

PATTERSON TOWN BOARD MEETING
PATTERSON TOWN HALL
1142 ROUTE 311
PATTERSON, NEW YORK 12563
January 28, 2015

MINUTES

PRESENT: MICHAEL GRIFFIN, SUPERVISOR
KEVIN BURNS, COUNCILMAN
CHARLES W. COOK, DEPUTY SUPERVISOR
PETER DANDREANO, COUNCILMAN
SHAWN ROGAN, COUNCILMAN
ANTOINETTE KOPECK, TOWN CLERK
DONALD M. ROSSI, TOWN COUNSEL

Salute to the Flag and Roll Call.

Supervisor Griffin called the Patterson Town Board meeting to order at 7:00 p.m. with 7 in attendance.

Mr. Griffin stated I would just like to thank the Highway Department and Russ Goff for the great job during the two storms we had. The second one wasn't quite what they thought it would be, but was a long duration of a storm. It took a lot of work and effort.

AUDIT OF BILLS

Mr. Cook made a **motion** that the Town Board accept Abstract No. 1B as written:

General Fund \$178,325.06, Highway Fund \$134,154.47, Putnam Lake Fire District \$66,062.00, Patterson Fire District \$99,093.00, Waste Water Treatment Plant \$16,728.67, Capital Fund \$1,888.95, Putnam Lake 7 Light District \$1,103.73, Patterson Light District \$1,334.36, Patterson Refuse District #2 \$62,183.78, Deerwood Drainage District \$18.36, Patterson Park District \$1,977.91, Putnam Lake Park District \$5,813.71, Alpine Water District \$1,125.00, Dorset Hollow Water District \$1,174.58, Fox Run Water District \$1,197.85, Trust & Agency \$300.00, Grand Total Abstract \$572,481.43.

Seconded by Mr. Burns. Roll Call Vote: Mr. Burns, yes; Mr. Cook, yes; Mr. Dandreano, yes; Mr. Rogan, yes; Mr. Griffin, yes.

PETER DANDREANO

NYCONN PROPOSAL – SECURITY MONITOR

Mr. Dandreano stated this is an installation of a security monitor for the Recreation Center for the Recreation Director to have a monitor in his office, so he can view all the cameras while he is in his office.

Mr. Dandreano made a **motion** to approve \$500.00 to purchase and install the security monitor in the Director's office.

Seconded by Mr. Rogan. All In Favor: Aye. Carried.

RECREATION CENTER - #3 CIRCULATING PUMP REPAIR

Mr. Dandreano made a **motion** to approve \$1,720.00 to repair the circulation pump in the mechanical room at the Recreation Center.

Seconded by Mr. Rogan. All In Favor: Aye. Carried.

CHARLES COOK

HIGHWAY REQUEST PER DIEM DRIVERS

Mr. Cook made a **motion** that the Town Board approve the Highway request for per diem drivers at \$29.06 per hour; Ryan Blackwell and Michael Cairney.

Seconded by Mr. Burns. All In Favor: Aye. Carried.

RECREATION CENTER - #3 CIRCULATING PUMP REPAIR

Previously done by Mr. Dandreano.

RESTAURANTS – ADDITION TO MUNICIPAL CODE UPDATE

Mr. Cook stated I have a note from the Zoning Board of Appeals to the Town Board relative to the topics and restaurants and what was proposed by the Town Planner to amend the code. Their memo says that the Zoning Board of Appeals looks favorably upon the suggestions that the Town Planner has made and additionally the Zoning Board of Appeals recommends that the Town Board considers addressing the hours of operation of this restaurant any changes that are made to the code. My understanding is that the Planning Board are the next ones to review this and they will also have a recommendation to the Town Board.

Mr. Rogan stated I wanted to add under the proposed changes for restaurants is anything that we do to improve on our code allows for many different triggers that would require review. Not only hours of operation changes and the type of business. I want to make sure we do this correctly, rather than just changing it and then having to go back in six months from now when we find another example that proves that our code falls short in some way. I know we spoke about this a lot. I think it is important to take our time and do it right.

SHAWN ROGAN

FRANCISE WAIVER OF FEES REQUEST

Mr. Rogan made a **motion** to approve the recommendation of the Building Inspector to waive the fees for Mr. Francise for a one car garage in the amount of \$100.00, due to extreme hardship.

Mr. Williams stated the deck doesn't meet the zoning requirements. You may need to look at a waiver on that as well if you are going to waive all the fees.

Mr. Rogan stated he hasn't requested a waiver on those fees.

Mr. Williams stated he hasn't, but you should know there is a pending zoning application on this as well.

Conversation ensued.

Mr. Griffin stated we should seriously look at our fee structure. This is happening way too much. We waive the fees for non-for-profits and all these other organizations. At some point, how do we put the brakes on this.

Mr. Rogan stated the deck project you were just talking about with the zoning issue doesn't seem to be this application. This application is for a one car garage.

Mr. Cook stated right.

Mr. Williams stated my apologies.

Mr. Griffin stated I think we should postpone the fee.

Mr. Rogan stated I think that sounds like a reasonable compromise.

Mr. Rogan made a **motion** in the matter of Mr. Joseph L. Francise to postpone payment of the renewal fee install such time as construction will continue to commence.

Seconded by Mr. Dandreano. All In Favor: Aye. Carried.

FIRST AID SUPPLIES

Mr. Rogan stated the first aid supplies that the Town supplies in all of our locations, we asked for input from each of the locations, the Highway Superintendent, Court House, Recreation Center and the Town Hall. Patricia Brooks, Town Comptroller has done some investigation and found that if we change companies from Zee Medical to Cintas, that alone will save the Town about thirty-five to forty percent. It's not a ton of money, but the new contract will be about \$1,300.00 annually as opposed to \$2,200.00 or \$2,300.00. The court said they don't want the supplies, so we will give them a regular twenty-four unit first aid kit.

Mr. Rogan made a **motion** to change vendors to Cintas First Aid and Safety at an amount not to exceed \$1,300.00 annually, but we will exclude the court from that part of the contract.

Seconded by Mr. Dandreano. All In Favor: Aye. Carried.

VETERANS' PARK BATHROOM PROJECTS

Mr. Rogan stated I was at a meeting last week of the Veterans' Park Advisory Board and this was a topic of much concern because we want to make sure we get this wrapped up before the spring. There has been a bill sent in for the work that has been done. I thought we agreed as a Town Board that we were going to put a dollar amount on the work that is needed to complete the bathrooms to be what everyone thought they would be and fix any problems that existed and deduct that from the bill and send off the payment. What we need to do is work with our Building Inspector to identify a local contractor or two to put a price on that work. I wanted to bring this up for discussion.

Mr. Burns stated I thought Bob was going to go through it item by item. I thought that was the process we were going to follow.

Mr. Rogan stated Rich you said you went down.

Mr. Williams stated yes, I accompanied Bob McCarthy, Building Inspector; Mike Griffin, Supervisor; Paul Fava, Building Maintenance and we all went down with a list of work that needed to be completed. There were a couple of minor issues, but for the most part I thought we came to an agreement that the work was completed. The only issue we had was we didn't go into the women's bathroom, because at the time we were down there it had been bolted shut.

Mr. Rogan stated when did you go down there.

Mr. Williams stated I don't know, maybe three weeks ago.

Mr. Griffin stated there are a couple of issues there. The ladies room is the biggest issue, because to keep the door closed they had to bolt it shut. The knob and the locking mechanism were working. It wasn't the best work I've seen. My suggestion would be that a five percent retainer would be enough to fix. Something in the contract said that if it wasn't fixed in a certain amount of time, we had the ability to go out and get someone else to do it. We asked them ten times to go back and fix a few things.

Conversation ensued.

MICHAEL GRIFFIN

INDEPENDENT AUDIT SERVICE – AWARD BID

Mr. Griffin introduced the following **Resolution for Professional Services Contract for Town Independent Auditing Services:**

R-0115-02

WHEREAS, the Town of Patterson desires to hire a certified public accountant to perform an end-of-year audit on the Town's statutory basis financial statement in the form of an annual financial report, and the Town duly advertised a Request for Proposal for such services for the year ended December 31, 2014, with the option to renew for the years ending December 31, 2015, 2016, and 2017 (the "RFP"); and

WHEREAS, the Town received two proposals in response to the RFP, and on January 28, 2015, the Town Board conducted interviews of both entities that submitted such proposals; and

WHEREAS, the Town Board has determined that Toski & Co. has presented the lowest responsible proposal to the RFP (the "Proposal"); and

WHEREAS, the Town and Toski & Co. wish to enter into an agreement in accordance with the terms of the RFP and the Proposal;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Patterson hereby authorizes the acceptance of the Proposal submitted by Toski & Co. to conduct an end-of-year audit on the Town's statutory basis financial statement in the form of an annual financial report for the year ended December 31, 2014, with the option to renew for the years ending December 31, 2015, 2016, and 2017; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Patterson hereby authorizes and directs the Supervisor to execute any and all documents necessary to give effect to this Resolution.

Seconded by Mr. Cook. All In Favor: Aye. Carried.

Mr. Griffin introduced the following **Resolution for Professional Services Contract for Town Justice Court Independent Auditing Services:**

R-0115-03

WHEREAS, the Town of Patterson desires to hire a certified public accountant to perform an end-of-year audit on the Town Justice Court's receipts and to provide a written management letter expressing the findings of the audit, and the Town duly advertised a Request for Proposal for such services for the year ended December 31, 2014, with the option to renew for the years ending December 31, 2015, 2016, and 2017 (the "RFP"); and

WHEREAS, the Town received two proposals in response to the RFP, and on January 28, 2015, the Town Board conducted interviews of both entities that submitted such proposals; and

WHEREAS, the Town Board has determined that Toski & Co. has presented the lowest responsible proposal to the RFP (the "Proposal"); and

WHEREAS, the Town and Toski & Co. wish to enter into an agreement in accordance with the terms of the RFP and the Proposal;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Patterson hereby authorizes the acceptance of the Proposal submitted by Toski & Co. to conduct an end-of-year audit on the Town Justice Court's receipts and to provide a written management letter expressing the findings of the audit for the year ended December 31, 2014, with the option to renew for the years ending December 31, 2015, 2016, and 2017; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Patterson hereby authorizes and directs the Supervisor to execute any and all documents necessary to give effect to this Resolution.

Seconded by Mr. Cook. All In Favor: Aye. Carried.

SANITATION MEMO – SCRAP METAL DISCUSSION

Mr. Griffin stated we spoke about this at the last meeting and so far so good. The container is in place. At some point, we need to work out the particulars, Counselor.

Mr. Don Rossi, Town Attorney stated yes for insurance.

Mr. Griffin stated have you given Frank Farrell the particulars you want.

Mr. Rossi stated no, not yet. We will get it to him now that I know it is moving forward.

Mr. Griffin stated it is working fine. They are the only ones who are willing to give us a container and pull it for free.

KEVIN BURNS

COUNTY EMERGENCY SELECTION SERVICES COMMITTEE

Mr. Burns stated as everyone is probably aware, the County Executive did not reappoint the Commissioner of Bureau of Emergency Services and has formed a committee to search for a new replacement. We had a discussion at the last Town Board meeting and we sent a letter to Mary Ellen Odell from Deputy Supervisor Charles Cook requesting Peter Dandreano be represented in the selection committee.

Mr. Mike Ercole, Deputy Chief Putnam Lake Fire Department stated pre-911 there were three numbers, 279-3614, 225-4300, 279-6161 and you would get the respective company that you call; Sheriff's Department, Fire Department or State Police. When 911 came into effect, you made one call, 911 and they will in turn make calls to the departments closest in the area and they would tell them who the closest car was. Whoever is closest would be the first to proceed to your area. I was on the Fire Advisory Board from 2000 to 2004 when I was Assistant and Chief of Department. Then there was fourteen Fire Departments, four Ambulance Corps that would meet monthly. Then that turned into bi-monthly and then it was disbanded and it went to Protective Services Committee as a whole from the County, so it was fourteen plus four and they would advise you what to do. The TOPS building, which was built in Carmel and a representative from all the utilities, the fire departments which are the coordinators, EMS, the school districts they all meet in one location. You have all these things you might need in case of an emergency right there with the 911 center. We are not sure why Commissioner Steibling was relieved. I'm sure eventually we might find out, but now that there is a new selection, we will make sure this is done properly and that everyone that can have a say get's a say. I believe there were seven people that would be on this committee, one from the Chief Association and one was from the Fire Advisory Board, which is not going to be created until February 3 when the Protective Services Committee meets. I don't think Peter has much of a chance because of the way it is structured. I think it would be a great asset on this selection. What I'm asking the Town Board to do for my department is to write a letter to Protective Services Committee, Robert Gross, Chairman and our Legislature Ginny Nacerino and to the County Executive Odell that the 911 Center no matter what or who becomes the new Commissioner of Emergency Services that it all stays in the same location because it benefits everyone. If it is brought to the Sheriff's Department, it wouldn't be good.

Conversation ensued.

DRAINAGE EASEMENT – FREEMONT ROAD

Mr. Burns introduced the following **Resolution Approving Drainage Easement for Freemont Road:**

R-0115-04

WHEREAS, the Town was requested to perform certain drainage remediation work (the "Work") along Freemont Road, which is a Town highway owned and maintained by the Town; and

WHEREAS, to perform the Work in accordance with the “Drainage Remediation Plan, Freemont Drive, for Town of Patterson” prepared by Maser Consulting, P.A. dated May 26, 2010, and revised June 1, 2010 (the “Plan”), a full and complete copy of which is incorporated herein by reference, easements over 4 Freemont Road (Patterson Tax Map No. 25.41-1-17), and 7 Hanover Road (Patterson Tax Map No. 25.41-1-11), are required; and

WHEREAS, each of the respective owners of the above premises has agreed to grant an easement to the Town on the terms set forth in the Drainage Easement Agreement which is annexed hereto and hereby made a part hereof; and

WHEREAS, the Town Board wishes to accept the aforementioned easements, and to enter into the Drainage Easement Agreement with the owners of the parcels shown as Nos. 25.41-1-17 and 25.41-1-11 on the Town of Patterson Tax Map;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Patterson hereby accepts the grant of easements over the parcels shown as Nos. 25.41-1-17 and 25.41-1-11 on the Town of Patterson Tax Map, as set forth in the annexed Drainage Easement Agreement; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Patterson hereby authorizes and directs the Supervisor to execute such easement agreement, and all other documents necessary to give effect to this Resolution, consistent with the terms hereof and in such form as is satisfactory to the Town Planner and Town Attorney.

Seconded by Mr. Cook. All In Favor: Aye. Carried.

BUDGET TRANSFER(S)

Mr. Burns made a **motion** to approve Budget Transfer No. 70 through 73.

Budget Transfer No. 70

Increase:	DA.2701	Refund of Prior Years Expenses Revenue Accounts	\$6,000.00
Increase:	DA.5130.400	Machinery Contractual Expense Accounts	\$6,000.00

Budget Transfer No. 71

From:	A.1330.450	Receiver of Taxes Training	\$189.00
To:	A.1330.400	Receiver of Taxes Contractual Expense Accounts	(\$189.00)

Budget Transfer No. 72

Increase:	FP.0599	Appropriated Fund Balance Fund Balance Account	\$294.00
Increase:	L.1081	Payments in Lieu of Taxes Revenue Account	\$224.00
Decrease:	LL.5182.400	Street Lighting Contractual Expense Account	(\$2.00)
Increase:	FP.1930.401	Judgments & Claims Contractual	\$294.00
	L.1930.401	Judgments & Claims Contractual	\$224.00
	LL.1930.401	Judgments & Claims Contractual Expense Account	\$2.00

Budget Transfer No. 73

Increase:	H.0902	Fund Balance Designated Capital Project	(\$14.00)
		Fund Balance Account	
Decrease:	A.1420.410	Town Counsel	(\$669.00)
Increase:	A.1420.440	Special Counsel	\$669.00
Increase:	H.8989.014	Special Services Equip & Capital – WWTP	\$14.00
		Expense Accounts	

Seconded by Mr. Cook. All In Favor: Aye. Carried.

OTHER BUSINESS

Mr. Cook made a **motion** to approve the request from Antoinette Kopeck, Town Clerk to hire Joy Dandreano for an hourly rate of \$11.00 per hour as Receptionist in the Town Hall.

Seconded by Mr. Burns. All In Favor: 4-1. Mr. Dandreano recused himself.

Mr. Dandreano stated I forgot to mention that at the last meeting we spoke about replacing the office door in the Recreation Center with a Dutch style door to increase security. Instead of replacing that door, they felt replacing the desk and putting up a counter by the window and a spring loaded door to keep the door closed would be a better option. I don't have a cost on that yet.

Mr. Griffin stated it would be a lot cheaper to do that than ripping the door out and replacing it.

Mr. Dandreano stated if that works for them, I think it is a better option.

Mr. Griffin stated thank you to everyone who went down there and did the security audit.

PUBLIC RECOGNITION

Ms. Jennifer Soucher stated Mr. Burns you have a memo for a drainage easement on Freemont. I wanted to double check on that, because we sent in a memo on an easement, but it was not for Freemont.

Mr. Burns stated what is the location of the easement.

Ms. Soucher stated it is Tammany Hall and the address is actually 16 Tommy Thurber Lane, but I think the drainage easement is Tamanay Hall. I faxed it in.

Mr. Burns stated I thought we did that.

Mr. Williams stated way back in the late 1990's or early 2000's we were entering the era of MS-4 where we had to take a hard look at drainage. We really didn't know how this was going to involve the Planning Board. With the smaller sub-divisions, we were creating drainage improvements, but we weren't assigning responsibility for future maintenance to anyone and this is one of those cases. The Rosewood subdivision is an eight-lot subdivision on the corner of Tammany Hall Road and Tommy Thurber Lane. Right at that intersection, everything drains down into what is a pocket wetland area. The way that the subdivision was designed is all the water was pitched back away from the frontage of the lot to a common swale that meanders down through the woods and discharges into this storm water pond with a four-bay. There are structures involved with it. There is a little dam involved with it. In doing that, the Planning Board didn't know what to do as far as the future maintenance, so they did nothing. We have these drainage improvements out there and they all come down onto this one lot. There is no entity either in the subdivision approval or on the subdivision platter in the storm water pollution prevention plan that has been assigned the responsibility to do the future maintenance on these storm water practices. This is not an isolated case. We have these all throughout the Town.

Mr. Burns stated in my back yard.

Mr. Williams stated we have a young couple interested in buying the lot, but they don't want to be responsible for some very expensive maintenance that they may be required to do in the future.

Mr. Burns stated is it on your lot.

Ms. Soucher stated yes.

Mr. Williams stated at some point, we are going to have to sit down and I have a list of all these storm water ponds, swales and catch basins that are on private property that require maintenance and no one is doing it and work out how that is going to happen.

Mr. Burns stated what is your time frame. Are you looking to buy a property.

Ms. Soucher stated we are in the process of purchasing it. Our attorney and the seller's attorney were both concerned for the liability issue and they don't want to move forward, so we are at a standstill.

Mr. Burns stated when you will close.

Ms. Soucher stated we were supposed to sign the contracts over a week ago and then close in two months, but we haven't signed anything at this point.

Mr. Griffin stated I will sit down with Rich and Don. Is there any possible application for EOH on this or phosphorus credit.

Mr. Williams stated the storm water improvements are there. The question is who is going to be responsible for future maintenance.

Mr. Griffin stated I understand all of that. I am wondering is there any credit to be had or if there is any possible assignment either to the Town or EOH.

Mr. Williams stated no. I'm sure they would be happy to give it to the Town, if that is what you are suggesting.

Mr. Griffin stated I understand that and that is probably something we need to look at to see what is going to be involved in the maintenance issue of it. Since it was never originally included in the phosphorus reduction program, it was just a thought.

Mr. Williams stated well, no, because it predates that initial inception date that we had for taking credit. Otherwise, I would never have taken credit.

Mr. Griffin stated well, take new credit. Tell them we are going to clean it out and fix it up and make it like new. We'll talk about it tomorrow.

Ms. Dede Lifgren stated Happy New Year everyone. I posed a couple of questions during the December meeting and I was wondering if you considered them.

Mr. Burns stated as far as definitions of restaurants, because that is what the memo tonight was about.

Ms. Lifgren stated yes, that is specifically to the changes in the zoning code and particularly, I was asking also along with the suggestions I had for that, I was asking, in particular, about our case and if the zoning is changed how would it reflect something that was inappropriately approved. Also, I asked if we could ever get this reverted back to the zoning the way it should be. If this business were to leave, could it ever be reverted back. My third question was if we could assess the business as it is now, because there seems to be some question whether it is a restaurant or a caterer and the impacts that are implied from that answer. I was wondering if you considered those questions.

Mr. Burns stated if we go to change the code tomorrow, they are grandfathered in. There is no change that we could effect today with regards to code that would change the application of the code to the situation you are facing.

Ms. Lifgren stated I understand that. My question is not particularly for that but if the code now states that any changes are based on the existing conditions and the existing conditions are something that wasn't approved, how does that affect us.

Mr. Rogan stated I understand what you are saying. In other words, we approved a restaurant to be built and if that restaurant changes its use to something different and one of the triggers we spoke about was significant changes and hours of operation changes the type of business, that would be one of the triggers that we are trying to work into the code that would allow a review. I think once we codify those changes, it won't go back and change what has happened in the past, but it will allow for future changes.

Ms. Lifgren stated I understand that, but I guess what I am also asking is since restaurants are restricted in that zone and the zoning now goes ahead with existing conditions, the fact that they shouldn't be there, is the zone reading now that they will be there or will it revert back to the fact that they are not supposed to be there.

Mr. Rogan stated I understand what you are asking. In other words, if our code changes make this a preexisting nonconforming issues, is that vacated upon change of ownership or the business closing for a year, does that then revert to the prior or the approved zoning.

Ms. Lifgren stated maybe I'm not being clear...that restaurants are restricted from this zone, but this one got in, so now if the code changes and accepts it as existing, will it be existing or will it revert back to no restaurant. I don't know where the code leaves us.

Mr. Burns stated there would have to be a change of use, right. If the restaurant ceases to exist and another restaurant doesn't replace it.....

Mr. Williams stated if I understand the question, at one point the zoning didn't permit restaurants to be there, but the Town approved the restaurant to be there.

Ms. Lifgren stated no, it didn't approve it.

Mr. Williams stated it did. In 1989, the Town approved a restaurant to be there even though it was in the RPL five zoning district. That is what you are talking about, right.

Ms. Lifgren stated yes. The difficulty we have now is when we redid the zoning, everyone that was redoing the zoning looked at it and said "it's a restaurant", so they extended the GB zoning district which permits restaurants to include that parcel. Right now it is a permitted use. Even if it wasn't legal back prior to doing the zoning in 2005, it is now legal.

Mr. Burns stated it would have to cease to exist as a restaurant. What if it turned into a gift shop for a year and someone comes back and says; "I want to turn it back into a restaurant."

Mr. Williams stated it is still permitted use.

Mr. Burns stated so that is your answer.

Ms. Lifgren stated if the zone never got changed for the approval to be given, I guess I am asking how this affects us.

Mr. Rogan stated what Rich just said is that the zoning got changed on that parcel, so your question was; if the restaurant goes away can someone else come in and do another restaurant. The answer is yes, but the code will now allow different triggers based on impacts and those things that were considered within the new code.

Ms. Lifgren stated so even though that zone says that restaurants are restricted.

Mr. Rogan stated it doesn't, that is not what Rich just said.

Mr. Williams stated Dede wants to say that somehow the restaurant shouldn't have ever been there in the first place.

Ms. Lifgren stated well the zoning code says...if I understand it the zoning restrictions for that code weren't applied correctly and it was approved even though it shouldn't have been.

Mr. Williams stated that is correct.

Ms. Lifgren stated so by that mistake, does it automatically get grandfathered in as a mistake or can it be reverted back to the way it is supposed to be.

Mr. Burns stated I think it would be within our power to change the zoning in that area back to what it was and zone it out, but if you do that you now have a non-conforming use that you can't get rid of until the restaurant ceases to exist.

Ms. Lifgren stated I'm not talking about what is in there now.

Mr. Burns stated it goes back to the way it was before, no restaurants. If the Town changes the zoning on the restaurant and says, wait, no restaurants at this location, parcels are now going to be whatever the zoning code is. They have a restaurant there and they are entitled to operate, so until it ceases to operate, nothing changes.

Ms. Lifgren stated but if it should cease.

Mr. Burns stated should it cease to exist and zoning was changed for that parcel before it ceases to exist, and then the next person can't open up a restaurant.

Ms. Lifgren stated ok, thank you. Will there be an assessment of what is going on there now.

Mr. Burns stated I think Mr. McCarthy is committed to going out there, but now is not the time to assess it because his peak times are in the summer.

Ms. Lifgren stated the restaurant is closed. It is operating as a caterer.

Mr. Griffin stated there is a sign on the door that says, "Closed for the season, we are still doing catering and call their number." There is something for Bob to take a look at, relative to restaurant versus catering. It's clear now that is all they are doing at the facility.

Mr. Burns stated what is the impact for catering on you now.

Ms. Lifgren stated they don't have the fire during the night anymore. It's not like it was before. When they are geared up, it's twenty-four hours a day.

Conversation ensued.

Mr. Robert Odell stated Mr. Griffin the scrap metal in the dumpster is that separated before it goes the brass, copper and aluminum or is it just bulk.

Mr. Griffin stated it's just bulk.

Mr. Odell stated so; if you have one hundred pounds of brass in there you are losing.

Mr. Griffin stated or copper, yes, you are right, but at this point to try and separate it would be a substantial task.

Mr. Odell stated are you getting paid for heavy steel or light steel.

Mr. Griffin stated it is going to be the lowest amount for mixed metal. It is probably light steel. If we sorted it out, the prices differ, but it is all getting lumped together and thrown in there. If you bring in an aluminum swimming pool or copper it's all going in there and you will get the lower price.

Mr. Odell stated ok, thank you.

Mr. Bruce Major stated Kevin; several months ago you indicated that there would be a joint meeting of the Town Board, Planning and Zoning Board's, have you set a date.

Mr. Burns stated I don't think we have.

Mr. Major stated can you pick a date.

Mr. Rogan stated Wednesday March 18, 2015 or Thursday, March 19, 2015.

Mr. Williams stated our residents in Meadowbrook Farms; the Homeowners Association has been in some litigation with the developer for some time. The developer's Attorney recently filed an affidavit which calls in to question some of the issues within the Planning Board record and as a result the HOA Attorney has asked me to file an affidavit. We want to make sure everyone's okay with that and I'm not filing an affidavit that hasn't been reviewed and approved by the Town Attorney.

Mr. Burns stated what is the purpose of the affidavit, just clarification of the record.

Mr. Williams stated correct.

Mr. Burns stated if it is objectively not taking an opinion on the litigation, but just clarifying facts.

Mr. Williams stated correct.

Mr. Rossi stated the initial draft of the affidavit was prepared by the plaintiff's attorney, so we had to make it a bit more objective.

Mr. Burns stated does anyone else see an issue with clarifying the record.

Mr. Griffin stated as long as you are not taking a position.

Mr. Williams stated ok.

Mr. Mike Ercole stated we don't have our meeting until next week, but I believe in the beginning of January there will be divers going down to check the sluice gate. Is there any word on that.

Mr. Griffin stated they never showed up, it didn't happen. Now there is too much ice on the lake.

Mr. Williams stated we were trying to schedule the divers not to go down and inspect, but to go down and block the outlet. They are going to put a bulk head. The weather turned on us and they are more than anxious to come down here and still do the work. I put them on hold because we are not plowing the dam and I'm concerned about doing this in the cold. They were more than happy to go in the water. They would prefer to have ice on the lake, but I'm not that inclined to do it, so I put it off until the spring. We will finish up sealing up the outlet and then the last week of March the new sluice gate is scheduled to arrive. We will put that out to bid.

Mr. Ercole stated thank you.

ADJOURNMENT

There being no further business, Mr. Rogan made a **motion** to adjourn the Town Board meeting at 8:10 p.m.

Seconded by Mr. Burns. All in favor: Aye. Carried.

Respectfully Submitted,

Antoinette Kopeck, Town Clerk