

PATTERSON TOWN BOARD MEETING
PATTERSON TOWN HALL
1142 ROUTE 311
PATTERSON, NEW YORK 12563
JULY 10, 2013

MINUTES

PRESENT: MICHAEL GRIFFIN, SUPERVISOR
KEVIN BURNS, COUNCILMAN
CHARLES W. COOK, DEPUTY SUPERVISOR
ROBERT MCCARTHY, COUNCILMAN
EILEEN CORBLEY, DEPUTY 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 13 in attendance.

PUBLIC HEARING – LOCAL LAW NO. 5 – SIGNS

See Public Hearing minutes.

REPORTS

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

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

SUPERVISOR REPORTS

Mr. Cook made a **motion** to approve the following Supervisor's Reports for June.

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

MINUTES

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

Public Hearing – Local Law No. 2 – “Taxation”, Article VI, “Tax Exemption for Qualified Members of Volunteer Fire Departments and Ambulance Corp” – June 26, 2013
Public Hearing – Local Law No. 3 – Vehicles and Traffic – June 26, 2013
Public Hearing – Local Law No. 4 – Code of Ethics – June 26, 2013
Town Board Meeting Minutes – June 12, 2013
Town Board Meeting Minutes – June 26, 2013

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

AUDIT OF BILLS

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

General Fund \$116,750.60, Highway Fund \$40,346.59, Waste Water Treatment Plant \$17,521.19, Capital Fund \$11,689.75, Patterson Light District \$31.89, Putnam Lake Refuse District #1 \$20,454.55, Patterson Refuse District #2 \$36,104.10, Deerwood Drainage District \$18.37, Patterson Park District \$14,077.45, Putnam Lake Park District \$5,703.32, Alpine Water District \$5,613.73, Dorset Hollow Water District \$1,626.87, Fox Run Water District \$964.25, Trust & Agency \$343.75, Grand Total Abstract \$271,246.41.

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

KEVIN BURNS

PATTERSON FD REQUEST – WAIVER OF FEES

Mr. Burns made a **motion** to approve the fee waiver from Planning & Zoning for the Patterson Fire Department of \$586.96 for the sign they wish to erect.

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

RECREATION REQUEST(S)

Mr. Burns made a **motion** to approve the purchase of polo shirts for \$100.00 to Steve Dinucci.

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

Mr. Burns made a **motion** to approve the purchase of 36 hooded sweatshirts and 36 “T” shirts for \$810.00 to Steve Dinucci.

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

Mr. Burns made a **motion** to approve the request of Matt Chibbaro to rehire Bethany Cole and Nicole Ederer as Cheerleading instructors at the rate of \$9.00 per hour.

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

PLPAB UPDATE

Ms. Dede Lifgren stated I just gave the Town Board the newsletter that went out to all residents in the Park District. The newsletter has a history of how the Park District was formed and how it operates. It is on-line if anyone hasn't seen it. We completed a guide called the “Best Practices for a Lake Community” and that is on the website. As far as the lake goes, we have an invasive weed species that we discovered. It is not dense but spread around the perimeter. Volunteers are pulling the weeds. It is the best way to deal with this. The Park District has a phone and you can call Town Hall extension 41 to leave a message.

Mr. Cook stated nice job.

Ms. Lifgren stated thank you.

CHARLES COOK

MEDICAL INSURANCE FOR ELECTED OFFICIALS – RESOLUTION

Mr. Cook made a **motion** to add Executive Session to his agenda.

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

Mr. Cook stated I would ask the Town Board that we go into Executive Session at the end of the meeting to discuss this resolution. The Judges are here.

Mr. Griffin stated yes, there are a couple of issues raised that we need to clear up and if you don't object we would like to ask the Judges to come into Executive Session.

LOCAL LAW NO. 4 – CODE OF ETHICS - ADOPTION

Mr. Cook introduced the following **Resolution Local Law No. 4 – Code of Ethics:**

R-0713-01

WHEREAS, an amendment to Patterson Town Code Chapter 17, entitled "Ethics, Code of", has been introduced before the Town Board of the Town of Patterson, as Local Law 1-4 of 2013, and

WHEREAS, a public hearing was held on June 26, 2013, 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 Chapter 17, entitled "Ethics, Code of", which amendment will revise Section 17-5, "Establishment of Board of Ethics" to provide for the appointment of an alternate member to the Board of Ethics, 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 Introductory Law No. 4 as well as other supporting documentation for the project,

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 amends Chapter 17, entitled "Ethics, Code of" in the form and manner as provided below, which amendment will revise Section 17-5, "Establishment of Board of Ethics" to provide for the appointment of an alternate member to the Board of Ethics, and

BE IT FURTHER RESOLVED, that Introductory Local Law 1-4 of 2013 of the Town of Patterson is hereby enacted by the Town Board of the Town of Patterson as Local Law 4 of 2013 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. McCarthy. All In Favor: Aye. Carried.

PLANNING BOARD REQUEST – SPECIAL COUNSEL

Mr. Cook stated the Planning Board has received an application for a two lot subdivision from Maplewood North Group. In order to complete the subdivision, the applicant will

require approval for the use of a common driveway and from the Town Board approval of an open development area. The attorney for the applicant listed on the subdivision application is Hogan & Rossi. As such, we expect the Town Attorney will recuse themselves from participation in review of the application. We therefore request the Town Board appoint special counsel for the application.

Mr. Williams stated I reached out to one local attorney.

ROBERT MCCARTHY

LOCAL LAW NO. 3 – VEHICLES AND TRAFFIC - ADOPTION

Mr. McCarthy introduced the following **Resolution – Local law No. 3 – Vehicles and Traffic:**

R-0713-02

WHEREAS, an amendment to Patterson Town Code Chapter 150, entitled "Vehicles and Traffic", has been introduced before the Town Board of the Town of Patterson, as Local Law 1-3 of 2013, and

WHEREAS, a public hearing was held on June 26, 2013, 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 Chapter 150, entitled "Vehicles and Traffic", which amendment will revise Chapter 150 to which amendment will revise Section 150-10 entitled "Application of provisions; posting of signs", and Section 150-14 entitled "Time Limited Parking" to provide parking of limited duration along select streets located in the Patterson Hamlet area., 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 Introductory Law No. 3 as well as other supporting documentation for the project,

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 amends Chapter 150, entitled "Vehicles and Traffic" in the form and manner as provided below, which amendment will revise Chapter 150 to which amendment will revise Section 150-10 entitled "Application of provisions; posting of signs", and Section 150-14 entitled "Time Limited Parking" to provide parking of limited duration along select streets located in the Patterson Hamlet area., and

BE IT FURTHER RESOLVED, that Introductory Local Law 1-3 of 2013 of the Town of Patterson is hereby enacted by the Town Board of the Town of Patterson as Local Law 3 of 2013 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. Burns. All In Favor: Aye. Carried.

SANITATION DEPARTMENT REQUEST(S) – SALE OF EQUIPMENT

Mr. McCarthy made a **motion** for the Highway Department to put items for sale to Auctions International. By selling these items they will incur some revenue which can be used to purchase a badly needed recycling truck.

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

HURRICANE SANDY/FEMA PAYMENT

Mr. McCarthy stated the New York State Office of Emergency Management has processed a payment in the amount of \$16,496.54 for Hurricane Sandy and its effects occurring in October 2012. We will be receiving this check.

MICHAEL GRIFFIN

TOWN CLERK'S REQUEST

Mr. Griffin stated at the request of the Town Clerk we will table this.

NY STATE & LOCAL RETIREMENT SYSTEM REPORT RESOLUTION

Mr. Griffin introduced the following **Resolution NY State & Local Retirement System Report:**

R-0713-03

See Attached.

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

LOCAL LAW NO. 2 – TAXATION ADOPTION

Mr. Griffin introduced the following **Resolution Local Law No. 2 – Taxation Adoption:**

R-0713-04

WHEREAS, an amendment to Patterson Town Code Chapter 142, entitled "Taxation," Article VI, "Tax Exemption for Qualified Members of Volunteer Fire Departments and Ambulance Corps", has been introduced before the Town Board of the Town of Patterson, as Local Law 1-2 of 2013, and

WHEREAS, a public hearing was held on June 26, 2013, 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 Chapter 142, entitled "Taxation", which amendment will add Article VI to provide for a "Tax Exemption for Qualified Members of Volunteer Fire Departments and Ambulance Corps", 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 Local Law No. 2 of 2013 as well as other supporting documentation for the project,

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 amends Chapter 142, entitled "Taxation,", in the form and manner as provided below, which amendment will add to Chapter 142, Article VI to provide for a "Tax Exemption for Qualified Members of Volunteer Fire Departments and Ambulance Corps", and

BE IT FURTHER RESOLVED, that Introductory Local Law 1-2 of 2013 of the Town of Patterson is hereby enacted by the Town Board of the Town of Patterson as Local Law 2 of 2013 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. Burns. All In Favor: Aye. Carried.

ICE POND ESTATES SUBDIVISION DRAINAGE DISTRICT

Mr. Williams stated there is a 24 lot subdivision proposed for Ice Pond Road down near Tommy Thurber Lane. It has been before the Planning Board for a number of years and its reaching the end of the process. It has an extensive storm water drainage system of in and out of the road right-of-way. Typically in the past the Town for anything more than six or eight blocks has created a drainage district. We assume that the Town will follow that same policy and it's been the recommendation of the Planning Board. We wanted to bring it to your attention and approval.

Mr. Griffin stated basically the district becomes a taxing entity and everyone will have to participate for the maintenance.

Mr. Williams stated 24 lots will be responsible for the cost of the maintenance of the storm water drainage system.

Mr. Griffin stated once they are in a district there is no abandoning the lot to the County. I think that is a much more effective way.

Mr. Williams stated part two of this is that it is a very complicated subdivision. There were two lots owned by the Putnam Land Trust. They participated in the subdivision with the intent that they were going to get a very large parcel abutting the Ice Pond preserve area. We are going to have 24 residential lots but then there are two other lots that are not covered by storm water improvements that the applicant is proposing to donate to the Town.

Mr. Griffin stated how about paving Ice Pond Road. Are they proposing to do that too.

Mr. Williams stated they are proposing to do some major improvements but they are not going to pave the road.

Mr. Cook stated will we get a detailed resolution.

Mr. Williams stated as we move forward they will have to go through the process. It will be initiated by the applicant when he submits a petition requesting a drainage district and a report describing the improvement and the future costs.

DINO RETOULIS LETTER – SEWER EXTENSION

Mr. Griffin stated we have a letter from Mr. Retoulis regarding his restaurant and requesting to be in the sewer district. Do you have any thoughts on this matter and what does it do to our variance.

Mr. Williams stated Mr. Retoulis has learned that as part of the waste water treatment upgrade program, DEP is looking at possible solutions for upgrading the waste water treatment in Thunder Ridge which has a SPEDS permit. They were before the Planning Board proposing a \$3,000,000.00 new sewage treatment plant that was not well received. They reevaluated and because Patterson Commons is extending down to their shopping center they found it more feasible to actually put a pump station in and run a sewer line over and tied to the Patterson Commons and push the Thunder Ridge waste water all the way over to the treatment plant off of Cornwall Hill Road. Dino learned this was going on and requested inclusion to be tied into the waste water treatment system as well. When we recently did their site plan in 2006, we learned that they have a very small sub-standard system which is about 50 feet away from Stevens Brook. There is a high potential that some if not a good amount of sewage maybe finding its way into the ground water running over to Stevens Brook and coming back up. It probably would be a good thing to tie the Alpine Restaurant into the waste water treatment plant. It would require us to bending the variance which is the sticking point right now with the DEP. They agreed to amend it but its taking them a long time.

Mr. Griffin stated which is affecting the A&P, Cartwright and the library.

Mr. Williams stated yes.

Mr. Griffin stated if we give this serious consideration that would knock us back to square one.

Mr. Williams stated no, because the A&P is a separate issue. The A&P is under a consent order and is going to have it before we get to the Thunder Ridge issue.

Mr. Griffin stated but the variance has to be done.

Mr. Williams stated Thunder Ridge is not any part of that variance. It is strictly with the Patterson Commons.

Conversation ensued.

OTHER BUSINESS

Mr. Griffin stated on Saturday, July 20, 2013 there will be a Luau at Warren Beach.

Mr. Griffin stated on Saturday, July 27, 2013 at 7:00 p.m. there will be a free concert at the Patterson Recreation Center.

PUBLIC RECOGNITION

Mr. Bruce Majors stated Mike \$10,000.00 was transferred from Garbage District No. 2 Reserve to Operation, will that be the last transfer for the year.

Mr. Griffin stated it is hard to say. We had a situation where some of the vehicles were in disrepair and money had to be spent to get the trucks back into road worthiness. Hopefully this will get us through the year but I can't guarantee it. We are desperately in need of a recycling truck. We might have to put some money into the one we have or we may have to consider purchasing a chase before the year is out.

Mr. Majors stated I would hope that when you are doing the next budget that we don't use any reserves for operations. I think reserve is now under \$200,000.00. We spent \$90,000.00 this year.

Mr. Griffin stated big numbers.

Mr. Majors stated it's a lot of money.

Mr. Griffin stated not all of that was spent on one truck.

Mr. Majors stated I know. The other issue is the hours that Rich Williams spent with the East of Hudson so they could meet its filing requirements. Has the Town received any reimbursement for his hours.

Mr. Griffin stated not yet. We have a number of potential reimbursements we are seeking from them. There are projects that the Highway Department has done and are eligible for reimbursement. A lot of that is being compiled. The MS-4 has agreed to reimbursement for projects after January 1, 2011. We need to go back and evaluate all the projects we have done. There is probably about \$25,000.00 worth of projects.

Mr. Majors stated have you come up with a dollar amount that would be necessary to reimburse the Town for Rich's work.

Mr. Griffin stated I haven't seen specific hours yet but I'm sure they are substantial.

Mr. Majors stated I would hope you would get them together soon.

EXECUTIVE SESSION

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

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

Mr. Burns made a **motion** to close Executive Session at 8:20 p.m.

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

Mr. Griffin called the meeting back to order at 8:20 p.m.

Mr. Cook made a **motion** that the resolution on the agenda relative to medical insurance for Elected Officials will be tabled until further notice.

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

ADJOURNMENT

There being no further business, Mr. Burns made a **motion** to adjourn the Town Board meeting at 8:25 p.m.

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

Respectfully Submitted

Antoinette Kopeck, Town Clerk