

PATTERSON TOWN BOARD MEETING
PATTERSON TOWN HALL
1142 ROUTE 311
PATTERSON, NEW YORK 12563
MARCH 23, 2016

MINUTES

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

ABSENT: PETER DANDREANO, DEPUTY SUPERVISOR

Salute to the Flag and Roll Call.

Supervisor Williams called the Patterson Town Board meeting to order at 7:00 p.m. with 6 in attendance.

AUDIT OF BILLS

Mr. Cook made a **motion** that the Town Board accept Abstract No. 5 as written:

General Fund \$32,126.06, Highway Fund \$28,945.26, Waste Water Treatment Plant \$19,259.82, Capital Fund \$16,965.00, Putnam Lake Light District \$1,759.76, Patterson Light District \$1,963.99, Patterson Refuse District #2 \$549.34, Patterson Park District \$24.54, Putnam Lake Park District \$362.44, Alpine Water District \$1,608.29, Dorset Hollow Water District \$1,024.58, Fox Run Water District \$453.32, Trust & Agency \$1,527.15, Grand Total Abstract \$106,569.55.

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

SHAWN ROGAN

RECREATION REQUEST(S) – NONE

HIGHWAY BIDS

Mr. Rogan introduced the following **Resolution for Acceptance of Bids for Materials and Services for Highway Department:**

R-0316-07

WHEREAS, the Town Board of the Town of Patterson has duly advertised for 2016/2017 bids to purchase various materials and to obtain services for the Highway Department of the Town of Patterson; and

WHEREAS, the Town has received bids in response to said advertisement; and

WHEREAS, the Highway Department has recommended that certain bids be accepted and awarded to the following bidders (collectively, the “Successful Bidders”) for the materials and/or services and at the prices set forth in the Proposal submitted by each of the Successful Bidders (hereinafter referred to as the “Proposals”), full and complete copies of which are annexed hereto and hereby made a part hereof:

Crushed Stone - F.O.B. (Picked Up)	- Putnam Materials
Bituminous Concrete - Laid in Place per ton, not including water truck and traffic control	- Kect Construction
Tree Work	- Laurel Oak

Washed Sand for Ice Control - F.O.B.

- Harlem Valley Sand and Gravel

(Picked Up)

Diesel Fuel

- Mirabito Energy Products; and

WHEREAS, the Highway Department has recommended that the lowest Proposal to provide Tree Work submitted by Barney Zipkin Tree be wholly rejected in that, despite requests from the Highway Department, the bidder failed to provide essential information, namely references, in order for the Town to determine if the bidder is responsible; and

WHEREAS, the Town Board of the Town of Patterson wishes to follow the recommendations of the Highway Department to accept the bids from the Successful Bidders as specified in the Proposals;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Patterson hereby accepts the bids of the Successful Bidders hereinabove named for the respective services and/or materials, and at the costs set forth in the Proposals; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Patterson hereby rejects the Proposal of Barney Zipkin Tree submitted in response to the advertisement for bids for the Tree Work referred to above; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Patterson hereby authorizes and directs the Town Supervisor and/or the Town Highway Superintendent to award the bids as herein provided for to the Successful Bidders and to execute any and all documents as may be necessary to give full effect to this Resolution, all in form satisfactory to the Supervisor and the Town Attorney.

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

HIGHWAY AUCTION

Mr. Rogan introduced the following **Resolution for Sale of Highway Department Auction Items:**

R-0316-08

WHEREAS, the Town Highway Department has placed 1 new table, 6 wood folding tables and 8 brown chairs ("Lot 1"), and Christmas items, including Christmas lights and various decorations ("Lot 2") for sale at auction with Absolute Auctions & Realty, Inc.; and

WHEREAS, the Town Highway Department has received the following high bids on Lot 1 and Lot 2, a full and complete copy of which is annexed hereto and hereby made a part hereof:

Lot 1	\$100
Lot 2	\$25; and

WHEREAS, the Town Highway Superintendent has recommended that the Town Board accept the high bids and authorize the sale of the Lot 1 and Lot 2 for the above listed amounts.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Patterson hereby approves the sale of Lot 1 and Lot 2 at the high bid amounts as set forth above; and

BE IT FURTHER RESOLVED, that the Town Supervisor and/or the Town Highway Superintendent are hereby authorized and directed to execute any and all agreements and other documents necessary to give effect to this Resolution.

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

TRANSCARE

Mr. Williams stated TransCare went out of business. The Town was contracting with TransCare to provide employees to ride the ambulance. TransCare did not pay those employees, as of today. My concern is that, somehow the Town would remain liable for paying those employees. Don Rossi, Town Attorney, has prepared a release. I have an invoice for \$21,118.00 that TransCare will have to sign.

Mr. Don Rossi stated I thought the first step that would be prudent to do is to ask them to sign the release. We don't have any privity of contract with the employees and I think it is remote that the Town would ever be found liable, but we would like to avoid even the possibility of being dragged into any type of proceedings. The first step is to tell them that that is what we propose to do and they sign the release. As far as a trustee is concerned, I haven't seen any documents on that.

Mr. Williams stated I haven't seen any either.

Mr. Burns stated are we paying them when they sign the release.

Mr. Rossi stated that is the plan.

Mr. Cook stated is that money we would have paid TransCare.

Mr. Williams stated it is TransCare. The invoice is from TransCare. There should be one more invoice after this one.

Mr. Rossi stated Antoinette, if you get served anything with regard to a Trustee for TransCare, you should let us know.

EARTH DAY

Mr. Williams stated Earth Day is fast approaching. I would like to set up a schedule to try and promote people to volunteer and get out and clean up along the roadside. We need to talk to some organizations and get them on board.

POPHAM REQUEST

Mr. Williams stated we have a situation at 11 Inwood Place that has some drainage problems. The property owner is looking for us to provide some help.

Mr. Williams made a **motion** that we approve the purchase of the pipe through the Highway Department and allow the drainage problem to be corrected by the homeowner. The homeowner agrees with this and to authorize the Town Attorney to prepare a release.

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

BONDS

Mr. Williams made a **motion** to release the bond for Benderson Development for a pump station installed at the end of their driveway and Route 311. They dedicated it to the Town of Patterson, so we held money in escrow to guarantee that it was constructed properly. The balance is \$2,345.15 to be released back to Benderson.

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

ACME MARKETS

Mr. Williams stated they will be opening the former A&P Supermarket and the tentative date is June 19, 2016.

Mr. Williams stated I will defer my Executive Session – Contract Negotiations until the end of the meeting. Russ, if you are available, I would like you to come in and join this meeting.

KEVIN BURNS

CONFERENCE REQUEST(S)

Mr. Burns made a **motion** to approve one conference request in an amount not to exceed \$931.00.

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

PLPD BOAT HOUSE SECURITY

Mr. Williams introduced the following **Resolution for Purchase of Equipment for Security and Fire Alarm for Patterson Boat House:**

R-0316-09

WHEREAS, the Town Board of the Town of Patterson desires to implement a Security and Fire Alarm System and Video Surveillance at the Patterson Boat House located at 600 Lakeshore Drive; and

WHEREAS, in accordance with the Town's Procurement Policy, the Town requested written quotes from 3 providers and received two written proposals in response; and

WHEREAS, NYCONN Security Systems, Inc. has submitted the lowest quote (hereinafter the "Proposal") in the amount of \$650 for the installation of the Firm Alarm System and a \$22 per month fee for Central Station Monitoring, and \$1,400 for installation of a Video Surveillance System, a full and complete copy of the Proposal being annexed hereto and hereby made a part hereof; and

WHEREAS, the Town Board of the Town of Patterson wishes to accept the Proposal of NYCONN Security Systems, Inc.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Patterson hereby accepts the Proposal of NYCONN Security Systems, Inc. to install Security and Fire Alarm System and Video Surveillance for the price set forth in the Proposal; and

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized and directed to execute any and all agreements and other documents necessary to give effect to this Resolution, consistent with the terms hereof, all in form satisfactory to the Supervisor and the Town Attorney.

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

ZHENHUI LI LETTER

Mr. Burns stated we will acknowledge that we received Mr. Li's letter and let him know that we tabled this until further discussion.

Mr. Burns made a **motion** to add one item to his agenda.

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

BUDGET TRANSFERS

Mr. Burns made a **motion** to approve Budget Transfer No. 10.

From:	FP.9040.800	Worker's Compensation – VFBL	\$(9,828.00)
	Expense Accounts		

To: FP.9025.800
Expense Account

LOSAP Service Awards Program

\$9,828.00

PETER DANDREANO

ABSENT

CHARLES COOK

PUTNAM COUNTY REAL PROPERTY 2016 CONTRACT

Mr. Cook introduced the following **Resolution Approving Putnam County Real Property Tax Service Contract for Calendar Year 2016:**

R-0316-10

WHEREAS, the Town of Patterson has received from the Director of Real Property Tax Services of the County of Putnam an agreement entitled "Putnam County Real Property Tax Service Contract" in the form annexed hereto (the "Contract") whereby the County proposes to provide real property tax-related services to the Town for the 2016 calendar year as described in the Contract, a full and complete copy of which is annexed hereto and hereby made a part hereof; and

WHEREAS, the Town Board of the Town of Patterson has determined that the Contract is in the best interests of the Town and desires to enter into the Contract;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Patterson hereby approves the Contract with the County of Putnam in the form annexed hereto; and

BE IT FURTHER RESOLVED, that the Town of Patterson shall request only a single assessment role, thereby reducing the cost from \$0.50 per parcel to \$0.48 per parcel; and

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized and directed to execute the Contract in the form annexed hereto.

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

2016 POST CLOSURE MONITORING REPORT PROPOSAL

Mr. Cook introduced the following **Resolution Accepting Proposal of Sterling Environmental Engineering, P.C. to Perform the 2016 Annual Post-Closure Monitoring for the Town Landfill:**

R-0316-11

WHEREAS, Sterling Environmental Engineering, P.C. has submitted an estimate of cost, a copy of which is annexed hereto and incorporated herein by reference (the "Proposal"), dated March 11, 2016 to conduct the annual Post-Closure Monitoring ("PCM") for 2016 in accordance with the Post-Closure Monitoring and Maintenance Manual ("PCMMM") for the Town of Patterson Landfill (the "Landfill"); and

WHEREAS, the Proposal sets forth an estimate of \$5,970 to perform the required PCM at the Landfill for 2016; and

WHEREAS, pursuant to the Town's Procurement Policy, the Town Board is authorized to accept the Proposal without competitive bidding or offering a request for proposal because the procurement contemplates a professional service contract under \$20,000; and

WHEREAS, the Town Board of the Town of Patterson wishes to accept the Proposal submitted by Sterling Environmental Engineering, P.C.;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Patterson hereby accepts the Proposal of Sterling Environmental Engineering, P.C. to perform the PCM for 2016 in accordance with the PCMMM for the Landfill;

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized and directed to execute the attached Proposal by and on behalf of the Town.

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

BUILDINGS & MAINTENANCE POSITION

Mr. Cook stated we advertised for this position and we received a number of applications. The Town Board met with several individuals and conducted interviews. All were very qualified and some were over qualified. We narrowed it down to two people to come back to interview with the Town Supervisor and we should have a resolution to approve the employment of someone by the next meeting.

Mr. Cook made a **motion** to add one item to his agenda.

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

Mr. Cook stated we received a memo from the Putnam Lake Fire Department regarding new members.

Mr. Cook made a **motion** that Randall Sant has been accepted in the Putnam Lake Fire Department.

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

OTHER BUSINESS

Mr. Williams stated we received a memo from our Director of Code Enforcement requesting the return of restoration fees, which is within our code to do.

Mr. Williams made a **motion** to approve the refund to the Patterson Community Church and the return of their application processing fee for a total amount of \$175.00.

Mr. Rogan stated this for the sale of the Christmas Trees that the Church does every year. Should we be considering some kind of an exemption for the future for the same operation, and not have to go through the Town's expense of reviewing an application and then going back and refunding fees for time spent.

Mr. Williams stated my opinion is that we do have to take a look at every one of the Christmas tree operations to make sure that they have reasonable parking and safe egress.

Mr. Rogan stated I mean this specific application.

Mr. Williams stated even this application. I think it's good for the Town to look at these to make sure everything is done safe and properly. I would be opposed to eliminating the need to have an application.

Mr. Rogan stated I would be in favor of refunding the \$150.00, but not the \$25.00 application fee, because he did the work.

Mr. Williams stated I concur. That is the way it is written within the code, that we can refund the \$150.00.

Mr. Rogan stated I would like amend that to \$150.00 from \$175.00.

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

Mr. Williams stated we received our quote from our commercial insurance. There is an almost \$10,000.00 increase from last year. The increase is due to their hiring an appraiser and evaluating all our buildings. I received the report today. I intend to challenge a number of the appraisals. We have to pay this within the next week.

Mr. Williams made a **motion** and asked the Board to approve the expenditure of \$167,420.38 for our insurance, subject to further discussion between NYMER and the Supervisor.

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

Mr. Rogan stated possibly at the end of this month, the DEC will be doing a prescribed burn in the (inaudible) area, which goes into Patterson. It's based on weather. I find it peculiar that the DEC can do a prescribed burn during their own self-imposed moratorium on burning.

PUBLIC RECOGNITION

Ms. Pat Ploeger stated this morning I received a clean bill of health for my septic system and Tidel Septic handed me a form; Putnam County Septic System Data and Inspection Form 0912, which is proof I complied with the law that says our systems have to be pumped out and inspected before May of this year.

Mr. Williams stated yes, I believe so.

Ms. Ploeger stated I'm curious, since I get the gold copy, the Town gets the yellow copy, what percentage of the Town is in compliance.

Mr. Williams stated I would guess around 600 people have complied.

Mr. Burns stated I had my septic cleaned last year. I don't remember getting a form.

Mr. Rogan stated the form gets automatically sent to the Health Department and presumably the Town.

Mr. Burns stated does the homeowner get a copy.

Mr. Williams stated yes. This was an imposition in the MS-4 Program by the DEC. They put it on the Town's, even though the Towns have no jurisdiction over septic systems and maintaining septic systems. We went to the agency that is responsible for septic systems, Putnam County Health Department. We told them we had this requirement, the ability to share services to work together on this and we would like to do that. They were less than receptive in participating. It was agreed that they would develop the forms, make sure that the haulers all had them and build a database, so that the Towns could have a database to see who is inspecting and who is not. Come May, the DEC is expecting the Town to start sending out notices of violation or at least reminders.

Ms. Ploeger stated so, the Town will be following up with those people.

Mr. Williams stated yes.

Ms. Ploeger stated I would like to encourage everyone in the Putnam Lake Watershed that goes into the Croton River and almost all of Patterson is one giant watershed for the Great Swamp. It is so important for us to comply.

Mr. Williams stated Warren Lucas who is Supervisor of the Town of North Salem has built his own data base, which he has given to Westchester Health Department and they are using. He offered it to us for free. We still have to input all the data into it.

Mr. Rogan stated how complicated of a database could it be.

Mr. Williams stated you have to see what Warren did.

Mr. Rogan stated it sounds simple.

Mr. Burns stated if someone wanted to see if they are in compliance, is there any mechanism to do it.

Mr. Williams stated no.

Ms. Ploeger stated when this came up five years ago, I think we were all asking the same question, what is the penalty for non-compliance and who levies that penalty.

Mr. Williams stated we have a local law on the books and I believe the penalty is \$350.00 for non-compliance per week.

Ms. Ploeger stated okay.

Mr. Williams stated the Town is looking for that pumped out and inspected. If there is any additional work, then it is going right back to the Health Department.

Mr. Rogan stated if it wasn't for being on the Planning Board and hearing this discussion and a little through the Health Department, as a resident, I wouldn't have known about this law. Maybe we need to step up our efforts for public education. When we send out the tax bill, we send a flyer reminding them.

Ms. Ploeger stated thank you.

EXECUTIVE SESSION

Mr. Cook made a **motion** to go into Executive Session at 8:10 p.m.

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

Mr. Burns made a **motion** to close Executive Session at 8:10 p.m.

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

Mr. Williams called the meeting back to order at 8:10 p.m.

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