

PATTERSON TOWN BOARD MEETING  
PATTERSON TOWN HALL  
1142 ROUTE 311  
PATTERSON, NEW YORK 12563  
JULY 9, 2014

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 15 in attendance.

PUTNAM COUNTY TRANSPORTATION PRESENTATION – IMPROVED ROUTES

Mr. Griffin stated the Putnam County Transportation presentation has been postponed.

REPORTS

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

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

MINUTES

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

Town Board Meeting Minutes - June 11, 2014

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

AUDIT OF BILLS

Mr. Cook made a **motion** to accept Abstract No. 12 as written:

General Fund \$61,669.29, Highway Fund \$185,984.10, Waste Water Treatment Plant \$11,675.67, Capital Fund \$10,000.00, Putnam Lake Light District \$427.18, Patterson Light District \$2,232.86, Patterson Refuse District #2 \$28,235.61, Deerwood Drainage District \$18.36, Patterson Park District \$2,105.74, Putnam Lake Park District \$5,640.08, Alpine Water District \$1,105.49, Dorset Hollow Water District \$1,018.41, Fox Run Water District \$940.63, Trust & Agency \$300.00, Grand Total Abstract \$311,353.42.

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

MICHAEL GRIFFIN

ACCEPT LETTER(S) OF RESIGNATION

Mr. Griffin made a **motion** to accept Robert McCarthy's letter of resignation from the Patterson Town Board, effective July 6, 2014.

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

Mr. Griffin made a **motion** to accept Michelle Lailer's letter of resignation, effective July 11, 2014, from the Planning Department.

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

TOWN BOARD VACANCY

Mr. Griffin stated as you can see Bob McCarthy is no longer here. We received a letter from a gentleman that I have known for many years and I think he is an exceptional individual. He has chaired our Planning Board for a long time. He has expressed a sincere interest in the Town Board and as part of the discussion tonight, I am very comfortable with appointing Shawn Rogan to the Town Board. If there is any other discussion, I will open it up.

Mr. Burns stated I know Shawn and I know he would be a good addition to the Town Board, but it is my position that it is really not a good use of Town funds to appoint a person for a four month appointment, because there will be an election in November. We functioned as a Board very effectively for nine months without Ginny and I don't think there is any reason to appoint someone for four months. It is an elected position and I think the people of Patterson should elect that individual. I'm opposed to appointing anyone at this time.

Mr. Griffin stated Charlie, do you have any thoughts on the matter.

Mr. Cook stated I feel the same way about Shawn. I have known him for a number of years, serving with him on the Planning Board. I have no trouble having him join us. I think that the point Kevin brings up is a good one. I honestly did not realize until today that there would be an election come this November. I could go either way. Waiting the four months is not a deal breaker and having him join us for the four months or more, I'm fine with it.

Mr. Dandreano stated I know Shawn very well. I worked on several boards with him. I think he would be an excellent addition to our Board. I don't think we would be saving a whole lot of money by keeping it empty. I think a whole Board is most productive, especially with the summer months coming up; the budget is coming and vacations. I think it would be wise if we appointed someone right now. I know last year we went a whole year without a Board member, when I wasn't on the Board, I feel that was a mistake. If I was on the Board at that time, I would have chose to fill that spot.

Mr. Griffin made a **motion** to appoint Shawn Rogan to the Town Board until the election can be held and a candidate can be elected by the people of the Town of Patterson.

Seconded by Mr. Cook. All In Favor: Aye. Mr. Burns; Opposed.

Mr. Griffin stated take your seat. Antoinette, you need to get Mr. Rogan an Oath of Office. He will now have to sign one for the Town Board.

Mr. Cook stated Welcome Shawn.

Mr. Shawn Rogan stated I want to say I appreciate the support that I always received as the Planning Board Chairman from this Board over the years. It has always been unanimous support. I understand everyone's point, and I will do my best to do the job in the way that I know how and the way that I've done my job for the Planning Board and that is in essence, making sure that integrity, honesty and respect for everyone is always a priority. That is something that I have always taken as a number one priority on the Planning Board. Anyone that knows the way I've run the Planning Board knows that that is the way we do business and it really doesn't matter about politics, it is about serving the residents of Patterson in the

best way possible. I appreciate everyone's support and I will do my best to make you all proud. Thank you.

Mr. Burns stated does he have to give us a letter of resignation.

Mr. Rogan stated can I read a letter of resignation.

Mr. Rossi stated you can do a verbal resignation. I don't think you should vote on any matters before the Board until you take your Oath of Office.

Mr. Rogan stated ok.

Mr. Rossi stated which can be administered tonight. We don't have the exact verbiage.

Mr. Rogan verbally read his resignation. What I would say to the Town Board and Mike, it has been a distinct honor to serve the residents of Patterson over the last almost 13 years in my position on the Planning Board. I have enjoyed every moment of it and I have enjoyed building a team that focused on respecting applicants and the public, making sure that everyone is part of the process and thank you for the opportunity to serve as your Planning Board Chairman for the last 7 years and I hereby resign.

All In Favor: Aye. Carried.

Mr. Griffin swore Mr. Rogan in to the Town Board.

EXECUTIVE SESSION PERSONNEL

Mr. Griffin stated I will defer my Executive Session Personnel until the end of the meeting.

KEVIN BURNS

GOLDEN AGE SENIORS REQUEST(S)

Mr. Burns made a **motion** to approve a luncheon for the Golden Age Seniors, as submitted.

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

NEW YORK STATE RETIREMENT STANDARD WORK DAY RESOLUTION

Mr. Burns introduced the following **Resolution New York State Retirement Work Day Resolution.**

**R-0714-01**

See Attached.

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

Mr. Burns made a motion to add two items to his agenda.

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

BUDGET TRANSFERS

Mr. Burns made a **motion** to add Budget Transfer No. 24

Increase:	SPL.2001.403	Park Fees – Swim Lessons	\$1,540.00
	Revenue Account		
Increase:	SPL.7110.103	Parks Payroll – Swim Lessons	\$1,224.00
	SPL.7110.453	Parks Training – Swim Lessons	\$ 250.00
	SPL.9030.800	Employee Benefits – Social Security	\$ 56.00
	SPL.9035.800	Employee Benefits – Medicare	\$ 10.00
	Expense Account		

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

Mr. Burns made a **motion** to approve a WSI Certified Instructor at \$15.00 per hour starting June 30, 2014 and an Assistant Instructor on staff lifeguard at the 2014 rate.

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

PETER DANDREANO

REFUSE DEPARTMENT REQUEST(S) - SUBSTITUTES

Mr. Dandreano made a **motion** to approve Frank Farrell, Recycling and Garbage Administrator request to add two part-time employees; Shawn Driscoll and Jared Tyer to the stand-by list for the Sanitation Department.

Seconded by Mr. Cook.

Mr. Cook stated Sue do you have all the paperwork.

Ms. Susan Brown stated yes, I do.

All In Favor: Aye. Carried.

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

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

Mr. Dandreano made a **motion** to approve the request of Hank Earle to hire Gerald Doyle for the maintenance person at the Putnam Lake Park District and to add some alternates; Mathew Menchen and David Colucci, due to the resignation of the maintenance person.

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

Mr. Dandreano stated tomorrow night the Putnam Lake Fire Department at 7:00 p.m. is having a neighborhood watch meeting and you are all welcome. There have been some burglaries in Putnam Lake in the recent months. The person was apprehended by the NYPD and the Sheriff's office.

CHARLES COOK

BUILDING DEPARTMENT REQUEST – TRANSITION SCHEDULE

Mr. Cook stated the Town Board received a request relative to a transition schedule in the Building Department. I spoke to Bob McCarthy today and he said it came from Dave Raines, who was the interim person for about a week. Bob said he would withdraw this memo and that any transition request would come from him and he would determine at what date. There is no action to be taken on that memo.

Mr. Cook made a **motion** that the Town Board approve the payment to Red Hawk Fire and Security in an amount not to exceed \$3,996.00 to replace the power supply and remote annunciator and reprogram system at Town Hall.

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

Mr. Cook stated at the last meeting, one of our residents spoke to us about a BBQ restaurant in Putnam Lake. Mike Liguori said he would review the code and speak to Rich Williams and Bob McCarthy about this, to see if there was something that could be done to limit these issues regarding the smoke, noise, etc. coming from this establishment.

Mr. Rossi stated I don't have anything to add other than there is none. There is nothing in the code that speaks specifically to it. There is a Town Code provision that I looked at. Basically, it appears that it is in the nature of a private nuisance and that actions can be taken against that person under Taut Law, common law concepts of nuisance, but it does not appear that we can do so under the code. We are in basic agreement with Nick Lamberti's

memo. There is a separate Town Code provision on nuisances, but it appears that that provision can only be utilized where there is an underlying violation of law to try to abate, because the term nuisance in the code provision is defined very specifically and it would cover a situation, in fact it specifically said, if a house was being used as a marijuana grow house, that would be a nuisance that the Town could come in and enforce through the Town code. There is one section that, I believe would be a bit of a stretch to include this activity under. I don't think that we do have the ability to enforce it under the code.

Mr. Cook stated basically what you are saying is that the individuals who are affected.....

Mr. Rossi stated the individuals who are affected have recourse, but it is a private recourse where they would have to hire an attorney.

Conversation ensued.

#### OTHER BUSINESS

Mr. Cook stated Sunday, July 13, 2014 is Child Safety Day over at the Putnam Lake Veterans of Foreign Wars site at 12:00 p.m. to 3:00 p.m. Child finger print I.D. cards, car seat check, police K-9 demonstrations, fire truck and ambulance display. This is all being put on by the Patterson Chamber of Commerce.

Mr. Shawn Rogan stated the letter we received from Ella Gallo, which is about the BBQ situation, I know the initial letter that we received at the Planning Board. We typically send all letters that are received to the Planning Board, we send correspondence that acknowledges receipt of the letter and recommend people come to the meetings and check the Town website to stay informed about the progress on certain things. In this case, this lady says that she is elderly and has some health issues and in essence, I wonder if it is possible to send her a follow-up or contact her and let her know what the status is on this.

Mr. Griffin stated sure, anything's possible. We can do that.

Mr. Rogan stated okay.

Mr. Rogan stated we have a letter from Senator Ball's office, which is speaking about the 4<sup>th</sup> Annual Veterans Hall of Fame Celebration, which is scheduled for Thursday, October 30, 2014 at the Mahopac Falls Elementary School. The idea is to nominate a local veteran. They want to acknowledge a veteran from Dutchess, Putnam and Westchester County. If you know of a veteran you would like to honor, contact Maryanne Galipani, the Director of District Programs at the Senator's office. Her phone number is 845-279-3773.

Mr. Rogan stated this Saturday from 10:00 a.m. to noon in Cold Spring, the Health Department has a free rabies clinic. You can go to the Putnam County website for information. Just bring a prior vaccination certificate.

Mr. Griffin stated we received an email from the Town Attorney basically telling us that Mr. Boniello has not been keeping up with his payments however, there are only a couple of options. The Town Attorney, at this point, has asked us not to exercise the option of going after his escrow account just yet. We will respect the Attorney's request, but we are also going to respect the Town Planner's request that the Town Board make a motion to put a freeze on Mr. Boniello's applications.

Mr. Griffin made a motion based on the input of the Town Attorney and Town Planner that we freeze Mr. Boniello's applications before the Zoning and Planning Board's.

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

#### PUBLIC RECOGNITION

Mr. Williams stated I would like to congratulate Mr. Rogan to his appointment to the Town Board. I worked with Mr. Rogan for many years now and I think you made a wonderful choice. However, you left me with a dilemma. I no longer have a Planning Board Chairman.

Mr. Griffin stated you have a Vice-Chairman. Now he automatically becomes the Chairman.

Mr. Williams stated he does not become the Chairman. The Town Board has to appoint the Chairman. I would like to recommend Mr. McNulty. He has chaired a few meetings and has done an excellent job.

Mr. Rogan made a **motion** to appoint Tom McNulty as the Planning Board Chairman.

Mr. Griffin stated and to fill out the unexpired term of Mr. Rogan.

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

Mr. Williams stated I was wondering if you plan on advertising to fill the position of the Planning Board.

Mr. Rogan made a **motion** that the Town advertise for the position of Planning Board to fill a vacancy.

Seconded by Mr. Burns.

Mr. Burns stated discussion. I know we interviewed a bunch of candidates for the Zoning and Planning Board at the end of last year. Before we go through and advertise again, it seems to me maybe we should reach into our file and pull them out and see if those people are still interested.

Mr. Rogan stated did we appoint someone from that.

Mr. Burns stated yes we did.

Ms. Brown stated Mike Carinha.

Mr. Burns stated I'm not opposed to advertising for it.

Mr. Cook stated I agree, I think we should look.

Mr. Griffin stated Kevin makes a very good point. Last meeting we had we said we were going to advertise for Zoning, but we didn't put in a cutoff date. How soon can we get this advertised.

Ms. Antoinette Kopeck stated I can't get it in until next Thursday.

Mr. Griffin stated how about the middle of August.

Mr. Burns stated we only have one meeting in August.

Mr. Griffin stated we can do interviews in September.

Mr. Cook stated let's ask all interested parties to send all their letters of interest by August 12, 2014, then when we meet in August we will know who is interested.

Mr. Griffin stated ok.

All In Favor: Aye. Carried.

Mr. Bruce Major stated I would like to know if a letter went out in reference to the use of General Funds for District use.

Mr. Griffin stated yes the Town Attorney has opined on that.

Mr. Rossi stated a letter did not go out to the Department of Audit and Control, because they are no longer in the business of issuing formal opinions. They opted for frequently asked questions responses on these issues. We did have the opportunity to research the Attorney General Opinions that you had provided talk extensively to a gentleman by the name of Mich Morris who is the point person at Audit and Control. It appears we have not rendered a formal opinion yet to the Board and the Board has not considered or acted upon one of the issues that is involved, but it does appear that the expenses for the maintenance for the lake

are clearly District expenses and not Town expenses. The dam is another story. Because of the benefit that is provided, and this is the issue that has not been decided and I have not had the opportunity to consult with the Board and get their views on this, but the dam is clearly treated differently because the dam prevents flooding and other potential liability to the Town at large, so it benefits more than just the residents of the District who are the ones that have the right to use the lake. We haven't had this funneled down into an actual formal opinion yet, but we reported those findings to the Board and in all likelihood within the next two meetings we would be in a position to take some formal opinion on it.

Mr. Major stated that will be fine. I just thought it had to be addressed because you had early opinions that suggested otherwise.

Mr. Rossi stated we did and also we wanted to make sure that Audit and Control did not have anything on its books and we were able to determine that from our discussions with Mr. Morris in our own independent research.

Mr. Major stated as it relates to the Environmental Park, two meetings ago you were talking about the Environmental Park and the usage and fees and we don't have fees, and I suggested that with so much land being put into non-profits and the loss of the tax base, I asked whether you would consider transferring that property to state DEC, because state DEC at least pays real estate taxes both to the schools and to the Town. Mike you indicated you were going to look into that, you don't have to address it tonight; I just hope you are looking into that. The other issue I would like to raise is when non-profits are using sewer districts or water Districts, I think they have to pay for those Sewer and Water Districts. Can the Town require non-profits to also provide money to Fire Districts. At the last meeting where you approved one of the contracts, you had to pull some additional funds; I think it was another \$5,000.00 to add to one of the contracts because they were looking for more money. My question is this, can non-profits be assessed for the use of fire districts.

Mr. Griffin stated I know in the past we have been through this that you can assess them like a garbage assessment if we pick up their garbage. I am going to have to defer to the Attorney on the Fire Department aspect of it.

Mr. Major stated we lost a lot of land over the years. The folks have to pick-up the difference.

Mr. Griffin stated absolutely.

Mr. Major stated unfortunately we don't have a Master Plan. I don't even know if a Master Plan can address the percentage of land that can be placed into non-profit protection.

Mr. Griffin stated I'm not sure we can restrict that.

Mr. Rossi stated I can tell you that you can't.

Mr. Major stated we need some other type of funding sources.

Mr. Griffin stated besides the Jehovah's is probably the other biggest land holder in the Town, unfortunately the state does not pay taxes on their group homes. They pay taxes on environmental lands, unfortunately they don't pay much in the way of taxes and the bulk of it goes to the school.

Mr. Major stated but we are all paying school taxes, so even if they are paying school taxes and not giving anything to the Town, it is still helping the folks.

Mr. Griffin stated I'll get you some numbers on that and you will see how paltry the amount of money we are talking about.

Mr. Major stated it is still better than zero. The Environmental Park costs us money right now.

Mr. Griffin stated yes, but it also gives us certain options and the ability to access it and have restrictions of when, where and how.

Mr. Major stated but Mike, we haven't done that.

Mr. Griffin stated no, we haven't, but we could and since there is a debate going on between the Codes Enforcement Department and the Environmental Park Caretaking Department.

Mr. Major stated one can understand he wants to keep his job.

Mr. Griffin stated there is a philosophical difference of opinion that the Board is going to have to sort out and I will be bringing that to the Board's attention very soon.

Mr. Major stated that's great, thank you.

Mr. Griffin stated I would like to thank the Fire Department for their report this month.

EXECUTIVE SESSION PERSONNEL

There being no further business, Mr. Burns made a **motion** to go into Executive Session at 7:50 p.m.

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

Mr. Burns made a **motion** to close Executive Session at 8:40 p.m.

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

Mr. Griffin called the meeting back to order at 8:40 p.m.

Mr. Griffin made a **motion** regarding the termination of Larry Fisher.

Mr. Rossi stated which I would put on the record as follows, it is hereby resolved that Larry Fisher's position as MEO with the Town Highway Department is terminated effective immediately for cause.

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

ADJOURNMENT

There being no further business, Mr. Cook made a **motion** to adjourn the Town Board meeting at 8:42 p.m.

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

Respectfully Submitted,

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Antoinette Kopeck, Town Clerk