

TOWN BOARD MEETING
JULY 8, 2013
6:00 P.M.

PRESENT: Councilpersons: Kevin Armstrong, Leonard Govern (arrived at 6:10), Patty Wood, Supervisor Bruce Dolph, Hwy. Supt., Walt Geidel, Attorney Brett Cowen and Town Clerk Ronda Williams

ABSENT: Luis Rodriguez-Betancourt

OTHERS PRESENT: Judy & Burt Beardslee, Timothy Kilmer, Becky Townsend, Stephen Dutcher, - DCO, Lillian Brown-Burdick – The Walton Reporter, Mary Beth Silano, and Jessica Ulmer

RESOLUTION # 69 **APPROVAL OF MINUTES**

A motion was made by Councilman Armstrong, seconded by Wood approving the minutes of June 10, 2013 as presented. All in favor, motion carried.

FLOOR TIME:

Mary Beth Silano of the Delaware County Chamber of Commerce provided an update to the Board with an informational handout on the proposed launch sites along the West Branch of the Delaware River.

Ms. Silano indicated that the entire project is funded by the DEP through Soil and Water. Currently, the DEP has requested a complete packet of information on the full details of the project and once this is approved, the construction will start. Ms. Silano indicated if not this season by April of next year.

Ms. Silano stated that approval of the project was needed from each municipality where a launch site would be located.

RESOLUTION # 70 **APPROVAL OF PROGRESS FOR BOAT LAUNCH SITE**

A motion was made by Councilwoman Wood, seconded by Armstrong granting the approval of the progress of the boat launch site at the NYS Dot Pull Off. All in favor, motion carried.

Judy Beardslee of Colchester Mountain Road questioned why there was a 40 mph speed limit now on East River Road. Supervisor Dolph stated that a request to reduce the speed limit was forward to the Department of Transportation whom conducted a speed study and approved the 40 mph speed limit.

Mrs. Beardslee stated her displeasure with the 40 mph speed limit, stating it was too slow and should have been a suggested speed.

Councilman Govern stated that as a resident of the road, cars do travel very rapidly and it really does not add that much more time to your travel.

Becky Townsend questioned why other roads are posted 45 mph such as Back River Road? Councilman Govern stated the state conducted the study and ordered the 40 mph.

Mr. Beardslee stated that cars are not obeying the new posted limit and buses travel too fast on the road now. He would like to place a request to have the speed reduced for all the roads within the town.

SUPERINTENDENT OF HWY. REPORT:

Reported that Hamden is looking for gravel for their EWP projects. He presented the idea of selling gravel to Soil & Water for these projects. Supervisor Dolph questioned how much could the town stockpile; I would not want to leave us short. Discussion took place about benefiting the town not the contractors and who can legally have access to the property.

Reported that two items sold on the online auction site, a 1990 Case Cruz-Air 1085C wheeled excavator \$11,300 and a 1969 Austin Weston Type 61-E Crusher \$10,700.00.

RESOLUTION # 71

SURPLUS EQUIPMENT

A motion was made by Councilman Armstrong, seconded by Govern accepting the bids as presented for the 1990 Case Cruz-Air wheeled excavator at \$11,300.00 and the 1969 Austin Weston Type 61-E Crusher for \$10,700.00. All in favor, motion carried.

Mr. Beardslee made a statement to Superintendent Geidel stating that the paperwork has been processed and the Kilmer mine can now be reclaimed.

Reported that the 1985 Dodge pickup truck and the steel I-beams have not been picked up by the bidders therefore will be placed on the auction list once again.

Reported that the bids for the snow plow equipment to be placed on the freightliner have been received and opened. Councilman Armstrong read the bids as follows.

T&T Sales	\$83,810
Vicking	\$98,750
Wayne's Welding	\$88,641

RESOLUTION # 72

AWARD SNOW PLOW EQUIPMENT

A motion was made by Councilman Armstrong, seconded by Govern to award the snow plow equipment to the low bidder T&T Sales in the amount of \$83,810. All in favor, motion carried.

Reported that the new 40 mph speed limit signs have been placed on East River Road.

Reported that the Walton Highway Department has helped the Town of Hamden and the Village of Walton with various projects.

Requested that the Board send a letter of support for the continuation of the Cornell College of Highway Schooling. He stated that this schooling is very valuable and many new Highway Superintendents rely on this. Supervisor Dolph suggest Superintendent Geidel draft a letter and bring it before the Board's next meeting.

Reported that the State has declared the flash flood and FEMA was in town today to get an estimate of the damages sustained.

TOWN CLERK'S REPORT:

Reported that I have received the DCO and CEO monthly reports for anyone wishing to review them.

Presented my Town Clerk's monthly report to the Board.

Reported that a Use of Facility was received from Cecil Davis for a meeting on Medicare on October 24, 2013 and November 7, 2013. The Board was in agreement.

Reported that the yearly agreement between the Humane Society and the Town of Walton has been received and needs approval.

RESOLUTION # 73

YEARLY HUMANE SOCIETY CONTRACT

A motion was made by Councilman Armstrong, seconded by Wood granting Supervisor Dolph permission to sign the contract agreement between the Humane Society and the Town of Walton. All in favor, motion carried.

Reported that the New York State Teamsters Council Health and Hospital Fund preformed an audit of the Town's payroll records from January 2006-December 2012. The audit resulted that no audit liability is due the New York State Teamsters Council Health and Hospital Fund.

Reported that a letter of interest has been sent to Federal Emergency Management Agency indicating the Town's interest in the property currently known as Former Radio Communication Link Repeater Site.

Reported that a follow up with the Village of Walton on the request for a handicap parking space located in front of the Walton Town Hall resulted in approval and the Village will place signage according to the NYS regulations.

SUPERVISOR'S REPORT:

Reported on his monthly reports.

Requested that the stools that were once used for the elections be donated to the Walton Central School District for use in their classrooms.

RESOLUTION # 74

SURPLUS STOOLS

A motion was made by Councilman Govern, seconded by Armstrong granting permission to donate stools that are not longer needed to the Walton Central School District for classroom use. All in favor, motion carried.

Reported that NYS has amended General Municipal Law §53 permitting notices of claim against public corporations to be served on the New York Secretary of State. In doing so, the Secretary of State will be charge a \$250 service fee. The Public corporation must file a Certificate of Designation of Notice of Claim with the Department of State in order to receive half of this fee.

WHEREAS General Municipal Law, §53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim; and

WHEREAS, General Municipal Law, §53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the town’s agent; and

WHEREAS, pursuant to General Municipal Law, §50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent’s estate;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Walton, County of Delaware designates Ronda Williams in her capacity as Town Clerk, to receive notices of claims served upon the Secretary of State by mail at 129 North Street, Walton, NY 13856.

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file The required certificate with the Secretary of State informing him or her of the town’s designation and applicable time limitation for filing a notice of claim with the town on or before July 14, 2013.

RESOLUTION # 75

CERTIFICATE OF DESIGNATION OF NOTICE OF CLAIM

A motion was made by Councilman Govern, seconded by Armstrong appointing the Town Clerk as the designated person to file a Certificate of Designation of Notice of Claim with the Department of State. All in favor, motion carried.

Reported that Attorney Cowen has approved the contract changes between the Cost Recovery Escrow Agreement by and between South Mountain Wind LLC and the Town of Walton and is now ready to be signed.

COMMITTEE REPORTS:

Councilman Armstrong stated that he is still consulting with a contractor on the needed building repairs.

Councilwoman Wood stated she will contact Mary Beth Silano to discuss the Rails to Trails.

Councilman Armstrong questioned how the DEC Fishing Access was coming along? Supervisor Dolph stated that they have brought in gravel but have not heard anything else.

Councilwoman Wood requested that a follow up call be placed with Crown Castle on the desire to have Verizon join our tower.

APPROVAL OF BILLS:

RESOLUTION # 76

APPROVAL OF BILLS

A motion was made by Councilwoman Wood, seconded by Armstrong approving the vouchers as presented for payment. All in favor, motion carried.

General Fund A	#132-151	\$7,252.50
General OV B	#15	\$13.30
General Hwy DA	#65-73	\$3,788.11
OV Hwy DB	#16-23	\$36,769.74

EXECUTIVE SESSION:

RESOLUTION # 77

EXECUTIVE SESSION

A motion was made by Councilwoman Wood, seconded by Armstrong to enter into executive session to discuss land acquisition and two personal matters.

Entered executive session at 7:10 p.m.

Back in regular session at 8:00 p.m.

APPOINTMENT:

RESOLUTION # 78

CODE ENFORCEMENT OFFICER

A motion was made by Councilman Armstrong, seconded by Wood appointing Stephen Dutcher to the position of Code Enforcement Officer with contractual agreement details to follow. All in favor, motion carried.

RESOLUTION # 79

TOWN JUSTICE

A motion was made by Councilman Armstrong, seconded by Wood appointing Carl E. Gregory to the position of Town Justice for the remainder of his term of December 31, 2013 that was made vacant after his retirement from the New York State Retirement System affective June 30, 2013. All in favor, motion carried.

We no further business before the Board, the meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Ronda Williams
Town Clerk