

TOWN OF PLATTEKILL
REGULAR TOWN BOARD MEETING & PUBLIC HEARING-MS4 STORMWATER REPORT

May 15, 2013

Time: 7:00 PM

SALUTE TO FLAG

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

ROLL CALL

The following Town Board members were present:

Supervisor Croce
Councilman Putnam
Councilman Farrelly
Councilwoman Morano
Councilman DePew

PUBLIC HEARING – MS4 2012 ANNUAL STORMWATER REPORT

Supervisor Croce explained that the Town has the responsibility to do an MS4 Stormwater Report each year to the DEC. This current report is for the 2012 year and has to be filed by June 1st. He stated that part of the report requires the Town to hold a Public Hearing and to include any questions or comments from that hearing.

Supervisor Croce explained that it was up to him to designate a Stormwater Officer for the Town or this position would default to the Town Supervisor. He stated that he has spoken with the Chairperson of the Planning Board and she may be willing to take on this position.

Councilman Putnam asked Mr. Clouser to give a quick explanation of what this report was for.

Mr. Clouser explained that the MS4 Stormwater Report includes information on the progress made by the Town since last March in the Stormwater Program including inspections and staff training and any information given to the public on Stormwater management. He stated that there are two small, designated MS4 areas that were recently expanded in the Town, which are in the watershed, and these are also monitored.

Supervisor Croce asked if there were any comments or questions from the public.

There were no comments or questions.

* Councilwoman Morano made a motion to close the Public Hearing on the 2012 MS4 Annual Stormwater Report.

Councilman DePew seconded.

On the vote: all ayes.

MINUTES

* Supervisor Croce made a motion to dispense with the reading of the minutes from the April 19, 2013 Special Town Board Meeting.

Councilwoman Morano seconded.

On the vote: all ayes.

* Supervisor Croce made a motion to accept the minutes from the April 19, 2013 Special Town Board Meeting. (Met with the Modena Rural Cemetery Trustees)

Councilman Farrelly seconded.

On the vote: all ayes.

PUBLIC INPUT

Mrs. Pearl Morse wanted to let everyone know that the Veteran's Committee Golf Tournament was being held this weekend and that everything is coming together for a great event. Also, the Parade plans are going well. They have received many donations and this is keeping the costs very low.

Supervisor Croce thanked her for all the work she and the Veteran's Committee have done and continue to do.

Mr. Bill Farrell stated that he wanted to let everyone know that he is still receiving "thank yous" for the Senior Ball. The seniors really enjoyed it!

Supervisor Croce thanked them for their comments and asked if anyone else had any comments or questions.

There were no further comments or questions from the public.

* Supervisor Croce made a motion to close the Public Input section of the meeting at 7:06 PM.

Councilman Farrelly seconded.

On the vote: all ayes.

REPORTS

1) April 2013 - Monthly Police Department Report:

Supervisor Croce stated that Chief Ryan had a family event and was not able to be here this evening.

Supervisor Croce read the monthly report stating that there were 390 documented calls for service in April with 172 traffic tickets issued and 7 motor vehicle accidents with 1 person reporting injuries. There was an extensive Arrest Blotter section which can be requested through the Town Clerk's Office and there were no problems with any of the police vehicles.

Supervisor Croce read that there were several arrests made by the Detectives and Det. Riley attended a Field Officer Training Class April 15th to the 18th. Again, copies of the complete report can be obtained at the Town Clerk's Office.

2) April 2013-Building Department Monthly Report:

Supervisor Croce stated that the Building Inspector's Clerk was currently out on vacation. We will have this report at the next meeting when she returns.

3) April 2013-Dog Control Report:

Supervisor Croce read the Dog Control Report from April. The report stated that there were 5 calls at the Kennel, 7 calls at the Police Dept., 3 open cases, no dogs impounded, no dogs redeemed and no dogs currently at the Kennel. The report also stated that there was 1 Dangerous Dog case in progress and one successfully executed agreement to remove a dog from the Town in lieu of a dangerous dog hearing.

The report also stated that the Dog Control Officer had attended DCO Training in Guilderland, NY on May 7 and 8th, and he will be attending additional training on May 21st and 22nd, in Cornell, NY. These classes are being paid for by the Town of Lloyd. The report also stated that he would be discussing the possibility of doing a dog enumeration, in the future, in conjunction with the Town Clerk's Office.

Supervisor Croce asked the Town Clerk if she had any information on the dog enumeration proposal?

Barbara Dawes, the Town Clerk, stated no, just that there is a section in the Dog Laws that offer charging a fee for doing dog enumeration to help the Towns pay for taking on this expense. She stated that they were still looking into the best way to get this done. The Town could hire one or more people to go door to door or other Towns have done a mass mailing and have had good results. We are still reviewing the situation.

PRESENTATION – Quassaick Creek Watershed Management Plan

Supervisor Croce stated that Kelly Dobbins, the Project Manager for the Quassaick Creek Watershed Management Plan Project, was present this evening to give the Town an update on the project so far. She was here last fall and introduced the project to the Town. At that time, Mr. Tom Wilkin, a member of our Planning Board, offered to be a representative for the Town on this project. Ms. Dobbins is back tonight to give the Town Board some insight as to what has been done and what they are planning to do until the project end date in August or September of this year.

Ms. Dobbins gave a short introduction to the public, to make sure that everyone knew what she was talking about. She stated that the project was initiated by the Orange County Planning Department and had received funding through a grant from the NYS Dept. of State's Local Waterfront Revitalization Program and the Orange County Water Authority. She stated that the purpose of the project was to develop a management plan that municipalities could use to improve and protect the water quality, fisheries, recreational access to water, biological resources and other aspects of the Quassaick Creek and its Watershed. She stated that this Watershed Plan will be a non-regulatory guidance document that will recommend strategies for enhancing the Watershed.

Ms. Dobbins went on to explain that the headwaters of this Watershed are located in the Town of Plattekill and Marlboro and that the tributaries feed into the Chadwick Lake, follow through Newburgh and New Windsor, to empty into the Hudson River. That is what brings the Town of Plattekill into being a part of this project.

Ms. Dobbins stated that the primary goals of this project are to heighten public awareness of the Quassaick Creek, thus creating a sense of ownership and responsibility among watershed stakeholders and to create a thoughtful "to do list" for guiding future development and to improve the health of the Watershed. She stated that the management plan will address many issues including water quality, water supply, wildlife habitat, recreational uses, stormwater management, land use, dams, education and growth and development. She stated that they have done some random water testing, have developed a comprehensive Assessment of Waterbodies and Watershed Resources and have come up with some recommendations, which can be found on the website at <http://waterauthority.orangecountygov.com/quassaickwatershed.html> . She stated that they did inventory Stormwater ponds and found that most are not being taken care of properly, except in Plattekill where the Highway Dept. has been caring for them. She stated that they will be finalizing the recommendations throughout the spring of 2013 and expect to have the draft plan available for review in late summer.

Mrs. Morse stated that the Town of Plattekill has developed local laws and has kept a watch out for environmental issues during development. She stated that it is the Town of Newburgh that has not done so well in this regard. She stated that the Town of Newburgh should bring their standards up to the level of the Town of Plattekill before we start to collaborate on anything.

Mr. Tom Wilkin stated that he has received comments from the Rod and Gun Clubs that they would have liked to be in the discussion on this plan. They have open space and are helping by maintaining their facilities.

Mr. Wilkin also commented that being a part of this discussion is good for the Town as it will open us up to Grant opportunities and it may also allow residents in the watershed areas to obtain special funding, from our Health Dept., to put in or upgrade sanitation/septic systems and other health department regulated projects. Mr. Wilkin stated that if a Rod and Gun Club wanted to obtain funds for a new dam, this management plan would be a plus for them on their Grant application.

Mrs. Morse stated again that she felt the Ulster County Health Dept. was doing a great job with keeping water up to par. She stated that Newburgh should partner with us to bring their area up to our standards.

Mr. Wilkin stated that this has been brought to their attention.

Ms. Dobbins stated that Newburgh has been reviewing and updating their Zoning Code and they are trying to purchase properties, as they become available, around the water areas.

Supervisor Croce stated that the fear is that people are going to be told what they can and cannot do with their properties. We understand that you are saying this is a Watershed Management Recommendation Plan, however there is that fear that it will be more than that.

There was a discussion on whether these recommendations could result in laws being adopted that would limit what property owners would be able to do with their properties.

Ms. Dobbins stated that she has done several of these studies and she has not seen any of these Management Plans or Studies used by the State to implement controls or laws.

Mr. Wilkin stated that although he understands the other side of this, he feels that this project can be used to help protect the environment.

Ms. Dobbins stated that she also understands what people might think of this project, but she sees it as a non-regulatory guidance document that will recommend strategies for enhancing the watershed and its surrounding areas.

The Town Board thanked her for coming in this evening and updating the Town Board on the progress for the project.

SECTION 1 – PARIBELLI – 3 LOT SUBDIVISION

Supervisor Croce reviewed the situation regarding the 3 lot subdivision that Mr. Paribelli presented at the last Town Board Meeting. He stated that Mr. Paribelli was asking the Town Board to waive two issues that the subdivision has in regards to the Town Private Road specifications.

Supervisor Croce stated that he had requested an opinion from the Town Attorney as to whether the Town Board had the authority to waive the regulations or not. He stated that he had received a response from the Attorney, but he also has heard that the Planning Board received a copy of the letter too; and they discussed this issue at a meeting held last night. The Planning Board is supposed to be sending the Town Board a letter on their discussion last night and until this letter is received, he did not think the Town Board should discuss this matter further or make any decisions this evening.

Supervisor Croce stated that the Town Board has been through this situation before. He stated that the Attorney usually will give the Town Board options and the suggestion in this letter is to make sure that if we do grant a waiver, it must be based on good, sound reason. He stated that the Private Road Specifications say that there is only one dwelling on a lot, and this subdivision would have two. He realizes that the dwellings already exist and one has been there for 40 years, but it is still a home and a garage with another dwelling/apartment on top; and then there is the ingress and egress issue from the private road.

The Town Board discussed the situation further about having the existing residences and the issue that the property already has a driveway to Barclay Road. They all realized that the decision would not be an easy one and that without having extensive reasons for making the waivers, this could open the Town up to legal challenges. They recently had another situation where someone wanted a waiver from the private road specifications and they did not give one.

Mr. Paribelli stated that his situation was different from the one that they were referring to. In that situation the owners had received all their approvals and did not do what was previously agreed to. His situation was different because he was coming to the Board before getting any approvals and trying to work out a plan as to the best way to proceed.

Supervisor Croce stated that he understood what Mr. Paribelli was saying, but just because he was coming in and asking, does that give the Town Board the authority to give a waiver.

Councilman DePew stated that they make laws for what you can't do, not for what you can do. He stated that he would like to see what the Planning Board has to say before making any other comments.

Supervisor Croce stated that he agreed. To speak now would be premature.

There was some discussion on changing the law since there have been issues with it lately, but this would be cumbersome and could take a long time.

The Town Board all agreed that they should wait to see what the Planning Board has to say.

SECTION 2 – TRAINING FOR SUPERVISOR CLERK AND BOOKKEEPER

Supervisor Croce stated that the Town Board had discussed sending the Supervisor's Clerk and the Bookkeeper to a class on using the new KVS Bookkeeping Software. The cost for both of them to attend was a little high, so they contacted the KVS Company and they were able to give us a reduced rate for the training because we still had some hours of training that we had paid for and not used as yet. We are getting a break on the registration for the second person.

Supervisor Croce stated that they still had to pay for both of them for the train to get there and for their room overnight. He stated that there was money in his budget to cover these expenses.

* Supervisor Croce made a motion to send the Supervisor's Clerk, Tiffany Galligan, and the Bookkeeper, Monique Morano, to attend KVS Software training in July.
Councilman Farrelly seconded.

Councilman DePew asked how much this training would cost?

Supervisor Croce stated that it would be approximately \$1,468.00 for two people to attend the training and that included transportation by train.

On the vote: all ayes.

SECTION 3 – MODENA RURAL CEMETERY

Supervisor Croce stated that the Town Board had met with the Cemetery Board of Trustees and they had brought to the Town Board's attention that a law adopted in 2008 gave the Town the authority to help local cemeteries that were in financial distress. The Cemetery Trustees stated that they were in financial distress and needed some items such as gas, trash removal, Item #4 and they had to have a tree removed that had fallen half-way down, but was caught in some other trees.

Supervisor Croce stated that he is aware that Mehlon Trucking has donated 16 yards of Item #4 and the Town Board has agreed to allow them to take trash to the Transfer Station for free. He stated that they have also gotten someone to address the removal of the tree. The only item left is money to pay for gas for mowing.

Councilman DePew asked if the Trustees had given the Town any information on their financial situation and a letter asking for these things to be donated?

Councilman Farrelly stated that Mrs. Cavazza was supposed to make up a letter and also give Mr. Baum a poster that could be put up in the Clubhouse at Aloha. He suggested that the Town Board not do anything else until we have this letter.

Councilman DePew stated that he would like to have a copy of their budget for the year also.

Supervisor Croce stated that the Town Board had made several other suggestions and we do not know if any of them have been done yet.

Councilman Farrelly stated that they said the Cemetery Board only meets 4 times a year. The next meeting is a few months away.

Councilman DePew stated that he did not think the Town Board should move forward on anything else until they have something in writing.

Councilman Putnam stated that he would like to see a copy of their yearly budget. He also thought that they should have a copy of what the expenses were for last year and the year before. Then they could figure out how much money they would need for cuttings and other things.

Supervisor Croce asked what they wanted in the letter? Do we want the items that they have already requested and a copy of the budget? And what else?

Councilman Putnam stated that they must know what their yearly operating budget is. We should see what the budget was last year and maybe even the year before.

Councilman DePew stated that he was all for helping them, but the Town should have something to show that they need our help. We do not have anything to show if we are asked why we gave them money and other funding.

Councilwoman Morano stated that we do not know what they have spent on maintenance for past years. If we give them \$1,000.00, they may come back in three months and say they need more. How do we know what to budget for? We have asked for something in writing and we haven't gotten anything. No one is here this evening, so how important can this be?

Supervisor Croce stated that he had spoken to Mr. Hurlburt and he said they used about 150 gallons of gas last year and at \$3.60 per gallon that would be \$540.00.

Councilman DePew stated that without some information, we do not know how much assistance they need. This could go on and on and we really should have some knowledge as to how much all this assistance is going to cost.

Supervisor Croce stated that he thought the accountant from the State Comptroller's Office, that was at the Friday morning meeting, should have some of this information if the Cemetery has to make yearly reports to the State. He asked the Town Board if they wanted him to contact her to see what information she has on the maintenance.

The Town Board agreed that he could try to contact the State Comptroller's Office to see if the accountant had any of this information.

SECTION 4 – GIRL SCOUT – DAISY TROOP #60029 – SERVICE PROJECT

Supervisor Croce stated that the Girl Scout Daisy Troop #60029 offered to plant flowers in our three flower gardens here at the Town Hall. They came on May 5th and planted some small trees, some bushes and some flowers. It took them about 2 hours. He stated that he had some pictures of the girls planting the flowers if anyone wanted to see them. He also read a memo from the Highway Dept. explaining who took part in the preparation and planting process.

Supervisor Croce stated that Mr. Dwight Dougherty purchased the flowers from the Building Dept. account with the Highway Clerk, Linda Byrnes, and she set up the time and brought shovels and other supplies from the Highway Dept. for the girls to use.

The Town Board all agreed the flowers and bushes looked great and "dressed up" the Town Hall.

Supervisor Croce stated that he would be sending them a thank you letter.

SECTION 5 – HIGHWAY DEPARTMENT MEMO

Supervisor Croce stated that he had received a memo from the Highway Dept. letting the Town Board know that the Highway Dept. would be taking their floating holiday for this year on July 8, 2013.

SECTION 6 – CABLEVISION CHANGES

Supervisor Croce stated that he had received notification from Cablevision that they were going to discontinue the Legacy Video Package for their customers. He stated that the company seems to be doing away with package deals and customers will be choosing which channels they want to receive individually. He stated that he felt the Town Hall was going to start receiving phone calls from residents on this and he was not sure what was under the Town control and what was not. He stated that he would take the time to review our franchise agreement and try to figure out what controls we have.

SECTION 7 – EXECUTIVE SESSION

* Supervisor Croce made a motion to enter Executive Session to discuss Contract Negotiations.

Councilman Putnam seconded.

On the vote: all ayes.

Time: 8:44PM

Back: 8:51 PM

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

Councilman Putnam seconded.

On the vote: all ayes.

SECTION 8 – VOUCHERS

* Councilman DePew made a motion to pay the Voucher Detail Report dated 5/15/2013 which includes the General Fund amount of \$19,595.27, the Highway Fund amount of \$11,657.06, the Clintondale Lighting District amount of \$817.30 and the Modena Lighting District amount of \$1,378.09 for a total amount of \$33,947.72 recognizing that the Audit Committee has reviewed the claims and found them acceptable for payment.

Councilman Putnam seconded.

On the vote: all ayes.

SECTION 9 – ADJOURNMENT

* Supervisor Croce made a motion to adjourn the meeting at 8:52 PM.

Councilman Farrelly seconded.

On the vote: all ayes.