

TOWN OF PLATTEKILL  
REGULAR TOWN BOARD MEETING

October 21, 2015

Time: 7:00PM

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 Sept. 22<sup>nd</sup>, 23<sup>rd</sup>, 24<sup>th</sup>, 25<sup>th</sup> and 30<sup>th</sup>, 2015 Special Town Board Meetings.

Councilman Putnam seconded.

On the vote: all ayes.

\* Supervisor Croce made a motion to accept the minutes from the Sept. 22, 2015 Special Town Board Budget Meeting.

Councilman DePew seconded.

On the vote: all ayes.

\* Supervisor Croce made a motion to accept the minutes from the Sept. 23, 2015 Special Town Board Budget Meeting.

Councilman DePew seconded.

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

\* Supervisor Croce made a motion to accept the minutes from the Sept. 24, 2015 Special Town Board Budget Meeting.

Councilwoman Delgado seconded.

On the vote: all ayes.

\* Supervisor Croce made a motion to accept the minutes from the Sept. 25, 2015 Special Town Board Budget Meeting.

Councilman DePew seconded.

On the vote: all ayes.

\* Supervisor Croce made a motion to accept the minutes from the Sept. 30, 2015 Special Town Board Meeting.

Councilman DePew seconded.

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

ADDITIONS

Supervisor Croce stated that he had a few additions to the evening’s agenda:

1.Highway Memo – Winter Hours

Supervisor Croce read a memo from the Highway Superintendent stating that the Highway Employees would be changing over to their Winter Hours on Monday, November 16, 2015 and the hours will be Monday to Friday from 6:30 to 3:00 PM.

2.Budget Amendments – Recreation & Camp/Youth Program

\* Supervisor Croce made a motion to amend the 2015 General Fund Revenue Line A2001 Park and Rec Charges by increasing it in the amount of \$2,525.00 and to increase the General Fund Budget Line A7140.4 in the amount of \$2,525.00 as this was additional money received from ticket sales for residents to attend Rocking Horse Ranch Day. (a copy of the complete Budget Amendment is attached to these minutes)

Councilman DePew seconded.

On the vote: all ayes.

\* Supervisor Croce made a motion to amend the 2015 General Fund Budget Line A2001 Park and Rec Charges by increasing it in the amount of \$4,856.00 and to increase the General Fund Budget Line A7310.4 Youth Programs Contractual in the amount of \$4,856.00 as this was additional money received from the parents of campers for field trips. (a copy of the complete Budget Amendment is attached to these minutes)

Councilman Farrelly seconded.

On the vote: all ayes.

PUBLIC INPUT

Mrs. Barbara Dibernardo, a resident of Ene Road, stated that she understood that the Town was considering allowing motor cross racing at AK Farms to continue. She wondered how you change a Supreme Court ruling? How can this be overturned?

Supervisor Croce stated that the Town tried to shut the race tracks down and asked the tracks to come in and see what could be worked out. Mr. Kalamucki did go to Court and the Town had to pay him

\$85,000.00 and allow him to continue for an additional 14 years. He stated that Mr. Kalamucki did approach the Town to ask if a new agreement could be reached to allow him to continue. He was informed of all the problems that the Town and neighbors had with his operation and that if he could prove to the Town that these problems could be solved, then the Town Board would listen to what he had to offer.

Supervisor Croce stated that his feelings are that if they could prove to the Town Board that all the issues and problems are being taken care of, that he would be willing to consider a new agreement.

Mrs. Dibernardo stated that she thought the usage was not allowed. How can that be changed?

Supervisor Croce stated that he has spoken to the Town Attorney and he thought that it was possible that something could be done.

Ms. Valerie Smith stated that the Zoning Code says it is not an allowed use and several people have spent hundreds of thousands of dollars on this issue.

Supervisor Croce stated that if the Town Attorney were to tell him that, then there would be no further operation.

Ms. Smith stated that she felt that he was a little confused about how this all happened. The track that was grandfathered was the Ace Track and if Mr. Kalamucki had come in then he would have been OK with that one, but they chose not to. The Diamondback Track is where AK Farms currently has their track and that one was started in 1992. It is not a grandfathered track. It was allowed to continue by a Court Settlement and now that is over. It is not an allowed use in that area. A lot of people have been relying on that it would be closing soon.

Supervisor Croce stated that he would think the Town would have to rely on the opinion of it's Attorney.

Ms. Smith stated then he should look at the Town Law. It is not an allowed use in that area. She stated that all the area residents were relying on the agreement that he would be shut down at the end of this year. She really did not feel that this was fair to the neighbors. So then you are going to open it back up to the rest of the tracks? This makes no sense. Don't you know the code?

Supervisor Croce stated that he was aware of the codes and it is in the RS1 Zoning District.

Mrs. Dibernardo asked if she would have the opportunity to speak with the Town Attorney?

Supervisor Croce stated no.

Mrs. Dibernardo stated that she looked up information on the AK Farm's property and sees that they only pay \$2,000.00 per year in taxes. She stated that she has less than an acre and she pays \$8,000.00 a year. She stated that the information that she has says in 2009, the Kalamucki taxes were \$9,000.00 and now this year they were \$2,000.00. How does that happen? She asked if she could get a 90% reduction on her property taxes too? She stated that out of the 99 acres that he has, 60 acres is considered waste land and there is another 30 acres considered as woodlands. So that leaves him what; 9 acres? Is that the rate of commercial enterprises these days?

Supervisor Croce stated that he was not familiar with the tax amounts nor the dimensions of the property. He would have to look into this.

Mrs. Dibernardo continued saying that she has gone to the AK Farms website and it says that there are no restrictions. So this means that they can make all the noise they want, have campers and generators that run all night and no gray-water facilities?

Councilwoman Delgado asked her if she had called the Dept. of Health?

Mrs. Dibernardo stated yes, she has called and there is no response. She stated that it says on the website that overnight parking is permitted.

Councilman DePew stated that as far as the website, there are no regulations on them on the State or Federal level. They can put on their, whatever they want. He stated that he does understand how people feel about the track, but he also understands that the property owner has the right to go through the process. If it is allowed then we follow that process, if it is not allowed then that is a different process. He stated that when the Attorney was here last week, he did not have anything to give to the Town Board in regards to a proposal or presentation or anything. They are just talking about what they want to do.

Mr. Dibernardo started a conversation on what the area residents should do if they have a problem with the Track on a weekend. Who do they call? Will the Building Inspector come out and see what is going on and measure on a weekend?

Councilman DePew stated that there is a schedule that is usually posted and the Building Inspector can be made aware of the next race day ahead of time so that if there is a problem, he can respond. He stated that he would also suggest that they come in to the Building Dept. as soon as possible and make a formal complaint in writing to memorialize the event.

There was discussion on who was certified to use the noise meters and if the meters were calibrated or even still usable. We have had the original ones for many years.

Councilwoman Delgado stated that the last Building Inspector she remembers being certified was Mr. McAfee.

Supervisor Croce stated that part of the problem is that people have to be trained and certified and then the machines have to be calibrated. Since we cannot know when we will have to use this equipment we would have to train all our Police Officers and this could be very costly. If our code enforcement officer is not available, this is a dilemma for the Town. Our equipment is also getting old and it may be more cost prohibitive to purchase new equipment.

Councilman DePew stated that he felt we should have our Building Inspectors certified. There is a schedule and they could make themselves available on the weekends.

Mrs. Dibernardo stated that there are more practices scheduled and his schedule is over.

Supervisor Croce stated that he did have some weather cancelations and he is allowed to re-schedule.

Councilman Farrelly stated that it has been a while since we sent someone to training. He stated that with the new technology and everything being digital, the training may not be as extensive.

Supervisor Croce stated that he would give his word that if they were to enter into an agreement with Mr. Kalamucki, there would be someone here certified to use the noise equipment. He stated that he has also made the suggestion to Mr. Kalamucki that the units/campers that people have now are mostly self-contained and he could move the site back to the rear portion of the property for the

overnight parking. He stated that he would certainly not enter into an agreement where campers would be parked near neighbors. He stated that they have also discussed having AK Farms put in a waste water treatment system. He stated that he has had very few complaints come in about AK Farms and he is trying to take care of any intrusions on area residents.

Mrs. Dibernardo stated that Realtors don't bring people on weekends when there are races going on and people are having trouble selling their homes in this area because of this situation.

Supervisor Croce stated that he was looking at this as an opportunity for the Town to address some of the issues that the neighbors have. He could move the campers back to the rear portion of the property and maybe we could change the events from a Sunday to a Saturday if this would be better. He stated that one of the suggestions from Councilman DePew was that maybe he should put in a dumping station like you would have at a camp ground. The Board of Health would get involved and this would all be done properly. He stated that he felt there must be some way that we can all co-exist. He stated again that he has not received many complaints about Mr. Kalamucki's events. There have been some discussions with a neighbor on Ene Road and these are the kind of things that we have to address.

Mrs. Dibernardo stated that her son was born in July and she has to get the schedule from the race track to see what day she can have his party in the back yard. That is an intrusion into her life and everyone elses.

Supervisor Croce stated that he understood her situation.

Councilman DePew stated that he did not think that any member of this Town Board, singly or as a whole, was advocating a track in the Town of Plattekill. But they are the Town Board and they have to represent every resident of this Town and sit down and listen to every resident. If we can't come to a mutual agreement where we are taking in the concerns of everyone, then maybe it can't be done. We still have to go through the process.

Mrs. Dibernardo stated that she felt the Town Board wants to grow this Town and you have to take into account that people want to enjoy their homes and not hear noise all weekend long.

Councilman DePew stated yes, we would want to develop responsibly.

Mrs. Dibernardo stated that most people feel that the track is done at the end of this year and they don't realize this is not over.

Supervisor Croce stated again that the Town Board has not agreed to anything except to listen to what a resident would like to do on his property.

Councilman Farrelly stated that he still felt that she, or anyone else, should come in and give any written complaints to the Building Dept. This way all the complaints are on record and recorded in the Building Dept. computer.

Mrs. Annette Laskowski asked why the Town had to pay \$85,000.00 as part of the Settlement?

Supervisor Croce stated that it was part of the Settlement and the Judge allowed them to continue to operate for an additional 14 years. He stated that he does not know why, other than that the Town was wrong and he was right.

Ms. Smith stated that she feels he needs to do a little more research. She stated that she spent a decade of her life and lots of money. She stated that this was very frustrating to her. Race Tracks were

never a use in a residential area. He is prohibited in this District. He hasn't addressed any of the complaints.

Mr. Castillo stated that the Attorney for Mr. Kalamucki was here at the last meeting and was told to bring back some type of plan or presentation in writing. He stated that he would be back her tonight and he is not. He was suggesting that any more discussion on this should wait until they come back with something in writing.

Supervisor Croce stated that he wanted to assure everyone that the Town Board will take its time and assure everything is taken into consideration. There will be a public hearing and voices will be heard. He stated that he is glad people have been coming in and thanked Mr. and Mrs. Dibernardo for being here this evening. We need to hear everyone's comments.

Councilman Farrelly stated that one of his questions to Mr. Kalamucki would be "What have you done in the past 14 years to make things better ?"

Mrs. Morse stated that she wanted to thank the Town Board and all the residents who attended the ceremony that was held this afternoon at the site for the Veteran's Memorial.

Supervisor Croce stated yes, we had a ceremony with Senator Larkin in attendance and he spoke about how important these types of memorials are for future generations. He has obtained a grant of \$150,000.00 for us to use in building a wonderful Veteran's Memorial.

Supervisor Croce mentioned the bricks that are still for sale and anyone wishing to purchase one for the pathway in the memorial should obtain an application at the Town Clerk's Office.

Mrs. Rose Guerrieri stated that the track situation sounds like a quality of life situation. If there was an agreement by the Supreme Court, can he just go and request a new agreement?

Councilman DePew stated that right at this time, we do not know for sure.

Supervisor Croce stated that what he wanted to say was not a popular thing to say, but Mr. Kalamucki has his rights too and we need to be very cautious on how we proceed forward. Right now it is up to him to show us what he would like to do with his property.

There were no further comments from the public.

\* Councilman DePew made a motion to close the Public Input section of the meeting at 7:58 PM.

Councilman Putnam seconded.

On the vote: all ayes.

#### SECTION 1 – POLICE DEPARTMENT MONTHLY REPORT – SEPTEMBER 2015

Supervisor Croce read the Police Dept. Monthly Report for Sept. 2015. He read that there were 225 documented calls for service and 112 Traffic Tickets issued. There were 11 motor vehicle accidents handled by the Police Dept. with 1 person reporting injuries.

Supervisor Croce read the Detective Report stating that they had worked 1 animal complaint case, 1 forgery case, 2 grand larceny cases, 2 petit larceny cases, 1 fraud case, 1 identity theft case, 1 aggravated harassment case and checked the welfare of an elderly person and a child. They also

assisted the Marlboro PD with an arrest. They closed 2 grand larceny cases and one aggravated harassment case.

Supervisor Croce read that the Chief reported Plattekill Day was a success with no reported incidents. The Plattekill PBA had organized the car show and raised \$2,300.00 for the Veteran's Memorial Fund. A special thanks to Detective Zapata for all his efforts in organizing the event.

Supervisor Croce finished the report by reading that the police vehicles were all in good working order and that they had received routine servicing by the Highway Dept.

Supervisor Croce let everyone know that a copy of the complete Police monthly report could be obtained at the Town Clerk's Office.

#### SECTION 2 – DOG CONTROL REPORT

Supervisor Croce stated that he had not received the monthly Dog Control Report.

Councilman DePew stated that this has happened several times before.

Supervisor Croce stated yes, he is a busy man, however he would speak to him about getting his reports in on time.

#### SECTION 3 – BUILDING DEPARTMENT MONTHLY REPORT – SEPTEMBER 2015

Supervisor Croce read the Building Dept. Monthly Report from Sept. 2015. He read that 22 permits were issued, 7 violations were issued, 1 violation was closed, 59 inspections were done including complaints, building, violations, fire safety, Certificates of Occupancy and Certificates of Compliance, 9 complaints were received, 14 municipal searches were done and 15 C of O's & C of C's were issued. These numbers do not include returning phone calls and residents coming in for assistance with codes, building permits and Zoning and subdivision issues.

Councilman DePew stated that he felt it would be good to see the names on violations so that they can follow what is being done.

Supervisor Croce stated that he did not feel that the report should include names.

Councilman DePew stated that he would then speak with the Building Inspector.

#### SECTION 4 – ASSESSOR MONTHLY REPORT – SEPTEMBER 2015

Supervisor Croce read the Assessor's Dept. Monthly Report for Sept. 2015. Mr. Michael Dunham had furnished this report as he was the Acting Assessor.

Supervisor Croce read that there were 5 transfers, 0 foreclosures, 3 arms-length transactions and 2 residential and 1 Mobile Home transactions. He read that the sale price of residential homes only, for September, was \$252,666.00.

#### SECTION 5 – RECREATION DEPARTMENT MONTHLY REPORT

Supervisor Croce read the report that Ms. Doland had submitted to the Town Board. The report read that Stephanie Doland and Christine Benken had spoken to 38 families at Plattekill Day and they all were interested in extending Summer Camp to 6 weeks. There is a mailing list with over 30 names on it for camp next summer.

Ms. Doland wrote that the senior picnic scheduled for Oct 3<sup>rd</sup> had been postponed to Oct. 11 at the Elks Lodge. She gave a breakdown in her report of all the expenses for this event which totaled \$827.09.

Ms. Doland wrote that Rocking Horse Ranch Day, on Oct. 4, 2015, had a sold out attendance. Everyone had a great day and they are looking forward to going back again in the Spring.

The final portion of the report showed the schedule for the Winter Indoor Sports at Plattekill Elementary School. The cost would be \$15.00 per person and would include Soccer and Basketball sessions for children and adults. A sign up schedule will be sent home through the schools and put on the website.

#### SECTION 6 – ASSESSOR APPOINTMENT

Supervisor Croce explained that the Town Board had interviewed three applicants for the position of Sole Assessor for the Town of Plattekill. He stated that they would like to appoint the new Assessor this evening and he will be finishing the 6 year term started by Mr. Dunham.

Councilwoman Delgado asked if he had figured out his hours working for the Town of Marlboro?

Supervisor Croce stated yes and explained that he is part time at the Town of Marlboro and he will be part time here in Plattekill.

\* Supervisor Croce made a motion to hire Mr. Matthew Sabia to the position of Sole Assessor for the Town of Plattekill and that he will be finishing the existing term which ends on Sept. 30, 2019.

Councilwoman Delgado seconded.

On the vote: all ayes.

#### SECTION 7 – RETURN OF BUILDING DEPARTMENT FEES

Supervisor Croce stated that two people applied for building permits and their fees have been paid. Unfortunately, Mrs. Falu is unable to put up her carport because her property is too small and the other person, Mrs. Sterling, has passed away and the project will not be done.

Supervisor Croce stated that the Building Dept. is requesting that the fees be returned as the projects will not be done. Mrs. Falu had paid \$50.00 and Demarse Electric Inc. had paid \$60.00 for Mrs. Sterling's project.

\* Councilman Putnam made a motion to return the Building Dept. permit fees to Mrs. Falu and to Demarse Electric Inc. in regards to Mrs. Sterling's project since these projects were never started.

Councilman DePew seconded.

On the vote: all ayes.

#### SECTION 8 – BIDS FOR ICE CONTROL SAND AND/OR ABRASIVE SCREENING MATERIAL

Supervisor Croce stated that the Highway Superintendent has requested that the Town Board go out to bid for ice control sand and/or abrasive screening material. We do this every year and winter is fast approaching.

Supervisor Croce explained that the Highway Superintendent would like to try something a little different this year and include abrasive screening materials such as stone dust to the bid package, so the

Town Clerk and Mr. Wager will have to get together to re-word some of the bid. He stated that some Towns are using stone dust instead of sand during certain conditions.

\* Councilman DePew made a motion to go out to bid for Ice Control Sand and Stone Dust with the wording of the bid package and due date to be decided by the Highway Superintendent.

Councilwoman Delgado seconded.

On the vote: all ayes.

SECTION 9 – RESOLUTION TO ADOPT TENTATIVE BUDGET & DECLARE PRELIMINARY BUDGET

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

TOWN OF PLATTEKILL  
2016 – TENTATIVE BUDGET ADOPTION  
RESOLUTION

**WHEREAS**, The Budget Officer, Supervisor Croce, received the 2016 Budget Requests from all Town Departments and compiled the 2016 Tentative Budget, which was then presented to the Town Clerk on Sept. 30, 2015, and

**WHEREAS**, The Town Clerk presented the 2016 Tentative Budget to the Town Board Members at a Special Town Board Meeting held on September 30, 2015, and

**WHEREAS**, the Town Board had met with all Town Departments to review and make adjustments to their 2016 Budget Requests and the 2016 Tentative Budget was reviewed again by the Budget Officer with any changes or modifications being made,

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Plattekill, Ulster County, New York, hereby adopts the revised 2016 Tentative Budget, which will become the 2016 Preliminary Budget used for Public Hearing. (a copy of the complete resolution is attached to these minutes)

Councilman DePew seconded.

On the vote: all ayes

Supervisor Croce stated that the Public Hearing on the Preliminary Budget was Nov. 4, 2015 and he would like to thank all the department heads for meeting with the Town Board to discuss their budgets being aware that we are under the constraints of the tax cap, which this year is .73%. The budget will come in with no increase to the taxpayers for the second year in a row.

SECTION 10 – VOUCHERS

\* Councilman DePew made a motion to pay the Voucher Detail Report dated 10/21/2015, which includes: the General Fund amount of \$10,205.75, the Highway Fund amount of \$33,062.08, the Capital Projects amount of \$15,000.00, and the Trust & Agency amount of \$1,260.00 for a total amount of \$59,527.83 recognizing that the Audit Committee has reviewed the claims and found them acceptable for payment.

Councilwoman Delgado seconded.

On the vote: all ayes.

SECTION 11 – ADJOURNMENT

\* Supervisor Croce made a motion to adjourn the meeting at 8:18 PM  
Councilman Putnam seconded.

On the vote: all ayes.