

TOWN OF PLATTEKILL
REGULAR TOWN BOARD MEETING

September 16, 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 September 2, 2015 Regular Town Board Meeting.

Councilwoman Delgado seconded.

On the vote: all ayes.

* Supervisor Croce made a motion to accept the minutes from the September 2, 2015 Regular Town Board Meeting.

Councilwoman Delgado seconded.

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

ADDITIONS

Supervisor Croce stated that there were two additions to the evening's agenda. He stated that the Acting Assessor had prepared an Assessor's Monthly Report for last month and he also has a request to transfer funds for the Dog Control Department. He stated that he would add the Assessor's report to the "Reports" section of the meeting and discuss the Dog Control transfer at the end of the meeting.

PUBLIC INPUT

Mrs. Pearl Morse stated that she would like to have the Town Board's approval to purchase some more flags and fasteners for those flags, for next year. She stated that there was money left in the

account and she would like to purchase them now instead of waiting until next year. She wanted to have them on hand so we would have them and not have to worry about making the purchase in the spring. She had contacted the fire departments and obtained a count as to how many they had and how many new ones were needed.

The Town Board discussed that this was a good idea and that she should purchase a few extra flags just to have on hand.

Supervisor Croce asked her why some of the flags needed to be replaced? Do they go bad or are some missing? He was just wondering.

Mrs. Morse stated that after a few years the flags get worn and tattered. Most of the time that is why they need to be replaced. She stated that she wanted to go to the store to purchase them tomorrow and then she would be in later in the day to bring in the bill.

Supervisor Croce asked if she kept an inventory of the flags?

Mrs. Morse stated yes.

Councilman DePew stated that he was in charge of the flags for many years and he always tried to keep a few spare ones just in case something happened to the ones they were putting up. He thought she should purchase at least 20 flags so she would have some in reserve. He asked if we also replaced the flags at the Library building?

Mr. Wager, the Highway Superintendent and Facilities Manager, was in the audience and he stated that he takes care of the flags at the Town Facilities.

* Councilman DePew made a motion to authorize Mrs. Morse to purchase 20 American Flags and 10 kits for the Town.

Councilwoman Delgado seconded.

On the vote: all ayes.

Mrs. Morse stated that she was going to start sending out fliers for the Memorial Day Parade earlier than last year to try to get more participation from the Community. She stated that the Veterans Committee has been in charge of the Parade for the past three years and they are still learning how to make it better. She thanked the Town Board for their support.

The Town Board members thanked Mrs. Morse for all her time and energy that she puts into doing all that she does for the Town.

Mrs. Gladys Figueroa stated that she wanted to bring up the issue of people dumping on the sides of the road and on properties where no one is living. She stated that she had brought this up at the last meeting and the items are still there. She stated that she could get a truck and the manpower to pick up these items, but she did not want to have to pay to get rid of them. She stated that she was asking the Town Board to give them coupons to take these items to the Transfer Station.

Supervisor Croce stated that he did not feel that it was appropriate to go on other people's property to remove items. He stated that at the last Town Board meeting it was discussed to put a complaint into the Building Dept. and that would allow them to contact the property owners to have them clean up their properties.

Councilman DePew asked if they had put in a written complaint to the Building Dept.? He stated that it is a liability for the Town to go on other people's property.

Mrs. Rose Guerrieri stated that if people see garbage dumped on the side of the road, they will dump more garbage there. She stated that if it was in the Modena area or the Tuckers Corners area, it would not be there in a day or so. Just because it is in the lower area of Plattekill, no one cares.

Supervisor Croce stated that he took exception to her remarks. The Building Dept. does not work that way. They do not give special treatment to some and not to others.

Mr. Pagan stated that it is one thing if the owner is there, but these properties are in vacant areas. If we can figure out who is dumping in these areas, then law enforcement can take care of it. He stated that this is illegal dumping and they are breaking the law. He stated that the Town Board should put the Police on it and make these people an example.

Councilman DePew explained that the proper way to take care of this situation would be to put a written complaint into the Building Dept. so that the Building Inspector would go and take a look at the situation. If he was satisfied that there was an issue, he would then contact the owner and it is the property owner's responsibility to contact the Police.

Mr. Pagan stated that if he were the owner he would be upset that people are dumping on his property.

Supervisor Croce stated that he would like to think that if someone was dumping on their property, they would take some kind of steps to stop this from happening; maybe a fence or something to keep this from happening.

Councilman DePew stated again that the Town cannot go on people's properties. This would be a liability to the Town.

Mr. Castillo stated that as Chairperson for the Zoning Board of Appeals, he has received calls from property owners that some of his Zoning Board Members were walking on their properties to review projects that are before the Board. He has been told to keep the members off their property.

Councilwoman Delgado stated that she had seen someone dumping during the day, but they took off before she could get their license plate number. These people were dumping in the middle of the day.

Mrs. Figueroa asked if the Town could clean up the property and then bill the property owner?

Supervisor Croce stated that he still feels the Town cannot go on people's property.

There was some discussion that the Town would have to adopt a law to allow the Town to clean up someone's property and then bill the property owner or add the cost to their tax bill.

Councilman Farrelly stated that he had the Building Dept. monthly report in front of him and he sees that there were four complaints involving garbage and trash that they are currently working on.

Mr. Pagan stated again that he felt the police should be involved to try to figure out who was dumping the trash.

The Town Clerk stated that the Town has gotten the police involved, in the past, when there were bags of garbage dumped and in going through the garbage there were some letters. Then you have a name and address.

Mr. Tom Wilkin stated that he received an e-mail from the City of Newburgh about an environmental workshop being put on by the EPA and Orange County. He stated that he was involved with the Chadwick Watershed review and he would like to attend this workshop also. He stated that he felt it was important to keep up on what is going on. He stated that this workshop was on Environmental Justice and it would be 3 hours long. He wanted to know if the Town would allow him to use this workshop as part of his training on the Planning Board. He was suggesting that it would be worth 2 hours of mandatory training.

Supervisor Croce stated that he was not sure if this workshop would qualify for Planning Board training and asked for more information on what it was about.

Mr. Wilkin explained that it was being put on by the community development and economic development programs through the Orange County Planning Board. He stated that it is also federally funded and one of the speakers is from the Ulster County Planning Board. It is also free of charge to attend.

* Councilman DePew made a motion to authorize that any Planning Board and/or Zoning Board member can attend the Environmental Justice and Education Workshop on Sept. 23, 2015, at the Kaplan Hall of the SUNY Orange –Newburgh Campus and they will receive 2 hours of credit time for the Town of Plattekill mandatory training.

Councilman Putnam seconded.

On the vote: all ayes.

There were no further comments or questions from the Public.

* Councilman DePew made a motion to close the Public Input section of the meeting at 7:40 PM.

Councilman Putnam seconded.

On the vote: all ayes.

SECTION 1 – POLICE DEPT. MONTHLY REPORT – AUGUST 2015

Supervisor Croce read the Plattekill Police Dept. monthly report for August 2015. He read that there were 289 documented calls for service and a total of 75 traffic tickets issued. There were 12 motor vehicle accidents with 5 injuries reported and 1 fatality.

Supervisor Croce did not read the Blotter Report and stated that if anyone wanted to obtain a copy of this report, it was available at the Town Clerk's Office.

Supervisor Croce read the Detective Report stating that there were many cases worked including a possible gunshot wound, 3 Grand Larceny, 2 Fraud, a Burglary, a wanted subject, an arrest warrant and an assist to another agency. The Detectives also closed several cases including a wanted subject case, 2 Petit Larceny cases, a Criminal Mischief case and a possible gunshot wound case.

Supervisor Croce read the vehicle & equipment report and he read that Officer Annacone was still out on medical leave and Officer Hansen had resigned.

SECTION 2 – DOG CONTROL MONTHLY REPORT – AUGUST 2015

Supervisor Croce read the Dog Control monthly report for August 2015. He read that there were a total of 14 calls this month including 3 calls to service by other agencies. He read that Mr. Mckee had

responded to 2 active complaints which are now closed or resolved, there was 1 stray dog impounded, no appearance tickets issued and there are no dogs currently in the kennel. The report also stated that there were no dangerous dog cases in the Justice Court.

Supervisor Croce finished by reading that the Annual Ag & Markets State Inspection of the kennel was scheduled for 8:00 AM on Sept. 15th.

Mr. McKee was in the audience and stated that he had passed the State Inspection that was done yesterday morning.

SECTION 3 – BUILDING DEPARTMENT MONTHLY REPORT – AUGUST 2015

Supervisor Croce read the Building Department monthly report for August 2015. He read that there were 19 permits issued, 9 violations issued, 64 inspections done including complaints, building, violation, fire safety, Certificates of Occupancy and Certificates of Compliance, 13 complaints and 10 Municipal searches were done. 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 the Town Board has been receiving a more detailed report from the Building Dept. and they now have a better idea of what problems are out there and how they are being dealt with.

SECTION 4 – RECREATION MONTHLY REPORT

Supervisor Croce read the Recreation monthly report. He read that the Recreation Budget had been handed in and it is very much like last year's budget. He stated that he and the Bookkeeper had worked on the budget with Ms. Doland and consolidated some of the summer camp items so it will be easier to keep track of those expenses. The Town Board will also be reviewing her budget as part of the 2016 budget process.

Supervisor Croce read that at Plattekill Day, Ms. Doland and Christine Benken will be setting up a booth in the children's play area and there will be lots of activities and bracelets for the children to make. There will be a poster detailing the highlights and pictures of summer camp and parents can add their names to a mailing list for summer camp information.

Supervisor Croce read that the new computer is all set up and ready to start the process of record keeping. So far there are files now on all the monthly reports, a monthly calendar of recreation events and phone numbers.

Supervisor Croce read that there will be a Senior Citizen Picnic on October 3rd at Felten Park that will be from 11:00 AM to 3:00 PM, a Halloween Event at Hurds Farm, a Community Day at Rocking Horse Ranch for Plattekill Residents on October 4th and indoor basketball and soccer skills & drills programs starting soon at Plattekill Elementary School.

Supervisor Croce stated that he wanted to remind everyone that Plattekill Day is this Saturday, September 19th and he wanted to thank Linda Byrnes for all the time and energy it takes to put this event on. She does a wonderful job and there are many vendors, community organizations and entertainment shows that will be going on. It should be a wonderful day and everyone is encouraged to come and enjoy the festivities.

Supervisor Croce added that they were not giving out tickets for the Senior Picnic on Oct. 3rd, but they do have a running list here at the Town Hall, so anyone interested in attending should call and give us your name for a head count. We need to know how much food to purchase.

Mrs. Morse offered to make the cold slaw and Supervisor Croce stated that he would let Ms. Doland know she offered.

SECTION 5 – ASSESSOR MONTHLY REPORT – AUGUST 2015

Councilman DePew read the Assessor monthly report for August 2015 that was prepared by the Acting Assessor, Mr. Michael Dunham.

Councilman DePew read that there were 43 transfers, 7 foreclosures, 14 arms-length transactions, 11 vacant sales, 26 residential sales, 5 commercial sales and 1 Mobile Home sale. He read that the sale price of residential homes only was \$173,349.00.

SECTION 6 – SALE OF JOINTLY OWNED PROPERTY TO PLATTEKILL FIRE DISTRICT

Supervisor Croce stated that the Town Board has been discussing selling the Town's half of the property that is jointly owned with the Plattekill Fire District, to the Plattekill Fire District. He stated that he had a resolution, to be adopted this evening, to finalize the sale of the property. He stated that the Town Board has approved the contract of sale and this resolution would be subject to a permissive referendum.

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

Town of Plattekill
Resolution To Sell Jointly Held Property

At a Meeting of the Town Board of the Town of Plattekill held on the 16th day of September, 2015, the following Resolution was offered by Supervisor Croce and seconded by Councilwoman Delgado.

WHEREAS, the Town of Plattekill and the Plattekill Fire District jointly own two parcels of land situated in the Town of Plattekill designated as SBL#107.2-2-21.1 and SBL#107.2-2.12; and

WHEREAS, the Town Board of the Town of Plattekill has determined that said land is not needed for Town purposes; and

WHEREAS, the Town of Plattekill and the Plattekill Fire District previously entered into a separate written agreement for the disposition of one of said parcels of land; and

WHEREAS, the parties wish to enter into a separate written agreement for the disposition of both parcels of land; and

WHEREAS, a Contract of Sale has been negotiated and reviewed by the Town Board and by the Attorney for the Town of Plattekill;

NOW THEREFORE, BE IT RESOLVED, that the Town of Plattekill shall sell its interest in the aforesaid parcels of land to the Plattekill Fire District for a sum of \$18,625.00; and

IT IS FURTHER RESOLVED, that the Supervisor is authorized to execute the aforesaid Contract of Sale as well as the deed, TP-584, RP-5217, and such other instruments as may be required in order to effectuate said sale pursuant to the terms of the separate written agreement; and

IT IS FURTHER RESOLVED, that said sale and this authorization are subject to a permissive referendum; and

IT IS FURTHER RESOLVED, that the Town Clerk of the Town of Plattekill give notice that said sale is subject to a permissive referendum. A copy of this resolution is attached to these minutes.

On the vote:	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
Supervisor Croce	X		
Councilman Putnam			X (member - Plattekill Fire Co.)
Councilman Farrelly	X		
Councilwoman Delgado	X		
Councilman DePew	X		

Supervisor Croce stated that he wanted to thank the Town Board and the Board of Fire Commissioners from the Plattekill Fire District for all their time and patience in getting this matter done. He stated that the Fire District has specific plans for this properties use.

SECTION 7 – FLYERS CLUB

Supervisor Croce explained that the Town Board has been looking into the situation with the Town of Plattekill Codes and the Flyers Club. Mr. Tom Wilkin has been looking through old files and there was a suggestion to review the original resolution that the Town Board had adopted when the Flyers Club was started in 2000. He explained that the Town Clerk has now supplied the Town Board and Mr. Wilkin with a copy of the resolution and the minutes from August 2, 2000.

Mr. Wilkin read a portion of the resolution that stated that “New York State General Business Law, Section 249, provides that no person shall establish or improve a privately owned airport except by authorization of the governing body of the Town in which such private airport is proposed to be established or improved”. He stated that the governing body would be the Town Board.

Mr. Wilkin continued to read several other sections of law and another portion of the resolution that stated that the “Commissioner of Transportation was hereby requested to make a determination as to whether or not the establishment or improvement of such a privately owned airport complies with his standards adopted pursuant to Section 249 of the New York State General Business Law”.

Councilwoman Delgado stated that she was on the Town Board back in 2000 and she remembered that the DOT came did come in and make the determination that they could be there. There were issues with a sign and being a certain distance from the Thruway, but these things were all worked out.

There was discussion about the Flyers Club wanting to add helicopters or rotary wing planes. They also discussed that they have some restrictions as a “sport” airport such as allowed horsepower, planes with fixed wings, fixed landing gear (not retractable) limited hours for flight training, only landing during daylight hours and the facility was for members only.

Supervisor Croce stated that to simplify all of this, they have cleared some land to make it safer and they also want to add a few hangers and are thinking about helicopters and rotary wing planes. Does the Town Board have to check with the DOT to get their input?

There was more discussion on the facility being a club and Mr. Schindler stated that the airport was on the FAA list of private airports; so according to them they are recognized as a private airport. This means the DOT must have said they were approved.

Supervisor Croce asked Mr. Schindler if someone could provide the Town Board with a detailed list of improvements that they are looking to make and then the Town Board would be able to contact the Town Attorney to see if the Town Board would have the authority to do another resolution.

Councilman Putnam asked, so if the Town Board says yes to these improvements, does that give them the approval?

Supervisor Croce stated yes, that is what it seems this is saying.

Mr. Wilkin stated that the Planning Board would still have to do a site plan. He stated that he would like to see some definitions of an airpark or an airport also to include rotary wing or helicopters.

Mr. Schindler stated that the Federal Government considers them an airport and he showed everyone the list from the FAA. He stated that an airpark is usually private with homes and hangers on site.

Supervisor Croce stated that the Town Board would need a list of the specific "improvements" and if they could also get him a contact number for someone at the DOT, that would be very helpful. He stated that he could also use some information on their status as a "not-for-profit" organization.

Mr. Castillo, the Chairperson of the Zoning Board of Appeals, stated that the airport has to be careful to stay under the "sport pilot" designation. They can only have planes that carry two people and they have to have fixed landing gear. He stated that he was looking at the regulations and licenses and they have certain restrictions otherwise they become a commercial airport.

Mr. Schindler thanked Mr. Castillo for his comments and stated that he would get the information to the Supervisor as soon as possible. He stated that he wanted to thank the Town Board for being so helpful.

SECTION 8 – SALT SHED BID AWARD

Supervisor Croce read the bids for "Renovating the Salt Shed" that were opened on Sept. 8, 2015 at 1:00 PM. He read that all three bids included signed non-collusive statements. He stated that the project could have been bid as the entire project or it could have been broken down into just bidding for the roof section or just the siding section.

Supervisor Croce read that Walkkill Building & Design bid both the roof and siding portions together at a total cost of \$52,800.00. He read that Seldom Rest Construction Company bid \$38,870.00 for the roof portion and \$63,250.00 for the siding portion at a total of \$102,120.00 for the total project. NSG Construction LLC bid \$61,700.00 for the roof section and \$45,400.00 for the siding section at a cost of \$99,600.00 for the total project. He stated that NSG Construction was giving the Town a break if they were chosen to do the entire project.

Mr. Wager stated that they had reviewed the bids and all the bidders had everything included so he felt the Town Board should go with the lowest bidder.

* Supervisor Croce made a motion to award the "Renovations to the Salt Shed Bid" to Walkkill Building & Design at a cost of \$52,800.00.

Councilman Farrelly seconded.

On the vote: all ayes.

Supervisor Croce stated that he wanted to thank Mr. Wager and Mr. Dougherty for all their time and effort in getting this project done.

SECTION 9 – TRANSFERS

Supervisor Croce read a letter from Mr. Andrew McKee requesting that the donations to the Dog Control Department that were made by residents and local organizations, during 2014 and 2015, that were deposited in the General Fund, be transferred into the 2015 Dog Control Budget Line to cover supplies and medical expenses incurred this year. Mr. McKee wanted to thank all those people who donated to the Plattekill Dog Control and he also wanted to thank the Highway Dept. and Mr. Wager for putting a new roof on the kennel.

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

WHEREAS, the Town Board of the Town of Plattekill has approved an increase in expense line A3510.4 Control of Dogs Contractual in the amount of \$1,301.04 and increase in revenue line A2705 Gifts and Donations of \$505.00; and

WHEREAS, the increase will be used for supplies and medical expenses for Dog Control;

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Plattekill, Ulster County, to amend the 2015 General Fund Budget Line A3510.4 Control of Dogs Contractual in the amount of \$1,301.04 and line A2705 Gifts and Donations in the amount of \$505.00; and

BE IT FURTHER RESOLVED, that funding will be supported by a transfer from the General Unassigned Fund Balance to the General Fund for \$796.04 from donations received in 2014 and donations of \$505.00 received in 2015. A copy of the complete resolution is attached to these minutes.

Councilman DePew seconded.

On the vote: all ayes.

* Supervisor Croce made a motion to transfer \$796.04 from the General Fund Budget Line #A0917 General Unassigned Fund Balance to General Fund Budget Line #A3510.4 Control of Dogs Contractual to cover the cost of supplies and medical expenses for Dog Control. A copy of the complete transfer is attached to these minutes.

Councilwoman Delgado seconded.

On the vote: all ayes.

SECTION 10 – EXECUTIVE SESSION

* Supervisor Croce made a motion to enter into Executive Session to discuss Litigation with Dankelmann at 8:42 PM.

Councilwoman Delgado seconded.

On the vote: all ayes.

* Supervisor Croce made a motion to close Executive Session and to re-open the Regular Town Board Meeting at 8:51 PM.

Councilman DePew seconded.

On the vote: all ayes.

SECTION 11 – VOUCHERS

* Councilman DePew made a motion to pay the Voucher Detail Report dated 9/16/2015, which includes: the General Fund amount of \$48,690.94, the Highway Fund amount of \$46,488.30, the Clintondale Light District amount of \$663.95, the Modena Light District amount of \$1,196.84 and the Trust & Agency amount of \$538.40 for a total amount of \$97,578.43 recognizing that the Audit Committee has reviewed the claims and found them acceptable for payment.

Councilwoman Delgado seconded.

On the vote: all ayes.

SECTION 12 – ADJOURNMENT

* Supervisor Croce made a motion to adjourn the meeting at 8:53 PM.

Councilman DePew seconded.

On the vote: all ayes.