

PATTERSON TOWN BOARD MEETING  
PATTERSON TOWN HALL  
1142 ROUTE 311  
PATTERSON, NEW YORK 12563  
September 24, 2014

MINUTES

PRESENT: MICHAEL GRIFFIN, SUPERVISOR  
KEVIN BURNS, COUNCILMAN  
CHARLES W. COOK, DEPUTY SUPERVISOR  
PETER DANDREANO, COUNCILMAN  
SHAWN ROGAN, COUNCILMAN  
ANTOINETTE KOPECK, TOWN CLERK  
MICHAEL LIGUORI, 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 5 in attendance.

AUDIT OF BILLS

Mr. Cook made a **motion** to accept Abstract No. 17 as written:

General Fund \$22,673.76, Highway Fund \$18,271.34, Waste Water Treatment Plant \$9,288.60, Capital Fund \$115.50, Putnam Lake Light District \$1,103.73, Patterson Light District \$1,209.15, Patterson Refuse District #2 \$800.12, Putnam Lake Park District \$764.50, Alpine Water District \$725.00, Dorset Hollow Water District \$966.08, Fox Run Water District \$205.33, Trust & Agency \$393.75, Grand Total Abstract \$56,516.86.

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

SHAWN ROGAN

DEFRANCESCO PROPERTY – 74 CANTON ROAD

Mr. Rogan stated this is a property that was offered to the Town. Mr. Williams, our Town Planner, went and did an assessment of that property and found that it could be suitable for MS-4 storm water work. The owners have offered to donate that to the Town at no cost.

Mr. Rogan introduced the following Resolution **Authorizing Acceptance of Donation of Real Property**:

**R-0914-02**

WHEREAS, Joseph and Phyllis Defrancesco have offered to donate to the Town of Patterson a certain parcel of vacant land known as 74 Canton Road, Patterson, New York, and identified as Town of Patterson Tax Map No. 25.54-1-19 (the “Property”); and

WHEREAS, the Town Planner conducted a site inspection of the Property on September 8, 2014 to evaluate its condition and potential value to the Town; and

WHEREAS, by memorandum to the Town Board dated September 9, 2014, a copy of which is annexed hereto and hereby made a part hereof, the Town Planner found that the Property could be suitable for use in the MS4 Retrofit Program; and

WHEREAS, the Town Planner has recommended that the Town accept the donation of Property from Joseph and Phyllis Defrancesco; and

WHEREAS, the Town Board reviewed this proposal at its September 10, 2014 meeting and wishes to accept the donation of the Property from Joseph and Phyllis DeFrancesco for no consideration subject to the Town Attorney's review of an update title report confirming that there are no liens or encumbrances against the Property, and the issuance of title insurance to the Town relating thereto;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts the donation of the Property from Joseph and Phyllis DeFrancesco as recommended by the Town Planner, and subject to the conditions set forth above; and

BE IT FURTHER RESOLVED that the Town Attorney is hereby authorized to order a title report of the Property, obtain a title insurance policy covering the Property, and prepare all documents necessary to transfer the Property from Joseph and Phyllis DeFrancesco to the Town of Patterson; and

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

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

#### MANCINI SUBDIVISION

Mr. Rogan stated the Mancini subdivision was referred to us for a variance from the open overlay zone. The Board may recall that Mr. Mancini wants to divide off a 5.1 acre lot. The open overlay zone requires the lots to be two acres. We set a Public Hearing, but we did not make a motion to authorize the Town Clerk to advertise, so it has not been done.

Mr. Rogan made a **motion** to authorize the Town Clerk to advertise for a Public Hearing for the next Town Board meeting.

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

#### ANNOUNCEMENTS

Mr. Rogan stated there was an advisory put out in coordination with the Putnam County Bureau of Emergency Services and Consumer Affairs. It relates to a recall that affects the Kidde residential smoke alarms. There are three different models that it affects, but these are hardwired smoke detectors and carbon monoxide combination detectors. They would have a manufacture date between October 22, 2013 and May 13, 2014. More information can be obtained from their website which is [www.kidde.com](http://www.kidde.com).

#### MICHAEL GRIFFIN

##### NYSEG CRITICAL FACILITIES LIST

Mr. Griffin stated NYSEG is in the process of compiling a list of their entire service area of what they consider critical facilities area. We are not entirely sure of what their definition of a critical facilities is, but they have an extensive list of places. It looks like it is pretty much everything in their service area that needs to be restored. The Town Planner took a look at the list and he thought there were a number of critical facilities missing. Town Hall and a few other places, so he has updated the list and I would like everyone to take a look at it. Unless you have any problems with it, I would ask the Town Planner to submit this to NYSEG to correct what they have offered as critical facilities in Patterson. I would ask the Town Planner to continue to work with NYSEG and update the whole thing.

##### TOWN PLANNER'S MEMO – MS4

Mr. Griffin stated I would like to thank Mr. Williams for finally providing us with a memo of all his MS-4 activities. There are two hundred plus hours of time and two hundred and thirty two hours for the Patterson MS-4 program. At some point, I want to go through all of this with

Rich and we will work with Trish at what rate of compensation would be appropriate and we will see how much of this we can back bill to EoH for the Town.

Mr. Griffin made a **motion** to add one item to his agenda from the Town Clerk's office for a new postage meter.

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

Mr. Griffin stated Antoinette Kopeck, Town Clerk has requested a new postage machine. The lease for the old meter has expired and she has done some research and determined that Neopost would be the best machine and most cost effective at \$184.15 per month for 60 months.

Mr. Griffin made a **motion** to approve the Town Clerk's request for a Neopost IN600 AF mailing system for a 60 month lease at \$184.15 per month and also authorize the Supervisor to execute any and all documents necessary to accomplish that task.

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

#### EXECUTIVE SESSION – PERSONNEL

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

#### KEVIN BURNS

#### NYSEG EASEMENT

Mr. Burns stated as you may recall, we agreed to have solar panels put onto the Recycling Center landfill closure. In order to do that, NYSEG has to make some modifications that have required an easement.

Mr. Burns introduced the following **Resolution Approving NYSEG Easement for Solar Electric Generating Facility:**

#### **R-0914-03**

WHEREAS, the Town has entered into a Solar Lease Agreement with PatterSun, NY LLC, an affiliate of BQ Energy, LLC, dated as of July 23, 2014, relating to the installation and operation of a solar electric generating facility located at 271 Cornwall Hill Road, Patterson, New York (the "Facility"); and

WHEREAS, in order for NYSEG to provide electric service to the Facility, NYSEG has requested certain utility easements be granted to it over Town-owned highways and property, providing NYSEG with permission to install, construct, operate, maintain, repair, replace and at its pleasure remove a new pad-mounted transformer and poles and lines as shown on the sketch annexed hereto and hereby made a part hereof, and such other necessary fixtures and appurtenances thereto (collectively, the "NYSEG Improvements"); and

WHEREAS, the Town Board wishes to grant the requested easements to NYSEG to encourage and to facilitate the installation and operation of the Facility;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Patterson hereby approves the grant of easements over Town-owned highway and property to permit NYSEG to install and operate the NYSEG Improvements; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Patterson hereby authorizes and directs the Supervisor to execute such easement agreements, and all other documents necessary to give effect to this Resolution, consistent with the terms hereof and in such form as is satisfactory to the Town Planner, Town Highway Superintendent, and Town Attorney.

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

Mr. Williams stated did we ever resolve the issue about them wanting to extend their rights outside of the easement area that Don was working on with them.

Mr. Liguori, Town Attorney stated Rich, I don't know. When I left the office, we were prepared to grant the easement, so I'm assuming yes.

Mr. Williams stated just so everyone knows, as of 3:00 p.m. today my conversations with Don Rossi were that NYSEG was requiring an easement for the defined area that they show on the plans. They also wanted to have the right to be able to extend any sort of utility conduits or guywires outside of that easement, anywhere on the property at their discretion. We don't know how that would affect the Highway operations.

Mr. Burns stated are they talking about overhead cables.

Mr. Williams stated whatever they consider guywires and or utility extensions. Don was getting back to them saying this isn't any good.

Mr. Burns stated do you want to table this.

Mr. Williams stated I don't want to table it, but maybe you could revise the resolution to reflect the subject to further negotiations and approval by the Town Attorney.

Mr. Burns stated alright, I will adopt that language. Subject to the suggestion of the Town Planner, we do it subject to further negotiations between our Counsel and NYSEG regarding placement guywires and/or electrical services wires outside of that easement.

Mr. Liguori stated do you just want to say subject to review and approval by the Town Attorney.

Mr. Burns stated ok.

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

#### CONFERENCE REQUEST(S)

Mr. Burns made a **motion** to approve four (4) conference requests as submitted.

Seconded by Mr. Cook.

Mr. Griffin stated discussion. There is a discussion about Cari Weizenecker going as well. She did not submit a request.

Mr. Rogan stated I thought the email said Brian had filled out the form for her as much as he could.

Mr. Griffin stated ok, she will have to submit a separate request.

All In Favor: Aye. Carried.

#### JUSTICE COURT REQUEST GRANT APPLICATION

Mr. Burns stated the Justice Court would like to put in an application with the Office of Court Administration for a grant in the amount of \$10,850.84. There is an itemization on how they would use that grant if it comes through.

Mr. Burns made a **motion** approve the Justice submitting this grant and authorize the Supervisor to sign the grant application and any accompanying documents.

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

Mr. Burns made a **motion** to add one Budget Transfer to his agenda.

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

BUDGET TRANSFER

Mr. Burns made a motion to approve Budget Transfer No. 31.

Increase:	H.0902	Fund Balance Designated Capital Projects	\$3,000.00
		Fund Balance Account	

Increase:	H.8989.014	Sewer Capital & Equipment	\$3,000.00
		Expense Account	

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

PETER DANDREANO

RECREATION REQUESTS

Mr. Dandreano made a **motion** to approve Matt Chibbaro's request for four dozen softballs from Anaconda Sports in an amount not to exceed \$127.20.

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

Mr. Dandreano made a **motion** to approve Matt Chibbaro's request for season champs "T"-shirts and sweat shirts from Steve Dinucci in an amount not to exceed \$332.00.

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

Mr. Dandreano made a **motion** to approve Matt Chibbaro's request for basketball "T"-shirts from Steven Dinucci in an amount not to exceed \$484.00.

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

Mr. Dandreano made a **motion** to approve Matt Chibbaro's request for 300 flag football jerseys from YBA shirts in an amount not to exceed \$3,597.00.

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

Mr. Dandreano made a **motion** to approve Matt Chibbaro's request to hire four junior staff members at the rate of \$7.50 per hour and two senior staff members for the Recreation Department at the rate of \$10.00 per hour. All paperwork will be completed and given to Sue Brown.

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

Mr. Cook stated I would like to mention that one of these six is my grandchild and I'll vote for it too.

Mr. Dandreano stated I have another memo from Matt Chibbaro. Matt would you like to come up and explain this.

Mr. Chibbaro stated sure. Good evening everyone. Basically I was approached by Putnam PARC and they are interested in hosting the Second Annual Hudson Valley Wine and Chocolate Festival at the Patterson Recreation Center. I thought about and I figured let me pass it along to you, because this festival includes the sale of wine and the sampling of wine. I felt it wasn't my position to say yes without speaking to legal first.

Basically PARC puts on this fundraiser where they have sponsors and agricultural vendors who sell wine and other vendors who sell chocolate and they raise money to support people with disabilities. It's a long event, they have to set up the night before, they will use the entire facility on a Sunday and then clean up and pick up their equipment on Monday. It will tie my building up for a weekend, which I wouldn't be able to have certain events. I would have to

cancel flag football, pilates and circuit training classes on Monday morning, but I would be willing to do it as long as everyone felt it was a good idea and passed all the legal tests. As long as we are charging the rent, I would be in favor of it. I am not in favor of waiving any rental fees. I would like to hear your thoughts on this.

Mr. Griffin stated have you discussed with PARC that you don't want to waive the fee.

Mr. Chibbaro stated I only had one conversation with Ms. Randotten and I told her what the rates would be and what I would like to charge and she said fine. I received an email after that if legal did approve this, let's talk to the Town Board about waiving the fees. I am not in favor of that. The event is held in February. She is planning on something between Super Bowl and Valentine's Day. I think its February 8<sup>th</sup>.

Mr. Griffin stated maybe make a telephone call back to her because the fees may be a deal breaker. We have plenty of time.

Mr. Cook stated I sent an email stating I am not in favor of waiving the fees. We will be involved with extra cleaning in the building including the kitchen.

Mr. Burns stated this is the seconded annual; do you know where it was held last year?

Mr. Chibbaro stated at the Mahopac Golf Course.

Mr. Burns stated are they looking for a permanent home or are they just floating around to different locations.

Mr. Chibbaro stated she didn't like the facility last year at the golf course, it is not big enough. She loved our facility and the fact that there was a lot of parking, there is a lot of room and it is close to MetroNorth, so she thinks it could be a huge attraction. She hasn't stated whether or not she wants to make it a home or if it would be just for this year.

Mr. Burns stated I agree with Charlie, I think we should charge a fee.

Mr. Dandreano stated do you have any idea how much it would cost with all the cancellations.

Mr. Chibbaro stated for the staffing I don't have any costs associated with it yet, but if they are suggesting that last year's event brought in 650 people, I think we would need ample staff. As far as the cancellation of events, Saturday night is pizza night, flag football would have to be cancelled, but that would just be extended an extra week. The classes on Monday morning, I would have to talk to the instructor and tell them they couldn't use the facility.

Mr. Dandreano stated the fee would be \$1,200.00.

Mr. Chibbaro stated it is approximately \$200.00 per hour. Three thirds of the gym or the full gym is \$110.00 per hour for an organizational rate. The two back rooms, the arcade and the recreation room are \$50.00 and \$40.00 a piece, so \$200.00 per hour. Last year's event, they advertised it from 11:00 a.m. to 6:00 p.m., so actually for a seven hour event it would be \$1,400.00. That doesn't include the before or after time, that is just for the event. I thought that would be a fair way to price it. It is saving them. It would cost them over \$3,000.00 to rent those three pieces for the entire time from Saturday through Monday.

Mr. Burns stated if that is the way you calculated it, we are giving them a reasonable fee. I don't think we should waive it, \$1,200 is fair.

Mr. Dandreano stated they are already getting a break.

Mr. Chibbaro stated it would be a considerable discount.

Mr. Dandreano stated did it pass all the legal tests.

Mr. Chibbaro stated legal had requirements that they would have to meet for insurance purposes, getting their permit from the Department of Agriculture, because they fall under a

farmer's market type of setting as opposed to the State Liquor Authority. They would have to get all of that, which they have gotten in the past for their previous venues. They will be selling bottles of wine and there will be sampling.

Mr. Burns stated they are not selling glasses of wine.

Mr. Chibbaro stated no.

Mr. Dandreano stated I think it is a good cause. I don't think we should waive the fee, \$1,200.00 is fair.

Mr. Burns stated I'm fine with \$1,200.00.

Mr. Rogan stated Matt, do you know the capacity of all the rooms.

Mr. Chibbaro stated the gym capacity is 800, the recreation room which is the room with the kitchen is 150, the arcade I'm not positive about, but I think it is 80 or 90 but I'll check on that.

Mr. Rogan stated hoping this event is a huge success, but that not all the people would be there at the same time, we would feel comfortable that they are not looking to create a situation that we would exceed fire capacity.

Mr. Chibbaro stated you are correct, yes.

Mr. Rogan stated is there any need, based on other big events, that we would need traffic control support, whether it is for vehicle parking or pedestrian traffic or any issue like that that you would see from a public safety standpoint.

Mr. Chibbaro stated we had karate events holding 300 to 500 people. Either my staff or someone that the outside vendor hires helps out with that. We do have people that live behind us and across from us and we don't want parking to get out of control. That is the biggest issue, parking where they are supposed to and not on people's property. That would have to be looked at.

Mr. Rogan stated that would be my biggest concern.

Mr. Griffin stated what we have done in the past is seek permission from the school to use their parking lot. I suspect that for an event like this, the Sheriff's Department would be involved and they would bring the Cadet Corp. to control it. We have plenty of time to plan this. The first thing is to make a telephone call back to her to see if \$1,200.00 is a no go or not.

Mr. Chibbaro stated ok, I will do that. If she agrees, I will inform the Board and she will have to go ahead and apply for the permit for the Agricultural License.

Mr. Griffin stated and make sure we get an insurance certificate.

Mr. Cook stated this is a belated thank you to you and your staff for Community Day. You all did a very outstanding job despite the weather imposing on a couple of things. It was a good day and I think the staff and you did great. I know the Board appreciated it as well.

Mr. Rogan stated absolutely.

Mr. Griffin stated we used a photograph that someone copyrighted, unbeknownst to us. We were contacted by a company called Gitty Images. They told us we had to buy the picture and we immediately took it down. We no longer used it; however, they have been relentless in the fact that they want \$445.00 as a fee because we used it. We took it down and hoped they would go away, but apparently they are not going away. So, based on what our Town Attorney charges us, I would suggest that we send them a check for \$445.00.

Mr. Liguori stated we did the research and they do have liability.

Mr. Griffin stated two hours of the Attorney's time and if they don't back off, now we're in the hole for \$600.00 or \$700.00.

Mr. Burns stated do we know that they have the right to that photograph. I read your memo and it said on other cases you read that they've dropped it where they didn't have the right.

Mr. Liguori stated they have the rights to enforce and collect and that is within the language of the case as far as liability or our liability to pay. It's one of those things that it is nuisance.

Mr. Burns stated have they demonstrated that they do own the rights of that photograph.

Mr. Liguori stated well, this is what I was saying before, how much time do we go back and forth in determining what those rights are.

Mr. Griffin stated are we being extorted or is this legitimate.

Mr. Liguori stated yes, we are.

Mr. Griffin stated I don't disagree with you but, it's like an insurance company settling a claim. You weigh it out and pay the lawyer \$600.00 to determine whether we owe him or we don't. I just want to settle this tonight.

Mr. Cook stated you know my feelings on attorney's fees.

Mr. Dandreano stated this happens a lot. These companies try to make money off of this stuff, but by the time we fight it, it will be a lot more to pay.

Mr. Griffin stated we can always send them half and see if they bill us for the rest.

Mr. Rogan stated I would make a motion on that to send them half. I don't like the idea of settling on principle.

Mr. Burns stated what if we do nothing and see if they file a lawsuit. What does that cost us. If they file the lawsuit, then we'll pay them.

Mr. Griffin stated worst case scenario, do we owe them legal fees.

Mr. Liguori stated they have to have the court direct legal fees to be paid.

Mr. Griffin stated ok, so you just want to ignore it.

Mr. Burns stated if you write to them and ask them to prove they have the rights to the photograph, and they prove it, then yes, I would say pay it. If I don't know they have the rights to that photograph, then I feel we should do nothing until they file suit or prove that they have the rights to this photograph.

Mr. Griffin stated ok that's fine, we will take no action.

Audience member stated what is it a picture of.

Mr. Griffin stated just a kid.

Mr. Chibbaro stated it is a picture of a child doing a summersault that we used for our Tumble Time Flyer. We get most of our pictures off the web and didn't see anything that stated we couldn't use it.

#### PUTNAM LAKE BULK PICK-UP – SATURDAY, OCTOBER 25, 2014

Mr. Dandreano stated the Putnam Lake bulk pick-up for Garbage District No. 1 for resident curbside bulk pick-up is Saturday, October 25, 2014. All items to be placed at curbside no later than Friday, October 24, 2014 and no earlier than October 13, 2014. This pick-up will be rain or shine.

INVASIVE BAMBOO LOCAL LAW DISCUSSION

Mr. Dandreano stated I spoke with our County Legislature, Ginny Nacerino today and she told me the County has been discussing this for many months and have identified that it is a problem around the County. They are deciding what they can do about it. They found that the State has some legislation pending in the State and they are waiting to see where that goes and what the State does. I think the State legislation address the selling of bamboo for nursery's, so I think it is more on us to regulate growing it and that sort of thing.

Mr. Cook stated I see we have a revised copy. I was wondering what changed from the previous copy that we received. Was it anything significant.

Mr. Williams stated nothing really significant. The latest copy that you have was one that was reviewed by the Town Attorney, Don Rossi and he made some changes to it. Probably the biggest changes in there is to put a third definition in defining the area that the bamboo needs to stay out of. There are editorial changes throughout.

Mr. Cook stated so our next step is to schedule a Public Hearing.

Mr. Dandreano stated I don't think it is something we should rush into.

Mr. Griffin stated I think everyone should take the time to review it. There was a question that was raised about responsibility of home owners versus renters. I think it is appropriate to spend a couple of weeks to look at this. When we are ready we will schedule a Public Hearing.

Mr. Rogan stated Rich, could you look into the places that have adopted this legislation, what their success is or difficulties have been in enforcing that legislation. I'm hesitant to adopt a rule without having knowledge of people who have gone through this and what the stumbling blocks have been.

Mr. Williams stated I can reach out to the Towns and talk to them.

Mr. Cook stated based on Shawn's comment, later I can give you the name of the Village manager.

Mr. Williams stated ok.

CHARLES COOK

RED HAWK FIRE AND SECURITY AGREEMENT

Mr. Cook stated I had a quick conversation with the Supervisor before the meeting and we are going to introduce this resolution for the Town of Patterson Waste Water Treatment Plant only. The other locations the Supervisor and his staff have some concerns about some redundancy that we have done by other providers.

Mr. Cook stated **Resolution Accepting Red Hawk Fire & Security Inspection and Service Agreement for the Town of Patterson Waste Water Treatment Plan:**

**R-0914-04**

WHEREAS, Red Hawk Fire & Security has submitted proposals to the Town to provide certain fire alarm testing, inspection and cleaning services to the Town of Patterson Wastewater Treatment Plant, the Town of Patterson Town Hall, the Town of Patterson Recreation Center and the Town of Patterson Courthouse, copies of which are annexed hereto and hereby made a part hereof; and

WHEREAS, the fire alarm panels for the above referenced Town buildings include proprietary software for which Red Hawk Fire & Security holds a license; and

WHEREAS, the Town's Procurement Policy provides that Sole Source Contracts are not subject to competitive bidding; and

WHEREAS, the Town Board wishes to accept the proposal of Red Hawk Fire & Security for fire alarm testing, inspection and cleaning services on the terms set forth in the annexed proposals;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Patterson hereby authorizes the acceptance of Red Hawk Fire & Security's proposals for the prices and on the terms set forth in the annexed proposals and determines that the resulting contract constitutes a Sole Source Contract as defined in the Town's Procurement Policy; and

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

Mr. Dandreaano stated the other buildings already get services that are similar.

Mr. Griffin stated FSI owns the fire panels and the software that is proprietary. FSI sold the software scenario to Red Hawk. This building is 12 years old. A couple of weeks ago we approved replacing the fire panel and the parts. They wanted \$1,400.00 a year for the court house, which is brand new, they wanted \$1,100.00 for this building and the same for the Recreation Center. I thought that was a little steep. I want to speak with them a little more. We use NYCONN to come in once a year to clean all the sensors in the buildings.

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

#### HIGHWAY SALT SHED-SEQRA/RESOLUTION

Mr. Cook introduced the following **Resolution Patterson Highway Salt/Sand Storage Building SEQRA Lead Agency Notice:**

#### **R-0914-05**

WHEREAS, the Town Board of the Town of Patterson proposes to construct a 60' by 104' building that will be used for the storage and mixing of salt and sand at the Patterson Highway facility located at 281 Cornwall Hill Road, Town of Patterson, 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 wishes to conduct a coordinated environmental review of the Project;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Patterson declares their intent to assume lead agency status in the review of the afore-mentioned Project; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Patterson authorizes and directs the Town Supervisor to circulate notice of the Town's intent to all other involved agencies.

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

Mr. Cook introduced the following **Resolution Authorizing Submission of a State and Municipal Facilities Program Grant for Constructing a Salt/Sand Mixing & Storage Shed:**

#### **R-0914-06**

WHEREAS, the Town of Patterson intends to construct a salt/sand mixing and storage building (hereinafter the Project) that will located at the Town's Highway Facility for an amount of \$370,000.00, and

WHEREAS, the Patterson Town Board has applied for, and been selected to receive, through the Dormitory Authority of the State of New York (DASNY), a State and Municipal Facilities Program grant in the amount of \$150,000 to be utilized for the construction of the Project; and

WHEREAS, in order to receive the grant, the Town is submit certain documentation and in addition, to verify the existence of committed funding resources sufficient to complete the project; and

WHEREAS, the Town Board desires to obtain the grant and to approve and ratify the submission of the grant application and all prior action taken by Town Officials in connection therewith;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Patterson hereby approves the submission of the Project Information Sheet and other application documentation as required by DASNY, and

BE IT FURTHER RESOLVED the Town Supervisor is hereby authorized and directed to execute any and all other documents and take any and all other action as may be necessary or convenient in order to give full effect to this Resolution; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Patterson hereby approves and ratifies all acts heretofore taken by the Town Board, Town Supervisor, and any and all other Town Officials in connection with the subject grant; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Patterson agrees, upon approval of the State and Municipal Facilities Program grant in the amount of \$150,000.00, to fund the remaining portion of the cost of the Project, and that funds will be available to initiate the Project's fieldwork within six (6) months of written approval of its application.

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

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

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

Mr. Cook stated we have two nominees for the Veterans Hall of Fame.

Mr. Griffin stated one is already in. Joe Morrissey was our first nominee.

Mr. Cook made a **motion** that the Town Board authorize the Supervisor to submit the name of Eric Wittichenski to Senator Greg Ball's office.

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

Mr. Cook stated I have a letter from Alexander Contini from the American Veterans Historical Museum Board of Trustees thanking the Recreation Center for the use of the center for the 42<sup>nd</sup> Infantry Division Band concert on August 2, 2014. The museum received a significant number of donations in support of their mission. It was a terrific night.

#### OTHER BUSINESS

Mr. Griffin stated I want to personally thank Jeff Hamel from the MTA for orchestrating and organizing and doing an excellent job on the replacement of the Route 311 crossing. It is such a huge improvement from what was out there. Jeff didn't get a lot of support from the rest of the MTA. Jeff did the MTA side of it all by himself. I also want to thank Russ Goff. I think the tag sale and the book sale went okay too.

Mr. Dandreano stated on October 2, 2014 at 10:00 a.m. at the Senior Center in Carmel there is a program called "Keeping Seniors Mobile". This teaches seniors how to stay mobile. We are also starting a new program called "Car Fit". We are helping the seniors fit their vehicles and this shows them how to adjust their mirrors, seats and steering wheels, etc.

PUBLIC RECOGNITION

Mr. Frank Malizia stated I am a resident of Putnam Lake and recently I went to a meeting that the Putnam Lake Park District had and I had some questions for them concerning putting up walkways. There is no sidewalk there, people are walking in the street. No one wants to speak to me. I walk there every day with my dog and they don't even move over, they are just about running you into the lake. It is a 30 mile an hour speed limit and being that it is a Park District now, and there are more people around the area using the facility, I think we should lower the speed limit and have heavy enforcement there.

Mr. Griffin stated we can certainly ask the Sheriff's Department to increase enforcement.

Mr. Malizia stated the Sheriff's Department put one of the radar machines on one side of the lake. People are viewing this as "let me check my speedometer and see how fast I can go and make that thing move." No one slows down. I have a guy who lives up the street from me and comes down the road, it's a dead end road, 60 miles an hour, blows through the stop sign and there are kids that play on that road. I have neighbors up the street that tell me they are afraid to let their kids out and play in the street. It's a dead end street, where are they going that they need to go 60 miles an hour. I spoke with someone from the Park District, and he said they are planning to put in walkways, but that it takes time. I understand that. That and the fact that they have no trash bins or anything else out there that people can use for clean-up. The speed limit really needs to be lowered and has to have some type of enforcement there.

Mr. Dandreano stated what road are you specifically talking about.

Mr. Malizia stated specifically we are talking about the road that surrounds the lake, Lake Shore Drive. This is where most of the activity is. They are doing a great job with the lake. They cleaned it up a lot, they keep the grass mowed and they try to keep it as clean as possible, but there is still this issue where people have nowhere to walk.

Mr. Dandreano stated are there specific times that this is happening.

Mr. Malizia stated usually between the hours of 7:00 a.m. and 9:00 a.m. and also p.m. too.

Mr. Dandreano stated as far as the speeding and traffic we have actually had several complaints. We have a neighborhood watch meeting tomorrow night at the Putnam Lake Fire Department at 7:00 p.m. A Deputy is coming, so we encourage residents to speak about this. I'm also the Patterson representative on the Putnam Traffic Safety Board, so I was going to bring up some issues at the next Traffic Safety Board meeting. I will address that also. As far as a crosswalk goes, you can't really have a crosswalk unless you have sidewalks. You can't just have a crosswalk, it has to be from a sidewalk to sidewalk.

Mr. Malizia stated I understand, but they told me they were planning to put sidewalks in around the lake.

Mr. Griffin stated what we did in other areas like South Street, we put in stop signs. Make it a three way stop sign. We had everyone flying down South Street to get to the school in the morning and the parents were nervous that their kids were going to get run over.

Mr. Malizia stated on Allen Drive my wife was walking one of our dogs and she was walking towards Jordan and when you come down Jordan it is hard to see when you turn onto Allen Drive, there is a family on the corner that has a small child, and the kids play in the street, there is nowhere else for them to play, common sense tells you to slow down and before you turn the corner, take a look. This woman turns the corner and almost hits my wife and she tells her to wear brighter clothing. That is not an answer. The answer is slow down.

Mr. Griffin stated my office will send a letter over to the Sheriff's Department asking for additional enforcement and Pete will bring it up tomorrow night.

Mr. Malizia stated I'll see you tomorrow night. Thank you.

Mr. Bruce Major stated back in July, I raised the issue of the Fire Departments and whether or not non-profits can be charged for fire services as they are charged for water and sewer. Mike communicated that the Town Attorney was going to look into that.

Mr. Griffin stated not you, the other Attorney.

Mr. Liguori stated what is the question.

Mr. Griffin stated the question is, I know we don't do garbage pick-up for group homes, but if you did provide services for them you are entitled to collect taxes for those particular services. You can't just charge them in general. The question was raised that seeing that we provide fire and ambulance services for them can, we submit a bill to the State or whomever owns the property that we are providing these particular services to, can you in fact bill them for that. I know if we pick up their garbage we can bill them. If you are providing fire services is that also billable.

Mr. Major stated the I raised the issue of possibly considering transferring the Environmental Park to State DEC where they would then start paying taxes and if in the future you could put a deed restriction in, if you were going to do it, at any point in time the State of New York determines they are no longer going to pay Town, County and School taxes, but the property would have to be diverted back to the Town.

Mr. Griffin stated I discussed it a little bit with the Assessor and the amount of money we are talking about is so inconsequential. My personal opinion is, I wouldn't want to give up control of the property for a couple of hundred dollars to the State of New York. They open it up to everyone and anybody. You will have hunters from New York City all over the place and we have no ability to enforce anything now because it is a State Park.

Mr. Major stated you also talk about you can start charging fees and you haven't done that either.

Mr. Griffin stated we could. There is a lot of back and forth between different segments of the Town employees, Code Enforcement and the Parks Department. There is a running debate over signage, fees, access and a lot of things. At some point, the Board can seriously consider whether they want to charge fees. To date, the cost to the Town are minimal because Rick Saracelli is our Environmental Parks caretaker and the total cost to the Town is about \$2,500.00 per year. Russ is very good about going there and fixing the road. What it costs for us to maintain that is negligible.

Mr. Major stated but there was conversation about outside groups coming in, larger groups using the facility. We are looking to charge PARC to use one of our facilities, all I am suggesting is it is something you may want to look into.

Mr. Liguori stated Mike, do we know that we are not charging the not-for-profits for our Special District Tax for the Fire Department.

Mr. Griffin stated I don't think we are sending out any bills, but I will double check. Mary do you know.

Ms. Mary Delaney, Tax Receiver stated I will have to look.

Mr. Major stated you might not be able to.

Mr. Liguori stated I think quite the contrary. I think we have the ability to bill for fire and police. I think those are the things that not-for-profits are not exempt from.

Mr. Griffin stated right, and any services. If you provide specific services, you can charge for those services.

Mr. Liguori stated are you just assuming we are not doing it, or do you know already.

Mr. Major stated no, I asked the question because I don't know if it is being done. I don't believe it is. The reason why I raised that question is, in the current budget we are seeing substantially above the two percent cap that the Governor likes to talk about, we are seeing over six percent and over three percent. All I'm suggesting is that even non-profits are getting services.

Mr. Major stated I would like to talk about Rich's hours. I understand he had two sets of hours. One is work that he did for the East of Hudson and the other is really for the Town. I would imagine the stuff for the Town you will not get reimbursed for. I don't believe the other Town's were reimbursed for that. Certainly the work that he did for the EoH Corporation will be. What I would like you to do is try to make a determination of the hours, what hours did he perform during his standard work week and what hours were performed outside of that. If he performed hours outside of that, I think he should be getting a check for that through the Town. In other words, if Rich is working 70 hours a week, his normal work week, and all of a sudden he is doing 90 hours, those 20 hours he should be compensated for out of that money. That is all I am suggesting.

Mr. Griffin stated well there goes our two percent tax cap.

Mr. Cook stated if he is doing the work for East of Hudson, EoH should pay for it.

Mr. Major stated I don't care how it happens. Look at it this way, our Assessor is doing work for Pawling and you are paying him because they are giving you a check and then your check is going out.

Mr. Cook stated different story.

Mr. Major stated yes, it is a different story. Mike, you complimented the MTA on T.V. that is great. It might be nice to send a letter from the Town to whoever his boss is. I agree with you, they did a beautiful job out there.

Mr. Griffin stated they did a beautiful job. I know Jeff and I know how hard he worked and how little support he received by the MTA to pull this off.

Mr. Major stated then I think doubly you should send a letter.

Mr. Griffin stated that's a very good idea.

Mr. Major stated the next thing is on my FOIL request. Mike, early on I submitted a FOIL request for the legal opinions, in which the Town Attorney, on two different occasions submitted to the State for legal opinions as it related to Putnam Lake. I have copies that the Town provided to me of both. The request and the response is back to the Town Board. Could you explain why this new request, basically for the same issue, I'm not getting.

Mr. Griffin stated all I can say at this point is, the opinion of the Town Attorney was that their standard position is that it is attorney/client privilege and a blanket policy of "we don't share attorney/client privilege work."

Mr. Major stated that may be their opinion, but you pay them. We elect you to do the bidding of the people, you have a situation with their opinion basically saying that a class of people are going to have to be spending money for something and yet, it was okay back in the 1970's to say "yes, it is okay to give it out to the public, to let the public know what that legal opinion is, but in this case we are not going to let it out." So what I would like to know, from each member of the Town Board, what is your opinion as to whether or not the public has a right to that information. Kevin.

Mr. Burns stated off the top of my head, I say no. My gut reaction would be that it is an opinion offered by Counsel to a government board and I would say that it is something that would not be subject to a FOIL request.

Mr. Major stated Charlie.

Mr. Cook stated I respectfully disagree with Kevin, although I know where he is coming from, only on the grounds that the subject matter was discussed twice in open meetings here and basically stated what was in that memo from Council to us and I personally thought that took the confidentiality off of the document, since we discussed it twice.

Mr. Major stated Mike.

Mr. Griffin stated I personally don't have a problem. There are certain things we go into Executive Session for that have to do with personnel and disciplinary actions. Those things I absolutely would not share their opinions with you on.

Mr. Major stated nor should you.

Mr. Griffin stated this particular item, I don't see this as an issue at all. There is no reason why the public shouldn't be aware of why they are being billed for Putnam Lake Dam when they don't live anywhere near Putnam Lake. I personally don't have a problem with it if the majority of the Board's opinion is the same. Charlie's point is well taken. It has already been discussed in an open session.

Mr. Major stated Shawn.

Mr. Rogan stated because I am new to the Board and I wasn't part of those discussions, my response would be to defer to Counsel's opinion, especially for things that I am not fully aware of. It sounds like if this was discussed, it bears releasing information. Since I don't have all the information, I would say there might be parts of that that may need to be redacted. There are always parts of correspondence that has to be redacted in certain instances. That is the way I would proceed on that.

Mr. Major stated Peter.

Mr. Dandreano stated I kind of agree with Charlie too, but I would have to look at it again to see if there is anything that shouldn't be released to the public.

Mr. Burns stated I don't understand why we would vote on what we would release in a FOIL request. If Counsel says it is Foilable, then we should disclose it, we go by their opinion and if they don't, we don't. I don't know that it is something the Town Board votes on. We don't vote on FOIL requests.

Mr. Griffin stated it came across to me as a blanketed opinion, no attorney/client work should be released to the public. I disagree with that. When I ran for office 20 years ago, one of the things we talked about was the prior Town Board did a work session and then did a general meeting. At the work session, the public wasn't allowed to speak and no input was taken. They would discuss, debate and go back and forth and people wanted to say something and we would say "we don't take public input." At the next meeting they would sit there and say "we have a resolution", I would move the resolution as read and you still didn't get a chance to talk about anything. The only time you were ever allowed to talk at a Town Board meeting was at a Public Hearing. I said, "if I get elected, I am absolutely changing that policy, there is no way in the world that we are going to gag the public regardless of who they are." The fact of the matter is, to me they paid for this opinion. I don't see anything in this particular opinion that would be top secret. All it said was there was good reason for it to be a General Fund charge.

Conversation ensued.

Mr. Major stated when I raised this issue, it was because you were about to spend money after the Park District was created and you already had legal opinions that basically said you couldn't do it. My position was, I think you have to get a new opinion and if that new opinion says you can spend; yes, if not, the people in the Park District would be on the hook. Clearly at the end of that night, everyone agreed that I should get it, Mike you said I could have it tomorrow morning. Unfortunately, I was busy the next couple of days and Counsel did not object that night either. You can go into Executive Session and I'll wait to hear from you folks. Thanks for your time.

Mr. Cook stated I'm not going to discuss this in Executive Session. We discussed this enough here now.

EXECUTIVE SESSION PERSONNEL

There being no further business, Mr. Cook made a **motion** to go into Executive Session at 8:30 p.m.

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

Mr. Cook made a **motion** to close Executive Session at 9:10 p.m.

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

Mr. Griffin called the meeting back to order at 9:10 p.m.

ADJOURNMENT

There being no further business, Mr. Rogan made a **motion** to adjourn the Town Board meeting at 9:10 p.m.

Seconded by Mr. Dandreano.

Mr. Griffin stated discussion.

Mr. Liguori stated have the record reflect that Councilman Burns had to leave, so he will not be voting on the motion to close.

All in favor: Aye. Carried.

Respectfully Submitted,

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Antoinette Kopeck, Town Clerk