

PATTERSON TOWN BOARD MEETING
PATTERSON TOWN HALL
1142 ROUTE 311
PATTERSON, NEW YORK 12563
September 10, 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 7 in attendance.

Mr. Griffin stated I would like to have everyone's attention for a few minutes. Tomorrow is 9/11 and it is a national tragedy and I would like to ask everyone to stand and observe a moment of silence. On a more personal note, and I don't know how many people are aware of it, because it didn't make it in the news up here, but a young man from Carmel who was a Charleston Police Officer was killed in the line of duty a few days ago. He was a Carmel graduate and a relative of some of the staff and Pete knew him from school. He left behind three young children. His name was Joe Mataskovik and he was a good guy and will be missed by a lot of folks, especially his kids.

Please rise and observe a moment of silence.

Thank You.

REPORTS

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

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

SUPERVISOR REPORTS

None

MINUTES

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

Town Board Meeting Minutes - June 25, 2014
Town Board Meeting Minutes - August 13, 2014
Town Board Special Meeting Minutes - August 21, 2014

Seconded by Mr. Burns. All In Favor: Aye. Carried. Mr. Rogan abstained from the June 25th and August 21, 2014 meetings.

AUDIT OF BILLS

Mr. Cook made a **motion** that the Town Board accept Abstract No. 15 as written:

General Fund \$70,701.95, Highway Fund \$231,785.62, Waste Water Treatment Plant \$223.33, Capital Fund \$101,249.99, Putnam Lake Light District \$1,103.73, Patterson Light District

\$1,137.63, Patterson Refuse District #2 \$30,443.94, Deerwood Drainage District \$18.36, Patterson Park District \$148,209.60, Putnam Lake Park District \$5,255.36, Alpine Water District \$321.01, Fox Run Water District \$383.83, Grand Total Abstract \$590,834.35.

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

Mr. Cook made a **motion** that the Town Board accept Abstract No. 16 as written:

General Fund \$51,856.53, Highway Fund \$16,087.08, Waste Water Treatment Plant \$21,610.35, Putnam Lake Light District \$406.15, Patterson Light District \$508.25, Putnam Lake Refuse District #1 \$20,454.55, Patterson Refuse District #2 \$21,884.14, Patterson Park District \$1,363.43, Putnam Lake Park District \$2,115.07, Alpine Water District \$1,888.18, Dorset Hollow Water District \$1,044.85, Fox Run Water District \$1,237.23, Trust & Agency \$856.95, Grand Total Abstract \$141,312.76.

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

CHARLES COOK

PATTERSON RECREATION COMMUNITY TAG SALE – SEPTEMBER 20, 2014

Mr. Cook stated the Patterson Recreation Community Tag Sale is to be held on Saturday, September 20, 2014 from 9:00 a.m. to 4:00 p.m. For information, call the Recreation Center at 878-7200.

ROUTE 311 CLOSING/RAILROAD CROSSING UPGRADE – TRAFFIC DETOUR PLAN

Mr. Cook stated the railroad crossing upgrade closing was originally scheduled for this weekend, but it has been changed to the following weekend, September 19, 20, 21 and maybe the morning of the 22nd, 2014. There will be detour signs to direct you.

VETERANS' HALL OF FAME RECOGNITION RESCHEDULED – NOVEMBER 29, 2014

Mr. Cook stated the Veteran's Hall of Fame is rescheduled for Thursday, November 20, 2014 and will be held at the Mahopac Falls Elementary School, 100 Myrtle Ave, Mahopac. Registration will begin at 5:00 p.m. and the ceremony will start at 6:00 p.m. If anyone has a nominee, a veteran who they think deserves recognition, please contact the Supervisor's Office for the appropriate nomination form.

Mr. Dandreano stated October 5, 2014 is the deadline.

ZONING BOARD OF APPEALS – APPOINT ONE MEMBER TO FILL UNEXPIRED TERM – 2015

Mr. Cook made a **motion** for the Town Board to appoint Stephanie Fox to the Zoning Board of Appeals.

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

SHAWN ROGAN

TOWN PLANNER'S MEMO – DEFRANCESCO PROPERTY

Mr. Rogan stated the Town received a letter from Mr. and Mrs. Defrancesco who lives in Cortland Manor and owns a piece of property on Addison and Canton Road. The Town Board asked Mr. Williams to do an assessment of the property for feasibility of whether or not the Town has use for this property. The owners would like to sell it or give it to the Town. Mr. Williams provided a memo, which states that there are minimal environmental constraints on the property. His opinion was the best use for the property may be for storm water management. Rich, if you are saying that you recommend that the Town use it for that, it seems to be the use that most fits for that property.

Mr. Williams stated correct. I evaluated it for a number of different uses, including recreation and based on the size, location and the Town accessibility and condition of the property, nothing else seems to fit. However, there is a fairly good drainage area. As you know, we are obligated to provide a number of storm water retrofits every year. We could pick up a lot of the road drainage and drainage from residential properties around. It seems to have some value there, whether it is going to be a good value depends on what it is going to take to acquire the property.

Mr. Rogan stated do you think there would be any usefulness to any adjoining lots to have that property.

Mr. Williams stated there are a couple of houses that border the property that could make use of the property. I would assume that the property owner and perhaps it is an incorrect assumption that they reached out to the adjacent property owners prior to contacting the Town.

Mr. Rogan stated I think the question becomes what the feasibility of it is. If they are looking to sell this to the Town, what would the cost be. If they are looking to donate it, that is a whole different idea. The assessment on it shows a property value of about \$35,000.00. They are paying taxes based on that.

Mr. Cook stated if they want to donate it, take it. I'm not in favor of purchasing property.

Mr. Rogan stated I agree.

Mr. Dandreano stated I don't think we need more property to manage.

Mr. Rogan stated it also brings up a point that we don't know whether the owners reached out to the neighbors. That might also be an option that that would roll into the assessment, maybe not for \$34,000.00, but for some amount under the assessment of an adjoining property. I don't think we are in a position to do anything with this. Rich maybe you could communicate to the owners.

Mr. Williams stated well, I could, but generally the next step is going to be for the Supervisor's Office to reach out to the owners to get clarification about what they are looking for.

Mr. Burns stated what are the taxes currently being paid on the property.

Mr. Rogan stated about \$330.00 in Town taxes, so about \$1,000.00. The other question would be, if we do pursue this, I would assume we would have a Public Hearing to make sure that the impacts that might be to the adjoining property owners are heard. Stormwater sounds great, but it might be ascetically unpleasing to neighbors and we might have issues with that as well. I don't think we need to be too quick in this process.

Mr. Williams stated true, but you might want to wait until you know.

PLANNING BOARD – APPOINT ONE MEMBER TO FILL UNEXPIRED TERM - 2016

Mr. Rogan stated I would like to start out by saying we interviewed four really fine candidates for this position. I wish we had four openings, quite honestly, because I think we interviewed some people that would really help the Town. Having said that, one seemed to stand out.

Mr. Rogan made a **motion** to fill the unexpired term through 2016 on the Planning Board with Mr. Robert Ladau.

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

MANCINI SUBDIVISION VARIANCE REQUEST

Mr. Rogan stated this is a subdivision that is before the Planning Board and in essence the property is in an overlay zone. In order to proceed, they need a variance from this Board to allow the lot size that they are creating, that they are breaking off of the larger lot, which I think the lot is 100 acres. They are looking to subdivide off one lot and that lot is going to be 5.1 acres. The overlay zone requires the lots to be around two acres. The Planning Board made a positive recommendation on this, that it is furthering the essence of the overlay zone, which is to preserve open space. It is certainly doing that by preserving 95 acres.

Mr. Rogan made a **motion** in this regard to set a Public Hearing for our next meeting.

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

ANNOUNCEMENTS

Mr. Rogan stated tomorrow September 11, 2014 the Brewster Elks Lodge will be having a 6:00 p.m. Candlelight Vigil and a 9/11 Memorial Service, rain or shine. The address is Route 22 and Milltown Road in Brewster, New York.

On September 15, 2014 from 6:00 p.m. to 8:00 p.m. at the Putnam County Golf Course there will be a Putnam's Best Chef's and Fine Wines event. This is to benefit the United Way. For more information contact Peter West at 914-997-6700 ext. 732.

On Saturday, September 27, 2014 the Putnam County Health Department will be hosting a Hazardous Waste Clean Up day from 9:00 a.m. until noon. Pre-registration is required. If you are interested in bringing your household chemicals to that event, you must pre-register by calling 845-808-1390 ext. 43150. That is a free event.

Mr. Griffin stated we do have a budget meeting work session on Monday, September 15, 2014 at 3:00 p.m. and it is the same day as the Sheriff's Golf outing. The dinner is at 5:00 p.m. and the cost is \$100.00.

MICHAEL GRIFFIN

TENTATIVE BUDGET - 2015

Mr. Griffin stated everyone should have gotten a copy of the Tentative Budget for 2015.

Town Board members stated yes.

Mr. Griffin stated would you gentlemen like me to read the budget message or do you want to read it for yourselves at a later date.

Mr. Burns stated I think it is worth reading it into the record. It is a positive message this year.

Mr. Griffin stated yes, Trish did a terrific job. We have successfully met the State's mandated tax cap which has been two percent or less for the last three years. This year the Tentative Budget is slightly below the 1.56% allowable increase. As you move into the budget process, I am pleased to report that we had a very successful year. Do to the efforts of our very conscientious staff and dedicated Department Heads, virtually every Town department is under budget on their expense lines and several are over budget on their revenue lines. For the past five years the Town's biggest single source of revenue mortgage taxes has remained at mid-1990 levels at the low \$200,000.00. I don't foresee an improvement for 2015 and at the same time we have seen significant increases in health insurance coverage and anticipated an additional eight to ten percent increase again in health insurance for this year. However, we have seen a decrease in our contribution to the New York State Pension Plan. We went from twenty one cents and it is down to about nineteen cents on the dollar.

For the General Fund, besides some improvements in the Revenue Lines, we have also reduced our debt service. We have completed paying off the Landfill Closure Bond, which was the first project I was here for in 1994. That is a \$60,000.00 annual savings. We are also starting to see the benefits of Reed Financing that this Board approved last year. This year's budget reflects a reduction of \$117,000.00 in annual debt service. The Tentative Budget has a \$50,000.00 Contingency Line as well as a significant Capital Improvement line of \$550,000.00, which will pay for the Putnam Lake Dam improvements, the much needed maintenance and repairs to the exterior of the Town Hall and the interior of the Recreation Center, as well as a new salt shed for the Highway Department.

Tentative Budget reflects an overall Personnel Services Line payroll increase of 1.2%, however, the standard raise for non-union employees is three percent. How that was accomplished was we have some people that have been replaced, the Building Inspector, the new one came in at a slightly lower salary and we have had some changes in personnel, which allowed us to keep the number at 1.2%, but give three percent raises. There are some employees that are getting larger increases due to an upgrade in job skills, increased responsibilities and outstanding performance. The combined General and Highway Fund budgets represent a .49% increase over last year's budget. The remainder comes from increases in some of the smaller funds like the Lighting Districts due to rate increases, but the predominate driver of the additional increases are from the Fire Department.

The Justice Court revenues remain very strong and the Judge's have requested an increase for their senior clerk, which is reflected in the Tentative Budget. The Budget also includes replacing Judge Mole's clerk, as well as keeping the two part-time assistants.

Highway Budget, while the winter was harsh, Russ did a great job. We did not use all of the budgeted overtime and subsequently that money will fall to the Fund Balance. The Highway Superintendent has received notice of an award of a grant that he applied for from DASNY in the amount of \$150,000.00 to build a new salt shed. The total cost of the shed will be approximately \$370,000.00. I am making a recommendation to the Town Board that our contribution of \$220,000.00 be in the form of a Bond Anticipation Note for a minimum of three years, after which we can determine whether long term bonding is appropriate or we want to continue with (inaudible) process that we could pay the balance off in a shorter period of time. Due to (inaudible) by Highway Superintendent Russ Goff, the Highway Fund Balance should increase significantly. Also, Russ had sufficient to purchase two new large trucks, thus saving thousands of dollars in interest costs and bonding fees. Russ great job.

The CSEA contract is in its final year and negotiations should most likely commence in 2015.

Sanitation services, in February of 2016 the SaniPro Contract with Putnam Lake will expire. The Board may want to give some consideration to how garbage will be handled Town wide after that point.

Garbage District No. 2 in the Hamlet area side of Town has municipal pick-up. With the end of the current CSEA contract and the need to replace aging equipment, the Board may wish to evaluate all options going forward. I would recommend having bid specifications prepared and ready for October 1, 2015.

In conclusion, this budget is below the state mandated two percent tax cap. The Tentative Budget represents a 1.5% increase in the tax levy for 2014. It will require the use of \$41,618.00 from the General Fund Balance and the use of \$264,000.00 of Fund Balance from the Highway Fund. The Tentative Budget reflex's a 6.13% increase requested by the Patterson Fire Department and a 3.65% increase from the Putnam Lake Fire Department.

Mr. Griffin stated I am very pleased to present this budget to the Board tonight and I would like to recognize Patricia Brooks, Town Comptroller for an absolutely outstanding job and for putting up with me having rearranged the debt chairs so many times to get to where we are.

Mr. Griffin stated that is the budget message for this year. I am very satisfied that this is a very workable budget. I know Mr. Williams has already pointed out a couple of deficiencies to me that he will be asking the Board to work on.

Mr. Cook stated well maybe Mr. Williams can join the work session.

Mr. Griffin stated I'm sure he will be there and ready to roll.

Mr. Williams stated I don't know that I will be there.

Mr. Griffin stated then can you prepare a memo for the Board's consideration. Thank you. The Budget will be available at the Town Clerk's office and it will be up on line.

TOWN JUSTICE REQUEST – SALARY INCREASE

Mr. Griffin stated as I mentioned in the budget message, we had a request from the Judge's and Trish has been working with them. Judge King has requested an increase for Tammy Smith who they now consider the Senior Clerk, since the resignation of Judge Mole's clerk. Due to the dynamics of the Justice Court office and the Court Clerk substituting for each other, it has been determined that an hourly rate is best for both positions at this time. A number of reasons which include overtime, court hours, training new clerks and working without a position filled. The court has informed me that the 2014 salary request is \$22.00 per hour. \$20.95 was the original budget for a more experienced Senior Clerk. This is starting now and is also retroactive to when the position was vacated. The additional compensation requested is for taking the responsibilities for both positions during the past six months. The court further requested that the 2015 budget reflect an hourly rate of \$22.66. This has been taken into consideration in the Tentative Budget. I have calculated the cost of the retroactive pay from March 21, 2014 at the requested rate of \$22.00 per hour for an amount of \$2,586.07 through the payroll ending August 30, 2014. It is my opinion that the Justice Court payroll budget will be able to absorb this amount of retroactive pay and they will still not utilize their full payroll budget for 2014.

Mr. Griffin stated basically what this comes down to is Tammy Smith has been the clerk for both Judges and has been working a tremendous amount of overtime as well as training replacement clerks. The Judges felt it was reasonable to bring her salary up to \$22.00 per hour. I don't have an issue with it. I will open this up for discussion and I would like to make a motion on it.

Mr. Burns stated they are within their budget and they certainly have shown they have been strong in revenues for the last year. I don't think we should turn them down.

Mr. Rogan stated this will be corrected through the next budget cycle.

Mr. Griffin stated the 2015 Tentative Budget reflects an hourly salary for Tammy Smith to \$22.66. That is three percent on \$22.00. What I would like the Board to consider tonight is to immediately raising her compensation rate to \$22.00 per hour and paying her retroactive from March when she began doing all the clerk work for both Judges as well as training replacements. She is doing a great job. They are basically caught up over there and she has been putting in a ton of hours. Frankly, I think it is a fair compensation.

Mr. Rogan stated it's a small price to pay for such great work.

Mr. Dandreano stated I also wouldn't want to lose her to another court.

Mr. Griffin stated that is the other consideration. She has had a lucrative offer from Pawling. She does a great job for the Town and the Judges are happy with her work and she knows the job very well and it would be difficult to replace her.

Mr. Rogan stated I would like to add while the request came in from Judge King, Judge Mole' also put a letter of recommendation in as well. I think that is important to note as well.

Mr. Griffin made a **motion** to approve the Justice Court and Judge's request for an increase for Tammy Smith, Senior Court Clerk to an amount of \$22.00 per hour retroactive back to March of this year for an amount not to exceed \$2,586.07.

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

PUBLIC SECTOR HR PROPOSAL – DRUG & ALCOHOL POLICY

Mr. Griffin stated the Town's Personnel Director has brought to my attention the fact that the current Alcohol & Substance Abuse Policy is woefully inadequate as per all the rule changes that she does a very good job in keeping up with. We have a letter from our HR Public Sector HR Consultants. Sue took it upon herself to get a proposal from Public HR and they have offered to work with Sue to upgrade the policy for professional services specified in an amount of \$1,200.00 plus mileage.

Mr. Griffin made a **motion** to approve the Personnel Directors request that we bring our Controlled Substance and Alcohol Policy into compliance with current regulations and that we authorize Public Sector HR Consultants to do that for an amount not to exceed \$1,200.00 plus mileage for travel.

Seconded by Mr. Cook.

Mr. Rogan stated discussion. Item 6 on the proposal, it says educate Supervisor's on significant provisions of DOT regulations, might we also ask that if they are going to educate our Supervisor's that they do an education session, even if it is the first time with the employees with a CDL. This is just to get us into compliance, we won't need them forever. I think this is money well spent.

Mr. Griffin stated it is to update our current policy and get our handbook into compliance with the changes and the regulations. I have to thank Sue because she has been staying on top of all of these things.

All In Favor: Aye. Carried.

DO NOT KNOCK REGISTRY - DISCUSSION

Mr. Griffin stated I have a letter from Warren Lewis, the Supervisor of North Salem. They are contemplating passing a Local Law to allow the Town to set up a "Do Not Knock" list, which people will have to sign up for. That makes it legal. We can tell solicitors they cannot go to certain places but they do not lose the right to solicit in the Town all together. Our Town Code requires peddlers to get approval from the Town Clerk. This would give the residents the opportunity to register with the Town Clerk's office, fill out a form for solicitors not to solicit them. Anyone who comes in for a peddler's license would be handed the list and they would not be able to go to the ones listed. North Salem is seriously contemplating it, Lewisboro already adopted it along with a number of other Westchester Town's.

Mr. Burns stated it's only commercial solicitation, it wouldn't include religious or political.

Mr. Griffin stated I would defer to legal counsel of what is and isn't.

Mr. Don Rossi stated we have done the initial research. The Supreme Court has held that the First Amendment rights cannot be curtailed by the Town. So, political and religious solicitation cannot be precluded. A homeowner can do so by putting up no trespassing or no soliciting on their property. This law would relate to commercial solicitations and the law appears that there will be no problem with it. We want to look at the draft that North Salem has sent over. One of the things that is important in their mind, I happened to be at the Town Board meeting, is how to disseminate information to the public and make sure there is an efficient method for signing up for the "Do Not Knock" registry.

Mr. Burns stated Antoinette, do you issue the peddlers licenses now.

Mrs. Antoinette Kopeck, Town Clerk stated yes.

Mr. Burns stated so the list would have to come through your office.

Mrs. Kopeck stated yes.

Mr. Rogan stated Antoinette, how many peddlers' permits do we issue.

Mrs. Kopeck stated we don't have that many, mostly ice cream, food etc.

Mr. Rogan stated a vendor vehicle, but they are not knocking on someone's door.

Mrs. Kopeck stated yes.

Mr. Cook stated Mike, did your office receive complaints from people.

Mr. Griffin stated no, not that many. I had some questions because apparently there has been a lot of Jehovah activity. One of the agreements that we had with the Jehovah's when they built their facility in Town was they wouldn't use Patterson for practice. It turns out these folks aren't from Patterson, they are from other Kingdom Halls in the vicinity. The "no practice" rule didn't apply to them.

Mr. Cook stated I don't see the need, if there is no problem.

Mr. Dandreano stated looking at it from a law enforcement perspective, there are a lot of burglaries, and we even had it here a couple of years ago. There was a group coming around trying to sell vacuum cleaners. One guy would knock on the door and talk to the homeowner and the other guy would go to the rear of the house and try to get in and rob them or check the place out. There are a lot of scams with people knocking on doors.

Conversation ensued.

EXECUTIVE SESSION PERSONNEL

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

KEVIN BURNS

WINDWARD HOLDING CORP. TAX CERTIORARI SETTLEMENT

Mr. Burns stated we received a recommendation from the Town Assessor to settle a tax certiorari proceeding. There are two actions pending in Putnam County Supreme Court from 2013 and 2014 involving four properties. The Assessor made a recommendation after negotiation with the applicant to resolve the case through a settlement.

Mr. Burns made a **motion** to authorize the settlement of the tax certiorari proceeding in the matter of Windward Holding Corporation versus the Town of Patterson.

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

PUTNAM LAKE PARK DISTRICT FENCE REPAIRS

Mr. Burns stated there was some fencing that was damaged in the Lake District due to an automobile accident. There were some emergency repairs to be performed. Estimates have been obtained to repair and replace several posts and fencing at that location. Hopefully the money will come back from the insurance company.

Mr. Burns made a **motion** to approve the authorization of repairs to the fences in an amount not to exceed \$4,050.00.

Seconded by Mr. Cook. Discussion.

Mr. Cook stated it says here emergency fence and ball repair. Does that mean it will get done tomorrow.

Mr. Griffin stated it will be done as soon as possible. Basically, when I went out there and looked at what happened, I have a concern because there is a stone wall, a huge drop off and now what is happened is the fence has been pushed over and there is a space about 18 inches that someone could fall through. It's a three foot drop. The other added injury potential is now you have the ragged end of the cyclone fence sticking out where if someone fell in there they could get shredded on the way down. I think this needs to get fixed as soon as possible.

Mr. Burns stated the funds should come back to us through the vehicle that was at fault.

Mr. Cook stated if it is an emergency let's get it done.

All In Favor: Aye. Carried.

Mr. Burns made a **motion** to approve the request from the Putnam Lake Park District to purchase 17 "No Parking Signs" to be manufactured by Putnam County Sign Shop at a cost not to exceed \$408.00. The installation will be performed by the Highway Department. The total sum will be \$1,537.01.

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

BUDGET TRANSFERS

Mr. Burns made a **motion** to approve Budget Transfer No. 28 through 30.

Budget Transfer No. 28

From:	SPL.7110.100	Park – Payroll	(\$250.00)
To:	SPL.7110.103 Expense Accounts	Park – Swim Lessons Program Payroll	\$250.00

Budget Transfer No. 29

From:	A.7146.101 A.7146.136	Recreation Programs PS – Softball Recreation Programs PS – Youth	(\$517.00) (\$500.00)
To:	A.7146.114 Expense Accounts	Recreation Programs PS – Camp	\$1,017.00

Budget Transfer No. 30

From:	SPL.1910.400	Park – Liability Insurance	(\$40.00)
To:	SPL.1980.400 Expense Accounts	Park – MTA Taxes Contractual	40.00

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

CONFERENCE REQUEST(S)

Mr. Burns made a **motion** to approve one conference request for training as submitted.

Seconded by Mr. Cook.

Mr. Rogan stated I'm new to understanding the way that Chris' salary is figured, but is there any sharing of the amount of the conference from Pawling.

Mr. Griffin stated I think Bruce has the same question.

Mr. Majors stated yes, that was my question.

Mr. Griffin stated Chris is technically our employee and it is his responsibility to make sure that he maintains all of his certifications, etc. Certain types of people are required to keep certain credentials. Is it their responsibility or is it our responsibility to see that they keep their credentials. At some point, that might be a conversation for a different night, but as far as Pawling goes, it is built into what we had requested. Is the request entirely a good compensation package for the Town, probably could be better. It does save us money.

Mr. Cook stated if I'm correct, the current agreement goes through to next December, 2015, that Patterson pays for these types of things.

Mr. Majors stated I have no problem with that. My only concern is that appears to be an annual conference, but if next month he comes to you and says there is a new conference on "XYZ", I would hope at that point you would say, we will pay 60% of it and go to your other employer and get the other 40%, if it's something new. I believe the agreement you have over the next two years is that his compensation can't go up by more than two percent and you just announced that you are giving all the employees a three percent.

Mr. Griffin stated we are only giving three percent on the money we are paying him.

Mr. Majors stated okay, thank you.

Mr. Dandreano stated does he have this in his budget every year.

Mr. Griffin stated yes. That is the limiting factor. He puts in for training and at that point they can only spend so much money for their training.

Mr. Rogan stated Mike, going back to what you said about the fundamental difference in whether or not a training is required for your job, I would say that if it is something that the Town is asking him to take on and its training required to do that task, then we should absolutely pay for that. If it is a training that is required for the very necessity, it would be no different than a lawyer being hired, we don't pay you to get your law degree, but to offer continuing education.

Mr. Griffin stated it is a debate that I've had. Is it reasonable to say the taxpayer is part of Chris' job as Assessor, he has to have minimal requirements as part of the job. If you want to work for Russ, you have to have a CDL. I don't know anyone that we paid for to get their CDL. The Director of Codes is 24 hours of in service training, we pay for that. We pay for their membership to NYSBOC. If you want a professional membership to an organization in Legal Law Review we are not going to pay for that.

All In Favor: Aye. Carried.

RCA ASPHALT BOND RELEASE

Mr. Burns introduced the following **Resolution Release of a Performance Bond for the RCA Asphalt Performance Bond:**

R-0914-01

WHEREAS, RCA ASPHALT leases a parcel of land at 65 Burdick Road identified as Tax Map No. 3.-1-82, and

WHEREAS, the Planning Board, approved on October 11, 2007 the application of RCA Asphalt, LLC as Applicant and Peckham Materials Corp. as Owner for an amended site plan approval pursuant to Chapter 154 of the Town Code, entitled RCA Asphalt, LLC Site Plan, dated June 21, 2011; last revised August 16, 2011,

WHEREAS, on October 12, 2011 by Resolution R-1011-01 the Town Board of the Town of Patterson approved a resolution establishing a site restoration bond in the amount of \$5,690.00 be posted to ensure restoration of the site should the improvements shown on the site plan approved for the RCA Asphalt not be complete, and

WHEREAS, the site improvements have been completed, and RCA Asphalt has submitted a request that the performance bond be released, and

WHEREAS, the Planning Board, at their meeting held on August 28, 2014 approved a recommendation to release the performance bond held by RCA Asphalt;

WHEREAS, the Town Board of the Town of Patterson wishes to follow the recommendation of the Planning Board, and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Patterson hereby releases the restoration bond in the amount of \$5,690.00 held for the Green Chimneys School Site Plan restoration ; and

BE IT FURTHER RESOLVED, that upon review by the Town Comptroller the balance of the escrow account held for the site plan application in the amount of \$1,401.25 shall be released to the applicant, and

BE IT FURTHER RESOLVED that upon review by the Town Comptroller, the balance of the escrow account held for the post construction inspections in the amount of \$2,548.00 shall be released to the applicant.

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

PETER DANDREANO

SANITATION REQUEST - TEMPORARY HELP

Mr. Dandreano made a **motion** to approve the appointment of two part-time employees for the Sanitation Department, Chris Tompkins and Edward Matrejex.

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

NATIONAL LIFELINE AWARENESS WEEK – SEPTEMBER 8TH TO 14TH

Mr. Dandreano stated I have a memo from the New York Department of Public Service regarding the New York State Lifeline discounted telephone service. September 8th through the 14th has been designated as National Lifeline Awareness week. We will be posting a link on our website. It is also at the Recreation Center, in the lobby of Town Hall and the Justice Court. Their website is www.askpsc.com.

PUTNAM LAKE RESIDENT’S COMPLAINT – INVASIVE BAMBOO

Mr. Dandreano stated a resident is complaining about their neighbor who has planted bamboo. I have discussed this with Rich Williams and we have several areas around town that has bamboo. There are two different types of bamboo. Rich would you please explain.

Mr. Williams stated there are two types of bamboo. The first type is very invasive and spreads by runners and is very aggressive. It can send the runners out anywhere from ten to sixteen feet. It can get under black top, decks, and go through concrete. It is very difficult to contain. There are a couple of different ways to contain it, though opinions vary on the effectiveness. It always requires some sort of trench to be dug to a depth of three feet. Opinions vary about whether you should use some sort of geo-tech style or the most aggressive way one person said would be bearing metal into the ground.

The second type of bamboo is clumping bamboo. It is much less invasive. You still can't plant it really close to certain areas, such as driveways and sidewalks, because it will lift the sidewalks or driveways. It is much less of a concern. There are two types that the DEC has listed as invasive species and people are prohibited from planting. If it is already established, of course, it doesn't qualify for promoting or selling or planting new species. It is called yellow bamboo and golden bamboo.

Conversation ensued.

Mr. Griffin stated we will look into this problem. I'm sure there is much we could do to help solve this, but maybe we can prevent other people from having it. If we come across anything in our research that we find useful, we will certainly pass it along.

PATTERSON EMERGENCY MANAGEMENT COMMITTEE - DISCUSSION

Mr. Dandreano stated the Patterson Library hosted an Emergency Management Planning meeting last week. Rich Williams, Mike Griffin, Charlie Cook and I attended. The library just received a new generator and with the last couple of storms they were very busy and helped a lot of residents out. They went out on their own and formed this Emergency Management Plan which was very inclusive. At the meeting, we had representatives from the Patterson Fire Department and Matt Chibbaro, Recreation Director. Not only did we hear what the library was doing, we also identified that there were some things that the library was doing that the Recreation Center was already doing and we found that one of the biggest problems was

that we didn't have any communication between agencies and departments. We also found that we need to enhance our current Emergency Management Plan. We decided that we should form an Emergency Management Committee where we could meet with members of the Town, different agencies, the library, the recreation center, both fire departments, NYSEG and the Putnam County Bureau of Emergency Services. We decided we will meet in October. One of the biggest problems is getting communication to the residents and we will discuss how we can improve on that and communication between all the agencies. The library is doing an Emergency Preparedness Workshop on Saturday, September 27, 2014 at 1:00 p.m. at the library. Jeffrey Grossman from the History Channel, an expert, will discuss emergency preparedness. I also presented a program that I'm involved in in Westchester. I'm the coordinator for the Westchester Citizen Coalition and I go to different agencies and communities and help start community emergency response teams. I'm also the coordinator for the Greenburgh Police Emergency Response Team. This is where we train citizens to be prepared for emergencies and help themselves, their families and how to help the emergency services in emergencies. We found they are helpful in a lot of different things. Emergency Services, the fire department, the police department during an emergency will be involved in saving lives. There are a lot of things that need to be done and we can't pull a police officer or fireman off a scene to direct traffic, close off a road or open an emergency shelter. That is what we train our team to do. I'll be giving reports on our progress as we go along.

Mr. Dandreaano stated as you know, I am a police officer in the Town of Greenburgh and I was going through our Intel bulletins from Dutchess, Westchester and Putnam County and when I receive something specifically for Putnam County or Patterson it catches my eye. I will read it to you:

On September 4, 2014 at 6:00 p.m., common household items were discovered on the Michael Cieola trail in Patterson, New York. These items were used to make a device that could have caused a dangerous chemical reaction. These materials either failed to react or may have been purposely left for someone to pick up and agitate. Additional items were also located adjacent to the device. These devices commonly consist of toilet cleaner and aluminum foil mixed inside a bottle. When agitated a chemical reaction makes a volatile expansion of gases and subsequently explodes with a great amount of force. Reaction could be severe enough to cause second or third degree burns or blindness. The device and materials located at the scene were all purchased at a Dollar Tree discount store, as the products located are proprietary to the store chain. We need to be more careful and more aware and call 911.

Mr. Griffin stated thank you Ryan for video taping the meeting tonight.

OTHER BUSINESS

Mr. Cook stated just a reminder, New York Alert is still available. There are flyers in the lobby of Town Hall. It is an emergency notification list. It's a way of staying on top of things.

Mr. Cook stated on behalf of the Town Board, I would like to recognize that the Putnam Lake Fire Department has accepted a member into the department. His name is Thomas Consolato.

Mr. Griffin made a **motion** to authorize the Town Clerk to advertise for winter maintenance sidewalk bids.

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

Mr. Griffin stated in the budget message, I mentioned the salt shed and I would like Russ to come up and explain what he is building. For several years the DEP and the DEC has wanted all salt materials handled and loaded inside a shed. In the interest of complying with the environmental concerns of excess salt, which we are all starting to see more problems with, Russ would you give the Board an overview of what you are building out there.

Mr. Russ Goff, Highway Superintendent stated I applied for a grant two years ago and it finally came to fruition. We are putting up a salt shed, so our operations are inside. You discussed the money before and you were right on with that. I hope to get this project started in April. It's about a five week project.

Mr. Griffin stated Rich, I know you have been involved with DASNY grants before. Is SEQRA involved as well as authorization for application. Thank you Russ for getting the grant, that's a big deal. \$150,000.00 is a huge savings for the taxpayers.

Mr. Williams stated Highway is getting ready to submit the preliminary application to DASNY, but the Town Board needs to take a couple of steps. One is to complete SEQRA, an environmental review of what the proposed action is going to be. The other one is to do a resolution committing the Town to their portion of the funding, because the grant doesn't cover the whole project. If you are comfortable with that, we can have that for you at the next meeting.

Mr. Griffin stated absolutely. I think it is a great idea to have the salt stored inside. We have a well contamination problem here with sodium and we are starting to find it in many other places in Town. I'm sure they are finding them in other Town's as well. Russ do you need the Town Engineer for a site plan.

Mr. Goff stated yes.

Mr. Griffin stated I would like to authorize the Highway Department and Town Planner to use whatever resources to get a preliminary plan established.

PUBLIC RECOGNITION

Ms. Pat Ploegher stated just yesterday the Putnam Lake Park District received the equivalent of an "atta boy" from none other than the New York State DEC. The reason being is that we completed a successful swim season on Monday, having tested with part of the Citizens Legwide Assessment Program. We tested the water and the algae on Sunday, shipped it off to Syracuse and they examined it and while we had spotty occasions around the lake of blue green algae, there was no need to shut down the beaches as we had last year. We are pretty sure the reason that this happened was because you backed us on our request for an algaecide treatment back in the middle of July. It worked. We had anecdotal reports from fishermen, lifeguards etc. and they said we worked for eight years and we have never seen the lake so clear. The fishermen said we can actually see the fish and the oars when we put them in the water. We are very grateful. As Rich said when I told him this, it is just a band aid. What we have to do going forward is to make sure that we reduce whatever is coming into the lake and that means through our many inflows, our streams, our drains and so forth. Septic system enforcement we are coming up on where everyone has had to have their septic.....

Mr. Major stated May is four years.

Ms. Ploegher stated so we have one more year to go. We are going to try and spread the word in Putnam Lake and we hope we have your backing.

Town Board members stated thank you.

Mr. Bruce Major stated it has been three months since we heard anything about the Master Plan. Have we ever received a response from Pace Land Use Center. I got conformation in July that a letter was sent by the Town, I was just wondering if you heard from them.

Mr. Burns stated I sent an email to John (inaudible) and I didn't get a response.

Mr. Major stated are we going to try again.

Mr. Burns stated we had some discussions before this meeting potentially putting together a committee. I think we are going to talk about that during the budget meeting.

Mr. Major stated has anyone had a chance to speak to Peter Hansen, because as of three months ago we hadn't.

Mr. Burns stated I spoke with him and my next step was to meet with him and I have not done that.

Mr. Major stated the (inaudible) program, where are you with that. A \$65,000.00 grant.

Mr. Williams stated we haven't heard anything, but I do want to say that the County has applied for funding to bring John Nolan for all the communities.

Mr. Major stated so maybe we will be hearing something in reference to our Master Plan. I guess it was three or four years ago when we spent Town money to do a survey, so one would hope that now that we have some new committee people, maybe we can get something going.

Mr. Major stated I would like to talk about the fire department. Could someone explain to me what reports they are supposed to submit to you and what is the frequency of those reports.

Mr. Burns stated monthly and how many responses and calls.

Mr. Cook stated I can get the contract and go over that with you Bruce. Some are quarterly reports and some are annual. For instance, an audit of their books is an annual report.

Mr. Major stated the reason I have some concern is, I believe on June 11, 2014 you signed a contract with Putnam Lake and you already signed one with the Town of Patterson Fire Department and for this entire year we have only seen one report listed. Once again this month we see no report. Is there anyone on the Town Board that is responsible to contact the fire department and say, "excuse me, but where are the reports that you said you were going to give us, because we signed a contract that said we are going to give you money and you will give us reports." I would like to know who is responsible for the accountability to see that it is done. Your talking to the fire department regarding the Emergency Management Committees, you should be concerned when you are not getting reports. I know they are doing a fine job. They responded to my house right before I went on vacation during a thunderstorm. It was a fast response, they were very thorough, they were very good and I was very appreciative, but you have a contract with them, you should know what they are doing. The only thing I hear now is that we hired "Billy" as a new fireman. That's great, I'm glad to see we are getting more fireman. Shouldn't someone be responsible to make sure. If you are not going to insist they give you the reports, then take it out of the contract.

Mr. Griffin stated I will give them a call if you want.

Mr. Major stated okay, thank you. If you were smart, you would pay them in four installments instead of two and then you get four dinners from them. I'm sorry. Where are we with the Clover Lake certiorari.

Mr. Griffin stated we are still waiting for a judge's ruling. We filed for dismissal, because they had continued to refuse to provide us with the information. We requested their appraisal and financials and they refused. We filed a motion for dismissal and we are waiting to hear the Judge's ruling on that.

Mr. Major stated Mike, you are the Chairman of East of Hudson Corporation now.

Mr. Griffin stated President, Chairman.

Mr. Major stated ok. I understand an individual had to be replaced over there because of performance. I would like to know has there been an examination of the records to make sure the things that were supposed to have been done were actually done. I know there were some concerns with change orders and expenditures. Has anyone taken a look at that to see if there was any misappropriation of funds or monies that were given to contractors that should have been given to contractors.

Mr. Griffin stated right now we have completed the audit for 2012 and we are finishing the audit for 2013. We have identified all the change orders, in total about one million and a half or a million six. We are in the process of going through them one by one. The majority of them were to other engineers. We are reviewing all the change orders and backup documentation that was involved. It is a long process. We are also in the process of trying to get in full compliance with the IRS with New York State and everyone else we have commitments to, because we are considered a charitable organization by the State, so we have reporting requirements to them, the DEP, and the DEC. This is my first year as President, we started in January with a staff review, at which point I realized that the current director was approving change orders in excess of \$5,000.00 without bringing them to the Board's attention. I brought that to the Board's attention and at the August meeting the full Board of all 19 Town's voted to request his

resignation. We have been sorting through everything since the beginning of August and I hope by the end of this year we will have a full accounting of who did what, where, when and how.

Mr. Major stated do you have better candidates to replace him.

Mr. Griffin stated we haven't even started looking yet. We hired a lady to take over as Comptroller. We have an in-house Attorney now that is reviewing all the contracts and change orders and also filling out the 990, 1023 and all the other forms that we are required to have to establish ourselves as a not-for-profit. We have compliance with the state, we are working on all those issues. A lot of those things we were told were being done and they weren't getting done. We will have our budget in by the end of next month and some other things have to be completed by that point. We are hoping to have the 2013 audit completed as well.

Mr. Major stated will we ever be compensated for Mr. William's hours. You said, "now that I am the chairman, I can assure you that we will get compensated."

Mr. Griffin stated I will be more than happy to pursue it as soon as I have the information required.

Mr. Major stated ok, good. Back on July 25, 2014, Counsel had provided a memo to you in reference to the responsibility for expenditures for the dam. As of today, I haven't gotten them. The last comment I got was, "the attorney needed to clean it up", whatever that means. Will I ever see that report.

Mr. Griffin stated I have an update for you and I'm going to defer to Counsel, but the message I got was "Counsel has determined that this would fall under attorney/client privilege and I don't know if he is suggesting that we turn it over to you. Personally I don't see a problem.

Mr. Cook stated we discussed it in an open meeting.

Mr. Major stated not only that, you said you would turn it over.

Mr. Don Rossi, Town Attorney stated Bruce, what might have been said by the Board at that time about turning it over is something that is subject to our opinion and we don't provide attorney work product and confidential communications with the Board to person's making FOIL requests, it's exempt. We did discuss what the results of our research were and I don't have any problem saying it again, if it's the Board's pleasure. We made a determination that maintenance of the lake should be a District charge. Maintenance of the dam could be a Town wide charge or the Board can make a determination that the costs of the upkeep could be allocated as to a Town wide charge and a District charge. That is the sum and substance of the advice that we gave to the Board. We do not make it a practice to deliver attorney work product and confidential information that we provide to the Board to the public because it is privileged and exempt under the FOIL law.

Mr. Major stated ok, at the next meeting I will prepare a series of questions that I will ask at an open meeting and see if I can get some answers. Thank you.

EXECUTIVE SESSION PERSONNEL

There being no further business, Mr. Burns made a **motion** to go into Executive Session at 8:55 p.m.

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

Mr. Burns made a **motion** to close Executive Session at 9:15 p.m.

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

Mr. Griffin called the meeting back to order at 9:15 p.m.

ADJOURNMENT

There being no further business, Mr. Cook made a **motion** to adjourn the Town Board meeting at 9:15 p.m.

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

Respectfully Submitted,

Antoinette Kopeck, Town Clerk