

TOWN OF PLATTEKILL
REGULAR TOWN BOARD MEETING

January 16, 2012

Time: 7:00 PM

SALUTE TO FLAG

Supervisor Loertscher opened the meeting with a salute to the American Flag.

ROLL CALL

The following Town Board Members were present:

Supervisor Loertscher
Councilman Farrelly
Councilman Croce
Councilwoman Morano

Councilman Putnam was absent.

MINUTES

* Supervisor Loertscher made a motion to dispense with the reading of the minutes from the December 28, 2012 Settlement Meeting and from the January 2, 2013 Reorganization Meeting.
Councilman Croce seconded.

On the vote: all ayes.

* Supervisor Loertscher made a motion to accept the minutes from the December 28, 2012 Settlement Meeting.

Councilwoman Morano seconded.

On the vote: all ayes.

* Supervisor Loertscher made a motion to accept the minutes from the January 2, 2013 Reorganization Meeting.

Councilman Farrelly seconded.

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

ADDITIONS

Supervisor Loertscher stated that he had one addition for this evening's agenda.

1) Recreation Department – New Committee Members:

Supervisor Loertscher stated that he had received a request from the Recreation Director, William Farrell, to add two additional members to the Recreation Committee. One person is a teacher at the Plattekill Elementary School and the other is a Boy Scout Leader.

* Councilman Croce made a motion, to accept the recommendation of the Recreation Director and add Susan Hudson and Steve Rappleyea to the Recreation Committee.

Councilwoman Morano seconded.

On the vote: all ayes.

PUBLIC INPUT

Mrs. Pearl Morse, Chairperson for the Veteran's Committee, stated that she wanted to bring the Town Board up to date on what the Veteran's Committee is doing. She stated that she had received a check for \$991.71 from the Tri-Town Parade Committee as they were closing their account since they will not be helping to put on the Memorial Day Parade. She stated that she wanted to open a new account just for the parade funds so everything will be separate from what the Veteran's Committee is doing for the Memorial.

Mrs. Morse stated that she also had one more person that she would like to add to the membership of the Veteran's Committee. Her name is Fran Drake and she has been helping the Committee already.

Mrs. Morse stated that she would also like to ask the Town Board if they would be in favor of allowing the Veteran's Committee to hold a Motorcycle and Car Show, at the Town Park in July.

Councilman Croce stated that he liked the idea, but before he could make a decision, he would like to see if they have insurance to cover this event. (The Veterans Committee would be having someone who was not a member of the Veterans Committee run the Car Show for the day)

Councilman Croce questioned adding another person to the Veteran's Committee as they already have a very large membership.

Mrs. Morse stated that most of the membership does come to meetings and even though there are smaller committees for different events, most members do contribute to the Committee. She stated that the Valentines Dinner is scheduled for February 9th and they are hoping for a good turnout like last year.

* Supervisor Loertscher made a motion to add Fran Drake to the Veteran's Committee membership. Councilman Farrelly seconded.

On the vote: all ayes.

Mrs. Morse stated that she would get the insurance information on the Motorcycle and Car Show and submit it to the Town Board.

Mr. Robert Trainor asked why the Town Board had led everyone to believe that there was a 12.8% increase in the Town Budget when the Tax Bill states that it went up 32.5 %.

Councilman Croce stated that when the Town Board was working on the budget, the percentage amount was 12.39.

Mr. Mike Dunham, the Town Assessor, was present and he stated that the 12.39% was for the items that were under the consideration for the 2% cap. He stated that the 32.5% is the relevy in the Town General fund levy. That includes the drainage districts and light districts and other items not included in the 2% cap.

Mr. Trainor stated that the Town was very misleading about what the increase was going to be.

Supervisor Loertscher stated that Mr. Trainor should review his bill from last year and his bill from this year. The Town Board has been checking the bills and the difference from last year and this year is about 7 to 7.5%. This equates to about \$100.00.

Mr. Trainor stated that that was not his point. The residents were told that there was a twelve point something percent increase and then the bill says 32.5%.

Councilman Croce stated that last year we stayed under the 2% cap and the tax bill stated that we increased by 2.5%. It is the increase on that budget line. Every tax bill that we have looked at went up about 7%.

Mr. Trainor stated that he is talking about the Town Board saying one thing and not explaining what they are talking about. If you say one thing, then it comes out something else.

Mr. Dunham stated that Mr. Trainor did have a point and we should do a better job or clarifying what we are talking about with the percentages.

Councilman Croce stated that the Town Board was just as surprised as anyone else to see that the line read we were up 32.5%. He stated that the Town Board met with all the department heads and no one's budget went up 32.5%.

Mrs. Morse stated that the General Fund budget does also include items like different districts that are added in on top of what the Town Board makes up.

Mr. Dunham stated yes, the General Fund would have been up 26%, but the County also added in the Safety Net expense of 55,000.00 and that increased the amount more.

Mr. Trainor stated that, according to the Town Board at the last meeting, you were taking \$100,000.00 out of the fund balance to cover the Safety Net expenses.

Councilman Croce stated that the Town Board did not take \$100,000.00 out for the Safety Net bill. He explained that the bill for 2012, which had to be paid by December 31, 2012, was \$78,000.00. And the County stated that they were going to relevy the additional 50,000.00 on the tax bill for 2013. He thought that there would be another line added to the bill for this relevy, but in fact, the County added this amount to the Town's 2013 budget. So this also added to the increase in our General budget line on the tax bill.

Mrs. Coppola asked if the Supervisor had made the budget out, the same way it was make out last year? She asked if the Social Services/Safety Net expenses were in the budget last year?

Supervisor Loertscher explained that the Safety Net expenses were in the budget for 2011. Then last year, 2012, we had deferred the amount to 2013. That was the plan.

Mrs. Coppola stated, then you did pay the 2012 Safety Net expenses in 2012, at the very end of the year.

Supervisor Loertscher stated yes.

Mr. Dunham stated yes, we paid the \$78,000.00 in 2012 and then the rest was relieved into the 2013 budget.

Mrs. Coppola stated that she had reviewed the past tax bill increase amounts back to 2005 and the Town portion has increased over these past years and now there was an increase of 32.5%.

Mr. Dunham stated yes, and remember that this year the Town Board has only taken \$100,000.00 to add to the 2013 budget. Last year they took out \$150,000.00.

Councilman Croce stated yes, and also, remember that last year, in the middle of the year, the State decided that the Towns would pay an additional 21% more than the 50% we were told we would be paying in 2012.

Mrs. Coppola stated that the Town of Plattekill had the highest increase in the area. She stated that the Town Board should allow the Town residents to see more of the process when the Town Board is making the new budget. It would be good to see the different amounts for each department's budget and the increase from year to year.

Councilman Croce stated that he agreed with her, but this is basically what the Town Board gets to make up the budget. There has to be a better way to do this. The Contractual is just one number and we need to try to break things down so we can see what is mandated by the State or elsewhere.

Mrs. Coppola stated yes, she is told that the mandates went up, but she would like to see it in black and white. Also, it would be nice to see what revenues are anticipated and why we think they will be more or less. The residents do not have any of this information.

Councilman Croce stated that the Town Board does try to be realistic when reviewing the revenues. We would like to see these things as cut and dry, but they are not. It is always an estimate. He stated that part of the problem is that there are overlapping revenues coming in during the calendar year.

Mrs. Coppola stated that she just felt the public needs to see more of what is used to make these decisions. We just get these papers (referring to the budget amounts) and she feels that the residents should be able to see what makes up these figures.

Councilman Croce stated that he was in agreement with her. Hopefully with the new bookkeeping system, we will have more information for next year's budget.

Mrs. Coppola stated that she also wanted to say that a \$100.00 increase in taxes may not seem like a lot, but to a person on a fixed income, it is a lot. And that \$100.00 is on a \$200,000.00 assessment on a home. What about people with higher assessments, they are paying more than \$100.00. She stated that she knows the Town Board has tried to be frugal, but they need to be more so. Things are not terrific out there and the residents of Plattekill are not chronic complainers, but money is tight. Everything is going up, gas, heating oil, groceries, rent, just about everything. You are going to have to do harder work on the budget, maybe let some people go. We have to find a new system to get things done and not increase the taxes. The 2% cap was put on for a reason and there is no excuse for a budget to go up 32.5%.

Mr. Chris Mercier asked if the Town Board had an accurate fund balance amount?

Supervisor Loertscher stated that he did have a figure in his office, but it was the one for the end of 2011. The 2012 year end budget amount will probably not be known until the beginning of March.

Mr. Dunham stated that the figure for 2011 would then have to have the \$150,000.00 that was taken out for the 2012 budget, the \$78,000.00 for the Safety Net expense and then the \$100,000.00 taken out for 2013. That would be a close estimate.

Councilman Croce stated that some say our fund balance is too high. We could have taken out more to lower taxes, but we didn't because we would like to see that we have something in reserve if we need it.

There were no further comments or questions from the audience.

* Councilman Croce made a motion to close the Public Input section of the meeting.

Councilman Farrelly seconded.

On the vote: all ayes.

SECTION 1 – POLICE MONTHLY REPORT – DECEMBER 2012

Chief Joe Ryan was present this evening and read the December 2012 monthly report.

Chief Ryan read that there were 432 documented calls for service, there were 54 traffic tickets issued and 10 motor vehicle accidents handled by the Plattekill PD with 4 persons reporting injuries.

Chief Ryan stated that there were many arrests made during December and anyone wanting to read the Arrest Blotter can request it from the Town Clerk's Office.

Chief Ryan stated that there were no problems reported on any of the police vehicles and they would be getting delivery of a new Ford Interceptor next week. This car will replace the Charger that we currently have as #7F-356. The Town Board can then decide what they would like to do with the car we will be taking out of the fleet.

Chief Ryan stated that he wanted to let everyone know about the measures the Department was taking since the shooting incident in Newtown, Connecticut. He stated that Officers will be stopping in and walking around the school as well as being there when they practice lock-down drills. They are also working out a system to notify parents and relatives when a lock-down takes place. They are also working with other area Departments to be prepared if something like this should happen here. More information will be forthcoming as processes are worked out.

Chief Ryan stated that the County is trying to set up a uniform response for all the school districts in the area. The Sheriff's Dept. is capable of setting up a signal that can be instantly sent to computers and laptops so officers can immediately respond. There will not be any wasted time. When an officer responds, he will immediately move in and they are working with teachers and staff members to set all this up.

Several people made comments about news stories of children using their hands as guns and getting expelled from school for an extended period of time.

Chief Ryan stated yes, there have been many stories and they are trying to send a message that any type of activity like this will not be tolerated.

Councilman Croce stated that he heard of a child who had a gun and the school went into lock-down and they found out it was a nerf gun. This leads to the question "does over reacting lead to more chaos?"

Chief Ryan stated that now-a-days, we have so much technology; we can take pictures and set up monitoring devices and all kinds of things. We need to set up a system to be proactive. He stated that as soon as he had more information, he would try to get it out to the residents.

The Town Board thanked the Chief for coming in this evening.

SECTION 2 – BUILDING DEPARTMENT REPORT

Councilman Croce read the December 2012 Building Dept. report stating that they had done 22 Field Inspections, issued 20 violations, went to Court 2 times, took 3 Complaints, issued 7 Building Permits, issued 3 Certificates of Occupancy, issued 10 Certificates of Compliance, did 4 Municipal Searches, did 2 Fire Safety Inspections and held 4 Office Meetings. They also did 6 regular Mobile home inspections and one re-inspection and attended 1 Zoning Board of Appeals Meeting. These numbers do not include returning phone calls, residents coming in for assistance and FOIL Requests.

Councilman Farrelly stated that it would be good to find out how many of these violations are being taken care of. The numbers here don't really say.

Councilman Croce stated that he had requested the same information a few months ago. He stated that he would speak with the Building Inspector to obtain extra information on this.

SECTION 3 – MCDONOUGH WAY

Supervisor Loertscher explained that Mr. and Mrs. McDonough had requested to be put on the agenda for this evening.

Mr. McDonough presented the Town Board with a copy of a permit that they had obtained from the State Dept. of Transportation giving them permission to install a driveway off of Rt. 32 on their property. He stated that the Planning Board had told them that they could only obtain access to the properties in their subdivision by the subdivision roadway.

Councilman Croce stated that he was not sure what this permit had to do with the issue that there is a 2-family on the private road.

Mrs. McDonough stated that they were told they could only access their property off the private road.

Councilman Croce stated that he did not have anything to do with that issue. He could not speak to that.

Mr. McDonough stated that a little over a month ago, he came in to the Building Dept. to ask about putting in a home and he was told that there was no problem. So they spent money to clear the property and all that and now he is telling them that the Town Attorney has told them not to issue any permits until the situation with the 2-family is corrected.

Mrs. McDonough gave an example of an adult allowing a child to do something and then after the fact, the adult tells the child they can't do it. She stated that the Building Dept. came and inspected the work on the house all along while it was being built, did a final inspection and then issued them a Certificate of Occupancy. They did not receive any "Stop Work Orders" and then two- years later, after getting the C of O, they were told that this was done wrong. We were given permission, we were told everything was fine, given our Certificate of Occupancy and all was well. But now we are

told that there is a problem. We were told the Building Inspector's did not know what they were doing. How can this be? We can't blame just one person because the second one gave them the Certificate of Occupancy. She stated that her Attorney says the Town has to take some responsibility in this. And the violation came with a wrong address. Everything comes back to this Board.

Councilman Croce stated that he did not think this Town Board could lift a violation from the Building Dept. The problem is that if we were to allow a violation to continue, then that makes the Town Board a part of it. That is the way he sees it. You did sign the maps that clearly say, if at any time a 2-family is built, the road would have to be brought up to Town Road Specifications. We have discussed this and tried to look at it in a lot of different scenarios and a lot of different possibilities, but it always comes back to the same thing.

Mrs. McDonough stated that whenever they come up here and ask questions or look for things, they are missing out of the file. There was a letter addressed Oct. 29, 2010, which she has found a copy of, but knows that it was given to the Building Dept. and it was acceptable to the Town. She read the letter stating that they would sell the lots and after having enough dwellings sold, they were planning on bringing the road up to Town Specifications anyway.

Mr. McDonough stated but now that you have put a hold on our building permits, I cannot sell any lots and get enough money to put in the road. It will cost a lot of money and we do not have the funds to up-grade the road without selling and building some of the lots.

Councilman Croce stated that he did not see Mr. Brugger's signature on the letter showing that he has seen this letter. He stated that he would like to speak with Mr. Brugger on this matter before making any comments.

Mrs. McDonough stated that she would appreciate him contacting Mr. Brugger because he was the one who asked for this letter, although the Building Dept. does not seem to have a copy anymore. Mrs. McDonough continued saying that she cannot sell any lots to get money to correct the violation and the Town will not lift the violation until they fix the road. You are holding 25 acres of her property and this is not right.

Councilman Farrelly stated that the last time the Town Board met with them; there were two ways to clear this violation. One way was to bring the road up to Town Road Specifications and the other was to go to the Building Dept. and convert the 2-family to a Mother-daughter. From what he understands, they have said no to both those options.

Mr. and Mrs. McDonough stated several reasons why the Mother-daughter would not work.

Mrs. McDonough stated that that leaves up-grading the road, which she would gladly do, but they do not have the money to do this. And now the Town is holding their property hostage, so they cannot do anything to make any money, so here we are.

Councilman Farrelly stated that this is not as simple as three Town Board members voting. There are laws and codes that would have to be changed.

Mrs. McDonough stated that she has asked for a copy of the letter from the Attorney saying that this is a Town Board issue, the Zoning Board letter she has says that this is a Town Board issue. The Building Dept. says their hands are tied; this is a Town Board issue. She is going by what she has been told, that this is a Town Board issue.

Mr. McDonough stated that it was the Town Board who put the violation on them.

Councilman Farrelly stated that he feels the same as Councilman Croce. If he were to agree to let this violation go, he would be a part of it. We have to go by what our Attorney has recommended to us.

Mrs. McDonough stated that she would like something from the Town saying that she is in violation and that she has to do this or that, so she can go for an Article 78. This is too much of a burden that the Town is putting on her. She knows of many other cases in New York State where the property owners have won their case. If the Town had issued a stop work order or done something to stop them or make them aware that there was a problem then she could see it, but the Town knew for months and never said a thing and allowed them to put more and more money into this.

Councilman Farrelly stated that there are many cases where the builder has been found responsible. There have been cases made on both sides.

Mr. McDonough stated that he also just spoke to the Building Dept. a few weeks ago about getting a building permit and was told that they didn't see a problem. So he had a survey done and title search done and plans and bank fees paid and spent this money and now there is a problem and the building permit has been denied.

Mrs. McDonough repeated what Mr. McDonough just said, stating again that they were told there would not be an issue with getting a building permit, only to find out that there is an issue and their hands are tied and we could not obtain the building permit.

Councilman Croce stated that if he were in their shoes, he would not have spent that money until he had something in writing from the Building Dept.

Mr. McDonough stated that he took him at his word.

Mrs. McDonough stated that the Building Inspector told them that there would not be an issue.

Councilman Croce stated that he remembered Supervisor Loertscher stating that there would not be any building permits issued until the violation was corrected. He stated that he was asked, but could not get in touch with the Supervisor so he called the Town Attorney who was then away on vacation. So he contacted Mr. Kellar's partner who said he would have to research this and get back to him. He finally received a letter from Mr. Kellar today, which was a letter dated Dec. 20, 2012, which confirmed a letter from May 8, 2012, which cited that the McDonough map contained a specific reference to the Plattekill Code, which states "lots in the subdivision would be limited to single family homes and any time the number of dwellings increased or the number of lots increased, the road would have to be brought up to Town Road Specifications at the cost of the sole home owners along said road". You signed that map with that on it.

Mrs. McDonough stated that every single bit of paperwork submitted to the Building Dept. had that it was a 2-family dwelling on it. The septic permit, the foundation permit, the building permit, and even the Certificate of Occupancy says it on there.

Councilman Croce asked, so you are saying that you were not aware of this? You were in front of the Planning Board for five years and never heard this?

Mrs. McDonough stated no. They kept changing the maps and telling us we had to have things here and there and the larger piece was always referred to as the remaining parcel and we were told the

house had to be here and it had to be accessed from here and putting that on the map was one of the final things that had to be done.

Mr. McDonough explained that he told them that he had this remaining 19 acre lot where he planned to put his retirement home and that he had this letter from the DOT to have them come out and look where he could have a driveway from Rt. 32.

Councilman Croce stated that he remembered that letter.

Mr. McDonough continued saying that he then showed them (the Planning Board) the location that he had already obtained a septic permit for on the remaining parcel and they said that he had to enter from the road and he had to have the house here on the map.

Councilman Croce stated that he found it hard to believe that if he was sitting in front of the Planning Board and was being told he had to do something without good reason, that would have been the time that he would have questioned what was going on, not now.

Mrs. McDonough stated that minutes were not kept and now they cannot show what the conversation was at that time.

Councilman Croce asked the Town Clerk if she had researched the amount of time the tapes have to be kept.

Barbara Dawes, the Town Clerk, stated that the tapes are only kept for 4 months. They are not the official record of the minutes and we do not keep them. The municipal retention schedule lists tapes, used for making the minutes, only have to be kept for 4 months.

Mrs. McDonough stated that there are minutes from Sept. of 2010 where this was spoken about and many other times when people were telling us that we were being talked about, but no one contacted us that there was anything wrong.

Councilman Croce stated that Mrs. McDonough was making accusations that he could not verify at this time and he doesn't want to accuse her of saying things she cannot support either. He does remember Ms. Mayle coming in to a Town Board Meeting to review things that were said.

Mrs. McDonough stated that she also came in and replied to what Ms. Mayle said.

Councilman Croce stated that at this time, she has requested that the Town Board give her a letter. He asked that she submit something in writing to the Town stating exactly what she would like from the Town.

Mrs. McDonough stated that this would be fine.

Supervisor Loertscher stated that he would like to make one more statement. He stated that if the Town Board was to let this violation go on without a resolution, there would be other developers knocking on the door looking for the same compensation. This is a real, legitimate concern.

Mrs. McDonough stated that she did not see this happening since the Building Department would be aware of this situation and not let it happen again.

Councilman Croce stated that he just wanted to say, on Mr. LoCicero's behalf, that he was new at the time this all happened and although he was certified for the position, he was new to the Town of Plattekill Code and Mr. Brugger had instructed him to go and inspect the construction and if it was in compliance, then issue the Certificate of Occupancy. He did not think that we should throw Mr.

LoCicero under the bridge here. He was listening to Mr. Brugger who had been here for many years and told him to go and inspect it and if it was OK then issue the C of O.

Mrs. McDonough stated that she realized this, but inspecting it and saying everything is OK, that would have been part of the approval.

Councilman Croce stated that he would ask that they submit to the Supervisor's Office, a letter stating what they would like from the Town.

Mrs. McDonough stated that she would be here tomorrow with the request.

The Town Board thanked the McDonough's for coming.

SECTION 4 – BOARD OF ASSESSMENT REVIEW

Supervisor Loertscher explained that Mr. Nick Hockler, a member of the Board of Assessment Review, has moved out of Town and we will need to fill his position for this May. The term of office runs from now until September 30, 2017. Grievance Day is May 22, 2013 and the person will have to take a 4-hour course before that day. The training session is currently set for April 23, 2013.

The Town Board asked anyone in the audience who might be interested in taking this position to put in an application or if they knew someone who might be interested, tell them to put in an application.

The Town Board asked the Town Clerk to put an ad in the Town Newspaper:

* Councilman Croce made a motion to advertise in the Southern Ulster Times that there was an open position on the Board of Assessment Review with the pay at \$75.00 and that they must be able to take the 4-hour training class.

Councilwoman Morano seconded.

On the vote: all ayes.

SECTION 5 – TRANSFER

* Supervisor Loertscher made a motion to adopt a resolution to amend the year 2013 General Fund Budget line A3120.2 Police Equipment by an increase of \$820.00 supported by a transfer of \$820.00 from the 2009 Plattekill Seizure Account to pay for 500 Anti-bullying bracelets to promote awareness in the schools and community. A copy of the complete resolution is attached to these minutes.

Councilwoman Morano seconded.

On the vote: all ayes.

SECTION 6 – VOUCHERS

* Councilwoman Morano made a motion to pay the Voucher Detail Report dated 1/16/2013, which includes the General Fund amount of \$90,469.89, the pre-paids amount of \$10,158.02, the Lighting Districts amount of \$2,346.21, the Trust & Agency amount of \$2,207.25 and the Highway Fund amount of \$57,815.80 for a total amount of \$162,997.17, recognizing that the Audit Committee has reviewed the claims and found them acceptable for payment.

Councilman Croce seconded.

On the vote: all ayes.

SECTION 7 – ADJOURNMENT

* Supervisor Loertscher made a motion to adjourn the meeting.

Councilman Farrelly seconded.

On the vote: all ayes.

Time: 8:20 PM.