

JULY 08, 2020

PUBLIC HEARING - PROPOSAL TO ESTABLISH THE HALCOTTSVILLE SEWER DISTRICT.

PUBLIC HEARING - LOCAL LAW NO. 1 OF 2020 - LOCAL LAW TO AMEND ITS SEWER USE LAW TO INCLUDE THE HALCOTTSVILLE SEWER DISTRICT.

PUBLIC HEARING - PURSUANT TO ARTICLE 2 OF THE EMINENT DOMAIN PROCEDURE LAW OF THE STATE OF NEW YORK ("EDPL") TO CONSIDER THE TOWN'S ACQUISITION IN CONNECTION WITH THE TOWN'S NEW KINGSTON SEWER DISTRICT AND A FEASIBLE SITE FOR CONSTRUCTION OF A COMMUNITY SUBSURFACE WASTEWATER TREATMENT FACILITY.

RESOLUTION #15 OF 2020 - RESOLUTION OF THE TOWN BOARD OF THE TOWN OF MIDDLETOWN DETERMINING THAT THERE ARE NO ADVERSE IMPACTS ON THE ENVIRONMENT FROM THE DESIGN, CONSTRUCTION AND OPERATION OF THE WASTEWATER MANAGEMENT PROJECT IN THE HAMLET OF HALCOTTSVILLE APPROVED.

RESOLUTION #16 OF 2020 - RESOLUTION FOR ESTABLISHMENT OF SEWER DISTRICT AFTER PUBLIC HEARING APPROVED.

RESOLUTION #17 OF 2020 - A RESOLUTION ADOPTING THE SEWER USE LAW FOR THE TOWN OF MIDDLETOWN APPROVED.

RESOLUTION #18 OF 2020 - RESOLUTION AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO SIGN A CONTRACT FOR SHARED HIGHWAY SERVICES ON BEHALF OF THE TOWN OF MIDDLETOWN APPROVED.

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

The floor was opened for public comment. Todd Pascarella read his ATTACHED letter dated July 1, 2020 addressed to the Town Board regarding the opportunity to create a public pedestrian walking/running/biking/skiing trail parallel to the existing railroad tracks during the restoration phase of the sewer main extension project between Arkville and Halcottsville. Lorraine Dunham thanked Todd for his letter. No one else wished to address the Board.

Supervisor Davis closed the Hearing at 6:15 p.m.

Supervisor Davis opened the second Public Hearing at 6:15 p.m. The Town Clerk read the ATTACHED legal notice advertising the Public Hearing.

The floor was opened for public comment. No one else wished to address the Board.

Supervisor Davis closed the Hearing at 6:18 p.m.

Supervisor Davis opened the third Public Hearing at 6:18 p.m. The Town Clerk read the ATTACHED legal notice advertising the Public Hearing.

The floor was opened for public comment. Attorney Kevin Young explained the public need for the eminent domain dating back to the Watershed Rules & Regulations and the 1997 MOA; the City's restrictions on septic systems and wastewater treatment plants; the genesis of the new infrastructure program; the impact on the community and

the water quality purpose. Chris Yacobucci of Lamont Engineers explained the process that was followed to select the site and discussed the alternative sites and how the Town arrived at the Moriarty site. Attorney Paul Sheppard from Hinman, Howard & Kattell, on behalf of Watershed Agricultural Council raised the following deficiencies in the process: 1) was not aware of the Publication in the newspaper of the Notice of Public Hearing; 2) could not find the notice of public hearing on the Town's website; 3) could not find evidence that the Attorney General and City were also provided notice; 4) referenced the Executive Order which prohibited public hearings; 5) asserted that the Town had not met the standard for condemning property that was for a public purpose; 6) indicated that the public purpose was water quality; 7) indicated that the standard for eminent domain was not met because there was other property that was available that was not subject to a public purpose; 8) indicated that the easement required the owner to pay 48% of the sale proceeds to WAC and that the owner should be informed of that obligation and if he is so informed he may not be willing to accept the compensation; 9) asserted that offer to WAC should have been proceeded by an appraisal. Attorney Young responded: 1) WAC paid approximately \$30,000. for the conservation easement on the 21.7 acres to protect water quality. DEP is expending over \$5 million on the community septic system for the Hamlet of New Kingston to protect water quality; 2) under the MOA, the Town of Middletown consented to and agreed to the funding of the Watershed Ag Conservation Easement Program with the understanding that it would be conducted consistent with the MOA objectives which require that the land acquisition be conducted in a manner that does not interfere with community sustainability and economic development. Notwithstanding the MOA provided for the new infrastructure program and New Kingston obtaining a community system under that program, WAC purchase a conservation easement on the Moriarty Farm. In 1999, EFC conducted a study of the possible community systems for New Kingston and identified at the Moriarty site as a potential site; 3) WAC previously acknowledged the need for the community's project and its support for the project; 4) the Supervisor's offer letter to WAC identified the contract provision that specified 48% and specifically requested an opportunity to negotiate fair compensation; 5) the Town also offered to fund an appraisal by an appraiser selected by WAC and to agree to a sale price consistent with that appraisal. In coming up with a price offer to WAC, the Town used the WAC appraisal when it purchased the property adjusted for inflation. Steve Finkel wanted to know who many letters were returned. Chris Yacobucci commented that there were two returned and he was going to meet with the two landowners tomorrow. No one else wished to address the Board.

Supervisor Davis closed the Hearing at 6:55 p.m.

The Town Board of the Town of Middletown, Delaware County, New York, held their regular monthly Meeting on Wednesday, June 10, 2020 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: Town Attorney Carey Wagner, Bob Payne, Steve Finkel, Attorney Kevin Young, John Mathieson - CWC, Henry Lamont - Lamont Engineers, Chris Yacobucci - Lamont Engineers, Joseph Todd and MegAnne Balcom. Zoom Attendees: Arlene Weissman, Catherine Gorman, Lorraine Dunham, Attorney Paul Sheppard - WAC, Ryan Naatz, Rob Birdsall - WAC, Todd Pascarella, Paul and Steffie, Attorney Allyson Phillips, Betsy Wykes - Zoom Host, Larry Reilly and Dave Tobias.

ATTACHED Agenda prepared by Supervisor Davis and Town Clerk.

Supervisor Davis called the meeting to order at 6:55 p.m.

Minutes of 06/10/20-Town Board Meeting were approved as submitted, by a motion made by C. Dabritz, seconded by J. Reischel. **(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 05/2020 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.**

The Town Board reviewed the ATTACHED Arkville-Halcottsville Water Monthly Action Report for June 2020 prepared by Bob Payne.

Motion was made by C.P. Davis, seconded by B. Sweeney to approve the ATTACHED Resolution #15 of 2020 - Resolution of the Town Board of the Town of Middletown Determining That There are no Adverse Impacts on the Environment from the Design, Construction and Operation of the Wastewater Management Project in the Hamlet of Halcottsville. **(5) Ayes - Carl P. Davis; Brian Sweeney; Julia Reischel; Christopher Dabritz and Nelson Delameter - (0) Nays.**

Motion was made by B. Sweeney, seconded by C. Dabritz to approve the ATTACHED Resolution #16 of 2020 - Resolution for Establishment of Sewer District After Public Hearing. **(5) Ayes - Carl P. Davis; Brian Sweeney; Julia Reischel; Christopher Dabritz and Nelson Delameter- (0) - Nays.**

Motion was made by J. Reischel, seconded by N. Delameter to approve the ATTACHED Resolution #17 of 2020 - A Resolution for Adopting the Sewer Use Law for the Town of Middletown. **(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 Resolution #18 of 2020 - Resolution Authorizing the Chief Executive Officer to Sign a Contract for Shared Highway Services on Behalf of the Town of Middletown. **(5) Ayes - Carl P. Davis; Brian Sweeney; Julia Reischel; Christopher Dabritz and Nelson Delameter - (0) Nays.**

Motion was made by B. Sweeney, seconded by C. Dabritz to pre-authorize the payment of approx. \$260,000. to Vestal Asphalt for paving oil and machinery for roads to be paved from 07/07/20-07/16/20 as the Voucher needs to be signed by July 29th and the check needs to be produced by July 30th for chips reimbursement in September. **(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 J. Reischel, seconded by C. Dabritz. **(5) Ayes - Carl P. Davis; Brian Sweeney; Julia Reischel; Christopher Dabritz and Nelson Delameter- (0) Nays.** Vouchers approved were #s 312-365, totaling \$142,294.35.

Motion for adjournment was made by N. Delameter, 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 7:45 p.m.

DATED: July 10, 2020



PATRICIA F. KELLY
TOWN CLERK

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