Town of PLATTEKILL

REGULAR TOWN BOARD MEETING

February 5, 2025

Time – 7:00pm

SALUTE TO THE FLAG:

ROLL CALL:

The following Town Board Members were present:

Supervisor DePew

#### Councilman Fazio

Councilman O’Flaherty

Councilman Castillo

Councilman Hoppenstedt

PUBLIC HEARING: Supervisor DePew opened tonight’s Public Hearing on

Resolution #28/Local Law 1 of 2025🡪 Reducing Terms of Office from 7 to 3 years for the Planning Board Members and Zoning Board of Appeals Members.

1. Richard Gorres- Chairman of the Planning Board. What is the reasoning behind reducing the terms to 3 years?

Supervisor DePew- This was well thought out and a lot of other towns are doing this. Our terms are currently 7 years, as each person services 7 years, someone’s terms come to end. What ends up happening, we do reappointments. So, if you think about it, the appointments that would be reappointed now at a 7-year term would have been made 2017-2019. So, over the years, we have experienced people coming into interview and they are apprehensive about the 7-year term and them being nervous about not fulfilling the entire 7 years obligation. It is the Boards right to look at that and turn around and trim it to 3 years, what fits in our town. We also have the right to trim the boards to 5 members and the option to remove the board and they can act as an advisory type committee and we can hire a planner. We don’t have any desire right now to hire a planner. We don’t have a desire to remove the number of members from 7 to 5. It is going to remain at 7 members. It is our intention to reduce the terms to 3-year terms

Rich- I had heard that the board was thinking about reducing the members to 5. We are currently at 5 members now since you have not reappointed anyone. I was told by several members by both boards that it was a good idea.

Supervisor DePew- I have explained that many times to the boards. I have not gotten any phone calls, a few people have stopped in. There was no pushback to it My last question, is that people that are currently on the board at a 7-year terms; will they stay there and then we implement this as we go along?

Supervisor DePew- The current members that are currently appointed to a 7-year term will stay at their term for the 7 years. You were appointed last year to a 7-year term, when your term is up, if we decide on reappointment, you will be reappointed at a 3-year term. The same thing for the person appointed a year before you. Tonight, we will make a few new appointments for vacancies, they will be 3 years. Those new appointments, going forward, will be a 3-year term. They will be staggered for different reasons. Then we have the option to change the staggered. We can appoint people for 2 years or appoint people to the remainder of someone’s term.

Councilman Fazio- The new people that are appointed, they would be staggered anyway because they would be filling in for who left?

Supervisor DePew- Right now we have 2 vacancies on the Planning Board, if we go through and adopt this, those 2 terms that we appoint would be for 3-year terms going forward. We can take 7 members and stagger them. Its an annual calendar year. We have a term of office on the Zoning Board that is up for reappointment and it would be for 3 years.

1. Mark Reynolds- Is part of the idea to think about making it a term limit of 3 years or can you reappoint them?

Supervisor DePew- There is no desire to make a term limit, we can absolutely reappoint them. If someone is doing a good job and has a desire to stay there, they can be reappointed. A lot can happen in 7 years.

Mark- The reason I ask that, do you want to establish something that says maybe 2- three-year terms to get new people in.

Supervisor DePew- If you have a member that is active, productive and positive for the town and the applicants, why would we change that? They are looking at the vision of the Town and reflecting the Comprehensive Plan.

1. Rich Gorres- Getting people on the Planning Board, there is a lot that goes into that. If you get an experienced member, you don’t want to lose them. Experience on the Planning Board is invaluable.
2. Kathy Beinkafner- Hands out document to the Town Board; Planning Board Overview prepared by the NYS Department of State/Division of Local Govt. Services. If you look at page 4; it is a series of slides regarding training. Each member serves a term of office equal in years to the total number of members on the Board. State statues provide for 5- or 7-member Planning Boards. 7 Member Boards serves a 7-year terms. The law also allows municipalities containing state Agricultural districts, which our town does have, to dedicate one of those positions on the Planning Board to someone involved in the agriculture position. This is a modification of an olde provision that some municipalities are still operating under, which allows the municipalities to appoint an extra member to represent Agriculture interests. This says that we can have 5 or 7 member boards and that they would serve for 5- or 7-year terms.

Supervisor DePew- This suggests that. That is not under Town Law. Under Town Law, we can change those terms of office.

Kathy- Where does it say that? You are just making that up.

Supervisor DePew- It says that in the Resolution we have drafted up. What you handed me does not reference any law. This Resolution we have has been vetted through our Town Attorneys and is totally legal. We are following local government law. We have the right to change the terms of office. You can have staggered terms as well. This is up to the local government to do. We are well within our right.

Kathy- Most people that come to the Planning Board don’t have any experience or knowledge of what they are going to be doing when they get there. The requirement is 4 hours of training per year, per member. I don’t think that is enough.

Supervisor DePew- I agree. It is disrespectful to the community and the applicant. There is a lot of moving parts to the Planning Board and even more so the Zoning Board. Someone may not get that in the first 3 years. The 4 hours of training is not enough. We just went through and updated the entire Comprehensive Plan/Master Plan. The attorneys have come in and did trainings for the boards.

Kathy- Longer terms are better, they have the historical knowledge of what has occurred in the past. It is very valuable.

1. Annette Laskowsky- If you guys make these boards a 3-year term, you are dealing with the whim of the Town Board. Do you guys really think that being on the Board, three years is enough time?

Councilman Castillo- You are making it sound like we are going to get rid of people every 3 years, were not. If you end up with people that just moved into the town, do you really know them compared to the ones that have lived here for 40 years, No. Some people don’t even participate in even the 4 hours of training, it is easier to remove someone if they are not willing to get the education that they need. If you are dealing with someone with a 7-year term and they only had 8 hours of training in 7 years; we have to hold onto someone for 7 years versus 3. They have to do their part. The Town Board can reappoint but they have to do their part.

Annette- Willie, you are not answering my question. Do you really believe that 3 years is enough time to be on a board to know what you are doing and have the knowledge?

Councilman Castillo- You start with that, Yes.

Annette- If you have a 3-year term, you are at the whim of the Town Board.

Councilman Castillo- Even at 7 years, you are at the whim of the Board.

Annette- I know but you are more likely to serve your time. A 3-year commitment is not enough to learn. A 7-year term you will know what you are doing.

Councilman Castillo- We have certain members in the past and present that did not fulfill or do what they were supposed to do but yet they were reappointed. They did not fulfill their obligation and learn. You have to want to learn. Councilman Fazio is always looking up, researching everything. Other people will play follow the leader and those people are not learning the law. We are not firing anyone; they wouldn’t be reappointed if they are not doing what they should be doing. If you are doing your job, no Town Board should ever change things. For example, TEG Bank, the state came in in the 1960’s and moved Route 32. People on the current Zoning did not know the history. TEG needed a Variance. Route 32 was not in the center. You have to be willing to learn this stuff.

Councilman Fazio- I think what Annette is saying, every time a new Town Board comes in, roughly every 4 years, it could be a whole new Planning or Zoning Board sitting there.

Councilman Castillo- Experience counts but you need people to want to learn.

Annette- Kathy didn’t get reappointed by the Town Board despite the knowledge she has. She is more knowledgeable than anyone. She makes every meeting. It is because she is a Democrat.

Supervisor DePew- We aren’t talking about anyone specific or political part. We want to go from a seven-year term to a three-year term. No term limits. The Town Board can then choose to appoint or not reappoint.

Annette- Three years is not enough.

Supervisor Depew- We have to represent the Boards in good faith. The Planning Board and Zoning Board are difficult boards. We are keeping both boards at 7 members each.

Annette- The members that are not doing their 4 hours of training per year, isn’t that a requirement and stated in the Re-Org Minutes according to the Town Board?

Supervisor DePew- Yes but it is also the job of the chairman.

1. Bobby Jackson-Isn’t the 4 hours of training mandated? You as a Town Board can do something. You can do something but you haven’t. Members did not take their required training.

Supervisor DePew- We have 14 people on these two boards. That training gets expensive. We have brought the attorneys here and held trainings so all the members did their training together. 14 people can sit down at one time and benefit. We plan on continuing that. We are requesting more training. I have been looking at training done by NYS, NYS Agriculture for these folks.

Councilman Fazio- Tons of classes are available online at everyone’s leisure.

Supervisor DePew- NYS requires all employees have certain trainings every year.

Councilman Castillo- One time, Department of Agriculture came here and did training. Our lawyers also came. Lots of people like hands on trainings. It also lets you ask questions versus a computer. Training went from 8 hours to 4 hours each year. We aren’t looking to get rid of people. It is harder to look at someone for 7 years if they only have a few hours of training.

Bobby- We all know the Town Board is concerned about the budget, sooner than later, you are going to have multiple people come up for reappointment, and will need training. If sending them away for training, will that add up in the budget?

Rich Gorres- Dutchess and Orange County have local training sessions for roughly $80.00. I think the Town will help with that.

1. Rich Gorres- Dennis Doyle at the County Level, Ernie is at the County now and asked him about the 3-year term. Dennis said the state minimum is 4 years not 3.

Supervisor DePew- Yes at one time, it was 4 years. This has been vetted through the attorney.

1. Kathy Beinkafner- On the document I gave out; the Town Board has authority to remove members for failure to attend meetings, inappropriate behavior, failure to meet training requirements or because of ethics violations. A member cannot be removed if the Town Board is unhappy with their voting record, etc.

Supervisor DePew- That is right. You cannot remove someone because someone doesn’t like them. The Town Board has the ultimate say in all positions. It is okay to disagree.

Kathy- You might want to take away from the concept of carrying over training hours. Each year, they must have a minimum of 4 hours even more in the beginning. The SEQR stuff is a lot to learn.

Document will be attached to the minutes.

Supervisor DePew made a motion to CLOSE the Public Hearing at 7:45PM.

Seconded by Councilman Castillo

On the Vote: All Ayes

RESOLUTION #28/Local Law #1 of 2025: Reducing Terms of Office to Three Years for Planning Board and Zoning Board of Appeals Members

This was introduced on January 15, duly published and posted with a public Hearing held tonight, February 5, 2025.

Supervisor DePew made a motion The introductory Local Law #1 “Reducing Terms of Office to Three Years for Planning Board and Zoning Board of Appeals Members” is adopted on February 5, 2025.

Seconded by Councilman Castillo

On the Vote: All Ayes

MINUTES:

* Supervisor DePew made a motion to NOT read the minutes from the January 15, 2025 Town Board Meeting

Seconded by Councilman O’Flaherty

On the vote: All Ayes

Supervisor DePew made a motion to ACCEPT the minutes from the January 15, 2025 Town Board Meeting.

Seconded by Councilman O’Flaherty

On the Vote: All Ayes

ADDITIONS:

* Supervisor DePew added that there will be an Executive Session tonight to discuss personnel.
* Appointments:
  + New to the Planning Board: Joseph Lafrienda to a 3-year term
  + New to the Planning Board: Eric Ackerly to a 3-year term
  + Reappointment: Acting Chairman, Richard Gorres
  + Reappointment: Acting Vice Chairman, Ernie VandeMark
  + Planning Board Secretary, Darlene Eisenhardt
  + Planning Board Voucher Committee: Nathanial Baum
  + Planning Board Clerk: Janice Stryker
  + Planning Board Attorney: Dominick Cordisco, Drake Lobb, Attorney
  + Engineer: Pat Hines, MHE Engineering

Supervisor DePew wished our past Planning Board Chairwoman, Cindy a great retirement, and we wished her well. She will be back to help with our Zoning part of the Comprehensive Plan.

* Zoning Board: Reappointment of Robert Egan to a 3-year term.
* Zoning Board Chairman: Larry Lindenauer
* ZB Vice Chairman: Helene Dembroski
* ZB Secretary: Bruce Jantzi
* ZB Clerk: Janice Stryker
* ZB Attorney: Richard Hoyt
* Music in the Park: Bands have started being booked for the summer session. 2 bands have been booked so far out of the 5 Tuesdays.

July 29th is the first performance. The Times will be 6:30-8:30PM.

* Electronic Drop Off Day- Rotary

Supervisor DePew made a motion to allow March 29th as the Electronic Drop Off Day at the Town Hall. 9:00-3:00PM. Collected electronics will be recycled through the Plattekill Transfer Station. Donation suggested.

Seconded by Councilman Castillo

On the Vote: All ayes

Reported Mark Reynolds asked if you had to be a Town Resident?

Councilman Fazio- Said he didn’t believe you did in the past.

Supervisor DePew- Said it is preferred since everything goes to our Town Transfer Station.

Kathy Beinkafner- If they are Ulster County, it shouldn’t matter. Everything goes to UCRRA.

REPORTS: NONE

PUBLIC INPUT:

* Supervisor Depew made a motion to open Public Input at 8:10 pm.

Seconded by Councilman Fazio

On the vote: All Ayes

1. Rich Gorres- You skipped over Carson Power? I have been getting phone calls from Nick.

Supervisor DePew- They came off the agenda. They came off, they did not have all of their documents in. Some documents came in about 4 hours ago and there are 11 different sets of documents so far. They will be on the agenda hopefully next meeting

1. Mike Lembo- When are you going to have more Comprehensive plan meetings or are they all finished?

Supervisor DePew- We are done with that. That was passed. We did have all the meetings and public hearing. Right now, we are adding photos to it. The final copy should be done in the near future. The comprehensive plan, our desire was to go right into the Zoning and re-do that part. That would be in addition to the Comprehensive Plan. We did file for a grant and we were not successful. The engineering firm, Barton & Loguidice, who did our Comprehensive Plan I and II, going back and filing for another grant. Hopefully this round we will be successful.

Mike- I had brought up at the Public Hearing, for open space and Agricultural Land, I am wondering if that was amended so those areas will not be developed?

Supervisor DePew- I don’t believe it was amended to restrict development. It may reflect in there a different way but I don’t believe any place in the Comprehensive Plan that we took land off the table to be developed. That is up to the land owner. If we were seeking open space and designating it as that, that would remain open space. We can’t make someone not build on their property.

Mike- Once that Agricultural land is developed, it is gone forever. It is diminishing. I feel that is part of our character of this town. Everyone doesn’t want to see Route 9 but developing will add to the traffic and over burdening the school districts.

Supervisor DePew- Everyone had the opportunity on land they own, to do what they see fit based on zoning, planning and codes. I am in favor of preserving land.

Councilman Fazio- Taliaferro farms bought out their development rights so they can keep farming.

Councilman O’Flaherty- The mortgage tax, if you can work through the kinks of it, is very viable to preserving value in the land within the town. Lots of towns do that to preserve asset values in the towns.

Supervisor DePew- New Paltz, Kingston, Warwick, etc. started a program to do this. What will we achieve with that mortgage tax and how long will it take to build up to become beneficial. Last meeting, I presented a letter from Mr. Braun on the Camp Sunset property. They wanted to sell their 112 acres last year. They wanted to sell it to the town or an agency to preserve it. I would love to see the Town of Newburgh look at the property to preserve their water source.

Councilman Fazio- Something that Mike touched on with the Comprehensive Plan, did we ever cover on anything regarding Battery Storage.

Supervisor DePew- No. Our Master Plan is a living document. As it evolves, it is something that can be modified and become a part of it. Our Planning and Zoning Boards will be given a new copy of this Master Plan to refer to. We should all be educating ourselves.

1. Rich Gorres- You are talking about getting the grant for re-doing the Zoning code over. Are you going to have a committee like you did for the Comprehensive Plan?

Supervisor DePew- Yes. There is a waiting list but I will add you. Mr. Lembo is on that list as well. People are currently serving on the committee but we will add you.

1. Anthony Covino- Hands out a document to the Town Board.

I have been here before regarding Mr. Earl and the property behind my house. I get to look at containers all day since there is no buffer fence. It took him 3 years to put the apron up and over 8 months, he worked without permits. Dean and I have had that discussion before. This is put on your lap. Mr. Croce and Salemo did absolutely nothing. Supervisor DePew came out to the property and told me I was absolutely correct but at that time, it was already too late and things started moving forward. My concern is, after going through the FOIL’s I requested, I was lucky enough to find something I knew up in Albany. The paperwork I handed you, he described to me what I should have asked for in the FOIL’s. Part of the paperwork is your own Zoning Laws. There was a file, a complaint sent to Albany; they cannot move forward on it since it is more of a Town matter than a state matter. The complaint includes everyone on the Planning Board, the old Building Inspector Scott M. It’s referenced in this cover sheet. Kathy Beinkafer was on the Planning Board when this first happened and I first complained about him driving his equipment up and down the road leaving mud all over. That never stopped. I talked to my attorney and he felt it was best that I move forward letting an Albany investigator know. I filed a report incase there is more incidences that occur which we did discuss; the trucks are still coming out of that road and turning into oncoming traffic. DOT should get involved. Why was this not satisfied before he was given the opportunity to start this project. That is my concern. The Code enforcement officer from Albany gave me some notes on the front page of the document, and its unfortunate this has happened but I know this will happen again. He will be granted immunity since this project already started. It will be approved. That is not good enough for me. I will continue to move forward and do what I can legally. When I walk out my back property, all I see it metal containers. It is a great view especially if I ever want to put my house up for sale. Coming to prior boards with Mr. Croce and Salemo, it is easy to sit on that side of the table and hear me out. None of the people behind that desk are dealing with this. My no trespassing signs on my property, and I discussed this last time I was here, were snapped in half and left on the ground. I was told by a neighbor of his that I have to watch myself. This guy is in with the Town with his business in town, I have been dealing with this for 4 ½ years. I don’t think anyone deserves that. I pray an accident doesn’t happen, the Town Board has lived here as long as I have, there are no flashing lights, no truck signs coming in and out of the property. If there is an accident, those that were on the Planning Board and Town Board at the time that okayed this project, are filed in all the paperwork in Albany. In the beginning, he had log trucks coming in at 5:30AM on the weekend. There is no fence, boundary fence. He has gotten away with so much in this town because he was created by this Town. This board came into it at the end besides Dean but most of the blame is on Croce the Supervisor. I have had enough. I went forward and did what I had to do legally. If I find workers on my property, the behavior continues, an accident in front of my house again, I will take legal Action. This guy does not care. He was created by this town and does what he wants and when he wants. I have people yelling at me thinking I left this mess in the Road.

Supervisor DePew- These are the questions you want answers to?

Anthony- No, these are the questions the enforcement officer is asking on why certain things weren’t done. I just want you to understand that this has been going on 4 years. I know this will end up swept under the rug and he will be granted immunity and continue on with business as usual.

Supervisor DePew made a motion to have this document Mr. Covino gave us attached to the minutes as part of the record.

Anthony- When you watch certain people in this town, they can do whatever they want with no consequences.

1. MaryAnn DePew- The Veteran’s Committee would like to thank the Town Board for the brackets that were purchased on our behalf. We are going to start doing the Veteran’s banners in town.

Hannaford is upgrading their store; they have selected the Plattekill Veteran’s Committee to receive $3,000. The company let the store choose who in town they wanted to donate it to.

Veteran’s meetings are on the third Thursday of each month. February 20th is our next meeting. Everyone is welcome to attend.

1. Mark Reynolds- What is the estimate on the cost for the Zoning Update?

Supervisor DePew- Roughly $75,000.

* Supervisor Depew made a motion close public input at 8:30PM

Seconded by Councilman Fazio

On the vote: All Ayes

OLD BUSINESS:

* DMV Bus Update

The DMV Bus is going to become available to the Town every other Thursday, starting in March, weather depending. The Town is working on electrical, phone, internet setup.

* Data Breach Policy:

Councilman Fazio apologized to the Supervisors Clerk, Tiffany regarding this Policy that was sent out before last months board meeting. She had sent out the email- and the Town Board “missed” the email. The remainder of the Town Board also apologized.

The Policy is something that was needed to be looked at.

Supervisor DePew made a motion to adopt this Policy for notification of Data breaches. This is pursuant to the State Technology Law 208(10). All municipalities in NYS must adopt a notification policy.

Seconded by Councilman Fazio

On the Vote: All Ayes

Councilman Castillo thanked Town Clerk, Sarah Nelson for getting the DMV Bus to Plattekill. It is really important for the residents of our Town.

* Tow List Appointments-Year 2025

RESOLUTION #29

Supervisor DePew made a motion to adopt Resolution #29. The Town Truck Regulation local Law states the Town Board annually must appoint towing companies to the Town of Plattekill Town List.

The Town Board annually will inspect the applicants- Registration, inspection, insurance, operators, all safety equipment is up to date, impound provisions are met. The inspections are done in January each year.

The 2025 Tow List is as follows:

* Autos by Joseph
* Modena Collision
* Modena Automotive
* Potter’s Towing.

Seconded by Councilman Hoppenstedt

On the Vote: All Ayes

* Justice Audit

Councilman O’Flaherty and Councilman Hoppenstedt will arrange a date/time to meeting with the Justice Clerks to audit their 2024 books. Deadline is March.

* Blood Drive Reminder

The American Red Cross will be coming to the Town Hall on March 15, 2025 from 9:00-1:00PM. Our goal is 22 people to donate.

* Coffee with Cops

February 7, 2025 8-10AM at Stewarts in Modena

Well, attended events, great opportunity to meet our Police Officers.

NEW BUSINESS

* RBT Letter of Engagement

It establishes pay schedule of what they do/don’t do. It is a directive to our accountants.

Supervisor DePew makes a motion to accept this letter of engagement.

Seconded by Councilman Castillo

On the Vote: All ayes

Councilman O’Flaherty made a motion to allow our Town Supervisor to sign the letter of agreement letter.

Seconded by Councilman Castillo On the Vote: All Ayes

* Policy on Employee Notification of Disciplinary Records

The Town received a memorandum from our town attorney

The Freedom of Information Law (FOIL) was recently amended to include a requirement that agencies adopt a policy regarding notification of public employees if a FOIL request is made seeking the employee’s records.

There will be a notification/statement informing the employee, whether current or past that their records have been subject to FOIL and released. The Town will provide a copy of any records released to the FOIL requester.

Supervisor DePew made a motion to adopt this policy to cover the FOIL Statute- Employee notification of Disciplinary Records Request under FOIL.

Seconded by Councilman Hoppenstedt

On the Vote: All Ayes

Kathy Beinkafner- So the policy would be that you would be telling the employee or writing them a letter when they are asked about in a FOIL?

Supervisor DePew- Yes, they will have to be notified.

TRANSFERS: NONE

EXECUTIVE SESSION:

Supervisor DePew made a motion that the Town Board will enter into Executive Session at 8:31PM to discuss personnel matters.

Seconded by Councilman Fazio

On the Vote: All Ayes

Supervisor DePew made a motion to exit Executive Session at 9:15PM.

No decisions were made.

Seconded by Councilman Castillo

On the Vote: All Ayes

Supervisor DePew stated that there was a discussion during Executive Session regarding a Memorandum of Agreement between the Town of Plattekill and the United Public Service Employees Union (Town Hall General Unit)

The current agreement dated 1/1/2022-12/31/2024 was modified.

The new terms of Agreement are January 1, 2025- December 31, 2028.

Supervisor DePew made a motion to accept and adopt the new terms of agreement/contract.

Seconded by Councilman Castillo

On the Vote: All Ayes

Councilman O’Flaherty made a motion for the Memorandum of Agreement to be signed by the Town Supervisor.

Seconded by Councilman Fazio

On the Vote: All Ayes

A copy of the agreement is on file in the Town Clerk’s office.

Supervisor DePew- Highway is also negotiating for the first time ever.

VOUCHERS:

* Supervisor Depew reviewed the Voucher Detail report Dated February 5, 2025 which includes:

The A-General Fund amount of 129,059.58

The DA-Highway Fund amount of $51,499.79

For a grand total in the amount of **$180,559.37**

Supervisor Depew made a motion to accept the vouchers, recognizing that the Audit Committee has reviewed the claims and found them acceptable for payment.

Seconded by Councilman Fazio

On the vote: All Ayes

ADJOURNMENT:

Councilman Hoppenstedt made a motion to adjourn the meeting at 9:30PM

Seconded by Supervisor DePew On the Vote: All Ayes







