

PATTERSON TOWN BOARD
SPECIAL MEETING
PATTERSON TOWN HALL
1142 ROUTE 311
PATTERSON, NEW YORK 12563
August 3, 2015

MINUTES

PRESENT: MICHAEL GRIFFIN, SUPERVISOR
CHARLES W. COOK, DEPUTY SUPERVISOR
PETER DANDREANO, COUNCILMAN
SHAWN ROGAN, COUNCILMAN
ANTOINETTE KOPECK, TOWN CLERK
DONALD M. ROSSI, TOWN COUNSEL
NICHOLAS MANGOLD, TOWN COUNSEL
ROBERT MCCARTHY, CODE ENFORCEMENT OFFICER
PATRICIA BROOKS, TOWN COMPTROLLER

ABSENT: KEVIN BURNS, COUNCILMAN

Salute to the Flag and Roll Call.

Supervisor Griffin called the Patterson Town Board meeting to order at 4:00 p.m. with 0 in attendance.

Mr. Griffin stated we have a couple of things that we have been asked to discuss. One of which is the Putnam County Wine and Food Fest and I will ask to go into Executive Session to discuss that. The other item is the release of the Fire Departments checks. The Town Comptroller and Town Clerk have received a substantial package of information from the Fire Department. Trish feels it is appropriate that we authorize release of half of the remaining money that is owned to the Fire Department for 2015.

Mr. Rogan stated you said it was a substantial amount of information, did you have a chance to go through it or cursory review.

Ms. Patricia Brooks, Town Comptroller stated just to see what they submitted. They submitted almost everything except for three (3) things. They didn't submit an audit, they submitted an engagement letter for an audit. My suggestion is to request for the 990, they must have filed a copy of it. The other thing they didn't submit is standing of the reserves, what reserves they have and what (inaudible). I can't remember the third one.

Mr. Cook stated Trish you went through everything that Eleanor brought in.

Ms. Brooks stated I looked at it, I haven't had a chance to go through it all.

Mr. Cook stated Shawn, I think Mike Liguori should take a look at it also. Another pair of eyes to go through it to make sure everything that is in the agreement, per state law, we are getting or not getting.

Mr. Griffin stated or per contract.

Mr. Cook stated I'm in favor of giving them half of half.

Mr. Griffin stated I think there was some discussion that she had signed a contract for 2016 but there were some amendments that had to be made.

Mr. Cook made a **motion** to pay and release one half of the remaining funds to the Patterson Fire Department for 2015.

Mr. Dandreano stated I don't feel comfortable giving the money yet, without having an audit or checking it over to make sure we got what we needed.

Mr. Cook stated we are still holding off.

Mr. Griffin stated we will still owe them \$200,000.00. We gave them \$400,000.00 and the total contract is \$800,000.00 plus. They have some bills that they pay insurance and other things. We are not giving them the rest of the money, only half.

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

Mr. Griffin stated we have a FOIL request from Mr. Nigey. He lives right next to the Recreation Center on South Street. He made claims that the Town has damaged his property. We asked Town Engineer, Ron Gainer to go out to review it. He is now foiling for that report. Did you all see the report yet.

Town Board members stated no.

Mr. Griffin stated it should have been emailed to you. I'll make sure you get it.

Mr. Don Rossi, Town Attorney stated we only saw the email from Mr. Nigey. I thought he was referring to an engineering report that he had done. I didn't know that Ron Gainer looked at it.

Mr. Griffin stated his insurance company's engineer looked at it and it was pretty wishy-washy on who was responsible. We asked the Town Engineer to go look at it and give us his evaluation. He stated it is not the Town's water running on to Mr. Nigey's property. All of our drainage seems to be working. He wrote a report to that effect. Now, Mr. Nigey wants that report. I don't know if it is fair game to be foiled at this point.

Mr. Rossi stated send me a copy of the report, and I will get back to you.

Mr. Griffin stated the two other items we want to talk about we will talk about in Executive Session. One has to do with Mr. Boryk's contract and the other has to do with the Putnam County Food and Wine Fest.

EXECUTIVE SESSION

There being no further business, Mr. Cook made a **motion** to go into Executive Session at 4:10 p.m.

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

Mr. Cook made a **motion** close Executive Session at 5:10 p.m.

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

Mr. Griffin called the meeting back to order at 5:10 p.m.

Mr. Griffin introduced the following **Resolution Ratifying the Authorization to Initiate Legal Proceedings to Seek an Injunction Re: Putnam County Wine & Food Fest:**

R-0815-01

WHEREAS, Chapter 51 of the Town Code prohibits any person to use, allow, let, or permit to be used property within the Town for the assembly of over five hundred (500) persons without first applying for and obtaining a written permit from the Town Board authorizing such assembly; and

WHEREAS, pursuant to Chapter 51, any person seeking to hold such an assembly must submit a permit application to the Town Board at least sixty (60) days prior to the scheduled event so the Town Board may act thereon within thirty (30) days and after a public hearing; and

WHEREAS, beginning in March 2015 Lauren Drummond, the founder of "Putnam County Wine & Food Fest," and Luminary Publishing, Inc., promoter, have planned and advertised an event-"Putnam County Wine & Food Fest"-to be held on August 8 and 9, 2015 at Beaver Creek Farm, owned by Joseph P. Capasso and located at 683 Route 311 in the Town of Patterson, County of Putnam, and State of New York; and

WHEREAS, representations made by Ms. Drummond and event organizers to Robert McCarthy, Town Director of Code Enforcement, indicate that between 2,000 and 5,000 persons are reasonably expected to attend the event on August 8 and 9, 2015; and

WHEREAS, neither Ms. Drummond nor Mr. Capasso, nor anyone else on their behalf, has submitted a timely permit application and necessary documentation required by Chapter 51 of the Town Code to hold such an event within the Town; and

WHEREAS, the event organizers' failure to submit a permit application has prevented the Town from sufficiently evaluating the risk posed by the event to the public or from ensuring the protection, order, conduct, safety, health, welfare, and well-being of the public as authorized and required by the New York Constitution and laws; and

WHEREAS, as the event is scheduled to be held on August 8 and 9, 2015, it is now impossible for the Town to act upon a permit application and to hold a duly noticed public hearing prior to the event; and

WHEREAS, the Town Board has no other choice but to seek an injunction prohibiting the event organizers from holding the advertised Putnam County Wine & Food Fest on August 8 and 9, 2015; and

WHEREAS, on July 31, 2015, Town Supervisor Michael Griffin provisionally authorized Hogan & Rossi, Town Attorney, to initiate legal proceedings to seek such injunctive relief; and

WHEREAS, the Town Board desires to confirm and ratify Supervisor Griffin's authorization as aforesaid;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Patterson hereby ratifies the authorization provided to Hogan & Rossi and approves of the initiation of legal proceedings against Joseph P. Capasso, Beaver Creek Farm, Lauren Drummond, Putnam County Wine & Food Fest, and Luminary Publishing, Inc. for the purpose of seeking an injunction restraining those persons from holding the advertised "Putnam County Wine & Food Fest" on August 8 and 9, 2015 at Beaver Creek Farm, 683 Route 311 in the Town of Patterson; and

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

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

ADJOURNMENT

There being no further business, Mr. Cook made a **motion** to adjourn the Town Board meeting at 5:10 p.m.

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

Respectfully Submitted,

Antoinette Kopeck, Town Clerk