

TOWN BOARD MEETING  
March 11, 2013  
6:00 P.M.

PRESENT:

Councilpersons: Kevin Armstrong, Leonard Govern, Luis Rodriguez-Betancourt, Patty Wood, Supervisor Bruce Dolph, Hwy. Supt., Walt Geidel, Attorney Brett Cowen and Town Clerk Ronda Williams

OTHERS PRESENT:

Lillian Brown-Burdick – The Walton Reporter  
Steve Dutcher - DCO

**RESOLUTION #37**

**APPROVAL OF MINUTES**

A motion was made by Councilman Armstrong, seconded by Rodriguez-Betancourt approving the minutes of February 11, 2013 as presented. All in favor, motion carried.

FLOOR TIME:

Steve Dutcher, Town of Walton Dog Control Officer thanked the Board and informed them that the dog kennel is near completion. He stated once the floor is painted the kennel will be complete.

SUPERINTENDENT OF HWY. REPORT:

Reported on a year to date figure of 3,000 yards of sand.

Reported that he has applied for a 1986 CAT grader through the Federal Surplus Program. The grader is listed as having only 7 hours but has brake issues that will need to be addressed. He stated this particular year grader is worth \$45,000 - \$65,000 but the Town will only pay \$3,500 plus trucking and repairs.

He reported the old grader will be declared surplus once the new one is up and running smoothly.

Reported that due to problems with the F550 Ford engines, the Town is named in a Class Action Law Suit.

Reported that the March 8, 2013 Highway bids were opened and he would like to recommend the bids be awarded to the responsible low bidders with the exception of the Excavator with Operator. The Highway Committee was in agreement to bid this per project.

BIDS	CARVER	CLARK	SCHAEFER	COBLESKILL	ROBINSON	LAFERVER	COUNTY	DEL. BULL	REYNOLDS
1-A'S	\$20.60			<b>19.65</b>					
1-B'S	\$18.00			<b>17.65</b>					
1st	\$18.00			<b>17.65</b>					
1	\$18.45		19.95	<b>17.65</b>					
2	\$18.45		19.95	<b>17.65</b>					
GRAVEL	4.00/T	<b>3.60/T</b>							
SAND	300/HR	<b>185/HR</b>			250/HR	225/HR			
DC2							\$20.75		
DC3							\$19.00		
DC5	*COBLESKILL						\$19.00		
DC4							\$19.00		
DC6							\$19.00		

BANK & CHANNEL

L.S. FILL	\$20.00		\$19.85				\$21.00		<b>\$18.75</b>
M.S. FILL	\$22.00		\$19.85				\$21.50		<b>\$18.75</b>
H.S. FILL	\$22.00		\$19.85				\$21.50		<b>\$18.75</b>
LRW 2-4	\$32.50		\$26.95				\$31.00		<b>\$22.00</b>
LRW 4-8	\$33.00		\$29.95				\$31.00		<b>\$22.00</b>
LRS 2-4	\$29.00		\$25.00				\$29.25		<b>\$22.00</b>
LRS 4-8	\$29.00		\$25.00				\$29.25		<b>\$22.00</b>

EXCAVATOR

MAKE		CAT		CAT	VOLVO		JD
MODEL		325L		<b>325CL</b>	290		250GLC
THUMB		YES		<b>YES</b>	YES		YES
HP		168		<b>190</b>	205		190
WEIGHT		61000		<b>60000</b>	64000		
PRICE/HR		170/HR		<b>175/HR</b>	175/HR		195/HR

USED STEEL PIPE

	PRICE PER	FOOT			
	72" 3/8	84" 3/8	96" 3/8	108" 1/2	120" 1/2
CHEMUNG	<b>\$188.00</b>	<b>\$237.00</b>	<b>\$354.00</b>	<b>\$394.00</b>	<b>\$432.00</b>
COUNTY - ALLEGANY	\$205.10	\$244.21	\$367.00	\$417.30	\$459.00
COUNTY - ALLEGANY	\$267.52	\$313.00	\$451.00	\$486.00	\$499.99

POLY PIPE

	PRICE PER	FOOT							
	12"	15"	18"	24"	30"	36"	48"	60"	
HOWES	5.52	7.2	10.69	16.71	25.42	32.56	57.6	96.38	
CHEMUNG	<b>4.54</b>	<b>5.99</b>	<b>8.95</b>	<b>13.78</b>	<b>21.41</b>	<b>27.26</b>	<b>46.16</b>	<b>78.55</b>	

BANDS

HOWES	6.79	8.97	12.69	19.95	46.2	57.6
CHEMUNG	<b>5.83</b>	<b>7.63</b>	<b>11.08</b>	<b>17.28</b>	<b>42.63</b>	<b>54.89</b>

METAL PIPE

	PRICE PER FOOT								
	10"	12"	15"	18"	24"	30"	36"	48"	60"
CHEMUNG	<b>8.42</b>	<b>9.41</b>	<b>11.14</b>	<b>13.37</b>	<b>18.12</b>	<b>27.23</b>	<b>33.57</b>	<b>58.66</b>	<b>93.51</b>

BANDS

**RESOLUTION#38****2013 HIGHWAY BIDS**

A motion was made by Councilman Armstrong, seconded by Rodriguez-Betancourt to award the bids to the responsible low bidders as stated with the exception of the Excavator with Operator. All in favor, motion carried.

**TOWN CLERK'S REPORT:**

Reported that the dog kennel's final cost totaled \$520.58.  
I informed the Board that Steve provided all the labor free of charge.

Reported on some of the 2012 Final totals as stated;  
Dog Licenses \$6,045.00 with a total of 698 dogs.  
I stated I am looking to start the 2013 Enumeration in May.  
Building Permits \$7,145.00  
Clerk Fees \$1,797.46

Reported that the Town of Walton's Independent Auditor found the Town's financial records to be in satisfactory condition and filed the Annual Financial Report. A copy is available at my office for any persons wishing to review it.

Reported that Tax Collection is 76% collected.

I provided my monthly financial report along with the DCO and CEO reports to the Board.

I reported that I contacted Kevin Savage from Crown Castle asking him to pursue Verizon to join our tower. Mr. Savage contacted his sales team and they are working on that now.

**SUPERVISOR'S REPORT:**

Supervisor Dolph informed the Board on the need for subsidy National Flood Insurance and recommended adopting the following resolutions in support of it.

**TITLE: RESOLUTION SUPPORTING THE CONTINUANCE  
OF NATIONAL FLOOD INSURANCE (NFIP) SUBSIDIES AND FOR AN  
IMMEDIATE START TO THE NATIONAL ACADEMY OF SCIENCES STUDY ON  
THE AFFORDABILITY OF FLOOD INSURANCE  
HUMAN RESOURCES**

**WHEREAS**, the "Biggert-Waters Flood Insurance Reform Act of 2012" (the Act) passed by Congress became effective July 1, 2012 and included changes to the National Flood Insurance Program (NFIP); and,

**WHEREAS**, the Act removes subsidized rates for several classes of structures such as; any residential property that is not the primary residence of an individual, any severe repetitive loss property, any property that has incurred flood related damages that cumulatively exceed the fair market value of the property, any business property, any new or lapsed policy or any

policy for a newly purchased property, any property that after the date of the Act has incurred substantial damage or has experienced substantial improvement exceeding 30% of the fair market value of the property, any policy for which the owner has refused a FEMA mitigation offer under HMPG, or for a repetitive loss property or severe repetitive loss property, **and allows rates to increase by 25% per year until actuarial rates are achieved**; and,

**WHEREAS**, many towns in Delaware County contain flood prone areas, that in recent years have suffered millions of dollars in losses due to devastating weather events such as Hurricane Irene; and

**WHEREAS**, precipitation has increased over the last decades for a variety of reasons, making us more vulnerable to high water events; and

**WHEREAS**, Delaware County has a robust flood mitigation program and has aggressively pursued Hazard Mitigation Program Grant funds to implement flood mitigation programs and projects; and

**WHEREAS**, towns and villages in Delaware County through a variety of methods, have made flood mitigation a priority, planning long and short term remedies to the destruction of residential and commercial properties, are considering or entering Federal Emergency Management Agency's Community Rating System(CRS) program, as well as, appointing CRS coordinators and trained Flood Plain Managers; and

**WHEREAS**, towns in Delaware County, such as Walton and Middletown, along with various regional partners and the neighboring Towns in Ulster and Greene County, have formed, respectively, the West Branch and East Branch Flood Commissions toward coordinated local and regional flood mitigation planning; and

**WHEREAS**, the removal of flood insurance subsidies would profoundly and negatively impact affected towns in the County and region when new/revised flood maps are issued and property changes ownership, making it more difficult to sell homes in the Special Flood Hazard Area, due to the removal of "grandfathering" for existing policies, as well as the loss of subsidies for business properties when many of our businesses are already struggling from the last flood and other economic factors; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Walton Board formally requests that the Governor of the State of New York, and publicly elected and appointed officials at all levels advocate for the continuation of National Flood Insurance Program subsidies as well as for an immediate start to the National Academy of Sciences study on the affordability of flood insurance; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that this resolution be forwarded to the Administrator of Federal Emergency Management Agency, the New York State Department of Environmental Conservation, the State Office of Emergency Management, our elected State and Federal representatives and any other involved state and federal agencies

**RESOLUTION #39                      NATIONAL FLOOD INSURANCE SUBSIDIES**

A motion was made by Councilwoman Wood, seconded by Rodriguez-Betancourt approving the resolution in support of continued subsidies for National Flood Insurance. All in favor, motion carried.

Supervisor Dolph explained that the County has supported the following resolution in opposition to the New York Safe Act. He stated that although we are not stating we are in favor or against gun control but that we are in opposition of how it was enacted.

**TITLE: OPPOSITION TO THE New York STATE SAFE ACT**

**WHEREAS**, the Second Amendment to the Constitution of the United States:

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.; and

**WHEREAS**, the right of the people to keep and bear arms for defense of life, liberty, and property is regarded as an inalienable right by the people of Delaware County and the Town of Walton; and

**WHEREAS**, the lawful ownership of firearms is, and has been, a valued tradition in the Town of Walton, and the rights protected by the Second Amendment to the United States Constitution are exercised by many of our residents and visitors; and

**WHEREAS**, it is estimated that over 60 million individuals, representing over half of the households in America, have chosen to exercise that right by owning one or more firearms; and

**WHEREAS**, gun bans, registration, and licensing of firearms and their owners, has had little or no effect in such urban areas such as New York City, California, Chicago and Washington, D.C. and has not prevented violent criminals from obtaining firearms illegally and committing crimes; and

**WHEREAS**, the people of Walton derive economic and environmental benefits from all safe forms of recreation involving firearms, including, but not limited to, hunting and target shooting while utilizing all types of firearms available under the Constitution of the United States; and

**WHEREAS**, members of the Walton Town Board, being elected to represent the people of Walton, are duly sworn by their oath of office to uphold the Constitution of the United States; and

**WHEREAS**, members of the New York State Assembly and the New York State Senate, being elected by the people of New York State, are duly sworn by their oath of office to uphold the Constitution of the United States; and

**WHEREAS**, the enactment of the NY SAFE Act (Chapter I of the Laws of 2013) has engendered significant controversy over both the process by which it was enacted and certain provisions contained within it; and

**WHEREAS**, it is our understanding that many State Legislators had less than an hour to read the legislation, which contained approximately twenty-five thousand words, before being forced to vote on it; and

**WHEREAS**, having reviewed the legislation and time constraints, it is our conclusion that there is no possible way any individual could have read the entire bill and understood its full implications prior to voting on it; and

**WHEREAS**, our State Legislators most certainly could not have had the time to request, and receive, the input of their constituents regarding this matter; and

**WHEREAS**, this legislation has 60 sections, of which only three take effect immediately and in our opinion, there was no reason for the Governor to

use a message of necessity to bring this bill to vote immediately and bypass the three-day maturing process for all legislation; and

**WHEREAS**, law-abiding gun owners are required to verify ownership of certain types of firearms every five years, in addition to registering them on their permits, which now also must be renewed every five years, does not increase the safety of the public and is unnecessarily burdensome to the residents of New York State; and

**WHEREAS**, there will be a significant negative financial impact due to the approximately 14,000 Delaware County permits that will have to be renewed requiring additional manpower and computer systems and is another un-funded mandate; and

**WHEREAS**, this legislation prohibits the sale of firearm magazines with a capacity larger than seven rounds. Those firearm magazines with a capacity larger than seven rounds, which are authorized to be retained by existing owners, may only be loaded with seven rounds and eventually must be permanently altered to only accept seven rounds or be disposed of, thus constituting a seizure of legally-owned personal property with no provision for compensation; and

**WHEREAS**, few or no low capacity (7 rounds or less) magazines currently exist for many of the firearms commonly possessed by law-abiding residents of New York State; and

**WHEREAS**, Governor Cuomo has proposed spending \$36 million dollars in his 2013- 2014 Executive budget for the implementation of the NY SAFE Act at a time when New York State residents are crying out for tax relief; and

**WHEREAS**, Delaware County Sheriff Thomas E. Mills has said that he "fully understands his constitutional obligations and the concerns of his citizens" and further states "under this new legislation, if called upon to go door to door to confiscate newly classified assault weapons, will not do so"; and

**WHEREAS**, while there are some areas of the legislation such as privacy protections for certain of pistol permit holders, by-and-large, we find the legislation does little more than negatively impact lawful gun ownership; and

**WHEREAS**, this legislation fails to offer any meaningful solutions to gun violence and places increased burdens where they do not belong, squarely on the backs of law-abiding citizens. This legislation effectively turns countless New York State law-abiding gun owners into criminals; and

**WHEREAS**, the manner in which this legislation was brought forward for vote in the State Legislature is deeply disturbing to the Walton Town Board; and

**NOW, THEREFORE, BE IT RESOLVED** that the Walton Town Board does hereby oppose, and request the repeal of, any legislation, including the sections within the NY SAFE Act (Chapter I of the Laws of 2013), which infringe upon the right of the people to keep and bear arms; and

**BE IT FURTHER RESOLVED** that the Walton Town Board considers such laws to be unconstitutional and beyond lawful legislative authority granted to our State representatives; and

**BE IT FURTHER RESOLVED** that the Walton Town Board strongly encourages members of the New York State Legislature to hold public hearings to address the issue of gun violence in a way that will produce meaningful results; and

**BE IT FURTHER RESOLVED** that the Walton Town Board requests the members of the New York State Senate and Assembly who represent all, or part of, Delaware County to reply, in writing, with their views on, and actions taken, in support of, or opposition to, the NY SAFE Act; and

**BE IT FURTHER RESOLVED** that a copy of this resolution be sent to President Barack Obama, Vice President Joseph Biden, Governor Andrew Cuomo, Senator Charles Schumer, Senator Kirsten Gillibrand, Congressman Chris Gibson, New York State Majority Coalition President and Leader Dean Skelos, New York State Senator Jeffrey Klein, New York State Senators James Seward, John J. Bonacic, Assembly Speaker Sheldon Silver, New York State Assembly Minority Leader Brian Kolb, New York State Senate Assembly members Cliff Crouch, Claudia Tenney , and Peter Lopez.

**RESOLUTION #40 OPPOSITION TO THE NEW YORK STATE SAFE ACT**

A motion was made by Councilman Armstrong, seconded by Rodriguez-Betancourt approving a resolution in Opposition To the New York State Safe Act. All in favor, motion carried.

Supervisor Dolph introduced a resolution for the purpose providing a 90-day interest/penalty free period for deployed military men and woman.

I explained to the Board that a military man just returning from Afghanistan having to pay a school tax penalty because he was serving his Country at the time the bill was due, prompted me to look into Real Property Tax Law §926-d. This law allows for each municipality to adopt and provide military persons deployed for combat or hazardous duty a 90-day interest/penalty free period to make payment upon outstanding property tax bills incurred during their absence.

**DEPLOYED MILITARY EXTENSION**

**WHEREAS**, Real Property Tax Law §925-d of New York State Laws allows for a person who has been deployed by the military or by the spouse or domestic partner of such person for real property of a person so deployed for combat or hazardous duty a 90-day interest/penalty free period to make payment upon outstanding property tax bills incurred during their absence. This interest/penalty free period shall extend for ninety days after the end of such deployment.

**WHEREAS**, this extension does not cause a financial burden to the municipality as the total tax levy amount will remain unchanged and the original tax bill due upon return from combat or hazardous duty shall be collected less interest/penalty for a ninety day period. This extension shall only pertain to the Town/County tax bill and will not have any effect on other taxing municipalities.

**WHEREAS**, these men and woman are called upon the United States Government to serve our Country and to protect each and every one of us and to continue to allow use to enjoy our freedoms. We as a local government have a patriotic duty to extend such an interest/penalty free period incurred upon these service men and woman beyond their control and it is our privilege to extend a ninety day interest/penalty period.

**NOW, THEREFORE, BE IT RESOLVED:** the Town of Walton agrees to grant a 90 day interest/penalty free period for deployed military returning from combat or hazardous duty as stated in Real Property Tax Law §925-d.

**BE IT FURTHER RESOLVED**, an application and all proper documentation necessary shall be filed with the Town of Walton's Assessor with whom shall grant or deny such request.

**BE IT FURTHER RESOLVED** that a copy of this resolution be forward to the Town of Walton Assessor, The Delaware County Veterans Administration, and the Delaware County Office of Real Property.

**RESOLUTION #41**

**DEPLOYED MILITARY EXTENSION**

A motion was made by Councilman Armstrong, seconded by Rodriguez-Betancourt accepting the Deployed Military Extension Resolution as presented. All in favor, motion carried.

**COMMITTEE REPORTS:**

Councilman Armstrong questioned where the Board stood on the Employee Handbook? I informed the Board that the company is waiting for a response to the updates that were emailed to the Board a few months ago.

**APPROVAL OF BILLS:**

**RESOLUTION #42**

**APPROVAL OF BILLS**

A motion was made by Councilman, Armstrong, seconded by Rodriguez-Betancourt approving the vouchers as presented for payment. All in favor, motion carried.

General Fund A	#41 -67	\$38,503.62
General OV B	#4-5	\$ 156.80
General Hwy DA	#17-29	\$32,215.88
OV Hwy DB	#2	\$ 172.97

**EXECUTIVE SESSION:**

**RESOLUTION #43**

**EXECUTIVE SESSION**

A motion was made by Councilwoman Wood, seconded by Rodriguez-Betancourt to enter into executive session for the purpose of discussing the unsigned Union Contract. All in favor, motion carried.

Entered into executive session at 6:25 p.m.. With no intention of action, I was dismissed at this time.

Respectfully submitted,

Ronda Williams  
Town Clerk