

JULY 14, 2021

RECOMMENDING THE PLANNING BOARD TO CHANGE THE LANGUAGE OF SECTION 202 "DEFINITION OF KEY TERMS" TO MIDDLETOWN ZONING ORDINANCE UNDER RESORT TO INCLUDE CONDOMINIUMS APPROVED.

2021 HEALTH BENEFITS POLICY APPROVED.

RESOLUTION #19 OF 2021 - RESOLUTION TO APPROVE TWO HOMES TO EXCEED THE BUDGET CAP OF \$24,500. PER HOUSEHOLD IN ORDER TO ADDRESS EMERGENCY AND NECESSARY REPAIRS APPROVED.

RE-APPOINTMENT OF JOYCE GRAY AS MEMBER OF THE FAIRVIEW PUBLIC LIBRARY BOARD OF DIRECTORS FOR THE TERM OF 05/01/21 TO 04/30/24 APPROVED.

APPOINTMENT OF PHYLLIS WHITEHOUSE FROME AS MEMBER OF THE TOWN PLANNING BOARD FOR THE TERM 08/01/21 TO 07/31/28 TO REPLACE CHARLES KOWALSKI APPROVED.

ANNUAL AGREEMENT WITH HEART OF THE CATSKILLS HUMANE SOCIETY APPROVED.

SUPERVISOR AUTHORIZED TO EXECUTE CONTRACT BETWEEN SOLAR GENERATION AND THE TOWN OF MIDDLETOWN TO INSTALL 12.6 KW ROOF MOUNTED SOLAR ARRAY ON THE TOWN HALL BUILDING.

The Town Board of the Town of Middletown, Delaware County, New York, held their regular monthly Meeting on Wednesday, July 14, 2021 at the Town Hall, located at #42339 State Route 28, Margaretville, NY.

The following Board Members were present:

Supervisor.....Carl P. Davis

Council Members.....Brian Sweeney, Julia Reischel, Christopher Dabritz and Nelson Delameter

Also present were: Colleen Martin, Steve Finkel, Michael Martin-Mountain Eagle, Jesse Hilson-The Reporter, Mike Pratt, Jeanne George, Ken Pasternak, Tom Shepardson of White, Osterman & Hanna LLP, Dan Francess, John Biruk, Cassie Palen, Robin Williams, Triston Mulder, Burr Hubbell, Todd Pascarella and Donald McPherson.

ATTACHED Agenda prepared by Supervisor Davis and Town Clerk.

Supervisor Davis called the meeting to order at 6:00 p.m.

Minutes of 06/09/21-Public Hearing/Town Board Meeting were approved as submitted, by a motion made by C. Dabritz, seconded by B. Sweeney. **(5) Ayes - Carl P. Davis; Brian Sweeney; Julia Reischel; Christopher Dabritz and Nelson Delameter - (0) Nays.**

Supervisor's Monthly Financial Report; Town Clerk's Monthly Report; Building & Zoning Monthly Report; Justice Court Monthly Report; Arkville and Halcottsville Monthly Water Report for 05/2021; 2020 Annual Water Reports and Quarterly Reports 01/01/21-03/31/21 for Arkville and Halcottsville Water were approved as submitted, by a motion made by B. Sweeney, seconded by N. Delameter. **(5) Ayes - Carl P. Davis; Brian Sweeney; Julia Reischel; Christopher Dabritz and Nelson Delameter - (0) Nays.**

Kenny Pasternak addressed the Town Board. He explained to the Town Board that the current zoning law language does not prohibit condominiums but the “minor tweek” to the law would change the definition of “resort” to specifically allow condominiums. Tom Shepardson, Mr. Pasternak’s attorney with White, Osterman & Hanna LLP stated this change is necessary to allay concerns of “nervous investors” and bankers behind the resort development. The aim is to forestall objections from buyers and others that condominiums would not be under permitted use. A motion was made by B. Sweeney, seconded by C. Dabritz recommending the Planning Board to change the language to include condominium ownership. **(5) Ayes - Carl P. Davis; Brian Sweeney; Julia Reischel; Christopher Dabritz and Nelson Delameter - (0) Nays.**

The Town Board reviewed the ATTACHED Arkville-Halcottsville Water Monthly Action Report for June 2021 prepared by Bob Payne.

Motion was made by J. Reischel, seconded by C. Dabritz to approve the ATTACHED 2021 Health Benefits Policy. **(5) Ayes - Carl P. Davis; Brian Sweeney; Julia Reischel; Christopher Dabritz and Nelson Delameter - (0) Nays.**

The Town Board reviewed the Resolution Supporting Increase of Capital Funding for Belleayre Mountain from the Olympic Regional Development Authority. ORDA CEO Michael Pratt expressed that the figures in the Resolution were inaccurate and misleading which probably came from an article in a Kingston newspaper reporting on the state budget proposal before it was passed and that an investigation was not warranted. Supervisor Davis commented that he would like to see ORDA’s financials which he has been asking years for. Council Member Julia Reischel stated that the Middletown Town Board has been frustrated with the disconnect it has been having with ORDA. Mr. Pratt said, “Shame on us if we have not been communicating with what great things we’re doing.” The Town Board did not take action on the Resolution.

Motion was made by J. Reischel, seconded by C. Dabritz to approve the ATTACHED Resolution #19 of 2021 - Resolution to Approve Two Homes to Exceed the Budget Cap of \$24,500. Per Household in Order to Address Emergency and Necessary Repairs. **(5) Ayes - Carl P. Davis; Brian Sweeney; Julia Reischel; Christopher Dabritz and Nelson Delameter - (0) Nays.**

The Town Board discussed a recent communication from the Delaware County Sheriff Craig DuMond suggesting municipalities opt out of allowing cannabis dispensaries in their limits. It was agreed more research needed to be done on the facts of what impacts cannabis dispensaries could have on the Town. Council Member Nelson Delameter said he could see the logic behind law enforcement’s concerns about impaired drivers. Council Member Julia Reischel said she hasn’t spoken to a single constituent who wanted the Town to opt out of allowing cannabis dispensaries, and that to vote to opt out without a public hearing, would be irresponsible.

Council Members Nelson Delameter and Julia Reischel agreed to serve on a committee and to hold a Public Forum Meeting in August to request input from Town of Middletown residents about how to use the American Rescue Plan Act (ARPA) funds and other projects the Town could seek to fund with grant money.

Motion was made by B. Sweeney, seconded by J. Reischel to re-appoint Joyce Gray as Member of the Fairview Public Library Board of Directors for the term of 05/01/21 to 04/30/24. **(5) Ayes - Carl P. Davis; Brian Sweeney; Julia Reischel; Christopher Dabritz and Nelson Delameter - (0) Nays.**

Motion was made by N. Delameter, seconded by C. Dabritz to appoint Phyllis Whitehouse Frome as Member of the Town Planning Board for the term of 08/01/21 to 07/31/28. **(5) Ayes - Carl P. Davis; Brian Sweeney; Julia Reischel; Christopher Dabritz and Nelson Delameter - (0) Nays.**

Motion was made by C. Dabritz, seconded by J. Reischel to approve the ATTACHED Annual Agreement with the Heart of the Catskills Humane Society for Control of Dogs. **(5) Ayes - Carl P. Davis; Brian Sweeney; Julia Reischel; Christopher Dabritz and Nelson Delameter - (0) Nays.**

Motion was made by C.P Davis, seconded by B. Sweeney to authorize the Supervisor to execute the ATTACHED Contract between Solar Generation and the Town of Middletown to install 12.6 KW roof mounted solar array on the Town Hall Building. **(5) Ayes - Carl P. Davis; Brian Sweeney; Julia Reischel; Christopher Dabritz and Nelson Delameter - (0) Nays.**

The monthly vouchers were audited and ordered paid by a motion made by B. Sweeney, seconded by C. Dabritz. **(5) Ayes - Carl P. Davis; Brian Sweeney; Julia Reischel; Christopher Dabritz and Nelson Delameter- (0) Nays.** Vouchers approved were #s 369-428, totaling \$321,114.34.

Motion for adjournment was made by C.P. Davis, seconded by C. Dabritz. **(5) Ayes - Carl P. Davis; Brian Sweeney; Julia Reischel; Christopher Dabritz and Nelson Delameter - (0) Nays.** The meeting was adjourned at 8:11 p.m.

DATED: July 20, 2021



PATRICIA F. KELLY
TOWN CLERK