

SEPTEMBER 13, 2011

APPOINTED TERRY JOHNSON AS TOWN SITE INSPECTOR FOR ARKVILLE WATER IMPROVEMENT PROJECT.

RESOLUTION TO HIRE SHIELA BIRUK AS “TEMPORARY FEMA CLERK”.

FAIRVIEW PUBLIC LIBRARY BYLAWS APPROVED.

2012 TENTATIVE BUDGET MEETING SCHEDULED FOR OCTOBER 4, 2011.

TOWN RESPONSE TO PROPOSED “NYS DEP” LAND ACQUISITIONS APPROVED - 153.3 ACRES - WINTER HOLLOW ROAD & 8.75 ACRES - THOMPSON HOLLOW ROAD.

ARTIE ZIER RE-APPOINTED TO “BAR”.

SPECIAL MEETING FOR SEPTEMBER 6, 2011 TO AUDIT AND APPROVE ARKVILLE WATER PROJECT VOUCHERS WAS CANCELLED DUE TO THE FLOOD.

SPECIAL MEETING SCHEDULED FOR SEPTEMBER 19, 2011 TO DISCUSS AND REVIEW CONTRACTORS AGREEMENT WITH HUBBELL, INC., IN RELATION TO FLOOD WORK.

The Town Board of the Town of Middletown, Delaware County, New York, held their regular monthly meeting on Tuesday, September 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, Shiela Biruk, Pat Davis, Beth Bush, Terry Johnson, Ernest Steiglehner, Janet Steiglehner, Mike Hill, Diane Galusha, Charles Freas, Lisa Tait, Carol O’Beirne, Amy Metnick, Susanna Finch, Marge Miller, Jessica Olenych, Steven Sines, Josie Stern, Bill Taylor, Bruce Brenner and Rae Brenner.

Supervisor Utter called the meeting to order at 7:00 p.m. Minutes of the 08/09/11 monthly meeting, 08/15/2011 public hearing and special meeting and 08/23/11 special meeting were approved as submitted, by a motion made by J. Roucek, seconded by B. Sweeney, and carried by a vote of (5) ayes and (0) nays.

Supervisor Utter opened the floor to the public. Flood Recovery Information Officer Diane Galusha addressed the Board and reported that she formed a communication committee consisting of herself, Carol O’Beirne, Amy Metnick, Lisa Tait and Brian Sweeney. They set up a website, [www.middletownfloodrecovery.wordpress.com](http://www.middletownfloodrecovery.wordpress.com) to advise the public of updates, donations, aid programs, municipal services, roads, public health/cleanup, etc.

Code Enforcement Officer Pat Davis presented the ATTACHED flood report dated September 13, 2011 to let the public know what he has incurred starting August 29, 2011 through September 9, 2011. P. Davis said the Village of Margaretville had 82 structures, Fleischmanns had 44 structures and the Town of Middletown had 208 structures that had minor or major damage.

Arkville Water Project Manager Beth Bush presented the ATTACHED recommendations for a Town Site Inspector for the Arkville Water System Improvements Project. A motion was made by M. Finberg to create the position of Town Site Inspector.

This motion was seconded by J. Rosa and carried a vote of (5) ayes and (0) nays. A motion was made by J. Rosa to appoint Terry Johnson as Town Site Inspector. This motion was seconded by J. Roucek and carried a vote of (5) ayes and (0) nays. B. Bush said Contract #4 to furnish arsenic removal treatment system and Contract #5 for a HVAC system will go out to bid with the bid opening to be held on Tuesday, October 11, 2011 at the Town Hall at 3:00 p.m. Terry Johnson stated that he is working with suppliers, met with insurance adjuster, the water main has been reinstalled, one hydrant has been replaced and another one needs to be, etc.

Superintendent John Biruk presented the ATTACHED sales quotation from Tri-County Communications in the amount of \$6,920.00 to update the radio system to narrowband. It takes 2 months to build so he would like to get started. J. Biruk stated few roads had flood damage but Huckleberry Brook Road is one lane, the back side of Hog Mountain Road had a mud slide so it is closed and one bridge in Dry Brook is still out. His crew has been cleaning up debris and have received DEC & DEP permits for relocation of river beds.

A motion was made by J. Rosa to create the temporary position of "FEMA Clerk". This motion was seconded by J. Roucek and carried a vote of (5) ayes and (0) nays. Motion was made by M. Finberg to adopt the ATTACHED Resolution to hire Shiela Biruk for the position. This motion was seconded by J. Roucek and carried a vote of (5) ayes and (0) nays.

A motion was made by B. Sweeney to approve the ATTACHED Fairview Public Library Bylaws. This motion was seconded by J. Rosa and carried a vote of (5) ayes and (0) nays.

Motion was made by J. Roucek to have 2012 Tentative Budget Meeting on Tuesday, October 04, 2011 after the Monthly Workshop Meeting. This motion was seconded by J. Rosa and carried a vote of (5) ayes and (0) nays.

Supervisor Utter gave an update of the flood cleanup. Supervisor Utter said a private individual offered to lend the Town \$100,000,000 interest free for six months to help pay for the cost of the flood. Supervisor Utter said he is looking for back-up plans from lending institutions. Town Attorney C. Wagner said he spoke with the Comptroller's Office and they found nothing prohibiting us from borrowing from the private individual. Attorney Wagner spoke with Mitch Morris, Chief Counsel and he did not see a problem borrowing the money but recommended a Bond Counsel. Attorney Wagner will speak with a Bond Counsel and possibly do a promissory note. The Town has two reserve accounts (one for building and equipment and one for roads) which can be used but it would have to be for a specific purpose.

A motion was made by J. Roucek to approve the ATTACHED Community Review Town Response Forms for proposed "NYC DEP" land acquisition of 153.3 acres on Winter Hollow Road and 8.75 acres on Thompson Hollow Road. This motion was seconded by B. Sweeney and carried by a vote of (5) ayes and (0) nays.

A motion was made by M. Finberg to re-appoint Artie Zier to the Board of Assessment Review (BAR). This motion was seconded by J. Roucek and carried by a vote of (5) ayes and (0) nays.

The Special Meeting after the workshop scheduled for Tuesday, September 6, 2011 to audit and approve Arkville Water Project vouchers was cancelled due to the flood.

The Supervisor distributed his monthly financial report for the month of August 2011.

Supervisor Utter opened the floor again to the public. Charles Freas addressed the Board and asked what can we do to prevent this flood disaster from happening? He feels as a community we need to look at ways to prevent it, need formal plans formulated to address future flooding, and pursue engineer ideas from State and Federal.

Attorney C. Wagner presented the Contractor Agreement between the Town and Hubbell, Inc. A motion was made by J. Rosa to hold a Special Meeting on Monday, September 19, 2011 at 7:00 p.m. to discuss and review the Agreement. This motion was seconded J. Roucek and carried a vote of (5) ayes and (0) nays.

Voucher #6 for the Housing Rehab. Project in the amount of \$29,590.00 was approved for payment by a motion made by J. Roucek, seconded by B. Sweeney, and carried by a vote of (5) ayes and (0) nays.

Voucher #22 for the Arkville Water Project in the amount of \$206,408.67 to Hubbell was approved for payment by a motion made by B. Sweeney, seconded by J. Roucek, and carried 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 541-622, totaling \$370,847.03.

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 9:15 p.m.

Dated: October, 04, 2011

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Deputy Town Clerk