

TOWN OF PLATTEKILL
REGULAR TOWN BOARD MEETING

April 1, 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

Councilwoman Delgado and Councilman DePew were absent.

MINUTES

There were no minutes approved this evening.

ADDITIONS

Supervisor Croce stated that he had three additions to the evening's agenda.

1)Easter Egg Hunt:

Supervisor Croce stated that he had just come from his home where he watched every television channel he could find to view their weather report for this weekend. He stated that they all said it would be a little blustery, but that there should only be some rain showers early in the morning and maybe one during the afternoon. He stated that the Easter Egg Hunt had been advertised that it would be on April 4th with a rain date of April 11th and he did check with Dwight Dougherty, our municipal worker, as to the condition of the lawn at the Park. Mr. Dougherty has stated that the ground is firm and was not very muddy at this time.

Supervisor Croce stated that the rain date for the following weekend would be after Easter and he felt that the Easter Egg Hunt would be better if it was before Easter. Also, we do not know how the weather will be on April 11th. So he would like to suggest that we have the Easter Egg Hunt on this Saturday, April 4th. He asked the other Town Board members what they thought on this issue.

Councilman Putnam and Councilman Farrelly stated that they agreed with the Supervisor and it was decided that the Easter Egg Hunt would be done Saturday morning at 10:00 AM on April 4th.

2)Resolution – Waiver of Late Fee on Tax Bills for 2015:

Supervisor Croce explained that the Town Board has been adopting this resolution for many years. He stated that there is a late penalty fee that the Town Board can add to the Town tax bills that are not

paid by May of each year. This extra fee is additional to the penalty fee that is already being assessed to every tax bill that is not paid by this time.

TOWN OF PLATTEKILL
RESOLUTION

Supervisor Croce made a motion to adopt the following resolution:

WHEREAS, the Town Board of the Town of Plattekill is authorized to assess a late penalty fee for those property owners who do not pay their real property taxes on time, and

WHEREAS, the Town Board, as in the past, has waived the fee recognizing that although the amount assessed is minor, the waiver of the fee does provide a relief to taxpayers,

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Plattekill, Ulster County, to waive the requirement of a late penalty fee to be assessed against property owners in the Town of Plattekill for the Year 2015.

Councilman Farrelly seconded.

On the vote: all ayes.

3)Assistant Recreation Director:

Supervisor Croce explained that the Town Board interviewed five people for the position of Assistant Recreation Director. He stated that he felt they had five well qualified candidates. He stated that the Town Board talked about each candidate and he would like to make a motion.

* Supervisor Croce made a motion to appoint Stephanie Doland to the position of Assistant Recreation Director for the Town of Plattekill.

Councilman Farrelly seconded.

On the vote: all ayes.

Supervisor Croce introduced Stephanie Doland who was seated in the audience and the Town Board congratulated her on her new position.

Supervisor Croce stated that Stephanie has worked for the Town Recreation Dept. in the past and the Town Board was happy with how she has handled her responsibilities.

Ms. Doland stood up and thanked the Town Board for appointing her. She stated that she would be in to the Town Hall tomorrow to start taking over her new responsibilities.

PUBLIC INPUT

Mrs. Tara Fitzpatrick, a resident from 2189 Rt. 32 in the Modena area, stated that she just wanted to touch base with the Town Board on how things were progressing with the Hurd Farm issues. She stated that she had applied for a building permit to put a porch on the back of her home in May and when the Building Inspector came to inspect the work done in June, he noticed the three story mountain that was built on the Hurd Farm. She stated that he went to the farm to take a look at it. She stated that she and her husband have been coming to the Building Dept. for the past year to discuss things that are going on at the Hurd Farm and she did not put in a formal complaint as there was no form to do so. She stated that some of their concerns that they have brought up in the past are the port-a-potties being right by their house, the fried food and the carnival type atmosphere that started in July and went right through

the late Fall. She stated that she could not even hold their annual picnic at her house this year due to all the noise and traffic and other things going on. She stated that she has been trying to review the Town Codes and follow the Town Board agenda's to see what is being done for this situation.

Mrs. Fitzpatrick read several sections of the Town Code about parking, traffic, lighting and outdoor recreation and amusement. She stated that she would give a copy to the Supervisor. She stated that she felt her backyard looked like an outdoor Chucky Cheese (restaurant). There is the bouncy pad with the motor going to keep it filled with air and the tower mountain and the cow train ride and all of this takes up the front few acres of the property that back her home. The farm has a lot of land, yet everything is done in her back yard.

Mrs. Fitzpatrick stated that she has also gone on the Hurd website and there are new things this year. They are starting to do group packages of 20 or more and 100 or more people and giving discounts. You can rent a campfire site in three – two hour slots for \$200.00 plus a \$14.00 activity admission fee for each guest. These are amusement type fees, not agricultural.

Mrs. Fitzpatrick stated that she has lived in her home since 2000 and she has never had a problem with their pick-your-own farm. She stated that her 4-H group and her kids went there too, and worked for them. But in the last year or so they have shifted focus and these new things are ruining her quality of life and her property value. She stated that she has never seen where they have even come in and applied for a permit to have these other activities.

Supervisor Croce stated that he felt the Town Board understood her situation and he wanted her to know that he did meet with Charles Hurd and they spoke about the situation. He stated that the Building Inspector will be doing a safety inspection on the cooler and the red barn. He stated that there is still a little bit of gray as to how much control the Town has over these operations. He stated that he knows there are some people here from the Liberty View Farm situation too and he has to ask for patience. The Town Board is gathering information and waiting for papers from Attorneys on both sides and then they will have to meet with the Town Attorney. He stated that he has spoken again with Mr. Somers and if they can show that what they are doing is for promoting their farm and agriculture, they have some leeway. There is always the interpretation of how is that agriculture. He stated that he does not have the answers. They are saying that these things bring people to their farms.

Mrs. Fitzpatrick stated that when she went on the website they are now advertising for offering a children's birthday package and group discounts of over 100 people. She stated that her concern is also for noise, traffic, the roads and the other impacts that occur with these amusement facilities. There is 138 acres in this farm and everything happens right behind her house.

Supervisor Croce stated that the port-a-potties were another item discussed and he did not think that she would be seeing them this year.

Mrs. Fitzpatrick stated that she felt the Planning Board should be reviewing these impacts as they were done with other projects; like the Turk project on Rt.44-55. There were noise studies and traffic studies, but none of this is happening here. She stated that this farm is a second farm for the Hurds. They do not even live at this farm.

Supervisor Croce stated that traffic was another issue that was discussed and Mr. Hurd was aware that there were issues. He spoke about a new traffic plan and the possibility of hiring a police officer to

control traffic. Supervisor Croce stated that he suggested a fire police person might be a good option as they are also trained in traffic control. He stated that a number of different issues were discussed and he is looking to having more conversations with him.

Mrs. Fitzpatrick stated that her family and the Hurd family have always been friends and good neighbors. She stated that she even had him over to her house and when he looked out her bathroom window, he saw the mountain and said it looked ugly. So it isn't that they have not tried to have dialog with them about how the things they are doing are having an impact on them. But now they are renting campfire spots for two or three hours at a cost of \$200.00 plus an admission fee, it is getting a little bit beyond having a hayride and picking some apples.

Supervisor Croce stated "granted" and thanked her for her comments.

There were no further comments or questions from the audience.

* Supervisor Croce made a motion to close the Public Input section of the meeting at 7:21 PM.

Councilman Putnam seconded.

On the vote: all ayes.

SECTION 1 – RAINIERI CONSERVATION AND OPEN SPACE EASEMENT

Supervisor Croce explained that the Town Board had previously discussed an agreement that the Town Board would have to adopt to allow the Rainieri Subdivision project to proceed through the Planning Board process. The agreement would allow for a large portion of the Rainieri property to be placed in a conservation/open space agreement with the Town. This property would be forever wild and did not put any liability issues on the Town. The Town Board has reviewed it and the Town Attorney has reviewed it.

Supervisor Croce stated that the Town Board was waiting for the public input/hearing part of the Planning Board review to be completed before they made their decision. He stated that the public hearing was left open for an additional two weeks and has now been closed, so the project is ready to continue through the Planning Board review process. He asked if any of the Town Board members had any further questions on this easement?

Councilman Farrelly stated that he did not see anything wrong with what they are proposing. There will not be any liability to the Town for this property and it will remain unused and forever wild. He stated that he could not see why some people had a problem with this project.

Supervisor Croce stated that there were some people who felt the Town would own this property, but we will not and there are a lot of rules and regulations to keep it open. There will not be any 4-wheelers allowed and no other structures can be built as well as other restrictions.

Councilman Putnam stated that he feels better that they are only building a few buildings instead of all separate homes. This will be less of an impact.

Supervisor Croce stated yes, otherwise it could have been an eleven lot subdivision. This is less of an impact.

* Councilman Putnam made a motion to grant the Rainieri Conservation and Open Space Easement on South St.

Councilman Farrelly seconded.

On the vote: all ayes.

SECTION 2 – MODENA FIRE DEPT. REQUEST

Supervisor Croce stated that Mr. Al Corretty was present this evening with a request.

Mr. Corretty stated that he had started hosting the Modena Fire Dept. Car Show a few years ago and every year there have been more cars. He stated that he is running out of space and he would like to know if the Town would let him use a section of the Park for this year's show. He stated that he also has vendors who come and set up booths to sell items. He stated that he would have his own insurance and the vendors fill out a waiver form.

Supervisor Croce asked for a copy of the waiver form so it could be reviewed by the Town Attorney.

Mr. Corretty continued saying that he would like to use the space where the Stune house was so that vendors and cars could be seen from the road. He stated that he felt more people would stop and come in if it was seen from the road.

There was some discussion as to whether this area would be large enough for all the vehicles and if there would be a need for electric. It was decided that these issues could be worked out later and they could always bring in some generators. It was decided that Mr. Wager, the Highway Superintendent and Public Works Officer, would work with Mr. Corretty to find an appropriate location for the cars and vendors.

Mr. Corretty stated that he would like to have the Car Show on Labor Day, September 6, 2015 from 9:00 AM to 5:00 PM.

There was more discussion on the field and whether it could be mowed a second time. The first mowing was usually done right before the Fireworks Event in July.

Mr. Wager stated that he would make sure that it would be done.

There was also discussion on having a rain date and it would be possible to have a rain date on Sept. 13th.

The Town Board all agreed that this was a good idea and Mr. Corretty stated that he would also advertise for Plattekill Day which also has a car show three weeks later.

* Supervisor Croce made a motion to allow the Modena Fire Dept. to use a portion of the Town property to hold a car show on Sept. 6, 2015.

Councilman Farrelly seconded.

On the vote: all ayes.

Councilman Farrelly asked if the vendors would also have their own insurance?

Supervisor Croce stated yes, and he also made the suggestion to Mr. Corretty that he contact the Girl Scouts, Boy Scouts and other organizations in Town to see if they would want to have a booth or help out with the car show. He stated that he would suggest doing what the Town does at Plattekill Day and make sure that each organization sells something that the other organization does not sell. This way everyone makes some money because there is less competition. One group sells water, one sells soda, one sells hot dogs and another sells something else. He stated that he would meet with Mr. Corretty to help with setting this up.

Mr. Corretty thanked the Town Board for their generosity.

SECTION 3 – CELLCO APPLICATION

Supervisor Croce stated that Mr. Moore, an Attorney representing Cellco, was present this evening to answer any questions or concerns and to obtain a license to co-locate on an existing cell tower on the Schuyler property located on Rt. 44-55 near the Thruway.

Supervisor Croce explained that the Planning Board was currently reviewing this site plan and the Town Board would have to approve the license for them to proceed.

Councilman Putnam asked if the tower would be higher?

Mr. Moore stated that this will be a third antenna on the existing tower and there would not be an increase in the height of the tower.

Supervisor Croce stated that the application has been submitted and our Town Code states that charging a fee for this license is at the discretion of the Town Board. Since they are not putting up a new tower, there is no reason to charge a fee.

Councilman Farrelly asked about the fee and why there might be a charge?

Supervisor Croce stated that he has spoken to the Town Attorney about a fee that the Town Code says the Town Board can charge for the license. This fee has been questioned many times and our Town Attorney agrees that a fee should not be charged unless the fee is charged for some reason. Since this is a co-location, a new tower is not being built and there is nothing to charge a fee for.

Councilman Farrelly stated that there are two other companies on this tower. Did those other two companies have to pay the license fee? If they did, then this company should have to pay also. That would be his only concern. He was good with this being a co-location and not a new tower.

Supervisor Croce stated that he would try to find out if the other companies paid the license fee. This is not the first time the fee is being questioned on legal grounds.

* Councilman Putnam made a motion to approve the Cellco Partnership d/b/a Verizon Wireless application to co-locate on the existing Communications Tower located at #1718 Rt. 44-55.

Councilman Farrelly seconded.

On the vote: all ayes.

SECTION 4 – HIGHWAY DEPARTMENT – SUMMER HOURS

Supervisor Croce read a memo from the Highway Superintendent stating that the Highway Dept. would be starting their summer hours on Monday April 20, 2015 and the hours would be Monday to Thursday from 6:30 AM to 5:00 PM.

SECTION 5 – HIGHWAY SUPERINTENDENT TRAINING

Supervisor Croce read a memo from the Highway Superintendent asking the Town Board for approval to attend Highway Superintendent training in Ithaca, NY.

* Councilman Putnam made a motion to authorize the Highway Superintendent to attend training in Ithaca, NY at the Association of Towns Highway Superintendents Conference on May 31st to June 3rd, 2015 at a cost of \$110.00 for registration and approximately \$447.00 for lodging. This Conference is budgeted for in the 2015 Town Budget.

Councilman Farrelly seconded.

On the vote: all ayes.

SECTION 6 – MOWING BIDS FOR TOWN PROPERTIES

Supervisor Croce read a memo from the Highway Superintendent requesting that the Town Board go out to bid for the mowing of the Town Properties for the 2015 season.

Supervisor Croce questioned whether the bid package needed some changes or was it the same as last year?

Mr. Wager stated that some changes were made last year and he felt it would be good using the same one.

Mr. DePew, a resident from the Modena area, suggested that the Town Board also go out to bid for Haying of the Field across from the Park. He stated that the Town usually waits to do this until later and it would be nice to have more time to get it done. The weather does not always cooperate in the spring.

Supervisor Croce asked if the Town Clerk had the bid package for this separate bid and if it could be advertised along with the mowing of the Town properties?

The Town Clerk stated that this would not be a problem. She will advertise both bids and have them opened at the same time.

* Councilman Farrelly made a motion to go out to bid for the Mowing and Trimming of Town Properties and for the Haying of the Town Field with bids to be opened on Friday, May 1st, 2015 at 10:00 AM.

Supervisor Croce seconded.

On the vote: all ayes.

SECTION 7 – HIGHWAY TRACTOR –MOWER PURCHASE PROPOSAL

Mr. Robert Wager, the Highway Superintendent, stated that he was requesting to purchase a new combination tractor and mower to replace the existing 30 year old tractor and mower that the Highway Dept. currently has. He stated that the 1985 Ford 540B tractor with a 74" flail side mower has approximately 90,000 hours of use and some of the parts have been difficult to obtain.

Mr. Wager explained that they have found a 4wd 2015 John Deere model 5085E tractor with a 74" Alamo flail side mower and an Alamo 88" rear 3 point hitch mower at a cost of \$81,352.95 off the State Bid. There is a trade in allowance for the old tractor of \$3,895.00, which would bring the price down to \$77,457.95. These prices have been derived from the NYS Contract#PC66597 and supplied by Keil Equipment Inc. of Hudson, New York.

Mr. Wager stated that they are not required to do comparison pricing when utilizing the NYS Contract Bid pricing, but he did price a comparable New Holland tractor which came in at \$91,148.25 and a comparable Kubota tractor at \$84,457.85.

Mr. Wager stated that he would also like to purchase a replacement 8', PTO driven, 3 point hitch mounted and hydraulically angled street broom to replace the current 6' broom that is from 1987. This broom, if purchased from Keil Equipment would cost \$6,605.00, if purchased from Jesco would cost \$6,995.00 and if purchased from Pine Bush Equipment would cost \$6,105.00. He stated that his

recommendation would have been to purchase the broom from Pine Bush Equipment, however he has found it at Hoffman Equipment at a cost of \$5,995.00. He would suggest purchasing it from Hoffman. This broom is designed to be used with the new John Deere tractor.

Mr. Wager stated that he was asking the Town Board to approve these purchases, approve the transfer of funds for these purchases and to include an additional \$547.05 in the transfer so that he could cover the cost of any miscellaneous items like hoses and fittings to couple the broom to the tractor.

The Town Board had a short discussion on the age of the equipment and how it has lasted the past 30 something years. The Highway Dept. does a good job of maintaining the Town's equipment.

Mr. Wager stated that this equipment is used at all the town facilities. He stated that funding for these replacement purchases would come from the Highway Capital Account that was set aside for funding such purchases.

* Supervisor Croce made a motion to authorize the Highway Superintendent to purchase one 2015 John Deere Model 5085E Tractor with 2 Alamo Flail Mowers to be purchased from Keil Equipment on Contract #NYPC66597 for the amount of \$77,457.95 which includes an allowance of \$3,895.00 for the trade-in of the Town's old 1985 Ford 540B Tractor.

Councilman Putnam seconded.

On the vote: all ayes.

* Supervisor Croce made a motion to purchase one Sweepster 8' broom from Hoffman Equipment for the amount of \$5,995.00.

Councilman Farrelly seconded.

On the vote: all ayes.

* Supervisor Croce made a motion to transfer \$84,000.00 from the Highway Capital Account DA5130.4 allowing an extra \$547.05 for miscellaneous items.

Councilman Putnam seconded.

On the vote: all ayes.

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

Resolution 2015

Transfer of Highway Capital Funds

WHEREAS, the Highway Superintendent has requested the purchase of a 2015 John Deere Tractor, 2 Alamo Flail Mowers and 1 Sweepster 8' Broom, and

WHEREAS, the cost of this purchase will increase the budget appropriations for 2015,

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Plattekill, Ulster County, to amend the 2015 Highway Fund Budget line item DA5130.2 Machinery/Equipment by an increase of \$84,000.00.

BE IT FURTHER RESOLVED, that funding shall be supported by a transfer from the Highway Capital Account of \$84,000.00 to the Highway Checking Account. A copy of this Resolution is attached to these minutes.

Councilman Putnam seconded.

On the vote: all ayes.

* Supervisor Croce made a motion to transfer \$84,000.00 from H0204 Highway Capital Savings to DA0200 Highway Fund Cash Account to cover the cost of new equipment purchases for the Highway Department. A copy of this complete transfer is attached to these minutes.

Councilman Putnam seconded.

On the vote: all ayes.

SECTION 8 – HIGHWAY TRANSFER FOR PAVING ROADS

Mr. Wager, the Highway Superintendent, stated that he was requesting Town Board approval to transfer \$475,000.00 from the Highway Unassigned Fund balance to the Highway DA5110.4 General Repairs Contractual to pay for the paving of Anderson Road, Quaker Street and Church Street. He explained that these three roads were in addition to the usual Highway Dept. paving.

Mr. Wager stated that the paving will be contracted under the NYS OGS Contract.

Councilman Farrelly questioned about the Highway Dept. doing preparation work on the roads to be paved.

Mr. Wager stated yes, the preparation work, such as ditching and replacing any cross pipes needed, will be done by the Highway Dept. He stated that the total estimated cost for hauling, paving and rolling of the asphalt is \$456,610.00. He stated that he was requesting the transfer of \$475,000.00 because the remaining balance of \$18,390.00 would be used for preparation work and to assist in covering any cost overages due to fuel price escalations.

Councilman Farrelly questioned if the Highway Dept. would be doing some of the paving?

Mr. Wager stated that he was looking to use outside contractors as the roads are heavily used and it will be more cost effective in the long run to hire it out. The outside contractor can do this much more efficiently and can get the job done much faster than we could. We do use our neighboring Towns to help sometimes, however they have their work to do too.

* Councilman Farrelly made a motion to authorize the transfer of funds and for the Highway Superintendent to purchase supplies and pay for costs for hauling, paving and rolling of asphalt to pave Anderson Road, Quaker Street and Church Street for the amount of \$475,000.00.

Councilman Putnam seconded.

On the vote: all ayes.

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

Resolution 2015

Transfer of Highway Funds

WHEREAS, the Highway Superintendent has requested the transfer of funds to pay for preparation work and associated costs of the paving of Anderson Road, Quaker Street and Church Street, and

WHEREAS, the cost of this work will increase the budget appropriations for 2015,

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Plattekill, Ulster County to amend the 2015 Highway Fund Budget Line Item #DA5110.4 General Repairs Contractual by an increase of \$475,000.00, and

BE IT FURTHER RESOLVED, that funding shall be supported by a transfer from the Highway Unappropriated Fund Balance of \$475,000.00. A copy of this Resolution is attached to these minutes. Councilman Putnam seconded.

On the vote: all ayes.

* Supervisor Croce made a motion to transfer \$475,000.00 from the Highway Fund Budget Line Item #DA0917 Highway Unassigned Fund Balance to Highway Fund Budget Line Item #DA5110.4 General Repairs Contractual to cover the cost of paving of Anderson Road, Quaker Street, Church Street and to do any preparation work and any cost overages due to fuel price escalations. A copy of this complete transfer is attached to these minutes.

Councilman Putnam seconded.

On the vote: all ayes.

Mr. Wager thanked the Town Board for their support this evening.

SECTION 9 – EXECUTIVE SESSION

Supervisor Croce stated that since the Town Board was missing two members, there would not be an Executive Session this evening. He would rather wait until the full Town Board was present.

SECTION 10 - VOUCHERS

* Supervisor Croce made a motion to pay the Voucher Detail Report dated 4/1/2015, which includes: the General Fund amount of \$31,787.87, the Highway Fund amount of \$16,912.07 and the Trust & Agency amount of \$2,512.60 for a total amount of \$51,212.54 recognizing that the Audit Committee has reviewed the claims and found them acceptable for payment.

Councilman Putnam seconded.

On the vote: all ayes.

SECTION 11 – ADJOURNMENT

* Supervisor Croce made a motion to adjourn the meeting at 8:19 PM.

Councilman Putnam seconded.

On the vote: all ayes.