

TOWN OF PLATTEKILL
REGULAR TOWN BOARD MEETING

July 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
- Councilman DePew

MINUTES

* Supervisor Croce made a motion to dispense with the reading of the minutes from the June 3rd and June 17th, 2015 Regular Town Board Meetings.

Councilwoman Delgado seconded.

On the vote: all ayes.

* Supervisor Croce made a motion to accept the minutes from the June 3, 2015 Regular Town Board Meeting.

Councilwoman Delgado seconded.

On the vote: all ayes.

* Supervisor Croce made a motion to accept the minutes from the June 17, 2015 Regular Town Board Meeting.

Councilwoman Delgado seconded.

On the vote: Supervisor Croce	Yes
Councilman Putnam	Yes
Councilman Farrelly	Abstained (he was absent)
Councilwoman Delgado	Yes
Councilman DePew	Yes

ADDITIONS

There were no additions to the evening's agenda.

PUBLIC INPUT

Mrs. Tara Fitzpatrick, a resident from Rt. 32 in the Modena area of Town, stated that the Hurd Farm had their opening day, today. She stated that this is much earlier than in other years/seasons. She stated that she had come in again and made a complaint to the Building Dept. She stated that she found out that the actual name on the property is "Tony's Orchard" and they are operating a commercial business without authorization. She stated that they have turned their farm into an outdoor "Chucky Cheese" and we have Zoning Ordinances which are not being applied to this property. She stated that this operation, operating directly behind her, takes away her quality of life and they cannot even enjoy their property and backyard. She stated that they have been coming in to the Town Board for over a year now and still nothing is being done and they are starting up again. She stated that everyone should be well aware of what has been going on by reading the minutes of the meetings from the past year.

Councilman Farrelly stated that Mr. Hurd was in this morning and has made an application to the Planning Board.

Mrs. Fitzpatrick stated that it seemed backwards to her that they would be opening first and then coming in to go before the Planning Board.

Supervisor Croce stated that everyone is aware of the comments that have been in the minutes. He stated that he did not feel her description of the operation was the only opinion. He stated that he did feel she certainly has the right to enjoy her property and home, but Mr. Hurd also has his rights too.

Mrs. Fitzpatrick thanked the Supervisor for acknowledging that she and her husband have rights because this situation has been impacting her family for quite some time. Their property now has fences on three sides. She stated that she feels they should have come in to the Planning Board before they started all of this. All of these things, the Gem Mountain, the bouncy pad and other activities should have had approval a head of time.

Supervisor Croce stated that they will be going in front of the Planning Board.

Mr. Schiba, Tara's husband, stated that his problem with all of this is that the process is that people come in with diagrams and pictures and the Planning Board says maybe this or that should be moved so as not to have impacts on this or that. This is being done in reverse!

Mrs. Fitzpatrick stated that no one lives at this property and they are the ones who are always there putting up with the whole thing.

Supervisor Croce stated that the people who own the property have the right to farm it. He stated that the Town Board always tries to be fair and the Planning Board is fair in their review.

Mrs. Fitzpatrick stated yes, but that is when they apply before they do something, not after!

Supervisor Croce stated that he took exception to her comment.

Mrs. Fitzpatrick stated that they had a beautiful view of the mountains for 14 years and now there is a 3-story Gem Mountain.

Councilwoman Delgado stated that she agreed with Mrs. Fitzpatrick in that the planning should have come first. She stated that she realizes that when they moved there things were different. She stated that she knows the same type of issues have been occurring in Clintondale, with the weddings, but she has heard that the weddings have been moved to the Town of Lloyd.

Councilman Farrelly stated that at this time, the application is going before the Planning Board and they could say that some things should be moved. We don't know, but we should now wait to see what the Planning Board decides.

Councilwoman Delgado stated yes, she would suggest that they go to the Planning Board meetings and make comments.

There was more discussion that this project should have gone before the Planning Board before it progressed to the operation that now exists.

Mrs. Fitzpatrick stated again that the Zoning Codes, if you read them, clearly say that before anyone opens a facility, they have to have a review and do traffic studies and stormwater control and a lot of other things. She stated again that they have been coming in to complain to the Town Board for over a year. All this should have been done before.

Councilman Putnam stated that there is also a conflict with the State Department of Ag & Markets. The Town Board has spoken to Attorneys and we are hearing that these types of things may be allowed because they are part of promoting agriculture. There is a grey area.

Mr. Castillo stated that they learned they can set a time limit that the operation can continue by scaling down the operation and letting it go for a period of time. This way they can make some money and there is an end date, if they would need to close down.

Supervisor Croce stated that he did not believe they were told that anything had to be shut down. He stated that the Building Inspector has determined that they need to come in for site plan.

Mr. Castillo stated that right now, since they have made application to the Planning Board, it is now out of the Town Board's hands. The Planning Board will now have to make a decision and then present it to the Town Board. He stated that to hammer the Town Board right now is like beating a dead horse. We will now have to wait for the Planning Board to make a decision.

Mrs. Fitzpatrick stated that she just wanted to let the Town Board know that the Assessor, Jennifer Warburton, did get back to her with a response to her question about the 2017 Ag Law and she just wanted to say that she appreciates that she answered her question.

Mrs. Annette Laskowsky asked the Supervisor if residents would be allowed to ask questions when they discussed the addition to the Police Station that was on the agenda?

Supervisor Croce stated "of course".

Mr. Doubrava stated that he has heard that there are a few weddings that have been planned; one in July and one in September. He stated that the Town has sent them a letter that this is not allowed, where does that leave us? He stated that at this point these are rumors; he does not know for sure that they are having the weddings.

Supervisor Croce stated that we all know, from the letter and discussion that if they do have a wedding, then the Town or any neighbor could file an injunction. He stated that Mr. Gilbert, at a previous meeting, stated that there was a way to force the Town to do an injunction also. He stated that we don't know if the rumors are true or not, but he could call the attorney to ask him what we

would or should do. He stated that he has discussed an injunction with the attorney and it would be a costly and lengthy process.

Councilwoman Delgado stated that she heard he moved the weddings to someplace in the Town of Lloyd.

Mr. Doubrava stated that he did not hear anything about moving the weddings. He stated that he felt that "ready, fire, aim" was not the way to do things. He stated that he would not think building things and then getting approval would be the proper way to do things.

Councilwoman Delgado stated that they did discuss these types of things with Ag & Markets and we were worried about if a child gets hurt, what would happen?

Mr. Schiba questioned that the Town Board had spoken with Ag & Markets?

Supervisor Croce stated that they actually spoke to a planner and a representative from the Association of Towns. He stated that they were searching for knowledge on what and how Ag & Markets determines agri-tourism. They talked about how farms have to do other alternative attractions to draw people to their farms. Where is the balance? When does it become commercial? What role does Ag & Markets or the Town have in regulating these things?

Supervisor Croce stated that there were times when the planner contradicted what the Attorney stated and vice versa. It is not an easy thing. We need to make a decision and see if we can address these things with the current Town Codes we already have.

Mr. Doubrava stated that Ag & Markets was trying to help the ongoing financial crisis and he explained that now there is a sticker that goes on every bushel or bottle of juice that is sold from New York. They have created Ag Districts that they set up to help farmers. Agri-entertainment is evolving and changing and he doesn't think that Ag & Markets has a clue as to what to do. He stated that as soon as the Town Board puts something into a law, there will be new things not covered.

Supervisor Croce stated that he doesn't like too much government and would like to resolve this issue without any new laws. He gave a little story about how he lived near a railroad track and the trains were a fact of life. They were there and after a while, you just got used to them being there.

Mrs. Figueroa suggested that maybe the two families could sit down and discuss the problems and work them out.

Supervisor Croce stated that he has heard Mrs. Fitzpatrick say that they had invited Mr. Hurd over to their house and he did go and look out her back window. She stated that he did agree that it looked ugly, but that has not done anything to correct the situation.

Mr. Castillo stated that he noticed the discrepancies between the Planner and the Attorney at the training also, but he wanted to remind everyone that this is now in front of the Planning Board and nothing that is being said here tonight is going to solve anything. Everyone has their opinions, but we have to wait for the Planning Board to make a decision.

Mr. Charles Hurd was present in the audience and stated that he was here this evening to represent the Hurd Family. He stated that he put in an application this morning to the Planning Board as he had received a letter from the Building Inspector on June 23 saying that he should do so. He stated that he was looking to work with the Town, Planning Board and neighbors to hopefully have some sort of mediation to work out whatever needs to be done.

Councilwoman Delgado asked if he could turn off the light?

Mr. Hurd stated yes, he did not realize that it was coming on. Evidently it has a sensor for security purposes and they would have it turned off.

Supervisor Croce stated that there was an inspection done by the Building Inspector, Joe LoCicero, and on June 30th the Town's other Building Inspector went back to make sure all the issues cited were taken care of.

Supervisor Croce stated that the report he received was that most things were fixed and there was a minor electrical issue that was being dealt with.

Councilwoman Delgado asked what was done with the "Gem Mountain"?

Mr. Hurd stated that the mountain was inspected and a few things were done. And, they have definitely upped their insurance. They will just have to keep a line of communication open with the Town.

Mr. Hurd stated that statistics show that only 27% of small farms are working in the black. All the rest of them are in the red. These are all farms under 100 acres.

Councilwoman Delgado stated to Mr. Hurd that he was here and has heard the complaints. She stated, that he had stated, he wants to work these things out. She asked him if he could sit down and talk about these things?

Mr. Hurd stated that he is very busy and would like to work these things out. Going forward he will be on the farm most days and people can call him there.

Mr. Castillo asked if the Hurds could get a copy of the minutes from the past year?

The Town Clerk stated that all the minutes are on the Town website.

Mr. Castillo stated that he could then read the minutes if he wants to be a good neighbor.

Ms. Rose Guarneri stated that Mr. Hurd has extended himself so if these adults can get together and work things out, we can save tax payer money.

There were no further comments from the public.

* Supervisor Croce made a motion to close the Public Input section of the meeting at 7:55 PM. Councilman Farrelly seconded.

On the vote: all ayes.

Supervisor Croce stated that he wanted to thank everyone for their comments this evening.

SECTION 1 – PROPOSED ADDITION TO POLICE STATION

The Town of Plattekill Police Chief, Joe Ryan, and Lieutenant Smith were present to show everyone the plans that they had obtained to put an addition on the Plattekill Police Station. They showed everyone the plans for a 24' X 24' extension that would allow them to make the station handicap accessible, give them an interview room and allow them to keep witnesses, victims and the public separate for better safety and security. They will install a second entrance to the building and include a ramp for handicap accessibility.

Lieut. Smith explained that the old school house, that is the Police Station, was improved in past years, but they still only have one entrance. He stated that it is very difficult to separate victims and perpetrators coming in the same door. They also do not have an interview room where people can

Speak freely as there is no way to insure privacy. The addition would give them an interview room which can be monitored by cameras and a recording device. The District Attorney's office is getting a new recorder and camera setup and they have offered the current recorder and camera setup to our Town.

Lieut. Smith stated that they have received several donations on this project which will bring the cost way down to approximately eight or nine thousand dollars. He stated that he has donations for windows, siding, carpet, electrical supplies and other construction materials and labor. Mr. Dwight Dougherty will be the overseer of the project, but he will not necessarily be doing the work. He stated that the Building Dept. has already given them a building permit and the Architect has even donated her time in drawing and certifying the plans. He stated that the Police Dept. also receives money from the County for Drug Seizure Cases that the Town has been involved in and this money has to be used for helping to continue the fight against these types of cases. These improvements to the station would qualify for using some of these funds.

Mr. Castillo asked if they were going to have a basement? He wondered if the heating system would be able to heat the additional rooms.

Lieut. Smith stated no, the original building does not have a basement and this addition will also just sit on piers. He stated that he did research the heating system and there is a new blower on the heating system that was improved during the last renovation that should be able to blow the air through heat ducts to the new portion. The new portion will not have any pipes in the exterior walls.

Councilwoman Delgado asked if they knew how long it would take to build the new section?

Lieut. Smith stated that if they get the Town Board's approval this evening, he will get this all started as soon as possible and he would probably think that it should be done by the fall. There will be a lot of coordination going on with donated labor and supplies.

Mrs. Fitzpatrick asked if they had looked into energy efficient upgrades like solar?

Lieut. Smith stated that the architect has included insulation and we needed to be handicap accessible and have sound proof walls. The heating and air conditioning systems are already in place.

Ms. Rose Guarnari suggested that if they were putting in items for being handicap accessible, then they may be able to apply for a grant specifically for that purpose.

Lieut. Smith stated that he would look into what grants are available.

Supervisor Croce stated that when this project was originally proposed, they discussed that this was going to be a public/town building and the Building Inspector, Highway Superintendent and he felt that they should obtain certified plans from an architect. He stated that he wanted everyone to realize that this project was not just thrown together with no thought. The building will be code compliant and it will be safe.

Councilman DePew stated that he wanted to thank Chief Ryan and Lieut. Smith for all the work they did to put this project together.

* Councilman DePew made a motion to authorize that they proceed with the project to add an addition to the Plattekill Police Station at 1124 Milton Turnpike.

Councilman Putnam seconded.

On the vote: all ayes.

SECTION 2 – SALT SHED REPAIRS UPDATE

Supervisor Croce stated that he and Mr. Wager and Mr. Dougherty met with the Town Attorney to put together the bid proposal packets for the repairs needed to the Salt Shed. The Attorney is putting in all the legal wording and we should have the bid packages soon. He stated that there will be two separate bids and someone can bid on just one or both.

SECTION 3 – CIRCUS UPDATE

Supervisor Croce explained that he spoke with the representative from the Circus Company and it turns out they can only do the show for Plattekill on September 23rd. He stated that he did not make a commitment to this date because he knew the Town Board really wanted to have them in Town during August. He stated that he explained the problem with being right after Plattekill Day and that there are school activities that will also conflict with this date, but this was the only date that they could provide to us.

* Councilman DePew made a motion to book the Circus for September 23, 2015 at the same conditions and fee as last year.

Councilman Putnam seconded.

On the vote: all ayes.

SECTION 4 – SET PUBLIC HEARING DATE TO RENEW CABLEVISION FRANCHISE AGREEMENT

Supervisor Croce stated that he met with the representative from Cablevision and the Town must hold a public hearing before we can enter into a new agreement. He stated that he spoke about trying to get free cablevision for the Town Park, but they can only give it free to one facility and that is the Town Hall. They do currently pay us a 7% franchise fee each year and if the FCC changes that amount, the Town will automatically receive the new percentage.

Supervisor Croce stated that he spoke with our Town Attorney and he felt the contract is pretty straight forward and we should not need him to review it. He stated that he also asked about the Town offering to allow Time Warner to come into Town and the representative stated that the Town had the right to ask, but they would have to run all new lines underground for them to use and that would be a huge undertaking which they probably would not want to do. Cablevision will not give Time Warner permission to use Cablevision lines.

Supervisor Croce stated that he also tried to get free internet service for the Park, but we already receive free internet for the Town Hall, Elementary School, Police and Fire Departments. There is a difference between receiving internet or cablevision.

Supervisor Croce stated that there is a grant that Cablevision will provide to the Town to be used for improving our technology. If we sign on for a 10-year contract they will give us \$14,500.00 and if we go for a 15-year contract, they will give us \$29,000.00. The only stipulation is that we use it to improve our technology. We could use it to put in a camera with a recorder to tape the Town Board Meetings to put them on a cable channel. There is a lot to discuss.

Supervisor Croce stated that the representative will be coming to the July 15, 2015 Regular Town Board Meeting and he would like to set up the Public Hearing for that date.

* Councilwoman Delgado made a motion to set the date for the Cablevision Public Hearing for July 15, 2015 at 7:00 PM and have the Town Clerk put the Legal Notice in the newspaper.

Councilman Putnam seconded.

On the vote: all ayes.

SECTION 5 – NEW TOWN HALL SIGN

Supervisor Croce stated that the Town Publicist has brought to his attention that the sign in front of the Town Hall is failing. The letters have to be taped on because the wind blows them off and they no longer fit in the rails.

Supervisor Croce stated that he has spoken with the Highway Superintendent and they have put together some specifications and obtained price quotes from three companies. One company is Stewart Signs and their price quote for a new sign is \$9,000.00 and a second company Timely Signs gave a price quote of \$11,300.00. The third sign company, Fast Signs, has given us a price quote of \$5,634.00 and this sign would have a double face sign cabinet with Vandal Covers and LED internally illuminated Lighting. The cabinet face covers open from the top and the sign would say Town of Plattekill on top in black translucent lettering. The sign would also come with numbers, symbols and letters that will be kept in an attached cabinet. The Highway Dept. will be installing the sign and it will include a 1-year warranty.

* Councilwoman Delgado made a motion to use Fast Signs to replace the Town Hall sign at a cost of \$5,634.00.

Councilman Putnam seconded.

On the vote: all ayes.

SECTION 6 – ASSESSOR TRAINING REQUEST

Supervisor Croce read a memo from the Town Assessor informing them that she would be taking a class on “Intro to Farm Appraisal” in Ballston Spa, NY on July 20th to July 24th, 2015. The memo stated that there would not be a fee for the training; however she will need overnight accommodations.

Supervisor Croce stated that she had called three hotels in the area and the least expensive hotel was \$380.00 for her stay. She has also stated that there is money in her budget to cover this expense.

* Councilman Farrelly made a motion to send Jennifer Warburton to training with a cost not to exceed \$380.00.

Councilman DePew seconded.

On the vote: all ayes.

SECTION 7 – EXECUTIVE SESSION

* Supervisor Croce made a motion to enter into Executive Session to discuss the employment history of an employee at 8:47 PM.

Councilman Farrelly seconded.

On the vote: all ayes.

Time: 8:47 PM

Back: 9:24 PM

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

Councilman Farrelly seconded.

On the vote: all ayes.

SECTION 8 – VOUCHERS

* Councilman DePew made a motion to pay the Voucher Detail Report dated 7/1/2015, which includes: the General Fund amount of \$45,669.70, the Highway Fund amount of \$16,364.26, and the Trust & Agency amount of \$1,611.80 for a total amount of \$63,645.76 recognizing that the Audit Committee has reviewed the claims and found them acceptable for payment.

Councilwoman Delgado seconded.

On the vote: all ayes.

SECTION 9 – ADJOURNMENT

* Supervisor Croce made a motion to close the meeting at 9:25 PM.

Councilman Farrelly seconded.

On the vote: all ayes.