

APRIL 13, 2022

PROPOSAL FOR MUELLER MI.NET MOBILE COLLECTOR PACKAGE SYSTEM FOR \$8600. APPROVED.

HWY DEPT. AUTHORIZED TO PURCHASE FROM THE 2022 STATE AND COUNTY BID CONTRACT.

BIDS AWARDED FOR RENTAL CONSTRUCTION EQUIPMENT WITH AND WITHOUT AN OPERATOR EXCEPT FOR THE BID FROM AUSTIN'S LAWN CARE & SNOW REMOVAL WAS REJECTED.

ANNUAL BIDS AWARDED FOR THE PURCHASE OF FUEL, MATERIALS AND SERVICES.

4 DAY/10 HOUR HWY WEEK FOR SUMMER SEASON APPROVED.

RE-APPOINTMENT OF JASON WADLER AS MEMBER TO THE ZONING BOARD OF APPEALS FOR THE TERM 05/01/22-04/30/27 APPROVED.

SUPERVISOR AUTHORIZED TO EXECUTE AGREEMENT CORRECTING THE WAGE SCALE DUE TO ERROR IN CURRENT CBA AGREEMENT BETWEEN THE TOWN OF MIDDLETOWN AND CSEA FOR UNDERPAYMENT OF SALARY FROM 2018 TO PRESENT FOR THREE EMPLOYEES IN THE AMOUNT OF \$815.08.

RESOLUTION #7 OF 2022 - RESOLUTION OF TE TOWN OF MIDDLETOWN ACCEPTING THE LOW BIDDER FOR CONTRACT NO. 1 FOR THE NEW KINGSTON SEWER DISTRICT APPROVED.

RESOLUTION #8 OF 2022 - RESOLUTION F CONSIDERATION OF PROPOSED MINOR AMENDMENTS TO THE MIDDLETOWN SEWER USE LAW (LOCAL LAW 1 OF 2020) AND SCHEDULING A PUBLIC HEARING APPROVED.

RESOLUTION #9 OF 2022 - RESOLUTION AUTHORIZING THE APPOINTMENT OF COUGHLIN & GERHART, LLP AS ATTORNEYS FOR THE TOWN, TO REPRESENT THE TOWN IN A PROCEEDING PURSUANT TO CPLR ARTICLE 78 APPROVED.

RESOLUTION #10 OF 2022 - RESOLUTION AUTHORIZING THE APPOINTMENT OF COUGHLIN & GERHART, LLP AS ATTORNEYS FOR THE TOWN, TO REPRESENT THE TOWN IN VARIOUS CODE ENFORCEMENT LITIGATION MATTERS DURING FISCAL YEAR 2022 APPROVED.

PROPOSAL FROM CRAIG CHERRY/CHERRY FENCE CO. FOR LAWN CARE AND MAINTENANCE FOR \$2,550. AND PROPOSAL FROM CRAIG CHERRY/ CHERRY FENCE CO. TO POWER WASH TOWN HALL BUILDING FOR \$2,500. APPROVED.

EXECUTIVE SESSION--- PENDING LITIGATION---NO ACTION TAKEN.

The Town Board of the Town of Middletown, Delaware County, New York, held their monthly meeting on Wednesday, April 13, 2022, at the Town Hall, located at 42339 State Highway 28, Margaretville, NY.

The following Board Members were connected:

Supervisor.....Carl P. Davis

Councilman Members.....Brian Sweeney, Christopher Dabritz, Nelson Delameter and Robin Williams.

Also connected were: Kevin Young, Michael Martin-Mountain Eagle, Jesse Hilson-The Reporter, John Biruk, Nick Warner, Colleen Martin, Ernie Steiglehner, Robert Sweeney, Robert Payne, Valerie Masullo, Aureliano Camacho and Joseph Todd.

Supervisor Davis called the Town Board Meeting to order at 6:00 p.m.

ATTACHED Agenda prepared by Supervisor Davis and Town Clerk.

Motion was made by C. Dabritz, seconded by R. Williams to approve the Minutes of 03/09/22-Town Board Meeting, as submitted by the Town Clerk. **(5) Ayes - Carl P. Davis; Brian Sweeney; Christopher Dabritz; Nelson Delameter and Robin Williams - (0) Nays.**

Supervisor's Monthly Report; Town Clerk's Monthly Report; Tax Collector-Collection Summary-Batches 36 thru 51; Building & Zoning Monthly Report; Justice Court Monthly Report and Arkville and Halcottsville Monthly Reports for 02/2022 were approved as submitted, by a motion made by N. Delameter, seconded by B. Sweeney. **(5) Ayes - Carl P. Davis; Brian Sweeney; Christopher Dabritz; Nelson Delameter and Robin Williams- (0) Nays.**

The Town Board reviewed the ATTACHED Arkville-Halcottsville Water Monthly Action Report for March 2022 prepared by Bob Payne. Motion was made by B. Sweeney, seconded by C. Dabritz to approve the ATTACHED Proposal for Mueller Mi.Net Mobil Collector Package System from Everett J. Prescott, Inc. for \$8,600. **(5) Ayes - Carl P. Davis; Brian Sweeney; Christopher Dabritz; Nelson Delameter and Robin Williams - (0) Nays.** Arkville Fire Chief Robert Sweeney told the Town Board that some fire hydrants are unusable as the caps are rusted in place and that the hydrants should be maintained, flushed and parts greased on a regular schedule. He further stated that keeping the hydrants in proper working condition is not the responsibility of the fire department and hydrants that are not working properly present a danger to the community. Supervisor Davis asked Water Superintendent Bob Payne to perform the necessary maintenance on the hydrants and to provide a schedule to repair any that may need additional work.

Valerie Masullo addressed the Board concerning the controversy over the plowing of the last part of Miller Road which has been plowed for decades and was concerned that without the Town plowing there was no winter access on the road. Hwy Supt. John Biruk stated the Town does not own that portion of the road so it is private land. Supervisor Davis asked Ms. Masullo to see if her father would deed that portion of the road to the Town and pay for a cul-de-sac enabling trucks adequate room to turn around and get back to the Board.

Motion was made by C. Dabritz, seconded by R. Williams to authorize Hwy Dept. to purchase from the ATTACHED 2022 State and County Bid Contract. **(5) Ayes - Carl P. Davis; Brian Sweeney; Christopher Dabritz; Nelson Delameter and Robin Williams - (0) Nays.**

Motion was made by C.P. Davis, seconded by N. Delameter to award the bids for Proposal No. 1 of 2022 - Rental of Construction Equipment with and without an operator per the ATTACHED list prepared by Hwy Supt. John Biruk except for the bid by Austin Sanford which the Town Board rejected. **(5) Ayes - Carl P. Davis; Brian Sweeney; Christopher Dabritz; Nelson Delameter and Robin Williams - (0) Nays.**

Motion was made by C. Dabritz, seconded by R. Williams to award the bids for fuel, materials and services per the ATTACHED list prepared by Hwy Supt. John Biruk. **(5) Ayes - Carl P. Davis; Brian Sweeney; Christopher Dabritz; Nelson Delameter and Robin Williams - (0) Nays.**

Motion was made by C. Dabritz, seconded by B. Sweeney to approve the ATTACHED Hwy Union's request for a 4 day/10 hour work day from May 2, 2022 thru

September 30, 2022. **(5) Ayes - Carl P. Davis; Brian Sweeney; Christopher Dabritz; Nelson Delameter and Robin Williams - (0) Nays.**

Motion was made by C. Dabritz, seconded by B. Sweeney to enter into Executive Session at 6:47 p.m. to discuss pending litigation. Included in the Session was the Town Clerk and Assessor Joseph Todd. **(5) - Carl P. Davis; Brian Sweeney; Christopher Dabritz; Nelson Delameter and Robin Williams - (0) Nays.** Motion for adjournment was made by C. Dabritz, seconded by R. Williams and the Executive Session was adjourned at 7:15 p.m. **(5) Ayes - Carl P. Davis; Brian Sweeney; Christopher Dabritz; Nelson Delameter and Robin Williams - (0) Nays.** There was no Board action per the Executive Session.

Motion was made by N. Delameter, seconded by R. Williams to re-appoint Jason Wadler as Member to the Zoning Board of Appeals for the term of 05/01/22-04/30/27. **(5) Ayes - Carl P. Davis; Brian Sweeney; Christopher Dabritz; Nelson Delameter and Robin Williams - (0) - Nays.**

Motion was made B. Sweeney, seconded by N. Delameter authorizing the Supervisor to execute ATTACHED Agreement Correcting the Wage Scale Due to Error on Current CBA Agreement Between the Town of Middletown and CSEA for Underpayment of Salary From 2018 to Present for Three Employees in the Amount of \$815.08. **(5) Ayes - Carl P. Davis; Brian Sweeney; Christopher Dabritz; Nelson Delameter and Robin Williams - (0) - Nays.**

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

Motion was made by N. Delameter, seconded by C. Dabritz to approve the ATTACHED Resolution #7 of 2022 - Resolution of the Town Board of the Town of Middletown Accepting the Low Bidder for Contract No. 1 for the New Kingston Sewer District. **(5) Ayes - Carl P. Davis; Brian Sweeney; Christopher Dabritz; Nelson Delameter and Robin Williams - (0) - Nays.**

Motion was made by B. Sweeney, seconded by R. Williams to approve the ATTACHED Resolution #8 of 2022 - Resolution for Consideration of Proposed Minor Amendments to the Middletown Sewer Use Law (Local Law 1 of 2020) and Scheduling a Public Hearing. **(5) Ayes - Carl P. Davis; Brian Sweeney; Christopher Dabritz; Nelson Delameter and Robin Williams - (0) - Nays.**

Motion was made by N. Delameter, seconded by C. Dabritz to approve the ATTACHED Resolution #9 of 2022 - Resolution Authorizing the Appointment of Coughlin & Gerhart, LLP as Attorneys for the Town, to Represent the Town in a Proceeding Pursuant to CPLR Article 78. **(5) Ayes - Carl P. Davis; Brian Sweeney; Christopher Dabritz; Nelson Delameter and Robin Williams - (0) - Nays.**

Motion was made by N. Delameter, seconded by B. Sweeney to approve the ATTACHED Resolution #10 of 2022 - Resolution Authorizing the Appointment of Coughlin & Gerhart, LLP as Attorneys for the Town, to Represent the Town in Various Code Enforcement Litigation Matters During Fiscal Year 2022. **(5) Ayes - Carl P. Davis; Brian Sweeney; Christopher Dabritz; Nelson Delameter and Robin Williams - (0) - Nays.**

Motion was made by N. Delameter, seconded by C. Dabritz to approve the ATTACHED proposal from Craig Cherry/Cherry Fence Co. to provide lawn care and maintenance at the Town Hall in the amount of \$2,550. and the ATTACHED proposal from Craig Cherry/Cherry Fence Co. to power wash Town building in the amount of \$2,500. **(5) Ayes - Carl P. Davis; Brian Sweeney; Christopher Dabritz; Nelson Delameter and Robin Williams - (0) - Nays.**

The monthly vouchers were audited and ordered paid by a motion made by C.P. Davis, seconded by N. Delameter. **(5) Ayes - Carl P. Davis; Brian Sweeney; Christopher Dabritz; Nelson Delameter and Robin Williams- (0) Nays.** Vouchers approved were #s 174-241, totaling \$125,975.21.

Motion for adjournment was made by C.P. Davis, seconded by B. Sweeney. **(5) Ayes - Carl P. Davis; Brian Sweeney; Christopher Dabritz; Nelson Delameter and Robin Williams- (0) Nays.** The meeting was adjourned at 8:06 p.m.

DATED: April 22, 2022



PATRICIA F. KELLY
TOWN CLERK