

TOWN OF PLATTEKILL
REGULAR TOWN BOARD MEETING

March 6, 2013

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 Morano

MINUTES

* Supervisor Croce made a motion to dispense with the reading of the minutes from the February 6, 2013 Regular Town Board Meeting, the February 14, 2013 Special Town Board Meeting and the February 20, 2013 Regular Town Board Meeting.

Councilman Farrelly seconded.

On the vote: all ayes.

* Supervisor Croce made a motion to accept the minutes from the February 6, 2013 Regular Town Board Meeting.

Councilman Putnam seconded.

On the vote: all ayes.

* Supervisor Croce made a motion to accept the minutes from the February 14, 2013 Special Town Board Meeting.

Councilwoman Morano seconded.

On the vote: Supervisor Croce Yes
 Councilman Putnam Abstained
 Councilman Farrelly Yes
 Councilwoman Morano Yes

* Supervisor Croce made a motion to accept the minutes from the February 20, 2013 Regular Town Board Meeting.

Councilwoman Morano seconded.

On the vote: all ayes.

ADDITIONS

Supervisor Croce stated that he had three additions to the evening's agenda. One was a report from the Recreation Dept., the second is a request by the Town Clerk to attend training and the third is the monthly Building Dept. report.

Councilman Putnam stated that he had one addition, which was to put an ad in the newspaper to obtain applications for a Town Board Member.

1. Recreation Department Report:

Mr. William Farrell, the Recreation Director, was present and gave each Town Board member a schedule for the current and up- coming, spring to summer events. He read through them and gave some additional information where needed. There is indoor children's soccer and adult volleyball, Zumba classes, kids and youth basketball, adult yoga, outdoor soccer, karate classes, the annual Easter Egg Hunt, a Senior Spring Ball, Plattekill Summer Camp, a community Yard Sale/Farmer's Market and a monthly Farmers Market. A copy of this list is attached to these minutes.

Mr. Farrell stated that they are trying something new with the camp program. They are going to do 5 weeks for 5 days a week. The fee will be \$300.00.

Mr. Farrell stated that the Southern Ulster Rotary would also be holding their annual 1st. Lt. Mark Dooley 5K Race on Sunday March 24th and would be using the Park Pavilion.

Supervisor Croce asked for more information on the Farmer's Market as in the past the vendors were not happy being at the Park and were not getting much traffic. It was moved to the Town Hall parking lot.

Mr. Farrell explained that they were going to try to have the Market only once a month and on a Sunday morning. Rocking Horse Ranch guests usually leave on Sundays and they will be trying to divert some of the southern traffic past the Park so people can stop in on their way home. Mr. Farrell stated that there is also a County coupon program that will give Senior's coupons to use to purchase produce and then the vendors are reimbursed. He was trying to get the Market signed up for this program. There will also be people playing soccer and baseball at the Park and this could bring them more traffic, not to mention people coming home from church. He stated that he has also spoken to several businesses in Town and they have committed to coming to the Market, this one day a month, to purchase produce for their businesses. Hopefully we will get the word out and this will be a profitable day for the vendors.

Mr. Farrell stated that the Men's Softball League is really taking off. We currently have 13 teams and we are hoping to get one more to have an even number. They start playing on April 14th.

Mr. Farrell went on to say that he had spoken with the Highway Superintendent, Mr. Robert Wager, and they are going to work on making the baseball field behind the Library, a good field for the younger children. They want to have a T-Ball and a Town Baseball League for younger children.

The Town Board thanked Mr. Farrell for getting all these things going for our Town residents. There will surely be something for everyone.

2. Town Clerk Training:

Supervisor Croce stated that the Town Clerk, Barbara Dawes, has requested to attend training at the NY State Town Clerk's Association Conference in Buffalo. This training is budgeted for in the Town Clerk's budget.

* Councilman Putnam made a motion to authorize the Town Clerk, Barbara Dawes, to attend the NY State Town Clerk's Association Conference in Buffalo, NY, from April 28, 2013 to May 1, 2013 to include registration \$125.00, room and meals \$645.00 and mileage.

Councilman Farrelly seconded.

On the vote: all ayes.

3. Building Dept. January & February Monthly Report:

Supervisor Croce read the January and February monthly Building Dept. report which stated that there were 24 Field Inspections done, 6 Violations issued, 5 Violations closed, 3 Complaints taken, 2 structure fires, 19 Building Permits issued, 1 Certificate of Occupancy issued, 3 Certificates of Compliance issued, 10 Municipal Searches done, and three issues are pending in Court. These numbers do not include returning phone calls and residents coming in for assistance with codes, building permits or zoning and subdivision issues.

4. Applications for Town Board Member:

* Councilman Farrelly made a motion to have the Town Clerk put an ad in the Southern Ulster Times to obtain applications for appointing a new Town Board member.

Councilwoman Morano seconded.

On the vote: all ayes.

PUBLIC INPUT

Mrs. Annette Laskowsky stated that, two meetings ago, the Town Board stated that they would have the Building Inspector attend the next meeting so that the residents could ask questions about the site plans for businesses in Town. She stated that she sees there is a memo from the Building Dept. to be discussed later on the agenda. Is this about the site plans and will the residents be allowed to speak at that time? She also wanted to know, if there was an item to be discussed on the agenda, weren't the residents supposed to be able to view a copy of whatever is going to be discussed? Shouldn't this memo have been available before the meeting?

Supervisor Croce stated that the memo is an inter-department memo and once it is read at the meeting, then it can be FOIL'ed after the meeting.

Mr. Chris Mercier stated that he had asked questions a few meetings ago and still does not have any answers. He stated that at the last meeting, public input was not done, so his questions are still unanswered.

Councilman Farrelly stated that we did not have public input in respect for the passing of Supervisor Bruce Loertscher. We are holding public input at this time to take questions.

Mr. Mercier stated that this is now the third meeting and he does not have answers to his questions, so he will have to ask them again.

Councilman Farrelly stated that he could say, at this time, that he has a copy of the memo in front of him and he believes this memo will answer his questions. If this memo does not answer your questions, you could write them down or ask them at the next meeting.

Mrs. Laskowsky stated that she did not understand why public input was denied at the last meeting, in respect for Mr. Loertscher. Did the Town Board all agree to do this?

The Town Board members answered yes, they all agreed to not having public input.

Mrs. Laskowsky stated that this did not make sense to her. Bruce always allowed people to speak, even when it went on and on. He was always for letting people speak. She felt that it was a slap in the face to her, to him, that people were not allowed to talk.

Supervisor Croce stated that it was certainly not intended to be taken like that.

Mrs. Laskowsky stated that it felt that way to her.

Mr. Castillo stated that he realized why the Town Board did not have public input that evening, but he just wanted to let everyone know that the Town Board does not have to have public input at all.

Supervisor Croce stated yes, the Town Board does not have to have Public Input. There is no requirement to have it.

Mrs. Laskowsky again stated that her point was not that we didn't have public input; it was that it was blamed on Bruce.

Supervisor Croce stated that it was done out of the respect for Mr. Loertscher. His passing was fresh in everyone's mind. We were here to conduct Town business and that was it.

Mrs. Laskowsky asked if public input was not Town business?

Supervisor Croce stated that her comments were noted.

Ms. Valerie Smith stated that she did not understand how this was in respect to Mr. Loertscher either and asked for an explanation.

Supervisor Croce stated that it was a decision that the entire Town Board made. We felt that, out of respect for Bruce, we would have a nice quiet meeting and conduct Town business and that was it. We are not required to have public input.

Ms. Smith stated that she understood that there did not have to be public input, but she was trying to link this to Mr. Loertscher's passing. He would have always let the public speak.

Councilman Putnam stated that Bruce did not really like confrontation and the Town Board was not looking to have a long drawn out discussion that evening as it would not have been something that he would have wanted.

Ms. Smith stated that he was already gone! And even though Bruce did not like confrontation, he always did believe that people should be able to state their views and opinions. She would have thought that the Town Board would have had public input in respect for Bruce. She still just doesn't get the connection.

Councilman Farrelly stated that not having public input was a decision that the entire Town Board felt was a good idea.

Ms. Smith stated again that that had nothing to do with it; she just doesn't see the connection of Bruce's passing and not letting people speak at the meeting.

Mr. Baum stated that he would think that there are people in the audience that think that this was a slap in Bruce's face as there are also those in the audience that feel it was a gesture of respect to him. He stated that he is among the latter, but could we please stop picking on everything that is said and done and get on to the substance of the agenda for this evening. That is his request.

Supervisor Croce stated so noted.

Mrs. Laskowsky stated that her last comment is that "Public Input" is a very, very, very important topic to her and she has complained over and over again about the Town Board not listening to comments or questions from the public and just like tonight, there is a memo that no one has seen and the public will not be able to make comment on until the next meeting, and when Mr. Baum turns around and looks at her, yea, we can be picky, but public input is very important to her.

Supervisor Croce thanked her for her comment.

Mr. Dean DePew stated that he would just like to make a statement or it could be a question. He stated that he comes and attends these meetings regularly and sitting here in the audience, he sees that a camera is pointed at the audience, probably 90% of the time. He stated that he did not feel that there shouldn't be a camera, but that it should be trained on the officials, not focused on the public. He stated that he felt this was an invasion of his privacy and does not feel that it should be moved back and forth on the public.

Supervisor Croce stated that his comment is so noted.

Mr. Farrell stated that he just wanted to say that after the funeral for Supervisor Loertscher, if anyone had come into the Town Hall, you would have seen the tone here and he really thought that the last meeting would have been canceled. He was surprised to see that the meeting was held at all, but realized that some issues had to be dealt with and that was the reason for having the meeting. He stated that it was difficult being here at the Town Hall that week after his passing and he really thought that not having public input was a good idea. He stated that he knows that public input is important and understands that the public needs to have an opportunity to speak, however the overall tone of how everyone who works in this Town Hall felt, this was a good idea.

Supervisor Croce thanked him for his comment and stated that the Town Board did what they thought was the right thing to do.

* Councilman Putnam made a motion to close the Public Input section of the meeting.
Councilwoman Morano seconded.
On the vote: all ayes.

SECTION 1 – UNDERSHERIFF FRANK FALUOTICO JR. & CHIEF RYAN – U.R.G.E.N.T

Supervisor Croce introduced Undersheriff Faluotico and Chief Ryan and stated that they had information to give to the Town about funds from the County U.R.G.E.N.T Program.

Undersheriff Faluotico stated that the Town of Plattekill has done an outstanding job with providing support of undercover staff and officers to the U.R.G.E.N.T. Task force. They are always professional and do a great job. We have had hundreds of felony arrests and hundreds of felony convictions involving drug trafficking and gang related crimes.

Undersheriff Faluotico stated that there has been a complete audit of the funds and the reports have been verified by the DA's Office, the Comptroller's Office and the County Executive's Office. Disbursements were forthcoming and as promised, we are here tonight to present the Town of Plattekill with \$25,000.00 from the U.R.G.E.N.T. Program.

Undersheriff Faluotico reminded everyone that this money cannot be used for just anything; it has to be used for Police equipment, overtime and investigations. It can be used to further

investigations. It cannot be used to offset the Police Dept. budget. The Town Attorney can give more assistance to how it can be spent.

Chief Ryan stated that he appreciated all the work the U.R.G.E.N.T. Program has done for the Town of Plattekill. We want to put this money back into our narcotics investigations here in Plattekill. We have a serious drug problem here in Plattekill; 5 young people have died in the past two years. This is my goal. I am going to do my best, along with Officer Faluotico; we are going to get these drug dealers out of here. In the next year or two, we are going to identify them and work to get them out of here for our kids and our grandchildren. This is a great community to live in and we need to keep it safe for them. These people think that they can come in here and take over and that is not going to happen on my watch. We will also be getting more money next year and it will be a great tool, taking this money away from drug dealers, to keep them out of Plattekill.

Supervisor Croce thanked the Undersheriff and Chief Ryan for coming this evening. We will be putting this money to work for us.

SECTION 2 – BUILDING DEPARTMENT MEMO

Councilman Farrelly read the Building Dept. memo that was written by the Building Inspector, Joe LoCicero in regards to the issue of a site plan for Supervisor Croce's business on Rt. 32 in Modena.

The letter stated that Mr. Croce's business had been at this location since 1979 and that it is a storage business of food products. The building was an auto repair shop prior to Mr. Croce owning it. It stated that under the NY State Dept. of Code Enforcement and Administration the Motor Vehicle repair garage would fall under the Storage group S-1 Moderate-hazard storage. Mr. Croce's business (Pagentine Provisions), under the same State Code, would fall under Group S-2 Low-hazard storage. The newer business, although it has been there for 30 years, is a down grade in occupancy and at the time of the change, the Building Inspector Grant Evans, probably gave a gentlemen's handshake and said good luck to the newer business. We cannot speak with Mr. Evans as he is deceased. The letter ended by saying that Mr. Croce did not need a site plan for his business. The Town is not going to go after a business that has been at the same location for 30 years. It stated that there are probably plenty of old businesses in Town that do not have site plans due to the fact that they have been there for decades.

Several members of the audience stated that they could not hear all sections of the memo that Councilman Farrelly read. They asked that Mr. LoCicero either re-read the memo or explain what the memo was saying.

Supervisor Croce stated that it would be up to Mr. LoCicero if he would be taking questions or not.

Mr. LoCicero stated that he would take questions and he re-read the memo, stopping between paragraphs to explain how he made his decisions. He finished explaining by giving an example that if another business were to go into the old "Messco" building on the corner of Rt. 32 and Orchard Drive, this business would need a site plan. He would not go after a business that has been here in the Town, at the same location, for 30 years. The Town has built around a business that has been there for that long. New businesses would have to be checked to make sure of traffic, noise and other considerations for what types of properties are already there around them. Is this new business going to be OK there?

Mr. LoCicero stated that if you think about it, before it was a repair shop with cars coming and going, employees, chemicals and other hazardous materials. Now it is a storage garage. That is a big difference and for the better.

Mr. Mercier asked if there were any permits he would have to have for storing meats and such. Wouldn't he have to have permits from Ag & Markets or someplace like that?

Mr. LoCicero stated probably, but that is not something the Building Department takes care of.

Mr. Mercier stated that, in looking at the old code, if it changed from an allowed use to a not allowed use then...

Mr. LoCicero stated that the change went from a workshop to something more stringent. He stated that he does not know what happened back when Mr. Croce purchased this property. Mr. Evans was the Building Inspector and he is now deceased, so we cannot ask him what he did. But the business was allowed to be there, there are no indications that anything was ever questioned, so he must have seen it as a down grade in occupancy. Common sense would lead us to believe all was well. It is foolish to go back 30 years and say he needs a site plan.

Mr. Farrell asked how far back something would be grandfathered?

Mr. LoCicero stated that it is not a case of being grandfathered.

Mrs. Morse stated that the laws back in 1979 were not as strict as they are today. Is that what your memo is implying?

Mr. LoCicero stated yes, and that he did not know how things were done back in 1979. His job is to go through the code book and make a determination on whether a business needs a site plan or not. It really makes no sense to go back 30 years and say you have been there this long and now you need a site plan. If you have a business in Town and you make a change in that business, then yes, you need a site plan to make sure that what you changed is good for the area that you are in. But if there have been no changes, it does not make sense.

Mrs. Morse stated that all complaints have to be in writing, correct?

Mr. LoCicero stated not always. If there is a verbal complaint and he knows who it is, that would be good enough. He can't take someone to court on an anonymous complaint. And just so everyone knows, he cannot just go on someone's property without their permission. He stated that if he cannot see from the street, then he would need permission to enter on someone's property. He stated that he tries to be fair and listens to what residents say and he does have the authority to make a discretionary decision on minor issues by weighing the circumstances.

Mr. Heckeroth stated that the problem is the time it takes to go through the process to get all of this done.

Mr. LoCicero stated that he is only a part of the process. It goes on to another Board. There is a Board behind him to check what he does.

Mr. Heckeroth stated that some of us get stuck in the middle.

Mr. LoCicero stated that he understands what he is saying and he will do whatever he can to try to get him through this process. He stated that he did not want to discourage businesses in Town.

Ms. Smith questioned how Mr. LoCicero makes discretionary opinions/decisions.

Mr. LoCicero stated that he would go back through the code book and try to make a common sense decision on the issue.

There were no further questions from the public.

SECTION 3 – MULTI-FAMILY PROJECTS – RECREATION FEES

Supervisor Croce stated that he just wanted to read a memo from the Planning Board, to the Town Board, letting them know that they have a concern about the Recreation fees for Multi-Family projects. They are currently reviewing the Fosler/Cotter Road Project.

Supervisor Croce read the memo and there seemed to be an issue that this project would have to pay recreation fees and also set up a dedicated "recreation area". The Planning Board was concerned that this seemed to be double charging the developer.

Supervisor Croce stated that he is scheduled to meet with the Chairperson of the Planning Board and Mr. Clouser, this Friday at 11:00 AM. He stated that he would meet with them and report back to the Town Board. He stated that this was something the Town Board may have to make a decision on.

SECTION 4 – REGIONAL COMPUTERS

Supervisor Croce stated that he spoke to Tom Smith from the E-Waste Company that the Town uses to recycle electronics at our Transfer Station. They have been taking the recycling materials at no cost to the Town, but they will now start paying us 3-cents per pound.

Supervisor Croce stated that this does not seem like a lot and it is certainly not a win-fall, but last year they recycled 27,315 pounds and this amount, times 3-cents, would have come to \$819.45. At least it is some income to help pay for running the Transfer Station.

SECTION 5 – EXECUTIVE SESSION

* Councilman Putnam made a motion to enter into Executive Session to discuss Contract Negotiations.

Councilwoman Morano seconded.

On the vote: all ayes.

Time: 7:53 PM

Back: 8:23 PM

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

Councilman Farrelly seconded.

On the vote: all ayes.

SECTION 6 – VOUCHERS

* Councilwoman Morano made a motion to pay the Voucher Detail Report dated 3/6/2013, which includes the General Fund Amount of \$76,267.27, the Highway Fund amount of \$13,684.73, the Clintondale Light District amount of \$900.20, the Modena Light District amount of \$1,500.57, the Trust & Agency amount of \$217.60 and a 2012 General Fund voucher in the amount of \$989.56, for a total amount of \$93,739.93, recognizing that the Audit Committee has reviewed the claims and found them acceptable for payment.

Councilman Putnam seconded.

On the vote: all ayes.

SECTION 7 – ADJOURNMENT

* Supervisor Croce made a motion to adjourn the meeting at 8:24 PM.

Councilman Putnam seconded.

On the vote: all ayes.