

TOWN OF PLATTEKILL
REGULAR TOWN BOARD MEETING

February 18, 2015

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
Councilman DePew

Councilwoman Delgado was absent.

MINUTES

* Supervisor Croce made a motion to dispense with the reading of the minutes from the January 21, 2015 Regular Town Board Meeting.

Councilman Putnam seconded.

On the vote: all ayes.

* Supervisor Croce made a motion to accept the minutes from the January 21, 2015 Regular Town Board Meeting.

Councilman DePew seconded.

On the vote: all ayes.

ADDITIONS

No additions this evening.

PUBLIC INPUT

Mrs. Rose Guarneri stated that she went to the UC Legislature meeting last night and they adopted the pipeline resolution. She stated that a representative from the company was supposed to be at the meeting but he never showed up.

Supervisor Croce stated that he must have sounded more persuasive since it seems we were able to get a representative to attend a meeting. Mr. DeRosa was able to come, but he stated that the representatives that could answer more of our questions were all busy and could not make it. At least an attempt was made to hear their side of the story. Our voices are being heard.

Mrs. Tara Fitzpatrick stated that she just wanted to follow up on what was happening with the Agri-Business/Tourism issue. She wanted to know if the Building Inspector had made any determination on the Hurd Farm situation and she had not seen any notification of a Public Hearing on the Liberty View Farm issue as it is in front of the Planning Board or Zoning Board.

Supervisor Croce explained that there has not been a public hearing scheduled. The Building Inspector has given a determination to Mr. Van Roestenberg that the type of operation he has is not allowed under our code in RS-1 and Ag-15.

Mrs. Fitzpatrick stated that she thought he was appealing that decision.

Supervisor Croce stated no, that lead to Mr. Van Roestenberg, with his representative, to come to the Planning Board and file a site plan. There is no Public Hearing. If he proceeds through the process with the Planning Board, then there would be a Public Hearing with everyone within 500 feet receiving a letter of notice of that Public Hearing.

Mrs. Fitzpatrick stated that her point was that the Zoning Laws address the situation by her property and they have not received a Building Dept. determination.

Supervisor Croce asked her what section of the Zoning Laws she was referring too?

Mrs. Fitzpatrick stated that the Building Inspector stated that some of what has been done with the outdoor bouncy pad and the rock area surrounding it and the near three and a half story mountain that people would be walking/climbing on, there are codes for the height that a structure can be and a building permit has not been obtained. There is also a question on some of the electric for keeping the pad inflated. So one of the things that she is wondering about is how all this is progressing.

Supervisor Croce stated that he does have some information, however not all the information. He stated that he did get to finally speak with Mr. Somer and they had a lengthy discussion. He did give him some information and if he understood him correctly, someone like the Hurds can have these other attractions; however, the determining factor is that they cannot generate more revenue from those other parts of their operation than they do from agriculture. Mr. Somer is the head of Ag & Markets and it is his job, to some degree, and we do state in our Master Plan, that we are to encourage agriculture and the State is on board and states we should encourage agriculture so he did tell him, in his opinion, without having seen the site, the bouncy pad and the climbing wall would not be covered under Ag & Markets and would fall under the local zoning officials.

Supervisor Croce stated that he did not know if they could classify the climbing mountain as a structure or building.

Mrs. Fitzpatrick stated that the way she sees the mountain building is that it is tall and it has the large culvert running through it with bicycles that children can ride on through it and there are stairs leading up to a platform on top that people can stand on. At the very least, the safety and quality of the construction should be checked.

Supervisor Croce stated that he understood what she was saying and stated that he knows that the Building Inspector has been away at training for two or three weeks, but he is supposed to be setting up a meeting with the other Building Inspector, the Hurds and himself (Supervisor) because there are certain issues that they feel should be addressed by the Town.

Supervisor Croce stated that the overall issue of the Agra-Tourism question is going to take a lot of thought and research to try and figure out. He stated that he hoped she could appreciate that any decision that this Town Board makes regarding "Agra-Tourism" is going to have a big effect for many years. So going back to his original statement about encouraging agriculture, he feels the Town should move cautiously in trying to devise how we are going to regulate it and how much of it can be regulated.

Mrs. Fitzpatrick stated that she totally agrees with what he is saying, but she knows that in the Hurds pamphlet, they talk about their other activities as an "Agra-Destination" and as "Agra-Entertainment" and that is the part that Mr. Somer had stated was not covered under Ag & Markets. Whatever is produced on the farm such as produce or Apple butter or Apple pies, it has to be related to the produce from the agriculture on the farm.

Mrs. Fitzpatrick stated that the other issue that she has is that there are 138 acres to this farm and everything that they are doing is around their home on a few acres. The Hirds border her half acre on all three sides, which literally puts all this activity in her back yard. So that is another consideration that she would hope the Town Board keeps in mind.

Supervisor Croce stated that he understands her situation. It is the Town Board's duty to protect her rights as well as the rights of the Hirds; and likewise, with the Liberty View Farm situation.

Mrs. Fitzpatrick stated that she felt that there was a conflict of interest situation with the Town using the Hurd facility for the Halloween Party and taking the Town Summer Camp children there during camp hours to play on the bouncy pad and the climbing mountain when there are these open issues.

Supervisor Croce thanked her for her comments.

Mrs. Annette Laskowsky asked if the Town Board was considering a resolution to ban the use of Styrofoam in the Town?

Mrs. Guarneri stated that they are considering a resolution on this in the Ulster County Legislature. It looks like it will go through. It is already banned in New York City.

Supervisor Croce stated that he had not heard anything about this as yet.

Mrs. Laskowsky explained that it would ban the use of Styrofoam for food service ware. It has been proven that it is a carcinogen and neurotoxin and that there is no way to recycle it or reuse it.

Supervisor Croce stated that he had seen an article about banning plastic bags in New Paltz. If someone were to give the Town Board some information on this, then the Town Board can make a decision on whether to do a resolution or not.

Mr. Gilbert stated that he knows the Town Board has already said that most of the revenue for a farm has to come from the "farming" of that farm.

Supervisor Croce stated that we all realize that there will always be someone who will try to circumvent the system. He stated that in regards to the Hurd situation, they can say that in advertising that there is a bouncy pad, this brings people to the farm, where they can then pick a bag of apples and do these other activities. They see it as promoting their agricultural activities.

Mrs. Fitzpatrick stated that they are selling day passes to get people to play on these things and not to pick apples. They are selling a ticket as opposed to selling apples. Promoting a day destination is not selling more produce.

Supervisor Croce stated that he might disagree with her only to the extent that....

Mrs. Fitzpatrick stated that she would have to say that keeping people there for this entertainment would not be promoting agriculture.

Councilman Farrelly stated that he just wanted to play the devil's advocate. What if they were able to show the accounting books from several years ago and show what they made last year, which may be a lot more in revenue as these attractions are bringing people to the farm? He is not taking sides; he just wants to show what could happen.

Mrs. Fitzpatrick stated that she understood what he was saying, but she felt she could understand why they put up the tall metal fence around the orchard to keep out the deer because they were losing between 40 to 50 thousand dollars in produce. She has no issue with that. Her concern is the amount of people, the amount of activity, dust and traffic and the level of noise are all things that are inherent of an entertainment situation and not inherent of a farm. They used to start their business in September and now it starts in July. There are no apples to pick in July, not to mention the weddings and fireworks. Those are her concerns.

Supervisor Croce thanked her for her comments.

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 7:25 PM. Councilman Farrelly seconded.
On the vote: all ayes.

SECTION 1 – POLICE DEPARTMENT MONTHLY REPORT

Supervisor Croce read the Police Dept. monthly report for January 2015. He read that there were 333 documented calls for service, 101 traffic tickets issued and 20 motor vehicle accidents handled with 9 people reporting injuries.

Supervisor Croce continued reading the Detective Report which showed there were 3 Petit Larceny cases, 2 Grand Larceny cases, 1 Forgery case, 1 Unattended Death case and 1 Animal Cruelty case worked. There was also 1 Narcotics URGENT Drug Warrant Execution. There was also 1 Burglary case, 2 Grand Larceny cases, 2 Criminal Mischief cases, 1 Animal Cruelty case, 1 Criminal Trespass case and 3 Petit Larceny cases closed either with arrest or investigation.

Supervisor Croce finished reading the report stating that several officers were attending mandatory CPR, First Aid and AED training at the Modena Fire Department and several officers will also be attending a Driver Training class on Feb. 25, 2015, in East Fishkill.

Supervisor Croce stated that our insurance company brought this training program, for driver training, to his attention. He stated that this new company that we have this year has many programs that they offer, with this being one of them. He stated that he spoke to our Chief and he also felt that this would be a great addition to our officer training program.

Supervisor Croce read the Vehicle – Equipment Report which included each car and what repairs had been made. He stated that the Highway Department takes care of all our town vehicles and always does a good job. He stated that he always receives a lot of compliments on the Highway Dept. and our roads and how they are maintained. Kudos to the Highway Department!

SECTION 2 – DOG CONTROL MONTHLY REPORT

Supervisor Croce read the Dog Control monthly report for January 2015. He read that there were 15 calls including 7 calls from the Plattekill PD, State Police and Ulster County Sherriff’s Dept. There were 7 active complaints which are now closed or resolved, 3 open cases, 1 stray dog and we transferred 2 unclaimed dogs to the UC SPCA. The report also stated that there were no appearance tickets issued, there are no dogs in the kennel and there are no cases, at this time, in the Plattekill Court.

SECTION 3 – BUILDING DEPARTMENT MONTHLY REPORT

Councilman Putnam read the Building Dept. monthly report for January 2015. He read that there were 11 Field Inspections done, 2 Violations issued, 2 Complaints taken, 19 Building Permits issued, 5 Municipal Searches done, 1 case waiting for a Court decision, 2 Fire Safety Inspections done, 2 Mobile Home Inspections & re-inspections done and these numbers do not include returning phone calls and residents coming in for assistance with codes, building permits and zoning and subdivision issues.

Supervisor Croce stated that he wanted to let the Town Board know that he spoke with Scott, our Building Inspector, and he stated that he only received one heat complaint which he responded to right away and was happy to report the Lady called back and stated she had heat. So that is good.

SECTION 4 – ASSESSOR DEPT. MONTHLY REPORT

Councilman DePew read the Assessor Dept. monthly report for January 2015. He read that there were 8 Transfers, 0 Foreclosures, 2 Armslength transactions, 1 Vacant and 7 residential. The sale price of residential homes only was \$198,500.00.

SECTION 5 – LANDFILL MONITORING

Supervisor Croce explained that at the last Town Board meeting, the Town Board had discussed hiring a company to do testing of the wells at the Plattekill Landfill on Venuto Road. The DEC requires that the monitoring and testing of the sample wells be done on a schedule and it needs to be done.

Supervisor Croce stated that the Town Board had a question on the two proposals that were received. We were not sure if the company “C2G” included the DEC report in their proposal. It appeared that it may be a separate cost. This report is needed for filing with the DEC. As it was presented, the Morris Associates company seemed to supply this report in their proposal at the cost indicated.

Supervisor Croce stated that he contacted both companies and both stated that the DEC report needed would be included in the initial proposal.

The Town Board discussed that C2G Environmental Consultants would be the lowest cost.

* Councilman Putnam made a motion to enter into contract with C2G Environmental Consultants, LLC for the monitoring and well testing required by the DEC on the Town Landfill for the post-closure monitoring and maintenance at a cost of \$8,950.00.

Councilman DePew seconded.

On the vote: all ayes.

SECTION 6 – PLATTEKILL FIRE DEPARTMENT REQUEST

Supervisor Croce read a letter that he received from Mr. James Hoppenstedt who is one of the Commissioners of the Plattekill Fire District. His letter indicated that the Plattekill Fire District was interested in purchasing the Town of Plattekill portion of the property that borders the Thruway, Rainbow Drive and Rt. 32, that is owned jointly by the Town and the Plattekill Fire District. The Fire District is looking into building a fire training facility and an emergency helipad. The letter stated that they would like to look into obtaining a grant for these new facilities and would need sole ownership to apply for them.

Supervisor Croce stated that he and Mr. Hoppenstedt have talked about selling the Town's portion of the property to the Fire District and it is a sticky situation. He stated that he contacted the Town Attorney and his opinion was that he did not think the Town can just say yes and let them buy us out. There is a vague agreement that we found that doesn't really indicate how this would be done. There were some conditions that were supposed to be done and as far as we can tell, were not. If we were to sell the property, would we sell it for what we paid for it or have an appraisal done to see what the market value is currently? There are a lot of questions.

Mr. Hoppenstedt explained that if the Fire Departments, in the area, want to do any type of training, they have to go all the way to Middletown to use their training facility. He stated that the Fire Departments used to be able to have a controlled burn on someone's property, but they are not allowed to do that anymore. He stated that they were interested in using the portion that is across from the Plattekill Elementary School and south towards Rainbow Drive.

Councilman DePew stated that he would like to do some research and see the original agreement between the Town and the Fire District. He stated that he thought there was original interest in putting a water treatment facility on the end near Rainbow Drive.

Supervisor Croce stated that he had not found any information on the water treatment plant, but has concerns that the water there feeds into Chadwick Lake in Newburgh.

Supervisor Croce stated that the Town Board is here to look out for the best interest of the residents. He stated that he felt it would be negligent on the part of the Town Board to sell it for what we paid for it. He wondered if we should get it appraised?

Councilman DePew stated that this sounds like a good idea, but he did not want to act quickly without doing some research. He stated that all the tax payers would benefit from the sale if these facilities are put in, so he did not think the Town should ask for more than what we paid for it.

Mr. Hoppenstedt stated that this type of facility would benefit Orange and Ulster Counties. We could also apply for grants from both Counties.

Supervisor Croce asked where he obtained this information about the grants?

Mr. Hoppenstedt stated that he spoke with a person in Westchester who does grants and had a listing in the fire department magazine.

Councilman DePew stated that he felt the Plattekill Fire District should have sole ownership to build these facilities, however he would like to check into whether we could use the area for water discharge. It does drain into the Chadwick water system.

Supervisor Croce stated that he felt the Town should look into obtaining some type of easement for this property. He would hate to see us sell it outright to the Fire District and then a few years down the road find out that the Town could use a portion of it. He stated that he wanted to look into having some access to the property in the future if need be. He stated that he did not feel the agreement had to be very specific, just that if something came up and we could use another portion of the property, that option would be open to us.

Mr. Hoppenstedt stated that he understood what the Supervisor was saying. He stated that he felt the Board of Fire Commissioners would agree to all that is being said. There will still be a lot of land that is not being used.

Supervisor Croce stated that he would have to look further into what information we have from this initial transaction.

Mr. Hoppenstedt stated that he does not have too much information. He stated that he remembers when they purchased the property. There was discussion that the Town wanted to put in a water treatment facility and the Fire District wanted to build a new fire department building. In the end, it was too expensive to build a new building.

Supervisor Croce asked what type of training facility they were going to build; a tower?

Mr. Hoppenstedt stated yes, a concrete 2-story. They want to simulate heat and have an area for cutting cars apart. He stated that they cannot burn barns or old buildings anymore, a controlled burn is illegal to do.

Supervisor Croce explained that the DEC does not want any buildings burned due to the possibility of burning asbestos and other hazardous chemicals. He stated a training facility makes a lot of sense. He stated that he is proud that we have volunteer fire fighters.

Councilman Putnam stated that it would cost over one thousand dollars per household for paid fire fighters and the State mandates how many hours of training a volunteer must have.

Councilman DePew asked if the Plattekill Fire District could put together a proposal and include a map and a copy of the deed to the property?

Mr. Hoppenstedt stated that he could get this done. He stated that he wanted to see if the Town Board would entertain this idea before he did a lot of work on it.

Supervisor Croce stated that they can look at a recent study that was done on the Quassaick Creek to see if there would be any concerns about having this facility there and what the runoff would be into the Creek. He stated that Mr. Tom Wilkin was the Town's representative on this Committee.

Mr. Wilkin was present at the meeting and he stated that they would have to look at the wetlands area and see how much is wet and where it drains. He suggested that the Town contact the County Health Dept. to get an idea of whether that area could be used for a water treatment plant or not. Then they can move on from there.

Supervisor Croce thanked Mr. Wilkin for his suggestion and stated to Mr. Hoppenstedt that it would be a good idea to try to put together some ideas and/or a proposal so that the Town Board will be able to see where you want to put these facilities.

Mr. Hoppenstedt stated that he would get to work on a proposal for the Town Board.

Supervisor Croce stated that if the Town cannot put a municipal system there, then we should consider looking at our Zoning and the Master Plan to update where there may be a better location. He stated that we could ask the Health Dept. if they could suggest where one could be located.

Mr. Wilkin stated that he could contact the Health Dept. and see if they could take a look at the situation near Rainbow Drive.

The Town Board thanked Mr. Wilkin for his assistance on this matter and thanked Mr. Hoppenstedt for coming in this evening.

SECTION 7 – BUILDING DEPARTMENT – LICENSE MOBILE HOME PARK RENEWALS

* Supervisor Croce made a motion to renew the Certificates of Compliance for the year 2014 for the following Mobile Home Parks: Diane Pauli C/O Steve Pauli owner of Dormir Park located at 1004 Rt.44-55 containing 8 homes, Dakota Adventures owners of Plattekill Mobile Home Park located at 138 Church Street containing 7 homes and the Hideaway Mobile Home Park located at 296 Freetown Highway containing 6 homes, Forest Park owners of Forest Park Mobile Home Park located on Rt. 32 & Freetown Highway containing 199 homes and DePew Park located on Rt. 32 containing 32 homes, Darryl J Matthews owner of Modena Country Club located on Orchard Drive containing 128 homes, Winters Property Management of the Hudson Valley, LLC owner of Timberbrook Trailer Park located at 2196-2200 Rt. 32 containing 18 homes and Woodcrest located at 14 Plate Road containing 9 homes, Demetrios Vlamis owner of Vlamis Park located at 555-557 Crescent Avenue containing 5 homes, Michael Baum owner of Blind-O-Corp located at South Ohioville Road containing 279 homes, Armine Group LLC owner of Foxrun Estates located at 2-37 Rt. 32 and Mountainview Park located at 29 Cotter Road containing 13 homes, Mel and Heidrun Santos owners of Four Seasons located at 2237 Rt. 32 containing 4 homes, Villa Baglieri located at 200 Fosler Road containing 6 homes, Thomas Richard owner of Maple Lane II located at 765 Rt.44-55 containing 4 homes, Larry and Lawrence Fuhrmann Jr. owner of Troutbrook located at 567 Crescent Avenue containing 18 homes, Joseph Acampora owner of Acampora Park located at 1089-1097 Rt. 44-55 containing 3 homes, Vincent Rizzi Jr. owner of 702 R. 44-55 containing 5 homes and William Galm owner of Rollin Acres located at 1450 Rt. 44-55 containing 57 homes.

Councilman Putnam seconded.

On the vote: all ayes.

SECTION 8 – GIRL SCOUT REQUEST

Supervisor Croce read a letter from Mrs. Donna Egan, who is a Service Unit Manager for the Girl Scouts, requesting the use of the Town Hall parking lot to distribute Girl Scout cookies to local troops. She would like to use it either Saturday the 18th or 25th of April, depending on when the truck is scheduled to make its delivery. We have the Girl Scout insurance certificate on file with the Town.

* Councilman DePew made a motion to authorize the Girl Scouts to use the parking lot to distribute Girl Scout cookies on either the 18th or 25th of April.

Councilman Putnam seconded.

Supervisor Croce stated that they have used the parking lot in the past, on a Saturday afternoon, for the large truck to deliver cases of cookies. He stated that there is also another request to use the parking lot, possibly on the same day, for a car wash. We don't know the exact date yet, but he did not see that there would be a problem.

Councilman DePew stated that he did not see a problem with two events going on the same day. Maybe it will give the car wash more business.

On the vote: all ayes.

SECTION 9 – DATE FOR PLATTEKILL DAY 2015

Supervisor Croce stated that he had received a request from Linda Byrnes asking that the Town Board set the date for Plattekill Day as many organizations want to schedule their events. Mrs. Byrnes has stated that the third Saturday in September is Sept. 19th with a rain date of Sept. 20th, 2015.

* Councilman DePew made a motion to set the date for Plattekill Day on our usual, third Saturday in September, which will be September 19th with a rain date of September 20th, 2015.

Councilman Putnam seconded.

On the vote: all ayes.

SECTION 10 – TRANSFERS

Supervisor Croce stated that he has received a request from the Highway Superintendent to transfer funds in the Highway Budget to cover the unforeseen cost of additional salt and sand needed for the remainder of 2015.

* Supervisor Croce made a motion to transfer \$20,000.00 from DA5110.4 General Repairs Contractual to DA5142.4 Snow Removal Contractual to cover the unforeseen cost of additional salt and sand needed for the remainder of 2015. A copy of the complete transfer is attached to these minutes.

Councilman Farrelly seconded.

On the vote: all ayes.

SECTION 11 – VOUCHERS

* Councilman DePew made a motion to pay the Voucher Detail Report dated 2/18/2015, which includes: the General Fund amount of \$1,545,627.11, the Highway Fund amount of \$10,409.17, the Clintondale Light District amount of \$714.11, the Modena Light District amount of \$1,323.41 and the Trust & Agency amount of \$3,075.65 for a total amount of \$1,561,149.45 recognizing that the Audit Committee has reviewed the claims and found them acceptable for payment.

Councilman Putnam seconded.

On the vote: all ayes.

SECTION 12 – ADJOURNMENT

* Supervisor Croce made a motion to adjourn the meeting at 8:25 PM.
Councilman Farrelly seconded.
On the vote: all ayes.