

TOWN OF PLATTEKILL
REGULAR TOWN BOARD MEETING

February 6, 2013

Time: 7:00 PM

SALUTE TO FLAG

Deputy Supervisor Croce opened the meeting with a salute to the American Flag.

ROLL CALL

The following Town Board Members were present:

- Deputy Supervisor/Councilman Croce
- Councilman Putnam
- Councilman Farrelly
- Councilwoman Morano

Supervisor Loertscher was absent.

MINUTES

* Councilman Croce made a motion to dispense with the reading of the minutes from the January 16, 2013 Regular Town Board Meeting.

Councilwoman Morano seconded.

On the vote: all ayes.

* Councilman Croce made a motion to accept the minutes from the January 16, 2013 Regular Town Board Meeting.

Councilwoman Morano seconded.

On the vote: Councilman Croce	Yes
Councilman Putnam	Abstained
Councilman Farrelly	Yes
Councilwoman Morano	Yes

PUBLIC INPUT

Mr. Trainor asked the Town Board if they had any further information about the tax bills stating that the Town General Account had gone up 32.5%?

Deputy Supervisor Croce stated that he had met with the accountant and they had figured out what had happened to cause the increase to be 32.5%. He explained that much of it had to do with the Safety Net expenses that had been deferred in 2012 to be paid in 2013. The County insisted that \$78,000.00 for the Safety Net expense had to be paid before the end of 2012 and then the Town Board had to add \$90,000.00 to the 2013 Budget and the extra \$55,000.00 for 2012 was also relieved in the Town General amount. The Town Board did not realize that when the County said they were going to relevy this amount, that it would

be included in the Town funds and not the County funds. He explained that there was also an increase in the medical insurance of approximately 5%, a \$36,000.00 increase in the Police budget for another 4% and the Justice's salaries were increased by \$16,000.00 for another 2%. All these increases were part of the increase in the budget along with the usual State mandated increases for things like retirement and social security.

Deputy Supervisor Croce continued saying that the Safety Net increases were not known about until two days before they adopted the budget.

Mr. Trainor asked if the Town Board knew about this, why wasn't something said? You only talked about the 12%.

Deputy Supervisor Croce stated that, as the Assessor had mentioned, the amounts the Town Board was discussing were the items under the 2% cap.

Mr. Trainor stated that he felt the Town Board should have explained that better to the public and if they did not know an answer, then they should say so.

Mrs. Laskowsky asked several questions about the figures on the first page of the budget. She was comparing the budget from 2011, 2012 and 2013. She stated that she was not sure what was under their control and what was not, but by comparing those numbers she could see a 21% increase.

Mrs. Coppola asked several questions to clarify what Deputy Supervisor Croce had stated in the beginning of this conversation. This lead into dialog on costs going up and she also asked how the new employee union was going to impact future budgets.

Deputy Supervisor Croce explained that the Town Board was in negotiations with this union and they were pretty close to being done.

Mrs. Coppola asked if the Town Board was using a specialist to help with these new union negotiations and she asked when the Police Union Contract would be coming up for renewal. She suggested that the Town Board check on qualifications and maybe pick someone new to do the negotiations with the Police.

Councilwoman Morano stated that the Town Board would be looking at other negotiators in trying to do further negotiations with either union.

Mrs. Coppola stated that she wanted to remind the Town Board that they have to look at what the Town residents can afford to pay when doing future budgets. She stated that even a one hundred dollar increase is too much for those on a fixed income. They need to look at what the residents can afford. If we have to do away with some departments, like the Police, then we will have to do that. She stated that she did not want the Police to think that she was attacking them, but we could have the County Sheriff here in Town. They have asked for a substation here and we also have the State Police. It is not what we would like; it is what we can afford to have. Our Police Dept. does a wonderful job, but can we afford them. We need to tighten our belts. The County has let some departments go and the Town of Plattekill needs to take a good hard look at what we can afford here.

Mrs. Coppola stated that she has sat in on most of the meetings when the budget is being made and she knows that they are looking at everything and cutting some of the costs, but they need to cut more. She stated that she was the one who forewarned the Town Board last year that the County would have issue with deferring the Safety Net funds. She stated that she loves this Town and knows that there are people here who do not have much money. She stated that she was concerned that the reserves are getting low

and feels they need to make a harder effort to keep costs down. We all need to tighten our belts. She stated that none of this is personal to anyone on the Town Board. She is just one resident who knows there are others in her same situation. There are increases every year and she cannot afford to pay for them. She stated that she is also in the Marlboro School District and they are looking at a 50% school bill increase. She stated that she wants to stay in her home and does not want to have to sell it and move to Florida.

Mr. Chris Mercier stated that he has put in an application to the Zoning Board of Appeals to get a determination and is being told that they are not accepting his application because the determinations are only done for internal (within the Town Hall) situations. He stated that he was told he will not be able to get anything in writing and that they do not want to pay an attorney. He stated that he doesn't want anything from an attorney, he wanted an interpretation of a code and he is being told that this interpretation is only for internal use. He just wants this in writing.

Mr. Wilfrido Castillo, Chairperson for the Zoning Board of Appeals, stated that currently their Clerk, Sue Bolde, is recuperating from an emergency surgery. She has been out for the past two weeks, but should be coming back next week. He stated that he knows that Mrs. Bolde was in touch with our Attorney on this matter and he is waiting for her to come back to explain what the Attorney has told her about this situation.

Mr. Mercier stated that his point is that it doesn't say that it is for "internal use" in the Town Code. This is an error that should be corrected. The Town Board has to start fixing things in the Code Book so that they will not be misleading.

Deputy Supervisor Croce stated that the Zoning Code was last done in 2006. It is a very important document and he agreed that there are probably a lot of things in there that should be fixed. The Town Board has tried to fix a few things and has been in conversation about some other issues that should be looked at in the Code. It would take a lot of work and all the Boards would have to work on this together. The Planning Board has a very difficult job and they have had some issues with it and we have tried to make a few fixes. But we cannot make the code based on certain situations.

Mr. Heckerth, from the Clintondale area, stated that the other problem is that the Town continues to change Building Inspectors every few years. And each building inspector looks at a situation and gives it a different determination. He stated that he has a letter stating that he is grandfathered in for his business and it has a Town seal and Mark Jaffee's signature, but it means nothing to the current building inspector, so now he is in Court. He stated that this has cost him ten thousand dollars already and they are now asking for another fifteen thousand. He stated that this Town has a serious problem with the Code Enforcement people. He stated that he has fifteen people working for him and this Town is trying to put him out of business. That is fifteen people who are going to be without jobs. He stated that he felt this Town should leave businesses alone.

Mr. Mercier stated that his second question to the Town Board was about Mr. Croce's business. He stated that he mentioned there was no site plan for his business and no one has done anything about this. He stated that he asked the Building Inspector about it and was told that the business is not in violation, so he asked for something in writing stating that. He can't get that either. How come Code

Enforcement is selective with which businesses they target? A councilperson doesn't need a site plan? The business is now an allowed use in the district and there doesn't seem to be a statute of limitations. He stated that he can't seem to get any answers and the last time he spoke to the Code Enforcement Officer he started screaming and yelling at him. He stated that he did not know if he had a bad day or what, but he only asked for a determination and can't seem to get it. So now he went to the Zoning Board of Appeals and was told he can't again.

Councilman Putnam asked if Supervisor Loertscher was here at the Town Hall when this conversation went on with the Code Enforcement Officer?

Mr. Mercier stated no, but Supervisor Loertscher stated that he did speak to Dawn and Joe about it later in the day. He stated that he was told only pre-existing, non-conforming uses before Zoning are exempt. This is a different business and yes it was a long time ago, but he is asking for the Building Inspector to put in writing why he would not have to have a site plan and he can't get it.

Mrs. Coppola asked where the business was located that the gentleman in the audience was referring to?

Deputy Supervisor Croce answered that it was in Clintondale.

Mr. Castillo stated that he had asked the lawyer for the ZBA to look at a few things in the Code Book and was told that the section that Mr. Mercier is referring to seems to be a miss-print. Mr. Castillo continued saying that there are some issues with the Code Book. Private Road Specifications are not part of the Zoning Code section. Everyone keeps throwing Zoning in there and there is no reference for the ZBA to deal with road specifications. With the issue of the fruit stand, it was pulled out and once he gets his clerk back, they will look at a few more issues before making any decisions.

Mrs. Donna Fuentes, who works for the Plattekill Court, stated that she has worked here a long time and has heard many of these problems over and over again. She stated that she felt they stem from having only part time people working for the Building Dept. Currently we have two part time people and this has been the situation for quite a number of years. The two building inspectors try to get everything done but have different interpretations of the Code, which is understandable. The problem is that we end up with spending money on attorneys because one person says one thing and the other person says something else. If we had one full time inspector, which we know will be more of an expense, but it would keep these types of issues to a minimum. This one person would know our Town Code and interpret it a certain way and deal with all the issues the same. She stated that she has heard this confusion happening more and more over the past several years and knows there are two or three of these situations weighing on the department right now. Maybe it is time to think about hiring one person.

Mr. Heckerth stated that he feels the Town is picking on businesses. If he pays this other \$15,000.00 will they sign off on this? He doesn't want to have more issues and have to pay more money. He stated that he is being singled out and Councilman Croce is not. This Town should leave him and his employees alone. He feels he is being singled out and now he is in Court and has plans on going to the Attorney General.

Mrs. Coppola asked about the Board of Assessment Review. She asked if there was an opening on the Board.

Deputy Supervisor Croce stated yes, there is an opening.

Mrs. Coppola stated that she felt that the Board of Assessment Review was a Board of individuals from the Town where people could go when they do not agree with the assessment the Assessor has given them. She stated that she was told at the last Town Board Meeting that the ad was going to be in the Town newspaper for a new member, but she found the ad in the help wanted section. She stated that she felt this should have been in the paper as a public notice. She stated that she would never have seen it there if she had not known to look for it somewhere in the newspaper.

Mrs. Coppola stated that she also remembers that the Supervisor asked the Assessor if he could recommend someone for this position. She stated that she felt this was wrong. The person that the Assessor recommends would most likely be someone that he knows and then that person will side with the Assessor. This doesn't make sense to take someone that is recommended by the Assessor. And, she wanted to know why, when someone goes to the Assessment Board of Review, is the Assessor sitting at the table with the Board? She stated that she has heard from others who have gone before the Board of Assessment Review and that they feel intimidated with him sitting there and when she herself was there, she felt intimidated. She wondered if it was legal for the Assessor to be sitting there.

Deputy Supervisor Croce stated that he did not know the answer to that question.

Mrs. Coppola asked him if he thought this would be an intimidation? She stated that she went before the Board of Assessment Review and ended up suing the Town on her assessment. She stated that she won her case, but still does not feel the Assessor should be sitting there. These things should not be going on.

Mr. Fazio stated that he has heard Councilman Croce respond in the past that he was never approached by the Building Dept. to say that he was in violation. He wanted to know if he was saying that people should just go and set up their business and wait to see if the Building Dept. sites them.

There were more statements made about Deputy Supervisor Croce's business and he responded that, as he has said before, his business was there since 1979 and he has not tried to hide it from anyone.

Mr. Fazio stated that he was told he could not have his detailing shop at the cooler he purchased on the corner of Freetown Highway. There is no statute of limitations.

Deputy Supervisor Croce stated "so noted".

Mrs. Coppola stated that we all know that ignorance of the law is no excuse, the normal procedure when you come into Town is to go to the Town Hall and find out what the procedure is. The high probability of who you would talk to, would be the building inspector, and then whatever the building inspector tells you to do, that is what you do. But as for just starting a business and doing whatever you want, we all know, ignorance of the law is no excuse.

Mr. Castillo stated that there is also the issue of what type of business you own. If you have a business that has cars and vehicles coming and going and employees coming and going, then that is a totally different business than someone who just keeps supplies at his house and goes elsewhere to work. There is a fine line between those types of businesses and ones open to the public.

Mr. Mercier asked his question again. Is the Town Board going to go to the Building Inspector to get a determination on Mr. Croce's business?

Councilman Farrelly stated that it is the building inspector's job to give a violation to someone who is not in compliance with the Code. If he is not doing his job, then the Town Board will have to go and speak with him.

Mr. Mercier stated that his problem is that Mr. LoCicero stated to him, in front of a friend that he had with him, that this was not coming from him, it was in fact coming from Mr. Loertscher and Mr. Croce. Mr. LoCicero stated that they tell him what to do and that is why he asked to have everything in writing.

Councilman Farrelly stated that then the next thing we should do is have Mr. LoCicero here at the next meeting and have him tell us what he said.

Mr. Mercier stated that he will also bring in his friend who heard all this too. And he would like to get his decisions in writing.

Mr. Reynolds stated that he asked Supervisor Loertscher the same question that Mr. Mercier was asking and the Supervisor told him that there was no violation on Mr. Croce's business. He stated that he asked him for this in writing and Supervisor Loertscher stated that it would have to come from the building dept., so would the Town Board be willing to ask Mr. LoCicero for his opinion in writing? We need to know what statute and code so that we can put this to bed.

Councilman Farrelly stated that he would speak with Supervisor Loertscher and ask him to go back to speak with Mr. LoCicero.

Mr. Reynolds asked if he was going to ask for something in writing?

Councilman Farrelly stated that he could ask the Supervisor that question.

Mrs. Laskowsky stated that she only hears one person on the Town Board answer a question and that leaves her to wonder what everyone else thinks.

Councilwoman Morano stated that she felt the building inspector should be asked to give the Town Board an answer so we can put this issue to rest.

Councilman Putnam stated that he agrees too, and if he did not agree with what was being said, then he would have said so.

Mr. Mercier stated thank you.

* Councilman Putnam made a motion to close the Public Input section of the meeting.

Councilman Farrelly seconded.

On the vote: all ayes.

SECTION 1 - MESSINA & SONS LLC – SITE PLAN

Deputy Supervisor Croce asked the Town Board members if everyone had received and read the memo from the Planning Board asking the Town Board to make a determination on the Messina Site Plan?

The members of the Town Board stated yes, they have read the memo, reviewed the Planning Boards opinion and were ready to make a recommendation.

Deputy Supervisor Croce read a section of the Planning Board memo which reviewed the Planning Boards options and determination that this business is most accurately defined under the current zoning definition for Trucking Terminal. This is an allowable Special Use under the BD-60 Zoning District.

Deputy Supervisor Croce stated that he knew there were several members of the Messina Family present here this evening and he asked if anyone had any questions.

There were no questions asked.

Deputy Supervisor Croce asked Mr. Messina how long the business had been at its present location?

Mr. Messina stated thirteen years.

Deputy Supervisor Croce stated that he had spoken with the Planning Board Chairperson and the DEC does regular checking on the business and has not issued any violations. And, as was brought up before, we want businesses in Town and need jobs for our residents.

Deputy Supervisor Croce asked again if the Town Board was ready to vote on this determination?

* Councilman Farrelly made a motion, based on the current Town of Plattekill Code, for which they are operating, that they are operating under the term "Trucking Terminal" under Section 110-6 in the zone of BD-60.

Councilman Putnam seconded.

On the vote: all ayes.

SECTION 2 – ID CARDS FOR TOWN EMPLOYEES

Deputy Supervisor Croce explained that there has been some discussion in the past about having ID Cards for the Town Hall and other employees. Our Police Dept. has purchased an ID card machine and they could make them for our employees. They would be color coded for the different facilities.

Deputy Supervisor Croce stated that he felt this might be a good idea, except that there have been times when employees have left here and we have not gotten our items back that should have been returned. We have instituted not giving a final paycheck until all items have been returned, so this is probably an issue that can be dealt with.

There was a discussion on whether they would be dated or have an expiration date on them. There was also more discussion on if they were really needed and at what cost.

Deputy Supervisor Croce stated that he and the bookkeeper had worked out what it would cost to make ID Cards for all the employees. They would be \$5.00 each.

There was some discussion that Planning Board and Zoning Board members could use them if they were out in Town reviewing a project.

Mr. Wager, the Highway Superintendent, wondered what they would be used for. We have not had them and he could not remember a situation where they would have been useful. His guys drive a big red truck that has our name on it and he can see them getting lost and us trying to get them back. He stated that he could see the Police and the Building Inspectors could use them, but they already have badges. Do we need them for everyone? And once we budget for them, we always have to budget for them.

Mrs. Morse stated that when she was Supervisor we had green cards that could be sealed and include the person's name and title.

Mrs. Fuentes stated that the Town still has some of them. She has one currently.

Mr. Wager stated that his department also has uniforms with their names on them.

After more discussion that they have been in office for some years and have never been asked for ID:

* Councilman Putnam made a motion that we do not need badges for employees of the Town.

Councilwoman Morano second.

On the vote: all ayes.

SECTION 3 – CORNERSTONE PRICE QUOTES

Deputy Supervisor Croce stated that he had an agreement that was to be signed between the Town of Plattekill and the Cornerstone Phone Company to lock in rates for the next few years. The contract is now past its due date and we need to make a decision.

Councilman Farrelly stated that there is a purchasing policy and there should be other price quotes from at least two other companies before making this decision.

Deputy Supervisor Croce stated yes, we should have competitive price quotes, but sometimes we also have to take into account that there are other factors involved besides just having a price quote. We should also obtain price quotes on our auditor too, but even though we could get someone cheaper, the auditors that we have, know our system and how things have been done over the years.

Councilman Farrelly stated that he wanted to be the devil's advocate. This came to us two months ago and we should have looked to see if there were any other quotes from other companies.

Councilwoman Morano suggested that we get in touch with these people and see if they can give us a better deal. They might be able to do better than what they proposed initially.

Deputy Supervisor Croce stated that he felt the same. That is why he is looking at other insurance companies to see if we could get a better deal. Supervisor Loertscher has a quote from Rose & Kiernan and he had been trying to get a comparable cost from another company. So far the quote is still higher than Rose & Kiernan.

The Town Board had a short discussion on what they wanted to do with this agreement.

Councilman Putnam stated that he felt we should do something quickly so that we did not lose our service. Maybe we could sign up for the one year plan and then look at other rates for next year.

Deputy Supervisor Croce stated that he would contact the representative from Cornerstone and see if he could set up a meeting.

Councilman Putnam stated that he was concerned that we may lose our service and thought that we should at least sign up for one more year.

Deputy Supervisor Croce stated that he would ask if the service would be interrupted and if so he would sign on for the one year agreement. He will set up a meeting for as soon as possible.

SECTION 4 – ASSESSMENT BOARD OF REVIEW APPOINTMENT

Deputy Supervisor Croce stated that he received an e-mail from the Town Assessor in regards to a Town resident who would like to sit on the Board of Assessment Review. Nancy DeStefano works in another Town Hall, but lives here in Plattekill and her family has a lot of agricultural property here.

* Councilwoman Morano made a motion to appoint Nancy DeStefano to the Board of Assessment Review with a term to expire on Sept. 30, 2017.

Councilman Putnam seconded.

On the vote: all ayes.

SECTION 5 – ROTARY CLUB – 1ST LT. MARK DOOLEY 5k RACE

Deputy Supervisor Croce stated that the Town Board had received a request from the Rotary Club of Southern Ulster to use the Thomas Felten Memorial Park on Sunday March 24, 2012 for the annual Mark Dooley Race.

Deputy Supervisor Croce stated that he spoke with Chris Dawes, President of the Rotary Club, and he has spoken with the Recreation Director to make sure there are no conflicts.

* Councilman Croce made a motion to allow the Rotary Club of Southern Ulster to hold the Annual 1st Lt. Mark Dooley 5k Race on Sunday, March 24, 2013 at the Thomas Felten Community Park.

Councilman Farrelly seconded.

On the vote: all ayes.

SECTION 6 – EXECUTIVE SESSION

* Councilman Croce made a motion to enter into Executive Session to discuss litigation.

Councilman Putnam seconded.

On the vote: all ayes.

Time: 8:46 PM

Back: 9:07 PM

* Councilman Croce made a motion to close Executive Session and re-open the Regular Town Board Meeting.

Councilman Farrelly seconded.

On the vote: all ayes.

SECTION 7 – VOUCHERS

* Councilwoman Morano made a motion to pay the Voucher Detail Report 2/6/2013, which includes the General Fund amount of \$16,569.65, the Lighting Districts amount of \$2,296.68, the Trust & Agency amount of \$1,152.00 and the Highway Fund amount of \$15,083.58 for a total amount of \$35,101.91, recognizing that the Audit Committee has reviewed the claims and found them acceptable for payment.

Councilman Putnam seconded.

On the vote: all ayes.

SECTION 8 – ADJOURNMENT

* Councilman Croce made a motion to adjourn the meeting.
Councilman Putnam seconded.
On the vote: all ayes.

Time: 9:09 PM