

PATTERSON TOWN BOARD MEETING
PATTERSON TOWN HALL
1142 ROUTE 311
PATTERSON, NEW YORK 12563
April 8, 2015

MINUTES

PRESENT: MICHAEL GRIFFIN, SUPERVISOR
KEVIN BURNS, COUNCILMAN
PETER DANDREANO, COUNCILMAN
SHAWN ROGAN, COUNCILMAN
ANTOINETTE KOPECK, TOWN CLERK
MICHAEL LIGUORI, TOWN COUNSEL

ABSENT: CHARLES W. COOK, DEPUTY SUPERVISOR

Salute to the Flag and Roll Call.

Supervisor Griffin called the Patterson Town Board meeting to order at 7:00 p.m. with 21 in attendance.

REPORTS

Mr. Griffin asked the clerk to file the reports as read.

Code Compliance - March
Code Enforcement - March
Dog Control Officer - March
E.C.I.- None
Putnam Lake Fire Dept. - None
Patterson Fire Dept. - None
Patterson Recreation Center - March

SUPERVISOR REPORTS

Mr. Rogan made a **motion** to approve the Supervisor's Reports for the months of February.

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

MINUTES

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

Bid Opening - Highway Materials - March 18, 2015
Bid Opening - PLPD Lawn Maintenance - April 6, 2015
Town Board Meeting Minutes - February 25, 2015
Town Board Meeting Minutes - March 11, 2015

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

AUDIT OF BILLS

Mr. Burns made a **motion** that the Town Board accept Abstract No. 6 as written:

General Fund \$68,815.76, Highway Fund \$56,579.29, Waste Water Treatment Plant \$40,637.06, Capital Fund \$1,944.70, Putnam Lake Light District \$552.37, Patterson Light District \$700.12, Putnam Lake Refuse District #1 \$20,454.55, Patterson Refuse District #2 \$18,893.22, Deerwood Drainage District \$18.35, Patterson Park District \$364.40, Putnam Lake Park District \$1,962.12, Alpine Water District \$725.00, Dorset Hollow Water District \$996.58, Fox Run Water District \$24,034.14, Trust & Agency \$632.20, Grand Total Abstract \$237,309.86.

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

PUTNAM LAKE SEASONAL LAWN MAINTENANCE – AWARD BID

Mr. Dandreano introduced the following **Resolution for Acceptance of Bid for Seasonal Lawn Maintenance and Landscaping of Putnam Lake Park District:**

R-0415-01

WHEREAS, the Town Board of the Town of Patterson has duly advertised for bids for the provision of seasonal lawn maintenance and landscaping of Putnam Lake Park District, consistent with the Town's Procurement Policy; and

WHEREAS, Eight 4 Five Services Inc. has submitted the lowest bid proposal dated March 24, 2015 in the amount of \$2,700.00 for the Memorial Ballfield only; and

WHEREAS, the Town Board of the Town of Patterson wishes to accept the aforementioned proposal submitted by Eight 4 Five Services Inc.;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Patterson hereby accepts the proposal submitted by Eight 4 Five Services Inc. of \$2,700.00 for seasonal lawn maintenance and landscaping of the Memorial Ballfield in Putnam Lake Park District for the 2015 season; 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. Rogan. All In Favor: Aye. Carried.

HOMELAND SECURITY AND EMERGENCY SERVICES – IMAP

Mr. Dandreano stated the Intrastate Mutual Aid Program (IMAP) is a resource sharing mechanism created in Section 29h of the New York State Executive Law. It allows local governments to share resources during a declared local state of emergency. This is an opt-out program, so if we don't want to participate, we can opt-out. It just takes a resolution. The only thing Counsel has to look into is a section regarding participating local governments will need to determine which legislative or governing body approval, if anything, will be necessary in order to fully participate.

Mr. Michael Liguori, Town Attorney stated unless we were going to choose to opt-out, we don't have to do anything. The one thing I wasn't one hundred percent sure of was whether this just covers the Town. For instance, we have two fire protection districts, each of the departments in those districts are subject to a mutual aid agreement with various other municipalities to coordinate and respond. I didn't know if that was covered under this.

Mr. Dandreano stated it doesn't affect any other mutual aid agreements.

Mr. Dandreano stated I will do the first two items on Mr. Cook's agenda.

CHARLES COOK - ABSENT

GOLDEN AGE SENIORS REQUEST(S)

Mr. Dandreano made a **motion** to approve the Golden Age Seniors request to go to the Aqua Turf with transportation in an amount not to exceed \$1,180.00.

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

WOMEN OF DISTINCTION NOMINATION

Mr. Dandreano stated Mr. Cook wrote a nice letter to Senator Murphy for the 2015 Women of Distinction nomination. We are nominating Dr. Marilynn Terranova. She has all kinds of

awards and achievements, and I think she is an excellent pick. We couldn't have picked a better person to represent Patterson.

GOVERNMENT EFFICIENCY PLAN - DISCUSSION

Mr. Griffin stated we received a letter from the Association of Towns. The Government Efficiency Plan is part of the conditions of the two percent tax cap that we are all currently operating under. In the first year of the program, homeowners are eligible to receive a property tax credit as long as their local government certifies that it stayed within the property tax cap, which we did and all the schools did. If you haven't received a check yet, call the State. However, in order for homeowners to receive a credit in the second year in the program, local governments must not only stay inside the tax cap, but must also develop or participate in the development of a state approved government efficiency plan by June 15, 2015. The Government Efficiency Plan must feature shared services, cooperation agreements, mergers and/or efficiencies that when implemented will achieve the mandated savings targets in 2017, 2018 and 2019. That mandated target is one percent of the total amount that we taxed in the Town. For us it will be approximately \$50,000.00. We have to either merge something, modify something or stream-line something and come up with a plan to reduce expenses by that or we will not meet the second portion of the two percent tax cap for residents to get money from the State.

Conversation ensued.

SHAWN ROGAN

MAPLE AVENUE CEMETERY ASSOCIATION REQUEST

Mr. Rogan stated we have a seconded request from the Maple Avenue Cemetery Association. They have asked the Town for additional reimbursement for maintenance of the cemetery to cut the grass. There is some question about what the Town's responsibility is in this case. They asked for an increase of \$800.00 for a total of \$3,750.00. We already granted them \$2,950.00 through the budget process. It is recommended that we offer an additional \$300.00 to offset some of their costs. There is some investigation into what the Town's actual responsibility will be. Next year we will have a better idea of what the square footage is that the Town is responsible for maintaining.

Mr. Rogan made a **motion** upon Mr. Griffin's recommendation that we increase and offer \$300.00 additional to the Maple Avenue Cemetery Association to offset or defer their costs for maintenance of the cemetery grounds.

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

GOOD SAMARITAN LEGISLATION – DISCUSSION/RESOLUTION

Mr. Rogan introduced the following **Resolution for Coverage of Volunteers Out-of-District Under Volunteer Firefighters Benefits Law:**

R-0415-02

WHEREAS, on December 17, 2014, Governor Cuomo signed into law amendments to the General Municipal Law and Volunteer Ambulance Worker's Benefits Law to provide coverage for volunteer firefighters and ambulance workers when they volunteer at an out-of-district accident scene before an officer in charge accepts their services; and

WHEREAS, the governing body of the assisting volunteer must pass a resolution in order to make the aforementioned coverage available; and

WHEREAS, the Town Board wishes to make the aforementioned coverage available to its volunteers to encourage them to act as "good samaritans" out-of-district; and

WHEREAS, it is the intent of this resolution to make available the coverage provided by General Municipal Law Section 209-i(1-b) to volunteer firefighters when they volunteer at an out-of-district accident scene before an officer in charge accepts their services;

NOW, THEREFORE, BE IT RESOLVED, that whenever a volunteer firefighter of the Patterson or Putnam Lake Fire District provides services under General Municipal Law Section 209-i when there is no jurisdictional officer in command present, such volunteer firefighter shall be entitled to coverage under the Volunteer Firefighters Benefits Law coverage provided by the Patterson or Putnam Lake Fire District for the provision of such services; provided that upon the arrival of a jurisdictional officer in command, such volunteer firefighter shall report to such officer and offer his/her services to assist such fire company or fire department, and if such offer of assistance is not accepted, then the volunteer firefighter of the Patterson or Putnam Lake Fire District must immediately cease providing any additional service at the scene of the emergency; 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. Burns. All In Favor: Aye. Carried.

ANNOUNCEMENTS

Mr. Rogan stated I will defer the announcements until the end of the meeting.

MICHAEL GRIFFIN

LOSAP – DISCUSSION

Mr. Griffin stated this has to do with a recruitment and retention program that the Town instituted with the assistance of the fire departments back in 1997 or 1998. What it does is allow for the Town to provide a benefit to the fire department members upon reaching retirement age. One of the problems with the program, however, is that the plan capped service at age 65, but because our plan has only been around for eighteen or nineteen years, there were members past the age of 65 and were told they could no longer participate. They continued to participate, they continued to get points. However, they were not eligible under the way our plan was written. There was a lawsuit filed in Long Island that said it is discriminatory, that you cannot do that. We had some discussion with the fire department on how to remedy that. At this point in time, there are to my knowledge, only two ways to remedy it. One is to do it through a court order and the other is to do it through a referendum. At this point, I am going to move a resolution for a referendum on the Amendment of LOSAP.

Mr. Griffin introduced the following **Resolution for Referendum on Amendment of LOSAP:**

R-0415-03

WHEREAS, in accordance with the provisions of Section 216 of the General Municipal Law, the Town of Patterson provides a Length of Service Award Program (“LOSAP”) to the members of Patterson Fire Department No. 1, Inc. and Putnam Lake Fire Department, Inc. (collectively, the “Departments”); and

WHEREAS, the provisions of LOSAP require that upon a member reaching the age of entitlement, which is age 65, the member shall no longer be permitted to accrue years of service towards the maximum entitlement benefit; and

WHEREAS, upon a review of similar LOSAP plans in other jurisdictions, the Equal Opportunity Employment Commission (“EEOC”) has determined that having a mandatory cap on accrual based on age violates the Age Discrimination in Employment Act of 1967 (“ADEA”); and

WHEREAS, in order to avoid the potential for liability based on a violation of the ADEA, the Town Board desires to amend LOSAP to permit “post-entitlement accrual”, which would permit the members of the Departments to continue to earn credit towards the maximum entitlement benefit even after reaching the age of 65; and

WHEREAS, notwithstanding the determinations by the EEOC, Section 216 of the General Municipal Law has yet to be amended to permit the Town Board to amend LOSAP without a

mandatory referendum, therefore, an election is required to properly amend the current provisions of LOSAP; and

WHEREAS, to avoid the cost of a special election, the Town Board has determined to place this matter on the ballot of the general election to be held on November 4, 2015; and

NOW, THEREFORE, BE IT RESOLVED, by a favorable vote of not less than two-thirds of the Town Board, that the following proposition shall be added to the ballot of the General Election held in November of 2015:

Abstract: The Town of Patterson provides a Length of Service Award Program (“LOSAP”) to the members of the Town’s volunteer fire departments. LOSAP is an award program that is used to recruit and retain volunteers, provided the volunteers achieve a certain amount of training and call response each year. Volunteers are not permitted to earn credits towards the maximum plan award after reaching the age of entitlement, which is age 65. The Equal Employment Opportunity Commission has determined that similar plans which prevent volunteers from earning credits towards the maximum award violates laws against age discrimination.

Proposition: Shall LOSAP be amended to permit award accrual after the age of entitlement?

BE IT FURTHER RESOLVED, that the Town Clerk is authorized and directed to publish notice of the mandatory referendum at least 27 days prior to said election in accordance with the General Municipal Law.

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

Mr. Griffin stated can we authorize a resolution at the next Town Board meeting.

Mr. Liguori stated we can. We can move forward with the information we have. The only thing I need from Dave is to make sure that we are not missing anyone on that list.

Mr. Matt Spzindor, Fire Chief stated we will have that to you from Dave by the end of the week. At the next Town Board meeting we can have a schedule, pending approval from the Town Board’s resolution when the payments will commence and when they will be completed.

Mr. Liguori stated I need to talk to VFIS about scheduling.

Mr. Griffin stated It won’t take long at all. If VFIS is on board, it won’t take long at all.

DEFRANCESCO DEED RESTRICTIONS – DISCUSSION/RESOLUTION

Mr. Griffin introduced the following **Resolution Authorizing Acceptance of Donation of Real Property with Deed Restrictions, Defrancesco**:

R-0415-04

WHEREAS, Joseph and Phyllis Defrancesco have offered to donate to the Town of Patterson a certain parcel of vacant land known as 74 Canton Road, Patterson, New York, and identified as Town of Patterson Tax Map No. 25.54-1-19 (the “Property”); and

WHEREAS, by resolution dated September 24, 2014, the Town Board accepted the donation of the Property from Joseph and Phyllis Defrancesco subject to the Town Attorney’s review of an updated title report confirming that there are no liens or encumbrances against the Property, and the issuance of title insurance to the Town relating thereto; and

WHEREAS, the title report has revealed certain deed restrictions encumbering the property, a copy of which is annexed hereto and incorporated herein by reference; and

WHEREAS, the Town Board wishes to accept the donation of the Property notwithstanding such deed restrictions, subject to the issuance of title insurance to the Town relating thereto;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts the donation of the Property from Joseph and Phyllis Defrancesco subject to the conditions set forth above; and

BE IT FURTHER RESOLVED that the Town Attorney is hereby authorized to prepare all documents necessary to transfer the Property from Joseph and Phyllis Defrancesco to the Town of Patterson; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Patterson hereby authorizes the Town Supervisor to execute any and all documents necessary to give effect to this resolution in form satisfactory to the Town Supervisor and Town Attorney.

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

EMS CONSULTANT - DISCUSSION

Mr. Griffin stated because of the issue with EMS and the fire departments budget, it had been suggested that we might want to possibility engage in services of a consultant who could give us some direction on how to structure EMS services, whether it be just straight contract with a company like TransCare or a volunteer ambulance corp or some combination. I contacted PSSI Consulting, Mr. Adams and he sent us a proposal. I intend to share this with both of the Chief's. I will send this to you by email. I would like everyone to take a look at it and comment on whether they see value to this or not. I don't know if \$28,000.00 is an amount of money we really want to spend, but if it can give us some clear direction on how to handle emergency services for the Town for the coming years and how to evaluate what we are doing, there may be some value here. I spoke to Trish and there are some places we could get the money from.

Mr. Griffin made a **motion** to add two items to his agenda.

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

Mr. Griffin stated we had a request from the Planning and Zoning Board and they want to get paid for the night that they spent with the Town Board for the All Boards meeting. Do you want to pay them.

Mr. Burns stated yes.

Mr. Burns made a **motion** to approve compensation to the Planning and Zoning Board for the time they spent attending our combined All Boards meeting to review the Comprehensive Plan.

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

Mr. Griffin stated we have a responsibility to educate all our employees on an annual basis for Work Place Violence. One of the things that is in the policy however, is that we have to annually give every Town employee a printed copy of the policy, which comes to approximately 60 copies. Rather than continue to waste printing out many copies of the form, I think the requirement is we just have to post it, but you still have to do the annual training. It has been requested by the trainer that we modify the plan to take the section out that we will provide a printed copy to every member every year.

Mr. Griffin made a **motion** to authorize the changes submitted to us by our Personnel Director, Sue Brown to modify the language in the Work Place Violence plan.

Seconded by Mr. Burns.

Mr. Rogan stated discussion. Sue, when new hires go through their entrance interview, they receive a copy of this, correct.

Ms. Sue Brown stated yes.

Mr. Rogan stated they also get copies to employees when there are significant changes to the plan, correct.

Ms. Brown stated yes.

Mr. Dandreano stated where will it be posted.

Ms. Brown stated on the website and in locations in each of the buildings.

Mr. Rogan stated thank you.

All In Favor: Aye. Carried.

KEVIN BURNS

RE-COMMUNITY PROPOSAL – DISCUSSION/RESOLUTION

Mr. Burns introduced the following **Resolution Approving Proposal from Hudson Baylor Beacon, LLC d/b/a ReCommunity Beacon for Delivery of Single Stream Recycling:**

R-0415-05

WHEREAS, the Town of Patterson (the “Town”) currently has its single stream recycling delivered to a recycling processing facility located in Beacon, New York (the “Facility”), operated by Hudson Baylor Beacon, LLC d/b/a ReCommunity Beacon (“ReCommunity”), pursuant to a “Recycling Services Agreement” dated April 1, 2013 and renewed by agreement of the parties on April 7, 2014 (collectively, the “Agreement”); and

WHEREAS, the Town and ReCommunity wish to extend the Agreement on such terms and conditions set forth in the annexed “Single Stream Proposal” from ReCommunity dated March 20, 2015, which is hereby incorporated herein by reference; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Patterson hereby authorizes the Town to accept the Single Stream Proposal from ReCommunity in the form annexed hereto or such other form as is satisfactory to the Town Supervisor and Town Attorney; 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. Rogan. All In Favor: Aye. Carried.

BUDGET TRANSFER

Mr. Burns made a **motion** to approve Budget Transfer No. 5 and No. 6

Budget Transfer No. 5

From: DA.5110.400	General Repairs Contractual	\$(15,000.00)
To: DA.5142.400	Snow Removal Contractual	\$ 15,000.00
Expense Accounts		

Budget Transfer No. 6

Increase:	FL.0599	Appropriated Fund Balance	\$ 429.00
	FP.0599	Appropriated Fund Balance	\$ 11,733.00
	Fund Balance		
Decrease:	FL.9040.800	Workers Comp – Fireman’s	\$ (4,898.00)
	FP.9040.800	Workers Comp – Fireman’s	\$ (7,357.00)
Increase:	FL.9025.8	LOSAP Service Awards Program	\$ 5,327.00
	FP.9025.800	LOSAP Service Awards Program	\$ 19,090.00
	Expense Accounts		

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

TRAINING REQUEST

Mr. Burns made a **motion** to approve three (3) conference requests as submitted.

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

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

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

Mr. Burns stated I have a memo from the Highway Department to purchase a vehicle that will be used to transport water during the summer and also for brine applications for winter road maintenance.

Mr. Burns made a **motion** to approve the request of the Highway Department to purchase a 1989 International flatbed truck in good condition for the amount of \$17,500.00.

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

OTHER BUSINESS

Mr. Dandreano made a **motion** to approve the request of the Putnam Lake Park District to purchase softballs and score books for the softball league from Anaconda Sports in an amount not to exceed \$411.75.

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

Mr. Dandreano stated I'm still plugging our Child Safety Day which will be held Sunday, April 26, 2015 from 12:00 p.m. to 3:00 p.m. at the Putnam Lake VFW.

Mr. Dandreano stated I attended the Putnam County Emergency Preparedness Task Force meeting that Shawn was also at. They are looking to have more representation from local Towns. The County is doing a lot out there that I don't think we know about and we are doing a lot that the County doesn't know about. I think it's a great opportunity to share what we are doing with emergency preparedness.

Mr. Rogan stated I can actually say it was great having Pete there to represent the Town of Patterson because he is definitely an asset to that task force. We are not only proud to have such great representation from Patterson, but it is good to have all the Towns involved.

ANNOUNCEMENTS

Mr. Rogan stated I have some wonderful announcements. Route 312 will be closed for repairs starting at 10:30 p.m. on April 10, 2015 and reopen on Monday, April 13, 2015 at 4:00 p.m.

On April 25, 2015 the Patterson Recreation Center will hold the Military Collectables and Knife Show. Brian Benedict says that if you have any military items and you would like to know more about them, you can bring them to the event. It is from 9:00 a.m. to 4:00 p.m. admission is \$5.00, children under 12 are free.

Coming up on Saturday, April 25, 2015, we have the Medication Take Back Day at Putnam Hospital.

We have the 17th Annual Bingo-thon at the Putnam Nursing and Rehab Center on Ludingtonville Road on May 13, 2015 from 10:00 a.m. to 11:30 a.m. and 1:00 p.m. to 2:30 p.m. Call Justin Taveno at 808-1700, ext. 47111.

PUBLIC RECOGNITION

None.

ADJOURNMENT

There being no further business, Mr. Burns made a **motion** to adjourn the Town Board meeting at 8:50 p.m.

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

Respectfully Submitted,

Antoinette Kopeck, Town Clerk