John Roucek and Jake Rosa - (0) Nays.** Motion for adjournment was made by M. Miller, seconded by J. Rosa at 6:40 p.m. **(4) Ayes - Marjorie Miller; Mike Finberg; John Roucek and Jake Rosa - (0) Nays.** There were no Board decisions per the Executive Session.

Voucher #110 in the amount of \$2200.00 to Toski & Co. for the Arkville Water Project was approved for payment by a motion made by M. Miller, seconded by M. Finberg. **(4) Ayes - Marjorie Miller; Mike Finberg; Brian John Roucek and Jake Rosa - (0) Nays.**

The monthly vouchers were audited and ordered paid by a motion made by M. Miller, seconded by M. Finberg. **(4) Ayes - Marjorie Miller; Mike Finberg; John Roucek and Jake Rosa - (0) Nays.** Vouchers approved were #s 062-125, totaling \$164,713.79.

Motion for adjournment was made by J. Rosa, seconded by J. Roucek. **(4) Ayes - Marjorie Miller; Mike Finberg; John Roucek and Jake Rosa - (0) Nays.** The meeting was adjourned at 7:12 p.m.

DATED: February 25, 2013

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PATRICIA F. KELLY  
TOWN CLERK