

PATTERSON TOWN BOARD MEETING
PATTERSON TOWN HALL
1142 ROUTE 311
PATTERSON, NEW YORK 12563
May 25, 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 10 in attendance.

AUDIT OF BILLS

Mr. Cook made a **motion** that the Town Board accept Abstract No. 9 as written:

General Fund \$26,719.52, Highway Fund \$87,067.93, Putnam Lake Fire District \$210,980.00, Patterson Fire District \$569,800.00, Waste Water Treatment Plant \$4,121.30, Putnam Lake Light District \$1,525.89, Patterson Light District \$1,705.92, Patterson Refuse District #2 \$656.65, Patterson Park District \$891.23, Putnam Lake Park District \$578.32, Alpine Water District \$1,035.46, Fox Run Water District \$24.50, Trust & Agency \$55,000.00, Grand Total Abstract \$960,106.72.

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

CHARLES COOK

CSEA RETIREE VISION AGREEMENT

Mr. Cook introduced the following **Resolution for CSEA Employee Benefit Fund**:

R-0516-04

WHEREAS, the CSEA Employee Benefit Fund (the "Fund") has submitted a Memorandum of Understanding between the Town of Patterson, as "Employer", and the Fund acknowledging that the Fund will offer a Retiree Vision Program (the "Plan") to eligible retired members of the CSEA, a full and complete copy of said Memorandum being annexed hereto and hereby made a part hereof; and

WHEREAS, the Retiree Vision Program will not result in any obligations on the part of the Town, including, without limit, the obligation to pay for coverage under the Plan,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Patterson hereby authorizes and approves the Memorandum of Understanding; 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 in such form as is satisfactory to the Town Supervisor and the Town Attorney, and take whatever other actions may be necessary to give effect to this resolution

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

KAHMI LAND DONATION

Mr. Cook stated we received a letter from Sharon Kahmi stating she is the guardian for her Mother and that they would like to donate property to the Town at 54 Addison Drive and that it is deemed wetlands with no potential to develop.

Mr. Williams stated we will table this until further notice.

SHAWN ROGAN

VETERANS' PARK REQUESTS

Mr. Rogan made a **motion** to approve the pay rate of \$15.30 per hour for the Veterans Park Head Lifeguards.

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

Mr. Rogan made a **motion** to approve the rate of \$10.80 per hour for Katherine Leonard as lifeguard per the 2016 budget.

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

SANITATION DEPARTMENT REQUEST(S) – EMPLOYMENT

Mr. Rogan made a **motion** to approve hiring Tyler Witcomb for the MEO position, at a starting rate of \$29.46 per hour starting on Tuesday, May 31, 2016.

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

Mr. Rogan made a **motion** to approve Auctions International sale of a light bar and strobe lights for a total sum of \$78.50.

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

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

RICHARD WILLIAMS

NEW YORK RURAL WATER – RESOLUTION

Mr. Williams introduced the following **Resolution to Participate in the New York Rural Water Association (“NYRWA”) Source Water Protection Program**:

R-0516-05

WHEREAS, the NYRWA's federally-funded Source Water Protection Program provides technical assistance at no charge to rural and small communities for the development and implementation of local source water protection plans designed to prevent the deterioration of water resources used for drinking water; and

WHEREAS, NYRWA's Source Water Protection Specialist is qualified and available to assist the Town of Patterson with developing a source water protection plan that involves the following elements: defining the water supply resources to be protected; identifying potential threats to the quality and quantity of drinking water resources; recommending and implementing measures to reduce threats to drinking water resources; and planning for the future, including water supply emergency events; and

WHEREAS, the Town of Patterson seeks to further develop its water resources planning and management strategies in order to protect drinking water resources for Town residents,

NOW THEREFORE, BE IT RESOLVED, that the Town of Patterson will take the following steps to develop and implement a source water protection plan:

- (i) With the help of NYRWA, hold or participate in a source water protection workshop with representatives from each governmental entity in the planning area invited;
- (ii) Form an advisory planning team/committee to include one or more Town board member(s), representatives from other Town or Village boards and committees, public water suppliers, representatives of other government entities in the planning area, county agency officials, and other interested individuals;
- (iii) Work with NYRWA Source Water Protection Specialist to identify water supply resources and potential threats;
- (iv) Recommend and implement management strategies to protect identified water sources;
- (v) Review and approve a source water protection plan; and
- (vi) Periodically review and update the source water protection plan as necessary; 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. Rogan. All In Favor: Aye. Carried.

DOWNTOWN REVITALIZATION INITIATIVE

Mr. Williams stated NY State has ten different planning units. They have a Regional Economic Development Committee in each of the planning units. There is a grant program that they are selecting one community in each of the planning groups to receive funding to do a study on a downtown revitalization project. I am working on putting an application in and looking for the Board's approval. It is focusing on the Hamlet and to make it more of a tourism center.

MEMORIAL DAY

Mr. Williams stated just a reminder this Monday is Memorial Day and there will be a service in Putnam Lake at the monument. A second ceremony will be held on this side of town at Maple Avenue.

INTERN FOLLOW-UP

Mr. Williams stated we are interested in hiring Henry O'Connor for an internship for the Town of Patterson. We have several projects for him to work on.

Mr. Williams made a **motion** to approve hiring Henry O'Connor for an internship for the summer at a rate of \$10.00 per hour.

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

KEVIN BURNS

PROPOSAL FOR LEGAL SERVICES – LABOR COUNSEL

Mr. Burns introduced the following **Resolution Appointment of Special Counsel Specific Litigation Matter, Thomas, Drohan, Waxman, Petigrow & Mayle, LLP:**

R-0516-06

WHEREAS, the Town Board of the Town of Patterson considers it to be in the best interest of the Town to retain special counsel with regard to a pending labor grievance alleging overtime violations; and

WHEREAS, the Town Board has received a Proposal dated May 13, 2016 from Thomas, Drohan, Waxman, Petigrow & Mayle, LLP to provide representation to the Town in

connection with the aforementioned grievance, and a full and complete copy of said Proposal is annexed hereto and hereby made a part hereof; and

WHEREAS , contracts for professional services where the fees will be less than \$20,000 are not subject to the competitive bidding requirements of the Town's Procurement Policy, and the fees in this matter are not anticipated to exceed \$20,000;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Patterson hereby accepts the terms set forth in the Proposal annexed hereto; 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 in such form as is satisfactory to the Town Supervisor and the Town Attorney, and take whatever other actions may be necessary to give effect to this resolution.

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

BUDGET TRANSFER(S)

Mr. Burns made a **motion** to approve the following Budget Transfers No. 19 and 20:

Budget Transfer No. 19

From:	DA.5020.400 Expense Accounts	Engineer Contractual – Highway	\$(379.00)
To:	DA.5110.401 Expense Accounts	Vehicle & Liability Insurance	\$ 379.00

Budget Transfer No. 20

From:	A.1110.100 A.7140.100 A.8020.100 Expense Accounts	Justice Court Personal Services Recreation Center Personal Services Planner Personal Services	\$(3,465.00) (6,930.00) (24,750.00)
To:	A.1621.100 A.1623.100 A.1620.100 Expense Accounts	Buildings Personal Services – JC Buildings Personal Services – RC Buildings Personal Services – TH	\$ 3,465.00 6,930.00 24,750.00

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

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

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

Mr. Burns made a **motion** to approve the hiring of a Putnam Lake Piranha Swim Team Coordinator, Monique Lawlor at a stipend of \$450.00.

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

PETER DANDREANO

ABSENT

OTHER BUSINESS

Mr. Cook stated Rich is there any update with the Putnam County Food & Wine Festival, because I know we have to schedule a Public Hearing.

Mr. Williams stated I met with the principles and I'm waiting for an update on parking and traffic coming in and out of the site. We need to have that information before we can schedule the Public Hearing. I will follow-up with them soon.

Mr. Williams introduced the following **Resolution for Settlement of Tax Certiorari Proceeding in the Matter of the Application of Martin Associates ET AL and Fitzgerald Family, LLC ET AL, Petitioner, v. the Assessor of the Town of Patterson, the Board of Assessment Review of the Town of Patterson and the Town of Patterson, Respondents:**
Supreme Court

R-0516-07

WHEREAS, the Town of Patterson is currently a party respondent in certain tax certiorari proceedings entitled MARTIN ASSOCIATES ET AL V. TOWN OF PATTERSON, ET AL and FITZGERALD FAMILY, LLC ET AL V. TOWN OF PATTERSON, ET AL, currently pending in the Supreme Court, State of New York, County of Putnam, in which the total assessed valuation of premises shown on the Patterson Tax Map as Section 4, Block 1, Lot 34 as listed on the 2014 and 2015 Assessment Roll are being contested; and

WHEREAS, a proposed settlement of said matter has been negotiated by and among the Assessor of the Town of Patterson, the Patterson Town Attorney and Counsel to Petitioner, and the Town Assessor has recommend acceptance and approval of the proposed settlement, the terms of which are set forth in a proposed Consent Judgment and Amended Complaint of Real Property Assessment, a full and complete copies of which are annexed hereto and hereby made a part hereof; and

WHEREAS, the Assessor of the Town of Patterson and the property owner have agreed to settle the proceeding with the 2014 and 2015 assessments remaining the same and an agreed assessment for 2016 as follows:

Section 4, Block 1, Lot 34

<u>Assessment Roll Year</u>	<u>Original Assessment</u>	<u>Reduced Assessment</u>	<u>Amount of Reduction</u>
2014	7,567,600	7,567,600	0
2014	7,719,000	7,719,000	0
2016	7,796,200	6,500,000	1,296,200

WHEREAS, as a condition to the settlement the Petitioner has waived the provisions of Real Property Tax Law Section 727, as such the Town has no obligation to hold the 2016 assessment rate for any year following 2016,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Patterson hereby approves and ratifies the settlement of the above described proceeding as recommended by the Town Assessor as set forth above; and

BE IT FURTHER RESOLVED, that John J. Hogan of the Firm of Hogan & Rossi, the Patterson Town Attorney or any other member of said Firm, is hereby authorized and directed to sign on behalf of the Town of Patterson, said Consent Judgment in the form annexed hereto or if hereinafter modified or amended, in such form as may be deemed satisfactory to the Town Attorney;

BE IT FURTHER RESOLVED that the Town Assessor is hereby authorized and directed to sign, on behalf of the Town of Patterson the Amended Complaint and all other documentation necessary to give effect to this resolution in a form satisfactory to the Town Supervisor and Town Attorney.

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

PUBLIC RECOGNITION

Mr. Robert Odell stated Mr. Williams you stated at the last Town Board meeting that there was an officer from the Patterson Fire Department here and you made a statement that I am going to paraphrase; "you did a lot of work, it was a nice recovery that you made. What were you referring to.

Mr. Williams stated to be honest, I'm not exactly sure. I would think, it would have to do with the fact that there was money missing over there. They did a lot of work in setting policies in place, to make sure that it would not happen again. They did a lot of work in cleaning up their accounting practices. The insurance company has reimbursed them.

Mr. Odell stated in what time frame did that happen; was it one year, several years or what.

Mr. Williams stated we are not sure.

Mr. Odell stated that should be reflected in their future budget. In other words, they were getting money that wasn't missed or they didn't miss. If you look at that in the future, I would have no problem with that.

Mr. Williams stated we are taking a hard look. Last year, the budget got cut \$23,000.00 and this Board stood fast.

Mr. Odell stated you did and if they got a reimbursement from the insurance company, how can they complain about \$23,000.00. That doesn't make any sense.

Mr. Burns stated the frustration for us is that it's not like we funded programs at the Recreation Center for one million dollars and at the end of the year, we can say you have two million dollars in your budget. We don't have that right to look into that, and ask where the money went. There is an element of control. It's frustrating to us.

Mr. Odell stated was that loss picked up in an internal audit or external audit.

Mr. Williams stated it's an internal audit.

Mr. Odell stated so they found that themselves.

Mr. Williams stated New York State Law requires that every year they provide an independent auditor to audit their books. They started that process when they realized the money was missing.

Mr. Bruce Major stated and the Town provided the money for that audit, did they not.

Mr. Williams stated not that I am aware of.

Mr. Major stated I thought that they asked for more money when both fire departments were told they haven't been providing their audits and they had to provide it and they said it would be an additional cost. You might want to go back and check that.

Mr. Williams stated I do recall that the fire departments stated that this is an additional expense, we are going to have to pass it on in our budgets. This budget that I'm working with, does not reflect that.

Mr. Major stated did you receive any of those audits.

Mr. Williams stated yes. We received Putnam Lake audit, we have not received Patterson audit, because they are still under investigation. The individuals that are doing the investigation still have a lot of their records that are making it very difficult for them to complete the Town's audit.

Mr. Major stated that's fine. In today's paper, there is an indication that the County will be putting up cell towers throughout the County. I was wondering if you can you give us an update at the next Town Board meeting, on the impact here in Patterson. They are talking about putting it at their landfill.

Mr. Williams stated our landfill or their landfill.

Mr. Major stated their landfill. My question is, we also have the MTA looking into putting up a cell tower at Route 164. Do the taxpayer's have to pay for putting up two cell towers, when maybe one could do for both. People will say the County and MTA got a grant, but we pay state taxes, real estate taxes and federal taxes. They have a grant of 3.5 million dollars. Mr. Williams stated we have a meeting concerning the MTA tower which our County Legislature will be attending.

Mr. Major asked questions about the project on Bullet Hole Road.

Mr. Williams stated this week the Health Department inspected the Veterans Memorial Park beaches and Putnam Lake beaches and were approved by the Health Department.

EXECUTIVE SESSION - PERSONNEL

Mr. Cook made a **motion** to go into Executive Session at 7:35 p.m.

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

Mr. Burns made a **motion** to close Executive Session at 8:50 p.m.

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

Mr. Williams called the meeting back to order at 8:50 p.m.

ADJOURNMENT

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

ANTOINETTE KOPECK, Town Clerk