

TOWN OF PLATTEKILL
REGULAR TOWN BOARD MEETING
&
PUBLIC HEARINGS FOR LOCAL LAW #1 & #2 OF 2014

February 19, 2014

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 Delgado
Councilman DePew

Supervisor Croce stated that he wanted to take the time to thank the Highway crew again for all that they have been doing to keep our roads clear. They have been going non-stop and we do appreciate the work that they do. This winter has been especially snowy and icy and he just wanted to say "Thank you again!"

MINUTES

There were no minutes approved at this meeting.

PUBLIC HEARING – LOCAL LAW #1 OF 2014 (Veteran's Exemption)

Supervisor Croce explained that the Town Board was looking to adopt Local Law #1 of 2014 which would be a local law to allow a veteran who was receiving Veteran's Disability Compensation, to deduct that compensation from their yearly income when figuring exemption status.

Supervisor Croce read the Local Law and asked if there were any comments or questions.

Ms. Valerie Smith, who is a resident and sits on the Assessment Board of Review, stated that this was an excellent idea. She stated that there was one case before the Board of Review last year and this exemption would certainly have helped this resident.

Supervisor Croce stated that he felt this would be a great help to our Veterans who are receiving Disability Compensation.

There were no further comments or questions from the public.

* Supervisor Croce made a motion to close the Public Hearing on Local Law #1 of 2014 entitled "A Local Law To Amend Chapter 97-14A Of The Code Of The Town Of Plattekill".

Councilman Farrelly seconded.

On the vote: all ayes.

* Supervisor Croce made a motion to adopt Local Law #1 of 2014 of the Town of Plattekill entitled "A Local Law To Amend Chapter 97-14A Of The Code Of The Town Of Plattekill".

Councilman DePew seconded.

On the vote: all ayes.

PUBLIC HEARING – LOCAL LAW #2 OF 2014 (Best Value)

Supervisor Croce read the local law entitled "A Local Law To Allow Certain Purchase Contracts To Be Awarded On The Basis Of Best Value". He then explained that this law would allow the Town of Plattekill to make a purchase with taking into account the cost of maintenance, durability, higher quality and/or longer product life. The reasons for not taking the lowest bidder, just because it is the lowest cost, would have to be documented.

Supervisor Croce gave an example stating that if the Highway Dept. was to purchase an item from a company in another State, because they had the lowest price quote, but the warrantee stated that the company in the other State had to do all the repairs to satisfy the warrantee, it would be better to purchase the item from a closer vendor so that repairs and/or supplies would not be so expensive in future years.

Supervisor Croce asked if there were any comments or questions on this local law.

There were no comments or questions from the public.

* Supervisor Croce made a motion to close the Public Hearing on Local Law #2 of the Town of Plattekill entitled "A Local Law To Allow Certain Purchase Contracts To Be Awarded On The Basis Of Best Value".

Councilman Farrelly seconded.

On the vote: all ayes.

* Supervisor Croce made a motion to adopt Local Law #2 of 2014 of the Town of Plattekill entitled "A Local Law To Allow Certain Purchase Contracts To Be Awarded On The Basis Of Best Value".

Councilman Putnam seconded.

On the vote: all ayes.

PUBLIC INPUT

Mrs. Annette Laskowsky stated that she could see on the agenda that the Town Board was going to appoint someone to the vacant position of Town Justice this evening. She wanted to know, if the Town Board was to appoint someone who is not or has not already been a Judge, does that person have to take a class before he or she can be a Judge?

Supervisor Croce stated yes, a person would have to take a class. And the Judges also have to take a class each year. There should be a class given at the end of March, after Village elections are over.

Mrs. Laskowsky stated that she just wanted to remind the Town Board that when they took an Oath of Office to be on the Town Board, they took that oath that they would do good for the Town. There is one person who can sit as Judge right away and it will not cost the Town any money.

Supervisor Croce stated again that the Town Justices go to training every year.

Mrs. Laskowsky stated that she is saying a person can't sit right away if they were not a Judge before. Supervisor Croce answered yes.

Mrs. Laskowsky asked if Judge Maciocia had been compensated for the extra time she has put in covering for the other Court?

Supervisor Croce stated that they are still working it out, but she will be compensated.

Mr. Reynolds asked what the term of office will be, once this person is appointed?

Supervisor Croce stated that there will be an election in November and then that term of office will run for 4 years starting in January 2015. This appointment will be until Dec. 31, 2014.

Supervisor Croce stated that he has spoken to many people about this situation and has read case law and Town law. He read the section of Town Law where it indicates that if there is a vacancy, it is up to the Town Board to appoint someone.

Ms. Valerie Smith asked about holding a Special Election?

Supervisor Croce stated that only the Governor can call a Special Election and it is his understanding that this is rarely done. There are numerous vacancies in the surrounding Counties and no one has heard from the Governor that we should hold a Special Election. He stated that the Town Board did not create this problem, but it is up to them to fix it.

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 7:24 PM.

Councilman Farrelly seconded.

On the vote: all ayes.

SECTION 1 – POLICE MONTHLY REPORT - JANUARY 2014

Chief Ryan was present this evening and he read through the January report.

Chief Ryan stated that there were 373 documented calls for service during the month of January 2014. The total number of traffic tickets issued was 62 and there were 23 motor vehicle accidents with three minor injuries reported.

Chief Ryan stated that he would not read all the arrests made, but he did review several Detective cases that were worked on, cases that were closed and one case that was re-opened. These cases included Burglaries, Larcenies, Assaults, and Aggravated Harassments. There were no problems reported for any of the vehicles.

Chief Ryan stated that things in January are usually pretty slow and especially if there is a lot of snow. He stated that the Department was a part of the raid that went on with the Plattekill Ardonia Road property where many birds were being cared for. He stated that there was still an open warrant for one person.

Supervisor Croce asked if the Chief could speak a little more about the situation that was named "Angry Birds".

Chief Ryan stated that this matter actually went way back when an Officer found a cab that had come to Plattekill from the City and he noticed that there were birds (rooster/chickens) in the cab. At that time, the State Attorney General's Office had told us that there was an ongoing investigation and that

they were to back off and leave the situation alone. He stated that he got a call about 2 weeks ago from the Attorney General's Office stating that they were going in.

Supervisor Croce stated that the ASPCA was also called in. He stated that he just wanted the residents to know that we knew it was there and it was being watched.

Supervisor Croce stated that Lt. Smith and he went to visit the site and we owe it to the Fire Departments who were there to help with 4-wheelers and other small vehicles for helping the ASPCA with transporting cages out to waiting vehicles. There were a lot of birds back in there and it took quite a while to get them all removed.

The Town Board thanked Chief Ryan for coming in this evening.

SECTION 2 – DOG CONTROL MONTHLY REPORT – JANUARY 2014

Councilwoman Delgado read the Dog Control monthly report for January 2014 which stated that there were 11 calls with 8 coming from the Plattekill Police or the Ulster County Sherriff's Dept.. There was 1 case opened, 1 dog seized, 0 dogs redeemed, 1 dog adopted or transferred to a Rescue Center, 1 ticket was issued and there are currently 0 dogs in the kennel.

Councilwoman Delgado further read that there was 1 dangerous dog case in the Plattekill Court, relating to a dog who allegedly had been attacking livestock, that was prosecuted.

Supervisor Croce stated that he felt Mr. McKee and his assistant were doing a great job.

SECTION 3 – RECREATION DEPARTMENT REPORT

Mr. William Farrell, the Town Recreation Director, was present to give the Town Board an idea of what programs were coming up for Spring.

Mr. Farrell stated that even though the weather has been tough to deal with, the programs are still going on at the Plattekill Elementary School and the Methodist Church gym. He stated that he is also looking into using the gym at the New Hurley Reformed Church on the corner of Rt. 208 and New Hurley Road for some indoor basketball.

Mr. Farrell stated that he is setting up a free Kids Movie Night, for ages 5 to 11 years old, on Friday, February 28, 2014. The evening will start at 6:00 PM with games and dancing. The movie will start at 7:00 PM. The popcorn will be free, but the church will be selling hot dogs and drinks. This event is open to all Town residents.

Mr. Farrell stated that he would be sending out notices that we are looking for Summer Camp Counselors for this year. He stated that he wanted to start the selection process earlier this year and he would like to see if we could get a few more college age counselors. He stated that he has reached out to the KOA to see if we can use their facility and he is going to try to get some better prices on busing. He stated that camp is scheduled to start on June 30th and will run for 5 weeks, 9AM to 3PM. The cost will be \$300.00 per camper for the 5 weeks.

Mr. Farrell stated that Plattekill Family Day at Rocking Horse Ranch will be held on March 16, 2014 from 11AM to 4PM. He stated that ticket sales went well and we are currently sold out. He stated that he was going to speak with the owner and see if he could allow a few more extra tickets.

Supervisor Croce stated that he has heard a complaint that it is always the same people who get tickets and that it is not open to new people who would like to attend. He thought that maybe we could hold off on selling tickets to people who have been there before to allow others to have a chance to attend.

Mr. Farrell stated that he did not see how he could do this. The event is publicized and everyone has a chance to come in and purchase tickets on a Saturday morning and then if any are left over, they can come in to the Town Hall during the week. He stated that last fall, he only sold about 80 tickets and there were spaces left over. He did not see how he could tell someone that they had been going too many times and would have to wait to purchase a ticket for the next time. He stated that he can't really advertise in the newspaper because it is just for Town residents.

The Town Clerk stated that it is also on the front page of the Town website for anyone to see.

Mr. Farrell stated that The Annual Easter Egg Hunt will be held on Saturday, April 12, 2014, with a rain date of April 13th. This event will be held at Felten Park and he joked that he was looking for one of the Town Board members to wear the "bunny suit".

Mr. Farrell stated that he had two more Eagle Scouts projects in the works that will benefit the Town. One would be to refurbish the baseball diamond behind the Library and the second would be to clear the area around the little pond at the Felten Park. The area would be cleared back to the stonewall and the ground would be seeded and picnic tables added. He stated that he was working with Mr. Wager to facilitate these projects.

Supervisor Croce asked if they were going to be coming in for Town Board approval?

Mr. Farrell stated yes, but they are speaking with Mr. Wager first to decide the parameters /specifications of the project before coming in and presenting it.

Mr. Farrell stated that the Scouts have also been discussing the idea of putting in a Cub Scout Memorial area. We need to pick a spot where we would like them to be.

Supervisor Croce stated that we need to talk about this because we do not want to put it somewhere and then have it in the way of something else later on.

Mr. Farrell agreed.

Mr. Farrell stated that he would be sending out notices for sign up for kids 5 to 7 years old for T-Ball teams. He stated that they use the Library field which is suited for younger players and he is looking for coaches and sponsors.

Councilman Putnam asked how he was going to get the word out about Movie Night?

Mr. Farrell stated that he would be sending out fliers in the elementary school and it will also be on the Town website.

Mrs. Laskowsky stated that there are Plattekill residents in Marlboro and Highland schools. How are they going to find out about this?

Mr. Farrell stated that he realizes there are children in three other school districts and he is trying to include them, but he can't just send fliers out to everyone in those other schools; the rest of the school will want to come too. We have to get them to check the website.

The Town Board thanked Mr. Farrell for coming in this evening.

SECTION 4 – BUILDING DEPARTMENT MONTHLY REPORT – JANUARY 2014

Councilman Farrelly read the Building Dept. monthly report from January 2014.

Councilman Farrelly read that there were 15 Field Inspections done, 0 Stop Work Orders issued, 12 Violations issued, 0 Violations closed, 3 Court cases scheduled for March and April, 5 Complaints taken, 2 Fire Calls, 3 Building Permits issued, 1 Certificate of Occupancy issued, 0 Certificates of Compliance issued, 10 Municipal Searches done, 0 Site Plans reviewed, 3 Fire Safety Inspections done and 4 Office Meetings held. These numbers do not include returning phone calls and residents coming in for assistance with codes, building permits, zoning & subdivision issues and FOIL Requests.

Supervisor Croce stated that the two part-time building inspectors have been quite busy. Mr. Mandosky has recently retired from the Newburgh Fire Dept., but he has a limited amount of hours that he can work here for the Town. He has stated though, that he will have more time to give to us since he has retired. He stated that he feels both our Building Inspectors do a great job.

SECTION 5 – U.R.G.E.N.T RESOLUTION

Supervisor Croce stated that the Town Board has already adopted this resolution at a previous meeting. There was a mix up and the resolution may have been sent to the wrong part of the organization and they requested the resolution again. We have addressed the situation and forwarded the proper resolution to the proper person, so this does not have to be done again.

SECTION 6 – JUSTICE APPOINTMENT

Supervisor Croce explained again that he has researched the situation of the Justice vacancy with many attorneys and governmental agencies and it comes down to the Town Board to make a decision and appointment until there is another election, according to Town Law that he has already read this evening.

Supervisor Croce stated that he wanted everyone to know, we have also had another person, from Town, who has come in and put in a resume for the position. The Town Board has been given a copy of this person’s resume and he just wanted to make sure everyone was aware of this other person who has stepped forward and expressed an interest in being appointed. So with that said:

* Supervisor Croce made a motion to appoint Mr. Robert Murphy to the position of Plattekill Town Justice.

Councilman DePew seconded.

On the vote: Supervisor Croce	Yes
Councilman Putnam	No
Councilman Farrelly	Yes
Councilwoman Delgado	No
Councilman DePew	Yes

Supervisor Croce stated that there is a majority of the Town Board; Mr. Murphy has been appointed as Plattekill Town Justice.

SECTION 7 – RESOLUTION – TRANSMISSION LINE UPGRADE

Supervisor Croce stated that he attends the Ulster County Supervisors Association meeting every month and they have been discussing a situation with the production and transmission of electric to the Hudson Valley and south to New York City and Long Island. There seems to be enough electricity being produced in the upper region of New York State, but when they try to send it down to the New York City and the Long Island area, there is a bottle neck and the electricity cannot get through. So there are two issues; one that they can't get the power down to Westchester, NY City and Long Island and the other is that they want to lump our area in a new Electric Zone with Westchester, NY City and Long Island and this could set our rates up 25%.

Supervisor Croce continued to explain that there is a bidding process going on right now to put in new power plants to generate more electric for the southern area and they will be taking property and new right-of-ways to put in new lines as a possible plan to alleviate some of the problems. However, there is one company that is saying they can install a new type of line on the already existing facilities that will carry the power down to the City and beyond.

Supervisor Croce stated that he would like to ask the Town Board to consider adopting two resolutions this evening to let the Power Authority and our Governmental Agencies know that we do not want to be lumped into a new Electric Zone with Westchester, New York City and Long Island and we want them to take a better look at this company that can be less invasive and just put in new power lines on already existing infrastructure.

Councilman Putnam stated that he works for an electric company and he knows that they are already building power plants in Dover and Middletown. We do not need more power plants to be built. These new plants are already being built to supply power to Westchester, New York City and Long Island. Also, there are power plants in the lower southern area that have been closed down and are not allowed to reopen. These plants could be taken down and rebuilt.

Supervisor Croce stated that there is power upstate and it is just a matter of getting it down to Westchester, the City and Long Island. If that one company can put in new lines on already existing infrastructure, that would seem to be the way to go. Much less intrusive.

Supervisor Croce stated that he would like to adopt these two resolutions and send them to the Power Authority and our Governmental Agencies that are dealing with making these decisions.

* Supervisor Croce made a motion to adopt the following resolution:

RESOLUTION ON THE NEW CAPACITY ZONE

WHEREAS, the Federal Energy Regulatory Commission (FERC), in an order issued on August 13, 2013, accepted the tariff revisions proposed by the New York Independent System Operator to create a New Capacity Zone (NCZ) that groups the mid-Hudson Valley (electricity load zone G) in the same capacity zone as Westchester and New York City (Zones H, I, and J); and

WHEREAS, this order is scheduled to go into effect on May 1, 2014; and

WHEREAS, the stated purpose of the NCZ is to address existing transmission constraints by altering the price signals in wholesale energy markets to attract investors in new plants whose Installed Capacity (ICAP) will be sufficient to meet electricity needs in times of peak demand; and

WHEREAS, the Public Service Commission (PSC) opposes the creation of the NCZ, stating that the order ignores PSC proceedings underway to address transmission constraints by upgrading transmission lines; and

WHEREAS, these transmission upgrades were recommended by the Governor's New York State Energy Highway Blueprint, which seeks to increase the capacity of transmission lines to carry 1,000 MW of additional lower-cost power from the north and west to meet downstate needs, eliminating bottlenecks in transmission; and

WHEREAS, the PSC is currently reviewing four proposals to accomplish the task of upgrading transmission lines; and

WHEREAS, the PSC further stated on September 12, 2013, that the NCZ will result in unjust and unreasonable electricity rates, possibly increasing rates by as much as 25%, costing rate-payers in the new zone over half a billion dollars in a three-year period; and

WHEREAS, Central Hudson-Fortis, a utility serving rate-payers in Zone G, also opposes the creation of the NCZ, estimating that it will increase prices by at least 6% for residential and 11% for industrial rate-payers; and

WHEREAS, the NCZ will hurt many small to medium-sized industries, including the dairy industry for whom electrical power makes up a large percentage of its costs; and

WHEREAS, the NCZ will cause disproportionate harm to low- and fixed income rate-payers, particularly in light of the Public Service Commission's report that the percentage of customers in the Central Hudson service area whose electricity has been shut off for not paying their bills has risen from 1.89% to 5.99% in 2012; and

WHEREAS, the creation of the NCZ will unfairly burden rate-payers in upstate counties, whose "peak" energy needs are much lower than those in Westchester and New York City; and

WHEREAS, the express purpose of the NCZ is to create new "peaking" capacity, which favors increased use of fossil fuel-based generation; and

WHEREAS, increasing fossil fuel generation contradicts and in no way addresses New York State's Renewable Portfolio Standard goal of at least 30% renewable electricity by 2015; and

WHEREAS, the FERC has failed to adequately consider these proposed transmission upgrades, which make the NCZ unnecessary;

THEREFORE, be it resolved that the Town of Plattekill calls upon the Federal Energy Regulatory Commission to postpone indefinitely its order issued August 13, 2013, N.Y., which conflicts with State efforts currently underway to address the same problem of transmission constraints; and further calls on N.Y. Governor Cuomo, U.S. Senators Schumer and Gillibrand, and U.S. Representative Gibson to intervene on our behalf to halt the creation of the NCZ; and that copies of this resolution shall be sent to Governor Cuomo, the FERC, the PSC, Central Hudson-Fortis, Federal and State Elected Representatives, the American Association of Retired Persons (AARP), the Public Utility Law Project of NY (PULP), and the Business Council of the State of New York.

Councilwoman Delgado seconded.

On the vote: all ayes.

* Councilman DePew made a motion to adopt the following resolution:
RESOLUTION ON TRANSMISSION

WHEREAS, as part of Governor Cuomo's *New York State Energy Highway Blueprint*, the Public Service Commission (PSC) was tasked with initiating Alternating Current transmission upgrades to increase the capacity to move excess power from upstate to downstate, thus relieving "existing bottlenecks" by adding at least 1,000 additional MW of electric transmission; and

WHEREAS, the Public Service Commission is currently reviewing proposals submitted by four developers, in a comparative process, with the goal of accepting one of them; and

WHEREAS, three of the proposed plans call for upgrades in Columbia and Dutchess Counties, which include the construction of new, taller towers and expansion of the existing right-of-way, while a fourth plan, proposed by Boundless Energy, calls for upgrading transmission lines in Ulster County and tunneling under the Hudson River near Newburgh, without constructing new towers or widening corridors, and at a lower cost than the other proposals; and

WHEREAS, upgrades that involve building new towers or widening the right of way could damage the environment, impair scenic view sheds, and negatively impact property values and the region's tourism economy; and

WHEREAS, the cost of transmission upgrades will be paid by electricity ratepayers; and

WHEREAS, Governor Cuomo, in his State of the State message, has called for speeding up the process of siting transmission upgrades and giving preference to projects that remain within the existing right of way; and

WHEREAS, the Renewable Portfolio Standard adopted by the State of New York calls for obtaining 30 percent of its electricity from renewable sources by 2015, however none of the four proposals addresses the question of how the proposed projects would enable improved and lower-cost access to transmission and distribution networks for projects involving local renewable generation, such as municipal projects sited on capped landfills and other brownfields; and

WHEREAS, the Mid-Hudson Regional Sustainability Plan calls for becoming less energy and fossil fuel intensive while strengthening the regional economy, expanding renewable energy generation exponentially across the Region, and improving the resilience of the energy delivery system; and

WHEREAS, the PSC will meet on February 20 to review the process it has instituted to select and oversee implementation of the proposed transmission upgrades;

THEREFORE, BE IT RESOLVED that the Town of Plattekill calls on the PSC to incorporate in its proceedings firm requirements that 1) proposed transmission upgrades shall not include construction of additional, taller towers or widen the right of way, 2) preference shall be given to lower-cost proposals, 3) upgrades shall include a plan for supporting affordable local distributed renewable generation that takes into account both transmission and distribution; 4) that proposals demonstrate how they will advance the New York State Renewable Portfolio Standard and Federal, State, and Regional plans to increase energy efficiency and renewable energy generation; and that a copy of this resolution shall be sent to Audrey Zibelman, chairwoman of the PSC, with additional copies to Governor Cuomo and the members of the New York State Energy Board.

Councilwoman Delgado seconded.

Councilwoman Delgado stated that she was not sure about the tunneling under the Hudson River part of this plan.

Councilman DePew and Supervisor Croce stated that there are already lines under the Hudson River. It has already been done before.

Councilwoman Delgado stated that she was not aware of this.
On the vote: all ayes.

Supervisor Croce thanked the rest of the Town Board members for considering these resolutions. He stated that it was brought to his attention a little over a week ago and he wanted to act on this as quickly as possible. He stated that the Supervisor's Association and other area Towns are all sending these same resolutions.

SECTION 8 – STOP DWI CONTRACT

Supervisor Croce stated that he wanted everyone to know that he has received the STOP DWI Contract from the County and he has signed it and will send it back. He stated that the Town has entered into this agreement ever since he has been in office and the Police Dept. can use the funding to add more patrols for our Officers so they can be out on the road protecting us.

SECTION 9 – VOUCHERS

* Councilman DePew made a motion to pay the Voucher Detail Report dated 2/19/2014, which includes the General Fund amount of \$1,523,574.02, the Highway Fund amount of \$28,754.31 and the Trust & Agency amount of \$1,681.35 for a total amount of \$1,554,009.68 recognizing that the Audit Committee has reviewed the claims and found them acceptable for payment.

Councilwoman Delgado seconded.

On the vote: all ayes.

SECTION 10 – ADJOURNMENT

* Supervisor Croce made a motion to adjourn the meeting at 8:20 PM.

Councilwoman Delgado seconded.

On the vote: all ayes.