

JUNE 09, 2021

PUBLIC HEARING ON LOCAL LAW NO. 2 OF 2021 - A LOCAL LAW CONCERNING THE PERMITTED USE OF THE TOWN OF MIDDLETOWN TRANSFER STATION REPLACING LOCAL LAW NO. 6 OF 2012.

LETTER OF SUPPORT OF COMMITMENT FROM THE TOWN TO KRISTINA ZILL OF TRANSITION CATSKILLS TO PURSUE COMMUNITY SOLAR SIGNUPS APPROVED.

AMENDED 2021 AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEYS APPROVED.

PROPOSAL FROM SOLAR GENERATION FOR THE SOLAR PV SYSTEM, 12.6 kW ARRAY FOR THE TOWN HALL FOR \$37,740. APPROVED.

RESOLUTION #17 OF 2021 - A RESOLUTION ADOPTING LOCAL LAW NO. 2 OF 2021 - A LOCAL LAW CONCERNING THE PERMITTED USE OF THE TOWN OF MIDDLETOWN TRANSFER STATION REPLACING LOCAL LAW NO. 6 OF 2012 APPROVED.

RESOLUTION #18 OF 2021 - A RESOLUTION AUTHORIZING THE REILING OF THE NEW KINGSTON SEWER USE LAW (Local Law No. 1 of 2019) AS LOCAL LAW NO. 3 OF 2021 APPROVED.

The Town Board of the Town of Middletown, Delaware County, New York, held their Public Hearing and regular monthly meeting on Wednesday, June 9, 2021 at the Town Hall, located on #42339 State Route 28, Margaretville, NY.

The following Board Members were present:

Deputy Supervisor.....Brian Sweeney
Council Members.....Julia Reischel; Christopher Dabritz and Nelson Delameter

Supervisor Carl P. Davis was not in attendance.

Also present were: , John Biruk, Colleen Martin, Hiram Davis, Todd Pascarella, Bob Payne, Michael Martin-Mountain Eagle, Jesse Hilson-The Reporter, Kristina Zill and Rebecca Andre. By Zoom: Cassie Palen, Burr Hubbell. Louis Vogel, Julia Marks, Todd Knobbe, Robin Williams and Larry Reilly.

ATTACHED Agenda prepared by Supervisor Davis and Town Clerk.

Deputy Supervisor Sweeney opened the Public Hearing at 6:00 p.m. The Town Clerk read the ATTACHED legal notice advertising the Public Hearing.

Deputy Supervisor Sweeney opened the floor to the public. No one wished to comment. Deputy Supervisor Sweeney closed the Hearing at 6:02 p.m.

Deputy Supervisor Sweeney called the Town Board Meeting to order at 6:02 p.m.

Minutes of 05/12/21-Town Board Meeting were approved as submitted, by a motion made by J. Reischel, seconded by C. Dabritz. **(4) Ayes - Brian Sweeney; Julia Reischel; Christopher Dabritz and Nelson Delameter - (0) Nays.**

Supervisor's Monthly Financial Report; Town Clerk's Monthly Report; Tax Collector-Collection Summary-Batches 60 thru 75; Building & Zoning Monthly Report; Justice Court Monthly Report; Arkville and Halcottsville Monthly Water Report for 04/2021 were approved as submitted, by a motion made by N. Delameter, seconded by C. Dabritz. **(4) Ayes - Brian Sweeney; Julia Reischel; Christopher Dabritz and Nelson Delameter - (0) Nays.**

The Town Board reviewed the ATTACHED Arkville-Halcottsville Water Monthly Action Reports for March, April and May of 2021 prepared by Bob Payne.

Kristina Zill of Transition Catskills gave a presentation on community solar. Motion was made by C. Dabritz, seconded by J. Reischel to support the letter of commitment from the Town to Kristina Zill of Transition Catskills to pursue community solar signups. There is no cost to the Town but if a minimum of 10 residents or businesses sign up for the program, the Town would qualify for a \$5,000. grant from NYSERDA. **(4) Ayes - Brian Sweeney; Julia Reischel; Christopher Dabritz and Nelson Delameter - (0) Nays.**

Louis Vogel of Taitem Engineering gave a zoom presentation by the ATTACHED power point on NY Stretch Code. He said that this new code does not change the administration aspects of the prior code and that it only affect the energy conservation part of the code such as more efficient lighting, shorter hot water piping lengths or recirculation, ducts in conditioned space and sized properly, solar and electric vehicle ready: breaker space in panel and empty conduit run. Code Enforcement Officer Hiram Davis questioned some of the details and he felt they were inconsistent. He reviewed the ATTACHED Part 3-Amendments to 2018 International Energy Conservation Construction Code Residential Provisions. He said that the new code would require outside two third-party agencies, which we currently don't have, to inspect building projects to verify compliance with the more stringent code. He also thought this code will add a minimum of \$7,000. in additional construction costs and felt more research and answers are needed before adopting this code,

Motion was made by N. Delameter, seconded by C. Dabritz to approve the ATTACHED Amended 2021 Agreement for the Expenditure of Highway Moneys. **(4) Ayes - Brian Sweeney; Julia Reischel; Christopher Dabritz and Nelson Delameter - (0) Nays.** Hwy. Superintendent John Biruk said he has been contacted per the ATTACHED LETTER from Jonathan Starch to shorten Mead Road, ending it at his property. The Town Board agreed to the shortening of the road to be paid for by the property owner, Jonathan Starch along with the legal fees incurred by the Town in order to achieve this and asked the Town Clerk to inform the attorney for the Town.

Hwy. Superintendent John Biruk asked the Town Board to consider logging permits because logging companies are damaging the roads and drainage with their equipment. He added he would do some further research on logging permits and get back to the Town Board.

Motion was made by N. Delameter, seconded by C. Dabritz to award the sole ATTACHED proposal received from Solar Generation for the Solar PV System, 12.6 kW Array for the Town Hall in the amount \$37,740.

Motion was made by J. Reischel, seconded C. Dabritz to approve the ATTACHED Resolution #17 of 2021 - A Local Law Concerning the Permitted Use of the Town of Middletown Transfer Station Replacing Local Law No. 6 of 2012. **(4) Ayes - Brian Sweeney; Julia Reischel; Christopher Dabritz and Nelson Delameter - (0) Nays.**

Motion was made by N. Delameter, seconded by C. Dabritz to approve the ATTACHED Resolution #18 of 2021 - A Resolution Authorizing the Refiling of the New Kingston Sewer Use Law (Local Law No. 1 of 2019) as Local Law No. 3 of 2021. **(4) Ayes - Brian Sweeney; Julia Reischel; Christopher Dabritz and Nelson Delameter- (0) - Nays.**

Deputy Supervisor Sweeney opened the floor to the public. Rebecca Andre of AMR Artists Inc. informed the Town Board about a series of artists' events to take place in the area one Saturday each month from June to October in Arkville, Roxbury, Halcottsville, Fleischmanns and Margaretville. Todd Pascarella stated that he would like to see some of the American Rescue Funds be used to create a local voucher currency distributed to local people and businesses which could only be spent at businesses in the Town of Middletown. Robin Williams via Zoom suggested the funds to be used to offer paid training for in-demand jobs and for a child are stabilization fund. She also stated that there should be a committee created with people from the community to steer these funds. Cassie Palen via Zoom felt the funds should go to young people for training in job skills.

The Town Board acknowledged receipt of the ATTACHED Delaware County Treasurer's Office Tax Collector's Settlement Sheet received on June 7, 2021.

The Town Board reviewed the ATTACHED emails from Kevin Young of Young/Sommer and Jason Merwin of Catskill Watershed Corporation asking the Town Board to make a decision to put the bid out or hold off until the last remaining easement is signed for the Halcottsville Sewer District. The Town Board agreed they should wait until the last remaining easement is executed before putting it out to bid.


The Town Board reviewed the ATTACHED letter from Kenneth Pasternak dated March 31, 2021 and his attorney, Thomas A. Shepardson's ATTACHED letter dated June 7, 2021 to Carl Patrick Davis, Supervisor asking for a text amendment to the Middletown Zoning Ordinance for the definition of "Resort". The Town of Middletown Planning Board agreed that is not a necessary amendment to the Zoning Law per ATTACHED letter dated June 4, 2021 from Hiram Davis, Code Enforcement Officer. The Town Board asked the Town Clerk to invite Kenneth Pasternak to attend our next Town Board Meeting on July 14th to explain exactly why the change is necessary and to answer any other questions they may have.

Motion was made by J. Reischel, seconded by C. Dabritz to approve the payment of CDBG Home Repair Voucher #006 to the Mark Project for \$12,847.41. **(4) Ayes - Brian Sweeney; Julia Reischel; Christopher Dabritz and Nelson Delameter - (0) Nays.**

The monthly vouchers were audited and ordered paid by a motion made by N. Delameter, seconded by C. Dabritz. **(4) Ayes - Brian Sweeney; Julia Reischel; Christopher Dabritz and Nelson Delameter - (0) Nays.** Vouchers approved were #s 319-368, totaling \$139,919.54.

Motion for adjournment was made by J. Reischel, seconded by C. Dabritz. **(4) Ayes - Brian Sweeney; Julia Reischel; Christopher Dabritz and Nelson Delameter - (0) Nays.** The meeting was adjourned at 7:15 p.m.

DATED: June 18, 2021



PATRICIA F. KELLY
TOWN CLERK