

DECEMBER 13, 2011

ADOPTED COMPREHENSIVE PLAN.

RESOLUTION TO INCREASE APPROPRIATIONS IN THE AMOUNT \$1,000,000. BORROWED FROM KINGDOM GOULD.

RESOLUTION TO TRANSFER \$15,000. NEEDED TO REPLACE FLOOD DAMAGED TOOLS - HWY GARAGE.

RESOLUTION TO AWARD CONTRACT #4 TO ADEGE (ARSENIC REMOVAL TREATMENT) FOR \$187,700. – ARKVILLE WATER SYSTEM IMPROVEMENT.

RESOLUTION TO AWARD CONTRACT #5 TO AVOLIO BROTHERS (HVAC) FOR \$61,350. – ARKVILLE WATER SYSTEM IMPROVEMENT.

APPOINTMENT OF CHARLES KOWALSKI, AS ALTERNATE MEMBER ON THE PLANNING BOARD TO REPLACE RYAN TRAPANI.

LETTER OF SUPPORT FOR THE VILLAGE OF FLEISCHMANN'S.

APPROVED AGREEMENT BETWEEN THE TOWN AND DEL. CO. PLANNING DEPT. TO PROVIDE PLANNING SERVICES IN THE AMOUNT OF \$3500.

The Town Board of the Town of Middletown, Delaware County, New York, held their regular monthly meeting on Tuesday, December 13, 2011 at the Town Hall, located on State Route 28, Margaretville.

The following Board Members were present:

Supervisor.....Len Utter

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

Also present were: Town Attorney Carey Wagner, Hwy Supt John Biruk, Beth Bush, Terry Johnson, Marge Miller, Nan Stolzenburg, Bill Stanton, Ernie and Janet Steiglehner, Kent Manuel, Dan Katz, Diane Galusha, Dave Morrell, Todd Pascarella, Don Kearney, Larry Reilly, Charles Freas and Pauline Liu.

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

Minutes of 11/01/11, 11/09/11 and 11/17/11 were approved as amended, by a motion made by J. Roucek, seconded by J. Rosa, and carried by a vote of (5) ayes and (0) nays. Supervisor Utter opened the floor to the public. Margaretville Mayor Bill Stanton “thanked Supervisor Utter on behalf of the Village for his 12 years of service as Supervisor and said you did a great job”. Janet Steiglehner wants to know if the Board was voting on the Comprehensive Plan tonight. Ernie Steiglehner wanted some clarification as to some of the requirements of the Comprehensive Plan. Diane Galusha asked the Board if anyone had any questions concerning the Catskill Mountains Scenic Byway, to table any decision until Peter Manning could be here. Dan Katz stated “that he has made a tremendous investment and commitment to come back in and would like some consideration as to qualifications of businesses in different areas. He thinks it will destroy the Village”.

Hwy Supt. John Biruk presented the ATTACHED 2011 Inventory of Highway Machinery, Tools and Equipment.

A motion was made by M. Finberg to table the Catskill Mountain Scenic By Resolution until next month since Peter Manning was not present, seconded by J. Rosa, and carried by a vote of (5) ayes and (0) nays. Ken Manuel of Del. Co. Planning Board addressed the Board and said he has some concerns and said “to take a good look at it to see the benefits plus the potential risks”.

After much discussion, a motion was made by J. Rosa to approve the ATTACHED Resolution of the Town of Middletown Town Board Intent to be Lead Agency and Identification of a Type I Action - Adoption of Town Comprehensive Plan, seconded by J. Roucek and carried by a vote of (5) ayes and (0) nays. The Board reviewed and corrected the ATTACHED Full Environmental Assessment Form.

A motion was made by B. Sweeney to approve the ATTACHED Resolution-Negative Declaration-Type I Action, seconded by J. Rosa and carried by a vote of (5) ayes and (0) nays.

A motion was made by B. Sweeney to approve the ATTACHED Resolution in the matter of the adoption of the Comprehensive Plan , seconded by J. Roucek and carried by a vote of (5) ayes and (0) nays.

A motion was made by M. Finberg to approve the ATTACHED resolution to allocate the insurance proceeds of \$31,075 to transfer \$15,000 from surplus funds to Machinery, CE and Brush & Weeds, CE to replace flood damaged tools, 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 resolution to award Contract #4 to AdEdge (Arsenic Removal Treatment) in the amount of \$187,700 for the Arkville Water System Improvements Project, seconded by J. Roucek and carried by a vote of (5) ayes and (0) nay.

A motion was made by J. Rosa to approve the ATTACHED resolution to award Contract #5 to Avolio Brothers (HVAC) in the amount of \$61,350 for the Arkville Water System Improvements Project, seconded by M. Finberg and carried by a vote of (5) ayes and (0) nays.

Public Information Officer Diane Galusha of Middletown Emergency Communication Team presented the ATTACHED communications activity review and recommendations. A motion was made M. Finberg to table this until the January 2012 Organizational Meeting at which time the Supervisor can appoint an Emergency Volunteer Coordinator, seconded by J. Roucek and carried by a vote of (5) ayes and (0) nays.

A motion was made by M. Finberg to appoint Charles Kowalski as Alternate Member of the Town Planning Board to replace Ryan Trapani for the term 12/13/2011-03/09/2013, seconded by J. Roucek and carried by a vote of (5) ayes and (0) nays.

The Town Board decided to take no action on the ATTACHED Enhanced Land Trust Program (ELTP) by NYS DEP.

A motion was made by J. Rosa to approve the ATTACHED letter of support for the Village of Fleischmanns application to the Delaware Watershed Stream Management Grant Program for the development of stream corridor management plan (SCMP). This motion was seconded by M. Finberg and carried by a vote of (5) ayes and (0) nays.

A motion was made by M. Finberg to approve the ATTACHED Community Review Town Response Form for proposed “NYC DEP” land acquisition #7396 of 38.02 acres on Sprague Road. This motion was seconded by J. Roucek and carried by a vote of (5) ayes and (0) nays.

A motion was made by M. Finberg to approve the ATTACHED Agreement between the Delaware County Planning Board and the Town of Middletown to provide planning services in the amount of \$3,500, seconded by J. Rosa and by a vote of (5) ayes and (0) nays.

A motion was made by J. Rosa to hold the 2012 Organizational Meeting on Tuesday, January 3, 2012 at 7:00 p.m. 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 hold the 2011 Officer’s Audit on Tuesday, January 17, 2012 at 7:00 p.m. This motion was seconded by B. Sweeney and carried by a vote (5) ayes and (0) nays.

As per the ATTACHED letter of dated August 9, 2011 from Robert L. Beebe, LLC, a motion was made by J. Roucek to authorize Robert Beebe to execute the Stipulation of Settlement between the City of New York and the Town of Middletown concerning the Margaretville Wastewater Plant. This motion was seconded by B. Sweeney and carried by a vote of (5) ayes and (0) nays.

The Supervisor distributed his monthly financial report for month of November, 2011.

Motion was made by Supervisor Utter at 9:30 p.m. to enter into Executive Session to discuss litigation matters for tax assessments and possibly law suit. Included in the Executive Session were the Deputy Town Clerk, Town Attorney, Gary Marks and Marge Miller. Motion was seconded by J. Rosa and carried by a vote of (5) ayes and (0) nays. Motion for adjournment was made by M. Finberg and seconded by J. Roucek. This motion was carried by a vote of (5) ayes and (0) nays, and the meeting was adjourned at 9:50 p.m. There were no Board decisions per the Executive Session.

Motion was made by Supervisor Utter at 9:50 p.m. to enter into Executive Session to discuss union contract negotiations. Included in the Executive Session were Deputy Town Clerk, Town Attorney and Marge Miller. Motion was seconded by M. Finberg and carried by a vote of (5) ayes and (0) nays. Motion for adjournment was made by J. Rosa and seconded by J. Roucek. This motion was carried by a vote of (5) ayes and (0) nays, and the meeting was adjourned at 10:24 p.m. There were no Board decisions per the Executive Session.

Voucher #9 for the Housing Rehab. Project in the amount of \$43,278. 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 #30 in the amount of \$10,283.76 to Town of Middletown and Voucher #32 in the amount of \$56,227.69 to Hubbell, Inc. 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.

The monthly vouchers were audited and ordered paid by a motion made by J. Rosa, seconded by J. Roucek and carried by a vote of (5) ayes and (0) nays. Vouchers approved were #s 788-866, totaling \$382,005.86.

Motion for adjournment was made by J. Roucek and seconded by J. Rosa. This motion was carried by a vote of (5) ayes and (0) nays, and the meeting was adjourned at 10:35 p.m.

Dated: February 13, 2012

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Patricia F. Kelly  
Town Clerk