

PATTERSON TOWN BOARD MEETING
PATTERSON TOWN HALL
1142 ROUTE 311
PATTERSON, NEW YORK 12563
FEBRUARY 10, 2016

MINUTES

PRESENT: RICHARD WILLIAMS, SR., SUPERVISOR
CHARLES W. COOK, COUNCILMAN
SHAWN ROGAN, COUNCILMAN
ANTOINETTE KOPECK, TOWN CLERK
DONALD M. ROSSI, TOWN COUNSEL

ABSENT: KEVIN BURNS, COUNCILMAN
PETER DANDREANO, DEPUTY SUPERVISOR

Supervisor Williams stated a bit of sad news for everyone. I would like to recognize two pillars of our community who have passed away. Jason Lieberman who was with the Patterson Library since 2004 and John Bodor who served on the Patterson Fire Department for 47 years. Both will be missed and I would ask that everyone say a pray for the family and that we have a moment of silence. Thank you.

Salute to the Flag and Roll Call.

Supervisor Williams called the Patterson Town Board meeting to order at 7:05 p.m. with 18 in attendance.

PUBLIC HEARING – PROCUREMENT POLICY

See Public Hearing minutes.

REPORTS

Mr. Cook made a **motion** to approve the reports as read:

Code Compliance - January
Code Enforcement - January
Dog Control Officer - January
E.C.I. - January
Patterson Recreation - None
Patterson Fire Dept. – 4th Quarter 2015
Putnam Lake Fire Dept. – 2015 Annual Report, 4th Quarter October – December 31, 2015

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

SUPERVISOR REPORTS

Mr. Cook made a **motion** to approve the Supervisor Reports for the month of November and December, 2015.

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

MINUTES

Mr. Cook made a **motion** to approve the following minutes:

Bid Opening – Recycling Transfer Station – January 25, 2016
Town Board Meeting Minutes – January 13, 2016
Town Board Meeting Minutes – January 27, 2016

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

AUDIT OF BILLS

Mr. Cook made a **motion** that the Town Board accept Abstract No. 2 as written:

General Fund \$87,678.05, Highway Fund \$138,368.68, Patterson Fire District \$159.32, Waste Water Treatment Plant \$9,503.86, Capital Fund \$297.00. Library \$23.31, Patterson Light District \$22.63, Patterson Refuse District #2 \$36,662.56, Deerwood Drainage District \$18.38, Patterson Park District \$339.47, Putnam Lake Park District \$558.83, Alpine Water District \$387.55, Dorset Hollow Water District \$2,346.58, Fox Run Water District \$695.03, Trust & Agency \$300.00, Grand Total Abstract \$277,361.25.

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

KEVIN BURNS – ABSENT

Mr. Williams stated Mr. Burns is unexpectedly absent tonight. I will take A and B on my agenda and we will have to table C; Employee Request – Carry Over.

Mr. Rogan moved to table Employee Request – Carry Over.

PETER DANDREANO – ABSENT

CHARLES COOK

BRAILLE INSTITUTE OF AMERICA'S REQUEST

Mr. Cook made a **motion** to approve the Braille Institute of America's Request to turn the Historical Society portion of our Town website into braille, regarding Sybil Ludington so, they can create passages for their 2017 and 2018 Braille Challenge.

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

LETTER OF RESIGNATION

Mr. Cook made a **motion** that the Town Board accept Cari Weizenecker's resignation and would like to thank her for her outstanding effort and wish her well.

Seconded by Mr. Rogan.

Mr. William's stated I would like to echo Charlie's sentiments. She has been outstanding in leadership for the Park Advisory Board. I spoke to Cari and she stated she didn't really want to resign until after the March meeting. She wanted to work with any incoming Chairman that will be coming in.

Mr. Rogan stated she can do that regardless. We only have one letter of interest and I would suggest that we hold off. With all due respect, it is a very new member to the Board and there are some great people on that Board. Everyone on that Board is fantastic. I think we should find out if there is anyone else interested on that Board.

Mr. William's stated I did speak to two others on that Board and neither were interested.

Mr. Rogan stated I think we should table this. Charlie and I are the liaisons to that Board, table it until the next meeting.

Mr. Williams stated ok.

Mr. Rogan stated that is no reflection on the person who submitted a letter of interest. I don't want that to be misconstrued.

HIGHWAY DEPARTMENT MEAL ALLOWANCE

Mr. Cook made a **motion** that the Town Board approve meal allowance for the Highway crew for 2014 per the schedule provided to us in a total amount of \$1,340.00.

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

Mr. Cook made a **motion** that the Town Board approve meal allowance for the Highway crew for 2015 per the schedule provided to us in a total amount of \$905.00.

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

SHAWN ROGAN

SANITATION RECYCLING COMPACTOR

Mr. Rogan made a **motion** to approve the purchase of a recycling compactor from Vasso Systems for an amount of \$41,952.10, based on the Supervisor and Sanitation Administrator recommendations.

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

PLANNING BOARD RECOMMENDATIONS

Mr. Rogan stated the first of the two recommendations relates to a discussion we had back in 2015 about a proposed Bed & Breakfast in the Hamlet. That project fell through however; we were asking for recommendations about Bed & Breakfasts and how they might fit into the Hamlet. They have gone back and slightly modified some of the proposed zoning changes from back in the fall. I would like to open this up for discussion.

Mr. Williams stated we would have to do a local law and amend our zoning to do this. I was at the Planning Board work session when this was initially discussed. They were looking at modifying the Town Code to allow Bed & Breakfast within the Hamlet area. Also, to create Bed & Breakfast as a floating zone. We don't have a floating zone in the Town of Patterson right now so, that would be breaking new ground for us. I can work with the Town Attorney to prepare a local law and move this forward.

Mr. Rogan stated I think there were a lot of benefits that we saw in the particular project that was being proposed. I'm in favor of moving forward with this.

Mr. Cook stated I am also.

Mr. Williams stated we will have to have a lot of discussion about exactly what a floating zone is and how it works.

Conversation ensued.

Mr. Rogan stated the next item from the Planning Board, we just received today. I'm not as familiar with this. It brings up the concept that the Planning Board would like to open discussions with the Town Board about form based codes. I'll ask the Town Planner to discuss this.

Mr. Williams stated form based codes is a method of taking your zoning code to the next level in specifying architectural elements, streetscape elements being more particular in defining what the type of development is going to look like in the end in any particular area. It could be Townwide.

Conversation ensued.

PUTNAM LAKE SANITATION DISTRICT NO. 1 - SCHEDULE

Mr. Rogan made a **motion** to approve the request to change the garbage pick-up in Putnam Lake on Thursday and recycling pick-up to Friday, as requested.

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

RICHARD WILLIAMS

PUTNAM LAKE FIRE DEPARTMENT

Mr. Williams stated I would like to recognize the Putnam Lake Fire Department and thank them very much. Last Wednesday, we were invited over with Shawn and Councilman Dandreano as private citizens. We got a tour of the facility and we got to see a drill, which was very enlightening. We are very fortunate to have Putnam Lake and the community watching out for us.

Mr. Rogan stated I would like to say, I was equally impressed by watching the training with the probationary members.

PROCUREMENT POLICY AMENDMENT ADOPTION

Mr. Williams introduced the following **Resolution for Adoption of Local Law No. 1 of 2016 – Procurement Policy:**

R-0216-01

WHEREAS, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt a procurement policy for all goods and services which are not subject to the bidding requirements of General Municipal Law 103, or any other law; and

WHEREAS, the Town Board of the Town of Patterson adopted a policy for the procurement of goods and services for the Town of Patterson on April 22, 1992, and amended said policy on August 10, 2011, and

WHEREAS, the Town Board of the Town of Patterson wishes to amend said policy to address changes to State Law and provide a more comprehensive procurement policy,

WHEREAS, an amendment to the Town of Patterson Procurement Policy has been introduced before the Town Board of the Town of Patterson, as Local Law I-1 of 2016, and

WHEREAS, a public hearing was held on February 10, 2016, upon notice duly published and posted, and

WHEREAS, public discussion was heard at such hearing concerning the merits of said introductory local law, and

WHEREAS, the Town Board of the Town of Patterson wishes to amend the Town of Patterson Procurement Policy, which amendment will revise the requirements for purchases of commodities, services, or public works projects by the Town of Patterson, and

WHEREAS, in accordance with Article 8 of the Environmental Conservation Law (the State Environmental Quality Review Act) and 6 NYCRR Part 617 of the implementing regulations the action under consideration constitutes an UNLISTED ACTION, and

WHEREAS, the Town Board of the Town of Patterson has reviewed the Environmental Assessment Form submitted for the _____ as well as other supporting documentation for the project,

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Patterson hereby finds that the proposed action will not result in a significant adverse environmental impact for the following reasons:

1. The proposed local law will not create a substantial adverse change in existing air quality, ground or surface water quality or quantity, or noise levels.
2. The proposed local law will not create a substantial increase in potential for erosion, flooding, leaching or drainage problems.
3. The proposed local law will not create a substantial increase in traffic or the use of existing infrastructure.
4. The proposed local law will not create a removal or destruction of large quantities of vegetation or fauna, nor will there be any significant impacts on habitat areas.

5. The proposed local law will not create a significant impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources
6. The proposed local law will not create a significant impairment of existing community or neighborhood character.

FURTHER BE IT RESOLVED, that the Town Board pursuant to 6 NYCRR Part 617.7 issues a NEGATIVE SEQRA Determination.

AND FURTHER BE IT RESOLVED, that the Town Board of the Town of Patterson hereby adopts the Town of Patterson Procurement Policy, as amended, which amendment will revise the requirements for purchases of commodities, services, or public works projects by the Town of Patterson, and

BE IT FURTHER RESOLVED, that Introductory Local Law I-1 of 2016 of the Town of Patterson is hereby enacted by the Town Board of the Town of Patterson as Local Law 1 of 2016 of the Town of Patterson, and

BE IT FURTHER RESOLVED, that a true copy of the law is attached hereto and made a part hereof.

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

VETERANS EXEMPTION

Mr. Williams introduced the following **Resolution Introducing Local Law I-2 and Providing for Public Notice and Hearing – Veterans:**

R-0116-02

BE IT RESOLVED that an amendment to Patterson Town Code Chapter 142, entitled “Taxation”, is hereby introduced by Richard Williams, as Introductory Local Law #I-2 of the year 2016 before the Town Board of the Town of Patterson in the County of Putnam and State of New York, and

BE IT FURTHER RESOLVED, that copies of the aforesaid proposed Amendment, which is attached hereto, be laid upon the desk of each member of the Board, and

BE IT FURTHER RESOLVED, that the Town Board will hold a public hearing on said proposed Amendment at the Town Hall, in the Town of Patterson, New York at 7:00 o’clock P.M. on February 24, 2016, or as soon thereafter as may be heard, and

BE IT FURTHER RESOLVED, that the Town Clerk publish or cause to be published a public notice in the official newspaper of the Town of Patterson of said public hearing at least five (5) days prior thereto.

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

INTRODUCTORY LOCAL LAW NO. 3 – APPEARANCE TICKETS

Mr. Williams introduced the following **Resolution Introducing Local Law I-3 and Providing for Public Notice and Hearing – Appearance Tickets:**

R-0116-03

BE IT RESOLVED that an amendment to Patterson Town Code Chapter 4, entitled “Appearance Tickets”, is hereby introduced by Richard Williams, as Introductory Local Law No. I-3 of the year 2016, before the Town Board of the Town of Patterson in the County of Putnam and State of New York, and

BE IT FURTHER RESOLVED, that copies of the aforesaid proposed Amendment, which is attached hereto, be laid upon the desk of each member of the Board, and

BE IT FURTHER RESOLVED, that the Town Board will hold a public hearing on said proposed Amendment at the Town Hall, in the Town of Patterson, New York at 7:00 o'clock p.m. on March 9, 2016, or as soon thereafter as may be heard, and

BE IT FURTHER, that the Town Clerk publish or cause to be published a public notice in the official newspaper of the Town of Patterson of said public hearing at least five (5) days prior thereto.

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

THUNDER RIDGE SEWER EXTENSION

Mr. Williams introduced the following Resolution **Town Board's Order Adopting Map Plan and Report and Setting a Public Hearing to Establish and Extend a Sewer District in the Hamlet of Patterson:**

R-0216-04

At a meeting of the Town Board of the Town of Patterson held at the Town Hall, 1142 Route 311, Town of Patterson, County of Putnam, State of New York, on the 10th day of February, 2016

The following order was proposed by Richard Williams, who moved its adoption to wit:

In the matters of the petition of owners of more than one-half of the assessed valuation of all the taxable real property in the proposed extension of the Patterson Hamlet Sanitary Sewer District in the Town of Patterson, County of Putnam and State of New York and according to the latest completed assessment roll of the said Town for the extension of the Patterson Sanitary Sewer District

WHEREAS, a written petition dated February 10, 2016 has been presented to and filed with the Town Board of the Town of Patterson from Patterson Center LLC praying to extend the Patterson Hamlet Sanitary Sewer District to include that land situated in the Town of Patterson, County of Putnam and more particularly bounded and described as follows: 30 Birch Hill Road (Tax Map No. 14.-1-49), and

WHEREAS, the improvements proposed for the extension of the Sanitary Sewer District include the construction of a pump station and collection system that will collect and treat wastewater from the above-mentioned parcel, and

WHEREAS, the maximum amount proposed to be expended for the cost of construction of said improvements shall be paid for by the Owners of said parcel, and shall not be assessed, collected or levied against the several properties of the District, and

WHEREAS, the operation and maintenance expense occasioned by the extension of the Patterson Hamlet Sanitary Sewer District shall be assessed, levied and collected from the several lots and parcels of land within the said district in proportion as nearly may be to the benefit which each lot or parcel of land in said district will derive therefrom,

WHEREAS, Insite Engineering, Surveying & Landscape Architecture, PC. has prepared a Map, Plan and Report dated September 28, 2015 which sets forth the scope of the project as well as the proposed expenditures, and has duly filed said map, plan and report in the office of the Town Clerk of the Town of Patterson, and

WHEREAS, the Town Board of the Town of Patterson is considering the extension of the Hamlet Sewer District (a sanitary sewer district) in the Hamlet of Patterson, which district would service the above-mentioned parcel.

NOW ON MOTION OF Mr. Williams, seconded Mr. Rogan, all members present voting therefore, it is:

ORDERED that the extension of the sewer district that is proposed for the Hamlet of Patterson shall encompass only the parcel identified as 30 Birch Hill Road (Tax Map No. 14.-1-49)", and it is further;

ORDERED that the property owner will construct said improvements at their own expense, and at no cost to the District, and it is further;

ORDERED that the cost to the property owner shall be based upon the annual sewer rates for said District and shall be initially \$8,537.50, and

ORDERED that there are no costs of the District to a one or two family home, and it is further;

ORDERED that there will be no hook-up fees for the extension of the district, and it is further;

ORDERED that the Map Plan and Report dated September 28, 2015 which was prepared by Insite Engineering, Surveying & Landscape Architecture, PC, having been filed with the Town Clerk of the Town of Patterson, is available for inspection during Town Hall's regular business hours, and it is further;

ORDERED that the Town Board of the Town of Patterson will hold a public hearing at 7:00 p.m. or as soon thereafter as may be heard on March 9, 2016 at the Patterson Town Hall located at 1142 Route 311, Patterson, New York, 12563 to consider said petition and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board with relation to such petition as may be required by law, and it is further

ORDERED that the Town Clerk of the Town of Patterson give notice of such hearing by publishing same in the official Town papers, by posting a copy of this order on the sign board of the Town of Patterson, and by posting notice on the website used by the Town of Patterson not less than ten (10) nor more than twenty (20) days before such hearing.

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

EXECUTIVE SESSION – LEGAL/PERSONNEL

Mr. Williams stated I will defer my Executive Session – Legal/Personnel until the end of the meeting.

OTHER BUSINESS

None

PUBLIC RECOGNITION

Mr. Murphy stated regarding the Putnam Lake Sanitation District, if you find you have to go back to the old pick-up schedule, is that going to increase their fee, because of the new carter. You are saying he is going to pick-up on one day only that is not going to increase the fee.

Mr. Williams stated no.

Mr. Murphy stated ok. The last time I spoke at this meeting, I asked why we were voting on a 2015 Fire District Contract in 2016. I asked why wasn't there a meeting held. When I thought it over, I felt I got a very short answer. In order words, you said; "we just didn't have a meeting". Is there some type of penalty that the Town Board incurs if they don't meet certain regulations. You are voting in January and February of 2016 for a 2015 contract. My money is already gone to that fire department. The 2015 and 2016 money I paid in January is already gone. You could vote no, the money is gone. Is there a penalty from the State if you don't look at the contract and approve it in a timely fashion. If it is a January contract, do you have to review it in October or November.

Mr. Williams stated there is no financial penalty from the State if we do not fulfill our obligations on this specific issue. On other things, there may be penalties.

Mr. Murphy stated I was talking to a fireman from another Town and I told him we have to buy this ambulance from Putnam Lake. He said, "you use taxpayer's money to give Putnam Lake

money to buy an ambulance.” The Town of Patterson gave them one dollar to buy an ambulance. They no longer need it, why should we pay \$65,000.00 to bring it back. If it is the Town of Patterson’s money that purchased that equipment, it should come to the Town of Patterson free of charge. We gave them the money, they bought the equipment, they used it and now it’s no longer being used, it should come back to the Town of Patterson. Otherwise, we are paying for that piece of equipment twice. Am I wrong with my logic.

Mr. Williams stated I understand your logic and for transparency, we did have this conversation this afternoon. The fire departments are solely funded by the taxpayer’s of the Town of Patterson. We are paying for the equipment. There is also a legal component to this. Similar to a private contractor that we may hire to fix the lights, the fire department is a private contractor. If we were to hire an electrician to do repairs to the lights and they had to go buy a special tool to repair those lights, at the end of the job, we pay them what the contract price was. We don’t get to keep the tool.

Mr. Murphy stated he paid for the tool out of his own pocket to do the job. We gave them the money to buy the tool, the ambulance, to do the job. We didn’t give the contractor \$10.00 to buy a wrench. We gave the Putnam Lake Fire Department \$100,000.00 for the ambulance.

Mr. Williams stated they are a private organization. We have no ability to just take that ambulance from them.

Mr. Liguori stated the nuance here is that while the contract is funded with taxpayer money, the fire protection/fire district which Putnam Lake and Patterson operate with that contract money, but they go and get their own financing when they go to buy vehicles, unless they set money aside in their budget for capital replacement. It is very often that they will go to a lender, borrow money, buy the equipment, have it in-house and use it as part of the contract. Putnam Lake could and very appropriately have the authority to go sell that ambulance to anyone.

Mr. Murphy stated where did the original money come from.

Mr. Liguori stated it comes from the contract between the fire department and the Town.

Mr. Murphy stated and the Town provided the money.

Mr. Liguori stated right, but the Town did not say, “here is \$100,000.00 for an ambulance”. The Town said, “here is \$350,000.00 for the year, you operate your fire department, you buy what you need with that money, whether its bunker gear or a ladder truck or whatever it is. While it is funded from the taxpayer, it is owned in fee title by the fire department. They have full right to do however they want to dispose of it, they can dispose of it. What was presented to the Town Board was, before we sell this for \$75,000.00 or \$80,000.00 to a third party, do you want a first crack at it. It may seem offensive, because it was taxpayer money, that is what the law provides and that is what the ability they have by being an independent corporation. It is their right to do that. A good example is; AAA, we have a contract with them to provide garbage service. If AAA said, “we have been your garbage service for ten years and you have another district, do you want to buy one of our garbage trucks” and we say, “yes, we will spend \$200,000.00 and buy one of your trucks and we will use it for the district we don’t service”. It’s identical. It’s still taxpayer’s money that paid them, but it might seem a little less offensive.

Mr. Murphy stated they are a private corporation.

Mr. Liguori stated so is the fire department.

Mr. Murphy stated but they get their money from us.

Mr. Liguori stated so does AAA. It’s the same thing. They are a private entity. They can go contract somewhere else if they want to. They don’t need to contract with the Town of Patterson. They can go be Falls Pond Fire Department, if they wanted too.

Mr. Williams stated the good news in all of this, is the money we are going to give them for the ambulance, if we do give them the money and I think we are, their corporation limits them on how they can spend their money. They will take that money and spend it to enhance their ability to service the community for emergencies. It will go back to the community.

Mr. Mike Ercole, President of the Putnam Lake Fire Department stated in regards to your question, in the way we set up our budget, we take a percentage of our yearly budget and we put it into a vehicle replacement account. Over the years, the vehicle replacement account rose and when we need to spend a large expenditure for a fire truck, which is a few hundred thousand dollars, we take what is in the vehicle replacement account and put it towards that. If we can get a couple of thousand for a trade in, that goes towards it also and then we take out a loan. The loan goes to the bank, we buy our truck, we go to the Town and say, "this is our contract and we take that percentage to yearly pay off the loan for the new vehicle". Do you understand that.

Mr. Murphy stated not really.

Mr. Ercole stated we bought an ambulance for \$140,000.00.

Mr. Murphy stated with my money.

Mr. Ercole stated with money that was in our budget to the Town to provide service. If we bought \$100,000.00 worth of band aids and ran around with a vehicle that just placed band aids on people, that is what we used the money for. That is not what we did, we bought an ambulance. Now that we are not providing ambulance service, we are going to see the vehicle that we do not need, which we could actually take ambulance off of it and use it as a fire/police vehicle for the next ten years and no one would be anymore wiser and the Town wouldn't benefit from that. The \$65,000.00 that we offered to the Town is going to go back to our vehicle replacement fund. In a few years, when our rescue truck needs to be replaced for \$300,000.00, we will already have \$65,000.00 from the ambulance that you provided money for, but we won't have to have an additional \$65,000.00, we will need \$180,000.00 to purchase this vehicle. Does that make more sense.

Mr. Murphy stated yes, but do you see where I am coming from. I'm paying for something twice. I paid for it originally and now I'm paying for it again. I'm still taking a dollar out of my pocket twice.

Mr. Ercole stated right, or you could take a dollar out of your pocket now and we could sell the ambulance to another entity, take that money and put it in the vehicle replacement fund and then you would still be possibly purchasing an ambulance for \$150,000.00 next year out of your pocket and then when I need a new rescue truck, we need \$300,000.00 not \$240,000.00. That's the last I'm going to say about it, respectfully.

EXECUTIVE SESSION

There being no further business, Mr. Rogan made a **motion** to go into Executive Session at 8:05 p.m.

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

Mr. Cook made a **motion** to close Executive Session at 9:10 p.m.

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

Mr. Williams called the meeting back to order at 9:10 p.m.

ADJOURNMENT

There being no further business, Mr. Rogan made a **motion** to adjourn the Town Board meeting at 9:10 p.m.

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

Respectfully Submitted,

Antoinette Kopeck, Town Clerk