

TOWN OF PLATTEKILL
REGULAR TOWN BOARD MEETING

February 3, 2016

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 January 6, 2016 Town Board Reorganization Meeting and the January 14, 2016 Special Town Board Meeting. Councilman Farrelly seconded.

On the vote: all ayes.

* Supervisor Croce made a motion to accept the minutes from the January 6, 2016 Town Board Reorganization Meeting. Councilwoman Delgado seconded.

On the vote: all ayes.

* Supervisor Croce made a motion to accept the minutes from the January 14, 2016 Special Town Board Meeting (Planning Board Member interviews). Councilwoman Delgado seconded.

On the vote: all ayes.

ADDITONS

Supervisor Croce stated that he had one addition to the evening's agenda.

1)Mark Dooley Race:

Supervisor Croce read a letter from the Southern Ulster Rotary Club asking for permission to use the Town Park and Pavilion for the 1st LT. Mark Dooley 5K Race of Honor on Sunday, April 3rd, 2016. The letter explained that this was the Rotary Club's Annual Event to raise money for various charities.

* Councilwoman Delgado made a motion to allow the Southern Ulster Rotary Club to hold the 1st LT. Mark Dooley 5K Race of Honor, at the Thomas Felten Park, which also includes use of the Pavilion and that there be no charge for this not-for-profit organization.

Councilman DePew seconded.

On the vote: all ayes.

PUBLIC INPUT

Mr. John Cohen, from Montgomery, NY, asked the Supervisor to explain what was going on with the possibility of AK Farms re-opening their motorcycle race track. He stated that he was the owner of the Diamondback Race Track that took the Town to Court which resulted in the track and Town agreeing to the Stipulation of Settlement that expired after 14 years on Dec. 31, 2015. He stated that rumor has it they are getting a special use permit to re-open and have scheduled practices and races on their website.

Supervisor Croce stated that as rumors usually are, this is not true. He explained that AK Farms did come in and asked if it would be possible for them to extend or enter into a new Stipulation of Agreement as the current one was ending at the end of December 2015. He stated that Mr. Kalamucki and his attorney then met with him and the Town attorney and Mr. Kalamucki was told that there were problems with the facility and if he could somehow prove to us that he could resolve those issues, then the Town Board might consider a new agreement. There have not been any decisions made.

Mr. Cohen stated that this is confusing to him as Mr. Kalamucki has advertised scheduled practices and races.

Supervisor Croce stated that Mr. Kalamucki and his attorney have attended two Town Board meetings and the Town Board had requested more information from his attorney. We have received some of the information requested and the Town Board is currently formulating a response to them based on the information received. There has been no commitment by this Town Board.

Councilwoman Delgado asked where he saw the advertisement.

Mr. Cohen stated that it is on his website. There are dates for practices and races. He stated that Mr. Kalamucki's mother was/is the owner of the property and Anthony really had nothing to do with the business in the past. Mr. Cohen stated that he would have thought Mr. Kalamucki would have to come in and start as a new business. He stated that he was in Court when this settlement was set up and things were said and done saying that this type of business was done and that was it. He stated that this was like opening Pandora's box; when you think about all the money and time and discussions that went on during the process that got us to this point.

Supervisor Croce stated he is not going to get a free ride. We know that this has been and still is a controversial issue here in Town and we are aware of all of that has gone on. Our Town Attorney has advised us that it would not be illegal to do an extension of the old agreement or a new agreement and the Town Board is drafting a response letter as we are not in agreement with a lot of what they are presenting to do. So, we are proceeding very cautiously and we know it will have a lot of impact to the Town. We all know that there are certainly benefits to the Town such as bringing in people to patronize our businesses, but there are also other serious problems such as noise and dust. He stated that his feelings have always been that if we can have a business in Town that makes money, but doesn't impact

the neighbors, then we can welcome that business. He stated that he was not sure this was possible with this business, but the Town Board has to listen to what they want to do and make a decision.

Councilman DePew stated that he just wanted to make a statement. He stated that, speaking for himself, but feeling that the rest of the Town Board feels the same, we are not "in negotiations" with AK Farms. They are asking and we are listening. They will have to show us that the problem issues will be taken care of and they will have to abide by the Town Code. The thing is that everyone deserves to be able to come in and be heard. He stated that he feels the responsibility of the Town Board is to listen to the residents of the Town and Mr. Kalamucki would get the same respect as anyone else.

Mr. Cohen stated that he remembers every word the Judge told him and he was very specific that this (type of activity) was over and not going to be done again.

Mrs. Gilman stated that she could not believe she is sitting here listening to this. She stated that she can still hear the Judges words too. It was deemed motorcycle tracks would not be coming back. We have been waiting for 14 years for this all to end and now they want to continue? She stated that she thought this should be out on the open floor for people to hear.

Supervisor Croce stated that they have not been doing anything behind closed doors. AK Farms has been on the agenda for two Town Board Meetings, with their attorney and the Town Board has had the Town's attorney at one of those Board Meetings. Nothing is being hidden. We have received opinion from our attorney and not everything can be done out on the open floor, but we have certainly discussed this on the open floor at length.

Mrs. Gilman asked if anyone else has looked at this?

Supervisor Croce stated that he was not sure what she meant with that question, but our Attorney has advised us that there are certain options available and therefore the Town Board has to take the time to consider it.

Mrs. Gilman stated that she was here for another issue. She stated that the property behind her has been cleared and all of the trees and bushes were pushed up on the stone wall that is on her property. She wanted to know if this would be cleaned up or should she go to the Building Dept. to make a complaint.

Supervisor Croce and Councilman DePew both stressed that she should come in and make a formal complaint to the Building Dept.

There was discussion that Ms. Hepworth was using the fields to plant crops and that she probably didn't realize her workers had pushed the trees on her property.

Supervisor Croce stated that he has spoken with Ms. Hepworth on occasion and she has always seemed very respectful for other people's property and she is very environmentally conscious. She probably doesn't realize that there is an issue with the trees. He stated that she should speak with the Building Inspector and if there are any problems, she should come in and speak with him in his office during the week.

Mrs. Sis Morse stated that she wanted to let the Town Board and the public know that she has sent out letters to area businesses asking them to be a part of the Memorial Day Parade. She stated that the Veterans Committee has also set up a Dinner Dance at the Elks Club on April 9th and the Mustangs Band

will be playing there. Tickets will be coming out soon. She also stated that the Annual Golf Tournament has been set up for May 21st. More information will be coming out soon on that event also.

Supervisor Croce reminded her that the Modena Fire Dept. would be holding their annual Veteran's Breakfast on May 28, 2016 from 8:00 to 11:00 AM. It is a free breakfast for Veteran's and their families.

Mrs. Morse stated yes, and the Boy Scouts also put wreaths on the memorials at the Plattekill Fire Dept., the Plattekill Elementary School, the Clintondale Fire Dept., the Plattekill Library and the Modena Fire Dept. Then they also join the Veterans for a free breakfast.

Mrs. Morse also stated that the next Veterans Committee Meeting would be at the Town Hall on Thursday, February 11, 2016 at 7:30 PM.

The Town Board thanked her for all her work with the Veteran's Committee.

Mrs. Gilman asked what she should do if AK Farms starts doing racing on the track or property?

Supervisor Croce stated that this will not be tolerated.

Councilwoman Delgado stated that she should call the Police.

There were no further questions from the audience.

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

Councilwoman Delgado seconded.

On the vote: all ayes.

SECTION 1 - UTILITY PROVIDER CHANGE

Supervisor Croce stated that at the last Town Board Meeting the Town Board voted to use GDF Suez as our new electric company. Since that time, we have not been able to work with this company and he had to make the decision to use someone else. He stated that he signed on to use Liberty Tower which is at a lower cost than the GDF Suez company.

SECTION 2 – IT COMPANY UPDATE

Supervisor Croce explained that at a previous Town Board meeting, the Town Board agreed to allow him to look into new companies to take care of our computer system (IT). He stated that he contacted several area Towns to find out what companies they use and has had several representatives visit the Town Hall to review our system. He stated that Mr. Wager and he will meet with representatives from these companies and will get back to the Town Board with some more information.

Supervisor Croce stated that he has found out some interesting things about our system; one of which is that we are still working with Windows 3 on our server.

SECTION 3 – ETHICS BOARD

Supervisor Croce stated that he was not looking for any discussion on this issue this evening, however he did want to make sure that all members of the Town Board have received the information he has compiled from area Towns. He stated that he has downloaded and made copies of other Town's Codes on their Ethics Boards and he would like to request that the Town Board review this information and make suggestions or changes. He stated that he would like to discuss this at the first meeting in March (3/2/16).

The Town Board agreed to discuss this item at the March meeting.

Supervisor Croce stated that the Town Board should make notes and written suggestions as to what they would like to see in our ethics law.

SECTION 4 – TAX CERTIORARI – PRIMAX PROPERTIES (DOLLAR GENERAL STORE)

Supervisor Croce explained that Primax Properties (aka, Dollar General) filed a grievance in regards to the assessed value the Assessor has given them for the store located in Modena.

Supervisor Croce read a memo from our attorney suggesting that we settle with Primax Properties as going to court would cost the Town and we don't know what the outcome would be. The Assessor and the Town Attorney have discussed this matter and have agreed to lower the assessment from \$1.1 million to \$1 million. The Attorney has enclosed a copy of the judgement and an Order of Stipulation. He suggested the Town Board accept this reduction in assessment and authorize him to execute the Stipulation of Settlement.

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

TOWN OF PLATTEKILL
RESOLUTION #1 of 2016
TAX CERTIORARI – PRIMAX PROPERTIES

WHEREAS, Primax Properties has filed an application for review under Article 7 of the Real Property Tax Law against the Town of Plattekill and its Assessor; and

WHEREAS, the Town Board of the Town of Plattekill has received a recommendation from the Town Assessor and the Attorney for the Town for a proposed Stipulation of Settlement,

NOW THEREFORE BE IT RESOLVED, That the Town Board of the Town of Plattekill, Ulster County, New York, moves to settle the tax certiorari proceeding on property owned by Primax Properties (Dollar General), SBL#101.31-1-8.1, 1985 Rt. 32, by agreeing to the reduction in assessed value for this property from \$1.1 million dollars to \$1 million dollars for the 2015 Town of Plattekill Assessment Roll; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Plattekill hereby authorizes the firm of Kellar, Kellar & Jaiven to execute the Stipulation of Settlement in regards to this matter.

Councilwoman Delgado seconded.

On the vote:	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Supervisor Croce	X			
Councilman Putnam	X			
Councilman Farrelly	X			
Councilwoman Delgado	X			
Councilman DePew	X			

SECTION 5 – PROPOSED SALES TAX REDUCTION

Supervisor Croce explained that he had attended an emergency meeting of the Ulster County Supervisor's Association to discuss the possible reduction in sales tax money to the Towns. He explained that the County was proposing a reduction because there has been less sales tax collected in Ulster County over the past few years and it is continuing to go down. He stated that they were not sure when

this would occur, but if it were to occur this year, then the Town's would not receive the amount of funds as anticipated in the 2016 Budget. He stated that it could impact the Town of Plattekill for as much as \$40,000.00.

Supervisor Croce stated that the Supervisor's Association has petitioned the County to leave the funding as it currently is with the Town's in Ulster County sharing 3%. Other Towns and the City of Kingston stand to lose considerably more in funding if this should go through.

Supervisor Croce stated that he would suggest that everyone contact their County Legislator and make them aware that they should do what is right for our Town. If they do this in 2016, then it will be a nightmare for the Town's 2016 Budgets.

Councilman DePew suggested that the Supervisor write a letter to the County Legislature letting them know how we feel.

Supervisor Croce stated that he agreed this would be a good idea. He will send it to the head of the Legislature. He stated that the County seems to make us feel that we are not grateful that they took over the Safety Net Program (welfare) and the costs for putting on the Elections. These are programs that we should not have been paying for in the first place. The County runs both programs and makes all the decisions that we were paying for.

There was some discussion on the County Safety Net Program and that we were the only county in New York State that still had the individual Towns paying for this program.

Supervisor Croce stated yes, and he doesn't have exact figures to back this up, but it appears that now that the County has taken over the Safety Net, the costs have gone down.

Supervisor Croce stated that he would put together a letter and e-mail it to everyone so that changes can be made before he sends it to the County. He stated that we need to stand up and voice our concerns on this matter.

SECTION 6 - VOUCHERS

* Councilman DePew made a motion to pay the Voucher Detail Report dated 2/3/2016, which includes: the General Fund amount of \$78,991.13, the Highway Fund amount of \$63,981.91 and the Trust & Agency amount of \$7,869.20 for a total amount of \$150,842.24 recognizing that the Audit Committee has reviewed the claims and found them acceptable for payment.

Councilwoman Delgado seconded.

On the vote: all ayes.

SECTION 7 – ADJOURNMENT

* Supervisor Croce made a motion to adjourn the meeting at 8:03 PM.

Councilman DePew seconded.

On the vote: all ayes.

