

TOWN OF PLATTEKILL
REGULAR TOWN BOARD MEETING

October 7, 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
- Councilwoman Delgado
- Councilman DePew

Councilman Farrelly was absent.

MINUTES

* Supervisor Croce made a motion to dispense with the reading of the minutes from the September 16, 2015 Regular Town Board Meeting and the September 15th and 17th, 2015 Special Town Board Meetings.

Councilwoman Delgado seconded.

On the vote: all ayes.

* Supervisor Croce made a motion to accept the minutes from the Sept. 15, 2015 Special Town Board Budget Meeting.

Councilman Putnam seconded.

On the vote: all ayes.

* Supervisor Croce made a motion to accept the minutes from the Sept. 16th, 2015 Regular Town Board Meeting.

Councilman Putnam seconded.

On the vote: all ayes.

* Supervisor Croce made a motion to accept the minutes from the Sept. 17th, 2015 Special Town Board Budget Meeting.

Councilwoman Delgado seconded.

On the vote: Supervisor Croce	Yes
Councilman Putnam	Yes
Councilwoman Delgado	Yes
Councilman DePew	Yes

ADDITIONS

Supervisor Croce stated that he had two additions for this evening's agenda:

1. Public Hearing Date for 2016 Budget:

* Supervisor Croce made a motion to hold the 2016 Town Budget Public Hearing on November 4, 2015 at 7:00 PM, before the regularly scheduled Town Board Meeting.

Councilwoman Delgado seconded.

On the vote: all ayes.

2. Notification of Grant For Veteran's Memorial Project:

Supervisor Croce wanted to let everyone know that Pearl Morse, Lorraine Morano and he met with Senator Larkin at his office, and that they discussed building the Veteran's Memorial across from the Park. He stated that they showed him that the Town had donated the property and that volunteers had already cleared it and surveyed it and were continuously holding fundraisers to get funding to build the memorial. He stated that the fundraiser money was nearing \$30,000.00 and they also had people who have volunteered hours to work as soon as the project was ready to start.

Supervisor Croce stated that he was happy to notify everyone that Senator Larkin has contacted him and we will be receiving a grant for \$150,000.00 to build the memorial. He stated that he was very proud and happy to receive this information and even though it will take some time before we receive the funds, we have much paperwork to attend to, we will be getting the funding. He stated that he felt this was a good thing for our Town and a good way to honor our Veterans.

PUBLIC INPUT

Mrs. Morse stated that an issue had come up about where the flags were made that she purchased to put up around Town. She stated that she brought in a sample and they all say "Made in America".

Mrs. Morse stated that she also wanted to ask the Town Board to appoint Mr. Gary Esgerard to the Veterans Committee. She stated that Mr. Esgerard lives in Aloha Home Acres and would like to join the committee.

Mrs. Morse stated that the Veteran's Committee has also voted to change the chairperson of the Veteran's Memorial Building Project Committee to Mr. Robert Wager. He is the Buildings & Grounds Town Facilities Manager and everyone felt he would be able to keep better control of this facility as it will be a Town facility when completed.

* Councilman DePew made a motion to appoint Gary Esgerard to the Veteran's Committee.

Councilwoman Delgado seconded.

On the vote: all ayes.

* Councilman DePew made a motion to go along with the Veteran's Committee's recommendation and appoint Mr. Robert Wager to the position of Chairperson of the Committee to build the Veteran's Memorial.

Councilman Putnam seconded.

On the vote: all ayes.

Supervisor Croce stated that the Town would be holding a small ceremony at the Veteran's Memorial Site on October 21, 2015 at 12 noon and Senator Larkin will be there to say a few words. Everyone is invited to attend.

Mrs. Morse stated again that all residents and Veterans are invited to attend.

Mrs. Morse stated that she was going to start early and start sending out letters for participation in the Memorial Day Parade. She stated that they would be sending out letters to businesses and Veterans in Town to suggest that they participate in the parade.

Mrs. Morse stated that someone was making the yellow bows for Veterans Day and she asked Councilwoman Delgado if she would deliver the bows to the elementary school.

Councilwoman Delgado stated yes, of course, they are already asking about them.

Mrs. Morse stated that she would be contacting the Town Clerk to get the latest batch of brick orders for the memorial. Anyone who has not requested a brick and would like to, should do so as soon as possible. The bricks will be used in the Veteran's Memorial once the construction gets started.

Supervisor Croce stated that he wanted to emphasize that the bricks would be used for the path in the memorial and anyone can purchase a brick, through the Town Clerk's Office. He stated that the bricks can be etched with people's names and we already have many families that are honoring a veteran by placing their name and division of military service on a brick.

Mrs. Morse asked that the Town Board approve the expenditure and have the company "Etched In Stone" do this new batch of bricks.

* Supervisor Croce made a motion to have the company "Etched In Stone" etch the current batch of bricks.

Councilwoman Delgado seconded.

On the vote: all ayes.

Supervisor Croce stated that when he first came to the Town Hall the flower beds in the front of the Town Hall did not look very good. He stated that he contacted the Girl Scouts and set up a time for the younger girls, the Daisy's, to come and plant flowers that were purchased by Linda Byrnes, the Highway Clerk. Since then, Mrs. Byrnes has been tending to our flower beds and can usually be found watering them early in the morning. He stated that she has done a wonderful job setting up the Halloween decorations that are there now and he wanted to thank her for all her efforts. It looks great. He stated that Mrs. Byrnes also left a photo album from Plattekill Day, on the back table, so take a few minutes and look through them before you leave. He stated that this is the third year that Mrs. Byrnes has made an album of Plattekill Day pictures and we will be leaving the books with the Town Historian. Mrs. Byrnes has done a wonderful job of setting up Plattekill Day for the past three years and we appreciate all that she does.

Mrs. Annette Laskowsky stated that she wanted everyone to recognize that Mrs. Morse was the one who spear headed the Veteran's Memorial project.

Supervisor Croce stated yes, she has put in a lot of time and effort on this project.

Everyone in the audience clapped to show their appreciation for all that she has done and continues to do for the Town.

Mr. Mark Reynolds, a newspaper reporter, asked about the AK Farms agenda item. He stated that the Court Ordered Settlement ended this year. Is the Town going to look at extending this agreement?

Supervisor Croce stated yes, that was a Court Ordered Settlement. Now, Mr. Kalamucki has approached the Town Board to ask about entering into a new agreement. The Town Board will have to look at what Mr. Kalamucki presents to the Town.

Mr. Reynolds asked if this was something that could legally be done?

Supervisor Croce stated yes, according to our Attorney, this can be done.

Mr. Mark Schiba asked for a status report on the situation with Hird's Farm?

Supervisor Croce stated that he believed they were still in front of the Planning Board.

Mr. Schiba stated that the Planning Board has withdrawn their appeal from the Zoning Board. So they still do not have an approved site plan from the Planning Board.

Supervisor Croce stated that he has not seen anything as yet to indicate that it has been approved, but he was not sure.

Mr. Schiba asked how the Town could be sponsoring a Town Event at a facility that does not have an approved site plan?

Supervisor Croce stated that they are working on their site plan and their facility has received awards from the Cornell Cooperative Extension Dept. that they have a good agricultural facility. There are State signs that have been put up directing people to their facility.

Mr. Schiba interrupted Supervisor Croce asking if anyone on the Town Board could reconcile that the Town is using a facility that does not have an approved site plan?

Supervisor Croce stated that he would not speak about this as Mr. Schiba would not allow him to continue speaking.

The Town Board members did not respond.

Mr. Schiba stated that he had one more thing. He stated that the "Welcome to Plattekill" sign, on Rt. 32 north, was looking shabby. He suggested that it be replaced or fixed.

There was some discussion on which sign he was talking about and Councilman DePew offered that he would look at it and get back to the Town Board.

Mr. Schiba asked if the Town Board knew why the Planning Board withdrew their appeal?

Councilman DePew stated no, and that he would have to speak with the Chairperson of the Planning Board.

Mr. Castillo, the Chairperson for the Zoning Board, stated that there was not much the Town Board could do about the Hird Farm at this time because it is in front of the Planning Board. He stated that it did not make sense to discuss it at a Town Board Meeting because any decisions would have to come from the Planning Board. He stated that the corn maze and other things have been determined to be part of agriculture.

Mrs. Gladys Figueroa stated that there was good news about the dumping on Rt. 32 in Plattekill. The management company has removed most of the garbage and put up signs that say "No Dumping", but what about Sunny Acres Road? She stated that people are dumping more and more items there.

Councilwoman Delgado stated yes, she now sees more couches there.

Councilman DePew stated that he would have to check with the Building Dept. to see what has been done so far.

Supervisor Croce stated that after the last Town Board Meeting he spoke with Mr. LoCicero who said he would go there to assess the situation. He would have to speak to him now to see what has happened.

Mr. Pagan stated that there is also an old boat, on Fosler Road, just before the DOT Building, on the side of the road.

Supervisor Croce stated yes, he has heard about this too. He explained that it is the property owner who bears the brunt of this. It may seem unfair, but the property owner needs to do something to secure his property. He does sympathize with the property owners, but it is something that they have to address.

Mrs. Morse stated that she volunteered at the Halloween Event a few years ago at Hirds Farm and if anyone can get there to help, it is a great event. The kids walk through a learning path and when they get to the fields in the back, they hunt for Halloween eggs. Then they go over to the pumpkin patch and get to pick their own pumpkin. It is a great time for the kids.

Supervisor Croce stated that he wanted to let everyone know that the Town has been dealing with agriculture and agri-tourism issues. He has had meetings with the State Ag people and Attorneys. The State Ag & Markets Dept. is sending more information and other Towns throughout the Hudson Valley have these issues too. The farmers are having a hard time making a living on apples and they need to look for other ways to supplement their income. Our Master plan says that we support agriculture and we had a seminar here where we had State representatives speak on this problem. We are still trying to figure it out. They seem to be of the opinion that they will allow the farmers a certain amount of leeway and that leaves the Towns to figure out how we are going to deal with it.

Mrs. Figueroa asked what the association was with the Town and Hirds farm and Halloween?

Supervisor Croce stated that the Recreation Dept. has a Halloween Event and Hirds Farm has offered to host that Event.

Councilwoman Delgado explained that the event is a free event and the kids can go and use the facility for free that afternoon. Ms. Doland has set up activities for the children there and each child leaves with a pumpkin that they pick from the field.

There were no further comments from the public.

* Supervisor Croce made a motion to close the Public Input section of the meeting at 7:37PM.

Councilman DePew seconded.

On the vote: all ayes.

SECTION 1 – SALT SHED RESOLUTION – USE OF HIGHWAY CAPITAL RESERVE ACCOUNT

Supervisor Croce explained that the Salt Shed project had been awarded and the funds to pay for the project would have to be expended.

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

RESOLUTION 2015
USE OF HIGHWAY CAPITAL RESERVE ACCOUNT
SALT SHED ROOF AND SIDING REPAIRS

WHEREAS, the Town Board of the Town of Plattekill has approved the use of the Highway Capital Reserve Account to fund the needed repairs for the Salt Shed roof and siding, and

WHEREAS, the cost of this work will be between \$52,800.00 and \$70,000.00 to cover costs of the awarded bid, materials, electrical upgrades and any additional expenses needed to complete the project,

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Plattekill that the Highway Capital Reserve Account will be used to fund the Salt Shed roof and siding repairs, and

BE IT FURTHER RESOLVED, that funding shall be paid directly out of the Highway Capital Reserves Account. (a copy of this complete resolution is attached to these minutes)

Councilwoman Delgado seconded.

On the vote: all ayes.

SECTION 2 – HUDSON VALLEY FLYERS CLUB

Supervisor Croce explained that the Hudson Valley Flyers Club had supplied the Town Board with some information and the original airport was established by a resolution under section 249 of the New York State General Business Law. He stated that, as it was with the establishment of the original airport, that the Town has to request that the NYS Commissioner of Transportation make a determination as to whether or not improvements of the airport can be made and that they comply with his standards pursuant to Section 249 of the NYS General Business Law. We need to do this with another resolution.

Supervisor Croce asked if Mr. Schindler would be supplying the information and other documents and maps needed to go along with this resolution?

Mr. Schindler stated yes.

Councilwoman Delgado stated that she had a request for them. She stated that she would appreciate it if the planes did not fly so low by her house when they land. She stated that it is very scary to see the planes coming in that low and she was afraid that one of the planes was going to crash.

Mr. Schindler and several other members of the Flyers Club stated that they would get the word out to their members and look into this situation. They seemed to feel that there should not be anyone flying that low over homes, when they land.

A resident asked about planes flying at night.

Mr. Schindler stated that planes do not fly in or out of their airport after dark. There are no lights or other provisions for flying at night. He stated that he would get contact information to the Supervisor in case anyone else had a problem with the actions of any of the members.

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

TOWN OF PLATTEKILL – HUDSON VALLEY FLYERS CLUB

RESOLUTION PURSUANT TO NEW YORK STATE GENERAL BUSINESS LAW SECTION 249

WHEREAS, the Hudson Valley Flyers Club is the owner of a certain parcel or real property located on Freetown Road, Town of Plattekill, County of Ulster, State of New York; and

WHEREAS, 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 board of the Town/City/Village in which such private airport is proposed to be established or improved; and

WHEREAS, New York State General Business Law Section 249 provides that the governing body of a Town/City/Village shall not authorize the establishment or improvement of a private airport at the requested location unless in accordance with the standards prescribed by the Commissioner of Transportation of the State of New York; and

WHEREAS, the airport proposed to be established or improved will be privately owned and the owner of the real property upon which the establishment is to take place has consented to such establishment or improvement;

NOW THEREFORE, BE IT RESOLVED, that the New York State Commissioner of Transportation is hereby requested to make a determination as to whether or not the establishment or improvement of such privately owned airport complies with his standards adopted pursuant to Section 249 of the New York State General Business Law. (a copy of this complete resolution is attached to these minutes)
Councilwoman Delgado seconded.

On the Vote: all ayes.

Supervisor Croce thanked the members of the Flyers Club for coming in this evening and having patience while this process proceeds. He stated that he would send a letter with the resolution and once they have all the paperwork, things can then proceed from there.

Mr. Schindler thanked the Town Board for all their help with this situation.

SECTION 3 – AK FARMS

Supervisor Croce explained that the Attorney for AK Farms was present this evening to speak to the Town Board about a new agreement for allowing AK Farms to continue to hold motor cross racing.

Mr. Mario DeMarco, an attorney representing AK Farms, stated that for the past 14 years, the track at AK Farms has been operating under a Court Ordered Settlement Agreement that both sides agreed to. He stated that it was not a settlement, it was an agreement and the track has hopes of continuing with an extension of that agreement. He stated that he has been speaking with the Town's Attorney and they are aware of the issues created by the operation of the track and they have already begun to address some of them. He stated that they are sensitive to the neighbors and when they come back they will be able to show that they have addressed those concerns. He was asking for the Town Board to approve tonight that they can go to the Planning Board to obtain site plan approval.

Councilman DePew asked if this would be a continuance of the already existing agreement or a new contract/agreement?

Mr. DeMarco stated that right now there is a track and they want to continue that use. He stated that if necessary, they could ultimately move the track back on the property. He stated that they have an engineer ready to work on the site plan.

Councilwoman Delgado asked if the Town Board were to send you to the Planning Board tonight, this means that Mr. Kalamucki can continue racing?

Mr. DeMarco stated no, this year's events are over.

Councilwoman Delgado stated that she has not made a decision yet on this matter. She stated that she would like to see what is proposed and then they could hold a Public Hearing. She stated that she feels that if they say yes, he can proceed to the Planning Board, that somehow she would be saying yes to the project. It would be saying we are OK with it and she does not want to give him that impression. She stated that she is not against motor cross, but she feels there is a lot more research to do.

Mr. DeMarco stated that he feels they would have to come back to the Town Board but by going to the Planning Board, they will be able to set it all up and make up a site plan.

Councilman DePew stated that he agrees with Councilwoman Delgado. He stated that he feels that the Town Board should have some documents or maps or something in hand before making any decisions on this issue. He stated that he would like to see documentation on how you will be addressing the problems and concerns of the neighbors and residents such as noise and dust and where trucks and overnight parking will be.

Mr. DeMarco stated that he understood what was being asked of him, but he felt that going to the Planning Board for site plan would answer most of these questions. He stated that he will work with the engineer to draft something for the Town Board.

Councilman DePew stated that he felt they needed to "Show them the Plan". We can't make a determination without seeing something on paper.

Supervisor Croce stated that he has let the Town Board know that he has met with Mr. Kalamucki and that they have discussed the possibility of having a new agreement. He stated that he feels it would be a new agreement because the current one will end at the end of this year. He stated that he would be open to a new agreement if we could be sure those problems are addressed. He stated that he too does not feel the Town Board should send them to the Planning Board because we don't know what you are going to do there. We need to see some sort of plan and how you are going to address the problems.

Councilman Putnam stated that he would want to see a list of the complaints and a detailed description of how they will be addressed. He stated that he was not committing to anything right now. We know we have to be fair to them, but we also have to be fair to the neighbors.

Councilwoman Delgado stated again that she would like to see something to look at that they could then say, "This is good or not good". She stated that she felt they would have to come back with some sort of proposal.

Mr. DeMarco stated that he felt the Town Board was being fair with him and he would return to the next Town Board meeting with a presentation.

Ms. Valerie Smith stated that what they are proposing here is illegal! They are proposing an illegal use and you are allowing them to do it!

Supervisor Croce stated that they are grandfathered in.

Ms. Smith stated that the track is not grandfathered in. They have had 14 years and the same problems still exist. She stated that she went through a lot to get the Town to enforce their Zoning Code. This is not the same track that was there in the 1970's and it has been modified. She stated that neighbors have been waiting for this year and in no way thought that they could get a new agreement.

Supervisor Croce thanked her for her comments. He stated that he didn't feel he was disregarding the residents. He stated that the number of complaints is nowhere near what they used to be.

Ms. Smith stated that that was because residents knew this was the last year and it would all be over if they just waited until the end of the year!

Supervisor Croce stated that he appreciated her input.

SECTION 4 – EXECUTIVE SESSION

* Supervisor Croce made a motion to enter into Executive Session at 8:15PM to discuss Dankelmann Litigation.

Councilman DePew seconded.

On the vote: all ayes.

* Supervisor Croce made a motion to close Executive Session and re-open the Town Board meeting at 8:21 PM.

Councilman DePew seconded.

On the vote: all ayes.

* Supervisor Croce made a motion that the Town of Plattekill, at this time, discontinues any further litigation with Dankelmann & Associates Inc.

Councilman Putnam seconded.

On the vote: all ayes.

SECTION 5 – HUDSON VALLEY RAW ATHLETICS

Supervisor Croce introduced Mr. & Mrs. Acampora, owners of a warehouse property on Bedell Avenue. He stated that they came into his office to speak with him because they want to use their property for a gym which is not allowed in the Zoning District.

Mr. Acampora explained that they purchased the warehouse on Bedell Avenue after asking the Building Department if they could use the property for a gym and were told yes, they could use that property for that purpose. Now, they are being told that it is not an allowed use. They are asking the Town Board to either change the Zoning District to RR1.5 which is the Zoning District all around the property or to add the use to the RS1 Zoning District.

Councilman DePew asked what the building was used for previously?

Mr. Acampora stated that it was used for storage. They would like to propose putting in a gym in part of the building and they would be doing 1 hour classes. Mrs. Acampora stated that she has another location in the Town of Lloyd.

The Town Board reviewed a map of the property asking how much of the facility would be used for the gym and where there would be parking.

Supervisor Croce stated that there are always issues with changing a Zoning District or adding a new use. He stated that the Planning Board would want to know what is going to happen with the other portion of the building. And down the road, are you planning other uses within the building? Would you need more parking?

Mrs. Acampora stated that they would be using the whole building and they want to open it up so that schools or school athletics programs can come in and use the building for training or other area sports.

There was discussion that the Planning Board Clerk had suggested that they come to the Town Board for some guidance as the use was not specified in the Zoning District that they are currently in.

Supervisor Croce stated that the Town Board will have to look at the situation and try to consider what options are available.

Mr. Castillo stated that if the Zoning District that borders the majority of the parcel does allow for these types of commercial use, maybe there was an error in the plotting of the original Master Plan maps. This would not be considered spot Zoning if all the area around this parcel allows for these types of businesses.

Mr. Acampora stated that he could not understand why this parcel was made residential when it was already commercial before 2005. He stated that he had spoken with the Building Inspector and they didn't see a problem so they purchased the property and now there is a problem.

Supervisor Croce stated that he will reach out to the Planning Board Chairperson and see what she thinks would be the best thing to do.

Mr. Acampora stated that he would check back in a week or so, with the Supervisor.

SECTION 6 – PLATTEKILL DAY REPORT

Supervisor Croce read the Plattekill Day Report that Mrs. Linda Byrnes had given to the Town Board. The report listed all the different events that took place that day and stated that the car show took in a record breaking \$2,300.00 to be donated to the Veteran's Memorial Fund. It also stated that Mr. Christopher Dawes was the recipient of the Citizen of the Year Award for his many year of hard work and devotion to the community. The report went on to thank all those that helped make the event such a success and there was a special thank you to Hannafords Supermarket for sponsoring the car show and purchasing all the trophies.

Mrs. Byrnes also wanted to thank the Town Board for allowing her the privilege and the honor to once again be the Chairwoman of this wonderful event.

Supervisor Croce stated that Linda does a wonderful job in putting this event together and puts her heart and soul into it. She has tried a few new ideas and moved a few booths and the stage around to different locations to try to make it all work better for everyone.

Supervisor Croce stated that he also wanted to acknowledge the Highway Dept. for all that they do in setting up the stage and cones and parking. He stated that this event really shows the character and flavor of what our Town is all about.

Councilman Putnam stated that he was pleased and surprised to see all the different Scout Troops that took part in the event. There were some there from New Paltz and Lloyd as well as the ones from the Town of Plattekill.

Supervisor Croce said “Kudo’s” to Linda! It was a great day!

SECTION 7 – TRANSFERS

* Supervisor Croce made a motion to transfer \$1,625.00 from the General Fund Budget Line A1620.4 Buildings & Grounds Contractual to General Fund Budget Line A1620.2 Buildings & Grounds Equipment and that this transfer is necessary to cover the purchase of a metal break tool. (A copy of the complete transfer is attached to these minutes)

Councilwoman Delgado seconded.

On the vote: all ayes.

* Supervisor Croce made a motion to transfer \$6,500.00 from General Fund Budget Line A3120.2 Police Equipment to General Fund Budget Line A3120.4 Police Contractual and that this transfer is necessary to cover the cost of Police Contractual expenses. (A copy of the complete transfer is attached to these minutes)

Councilman DePew seconded.

On the vote: all ayes.

SECTION 8 – VOUCHERS

* Councilman DePew made a motion to pay the Voucher Detail Report dated 10/7/2015, which includes the General Fund amount of \$44,785.66, the Highway Fund amount of \$117,965.01, the Clintondale Light District amount of \$680.88, the Modena Light District amount of \$1,233.70 and the Trust & Agency amount of \$3,068.10 for a total amount of \$167,733.35 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 adjourn the meeting at 8:51 PM.

Councilman DePew seconded.

On the vote: all ayes.