

PATTERSON TOWN BOARD MEETING
PATTERSON TOWN HALL
1142 ROUTE 311
PATTERSON, NEW YORK 12563
November 19, 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 10 in attendance.

PUBLIC HEARING LOCAL LAW NO. 2 – BAMBOO

See Public Hearing minutes.

AUDIT OF BILLS

Mr. Cook made a **motion** to accept Abstract No. 21 as written:

General Fund \$37,005.85, Highway Fund \$16,872.56, Waste Water Treatment Plant \$1,815.39, Patterson Refuse District #2 \$569.05, Patterson Park District \$609.52, Putnam Lake Park District \$4,465.00, Alpine Water District \$115.20, Dorset Hollow Water District \$171.00, Fox Run Water District \$22.26, Grand Total Abstract \$61,645.83.

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

CHARLES COOK

GOLDEN AGE SENIORS REQUEST(S)

Mr. Cook made a **motion** to approve the Golden Age Seniors for their holiday party at Post 22 in an amount not to exceed \$2,815.00.

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

PUTNAM LAKE SENIORS REQUEST(S)

Mr. Cook made a **motion** to approve a trip for the Putnam Lake Seniors to the Westchester Dinner Theater to see the show “Show Boat” in an amount not to exceed \$1,663.00 for November 4, 2014.

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

Mr. Cook made a **motion** to approve a trip for the Putnam Lake Seniors to the Westchester Dinner Theater to see the show “West Side Story” in an amount not to exceed \$1,543.00 for April 15, 2015.

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

SHAWN ROGAN

RECREATION REQUEST(S)

Mr. Rogan made a **motion** to approve Matt Chibbaro's request to purchase 25 "T"-shirts for the coaches of youth basketball from Steve Dinucci in an amount not to exceed \$142.50.

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

Mr. Rogan made a **motion** to approve Matt Chibbaro's request to purchase 150 Trophy's from Trophy Depot in an amount not to exceed \$817.50.

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

Mr. Rogan made a **motion** to approve Matt Chibbaro's request to purchase 15 hooded sweat shirts from Steve Dinucci in an amount not to exceed \$398.00.

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

MICHAEL GRIFFIN

NY ALERT AND WWTP NOTIFICATION

Mr. Griffin stated anytime we have a release of untreated or partially treated sewage, the Town needs to notify adjacent municipalities, New York State DEC, New York State Department of Health beginning January 15, 2015. New York State DEC has changed their policy on notices to be provided. This notice will now be provided through the New York Alert System. The Town Board should approve the individuals already registered to send out New York Alert messages, including Rich Williams, Sue Brown, Sarah Mayes and in addition we would like to include Mary Schartau to the list. The Town needs to provide the list to the New York State DEC by December 1, 2014.

Mr. Griffin made a **motion** to approve the Town Planners request that the Town Board approve the above noted names to the New York Alert Messaging System.

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

PUTNAM LAKE SLUICE GATE

Mr. Griffin stated as you may all be aware, we had a problem with the sluice gate. There is a drain in Putnam Lake and there was a gate that opens and closes to let the water in and out. That gate has been leaking for some time. The Town Planner has been working on getting that repaired. We authorized Hunt Underwater Specialties to put a plug in there, but unfortunately because of the configuration they were unable to do so. They have to build a steel bulkhead that will be placed over the opening and it has to withstand eight tons of pressure, so it is a rather extensive undertaking. It will require a three man dive crew approximately two days or sixteen hours to install it, etc.

Mr. Griffin made a **motion** to authorize Hunt Underwater Specialties to construct and install the bulkhead for an amount not to exceed \$8,400.00.

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

Mr. Griffin made a **motion** to add Executive Session Personnel/Legal to his agenda.

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

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

KEVIN BURNS

PLAB BASKETBALL COURT - DISCUSSION

Mr. Burns stated Pete has been attending the Putnam Lake Advisory Board meetings. I had the opportunity to attend the most recent one. They are doing a year-end wrap up. They had another very good year, in my opinion. They are doing removal of boats from the lake property, planning some clean up and making some plans for next year in terms of what projects they are taking on. One issue that did come up was at one time there was a basketball court located on what was once park land property and is now Town property, adjacent to the softball field. They thought that it would be very beneficial to the Putnam Lake community and a place where the kids could play basketball in Putnam Lake. The cost of putting in a blacktop basketball court is estimated to be \$35,000.00. They would like to know if there was any option or way it could be installed more economically than paying the \$35,000.00. Does the Board have any thoughts on this.

Mr. Griffin stated because it is a District you can't use Recreation Funds or General Funds for that purpose. Club Court is the only place in Putnam Lake that is not a District.

Mr. Burns stated well this is actually right across the street from Club Court.

Mr. Griffin stated I know. I had conversations with the PLCC in the past, but unfortunately because it's a District property, it has to be a District charge.

Mr. Burns stated is there any way to cede part of that back to the Town and take it out of the District.

Mr. Griffin stated that would be a conversation for the legal team, because I think it is pretty involved to reconfigure a Park District. The Park District has a substantial Fund Balance. If the grant is still available for the carp gate that would free up some of that money that they had planned on using for the carp and would be more than enough to pay for a basketball court.

Mr. Donald Rossi, Town Attorney stated there could also be some fund raising efforts.

Mr. Cook stated you could ask the Committee to start pricing out and get some hard numbers.

Mr. Griffin stated you could possibly talk to the Highway Department.

Mr. Burns stated they could black top.

Mr. Griffin stated excavate, put the base down, roll it out and by contract have it black topped.

PUTNAM LAKE CARP GATE

Mr. Burns stated I will table the Putnam Lake Carp Gate.

Mr. Burns stated I do have a Putnam Lake Advisory Board request. They wanted to install new vinyl soffits for the boat house. They solicited two bids.

Mr. Burns made a **motion** to approve the Putnam Lake Advisory Board's request for new vinyl soffits for the boat house from Francesco's in an amount not to exceed \$940.00.

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

MASTER PLAN – SET DATE FOR COMBINED MEETING OF TOWN BOARD,
PLANNING BOARD AND ZONING BOARD OF APPEALS

Mr. Burns stated I would like to poll the Board and see what time frame we have to set a date for this combined meeting.

Town Board members stated March.

Mr. Burns stated I will contact those Boards and come back to the Town Board and we can set a date.

BUDGET TRANSFER(S)

Mr. Burns made a **motion** to approve Budget Transfer No. 42 through 48.

Budget Transfer No. 42

From:	A.1990.400	Contingent Account	\$(4,182.00)
To:	A.1620.200	Buildings Equipment & Capital Outlay Expense Accounts	\$ 4,182.00

Budget Transfer No. 43

From:	A.7110.401	Parks Contractual	\$ (125.00)
To:	A.1620.100	Buildings Personal Services	\$ 50.00
	A.1220.450	Supervisor Training Expense Accounts	\$ 75.00

Budget Transfer No. 44

From:	A.3620.110	CEO Medical Buyout	\$(4,500.00)
To:	A.1330.110	Receiver of Taxes Medical Buyout Expense Accounts	\$ 4,500.00

Budget Transfer No. 45

From:	A.1623.100	Recreation Center Personal Services	\$(6,000.00)
To:	A.1623.400	Recreation Center Building Contractual Expense Accounts	\$ 6,000.00

Budget Transfer No. 46

From:	A.9060.800	Hospital & Medical Insurance	\$(3,000.00)
To:	A.1621.400	Justice Court Building Contractual Expense Accounts	\$ 3,000.00

Budget Transfer No. 47

From:	DA.9040.800	Worker's Compensation	\$ (942.00)
To:	DA.9010.800	State Retirement Expense Accounts	\$ 942.00

Budget Transfer No. 48

Decrease:	A.2006.436	Recreation Center – Youth Programs	\$ (500.00)
Increase:	A.2006.437	Recreation Center – Senior Programs Revenue Accounts	\$ 500.00
Decrease:	A.7146.436	Recreation Contractual – Youth Programs	\$ (500.00)
Increase:	A.7146.437	Recreation Contractual – Senior Programs Expense Accounts	\$ 500.00

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

CONFERENCE REQUEST(S)

Mr. Burns made a **motion** to approve two conference requests as submitted.

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

PETER DANDREANO

LOCAL LAW - BAMBOO

Mr. Dandreano stated do you want to approve this tonight. I know Shawn had some reservations.

Mr. Rogan stated I addressed my concerns, and I do appreciate your response Kevin, I think it helped clarify it to some extent. I have concerns because of the difficulty of controlling it. I want to make sure everyone has a full handle on this. We are in the middle of the winter. It's not like this is a pressing issue.

Mr. Burns stated the only other thing I could suggest is to do a complete survey.

Mr. Rogan stated I think that's a good idea.

Mr. Cook stated I think there are two things here. One, basically this law would protect or give recourse to a resident or a business. Second, if bamboo is on Town property now and going over onto an adjoining property, that is not Town property, that is not right. We should deal with that anyway. We don't need a law for that. I have no trouble with this law. It mainly protects the individual homeowner.

Mr. Rogan stated Counsel, the idea that the DEC already classifies invasion bamboo as an invasive species, doesn't that already give someone recourse if they are having property damage in litigation they can cite the New York State DEC regs.

Mr. Don Rossi, Town Attorney stated it certainly would be an important evidentiary aspect of a private wrong. As of right now, if someone is being adversely affected by a neighbor's bamboo growth, they do have private recourse through nuisance lawsuit. I think what the Board is confronting here though is, is it going to establish a layer of municipal regulation and rights that avoid the homeowner having to bring a private action and bring the full force of what the Town enforcement process could bring. For many people, again, I'm not advocating for it one way or another, for many people it is a daunting task to hire an Attorney and bring a nuisance action against their neighbor. That is what would have to be done now. The DEC classification would certainly be a factor in that type of a lawsuit.

Conversation ensued.

Mr. Griffin stated I would like to get some comments from the Code Enforcement Officer. Bob have you had a chance to look at this.

Mr. Robert McCarthy, Code Enforcement Officer stated no, I haven't.

Mr. Griffin stated why don't we table this for a couple of weeks.

Mr. Rogan stated what I would ask is if we could get Rich to investigate looking into where the existing conditions are, especially for the Town property. Don, can we confirm that the DEC regulations are not being redundant, because I don't want to create a law locally just because the DEC isn't enforcing their own laws. I don't think that is appropriate or necessary either.

Mr. Rossi stated Shawn, we will look at that. The designation of plants by the DEC as invasive has a lot of different impacts, more than just an enforcement. There is probably enforcement that goes on through the DEC that is not really related to ripping plants out of the ground.

Mr. Rogan stated ok. Then lastly, Bob, we have been talking with Rich about other municipalities who have already implemented this and their struggles or successes. I think

Rich has reached out but reaching out to those municipalities to find out what the complexities have been. I think we can learn a lot from people who have already had them in place for a few years. I'd rather take the time once and do this correctly, even though it is a fluid law. I appreciate tabling this.

Mr. Dandreano stated do we need a motion to table this.

Mr. Griffin stated no, we will just take no action on it.

ALL HAZARDS MITIGATION PLAN

Mr. Dandreano stated last time we spoke about how the plan is pretty much done. All the municipalities did their part. The plan has been put together and now it has to be posted on the Putnam website for review by the public. Rich asked me to read this:

Putnam County along with its Towns and Villages are in the process of developing a Hazards Mitigation Plan. This plan is required by the Federal Emergency Management Agency (FEMA). In order to be eligible for the Federal Grant Funding for public and private mitigation projects, the HMP provides a blueprint by which local governments can make cost effective efforts towards reducing losses from natural hazards such as flooding, severe storms, severe winter storms and wildfires. Available funding can support projects such as drainage improvements, structural elevations and back-up power for schools and critical facilities. Please visit our website at www.putnamhmp.com.

Mr. Dandreano stated Frank Farrell, Garbage and Recycling Administrator asked me to make an announcement that the 2015 Recycling permits will be on sale at the Town Clerk's office starting December 1, 2014.

OTHER BUSINESS

Mr. Cook stated have you or Trish had a chance to look into the correspondence from the Association of Towns on that energy cooperative.

Mr. Griffin stated we filled out the paperwork and submitted it to them. We are under no obligation, but they will give us a quote. As soon as I have that, I will share that with the Board. We still do have about another year to go with the current contract that we have with Suaz. We wouldn't be in a position to take any action on it right away.

Mr. Cook stated anything new with the Fire Department sign.

Mr. Rossi stated I am working on it.

Mr. Burns stated I would like to congratulate my daughter and the Carmel Varsity Cheerleaders who took second place at the County Convention Center last night in a regional competition for Varsity Division One. They were acknowledged on the front page of the sports section. They will now be a sport this year. Congratulations!

PUBLIC RECOGNITION

Mr. Bob McCarthy, Director of Codes stated I would like to announce that Brian Burdick helped assist a birth to a resident in Brewster. He is a Putnam County 911 dispatcher. A baby was born with his help through the dispatch office.

Mr. McCarthy stated I would also like to address the Town Board with an issue I have right now regarding Triple B BBQ. The situation is our Counsel recused himself because there is an issue there. I am getting advice from Laura Roberts on this. Basically, what I am having a problem with is that our code is a permissive code. It's not in our code book. Catering is one issue that we have with Triple B. I gave them a notice of violation in August because they are not allowed to cater. They are allowed to have a restaurant. I did some more research and realized that many restaurants and delis also cater. One of the residents wants me to enforce this, but I'm having a hard time doing it, because if I go after Triple B, I have to go after the

rest of the businesses around Town. Our code does not allow take out or catering. That is the problem that I'm having.

Mr. Burns stated I don't get the impression that the delis or others have an impact on the neighbors. They may be cooking more things in their kitchen, but it's not having an impact in terms of smoke or noise etc, on the neighbors.

Mr. McCarthy stated BBQ cooking is from 9:00 a.m. until 9:00 p.m., where a restaurant or a deli is doing most of their cooking during the day. It's a different impact.

Mr. Cook stated is catering covered at all in the code.

Mr. McCarthy stated no.

Mr. Cook stated maybe that is what we need.

Mr. McCarthy stated I agree. Take-out is not in there either.

Mr. Cook stated we need a section that includes quality of life issues based on food service businesses.

Mr. Burns stated did Laura have any experience in any other jurisdictions where the code was different.

Mr. McCarthy stated she hasn't accepted it yet either, so I don't know if I can go to her. She said she received an email.

Mr. Burns stated is this something we should appoint Special Counsel to.

Mr. Griffin stated I would like to see what Laura Roberts experience is in Land Use and Planning. My personal experience with her has all been criminal. To bring someone with no background in this doesn't make a lot of sense. This is something that needs to be looked into.

Mr. McCarthy stated part of this is a noise problem. He actually put a different fan system in. I have been dealing with this on a weekly basis. I do need advice and help.

Mr. Griffin stated sure.

Mr. Rogan stated has there been any discussion about since he has addressed some of the noise issues about addressing the ventilation system to capture and mitigate some of the smoke. I know that is expensive.

Mr. McCarthy stated unfortunately, every time I go there, I have been there three times after 10:00 p.m. and I didn't smell anything. I did hear a little bit of a hum, but they are in a C-1 district and that is a commercial area.

Mr. Rogan stated did you ever go there with the idea that the people who are filing the complaints are calling you when they say.....

Mr. McCarthy stated I've had two complaints and one consistent complainant.

Mr. Rogan stated there are two distinct issues here. First, dealing with the existing condition that our code, and I think we all agree, didn't give us the impetus to properly review the change from an Italian Pizzeria to a BBQ place. How are we going to deal with this existing condition. Complainants should call you within reason, not at 2:00 a.m.

Mr. McCarthy stated I'm going out of my way to help them.

Mr. Rogan stated we appreciate that.

Mr. Dandreaano stated how many complaints all together.

Mr. McCarthy stated two.

Mr. Rogan stated working with Mr. Soto to possibly look at the technology that exists, the charcoal filtration or the smoke eaters that could be put in those HVAC systems. They operate these things in New York City all the time and they have very strict regulations, not from Code Enforcement, but the New York City Health Department.

Mr. Griffin stated part of the solution is that this is venting out the side of the building.

Mr. McCarthy stated no, it's going straight up.

Mr. Griffin stated but how high up is it.

Mr. Rogan stated it's not above the roof line.

Mr. McCarthy stated it's about 15 or 20 feet.

Mr. Griffin stated if he had this three feet above the roof line, it might help.

Mr. Rogan stated I was over in Putnam Lake and you could smell that a quarter of a mile away.

Mr. Griffin stated I can smell my neighbor's fire burning. Any smell over an extensive period of time, is offensive.

Mr. Cook stated why don't you keep us informed on your conversations with Laura Roberts.

Mr. Griffin stated I think we should find out what her credentials are before we go down that road. We may want to seriously consider bringing in someone with more land use acumen and possibly get some help from Pace or another University who does this type of stuff all the time. We can ask the Town Planner to look at codes. Let's have a conversation with Rich before we go out and spend a lot of money on lawyers.

Mr. Cook stated ok.

Mr. McCarthy stated thank you.

EXECUTIVE SESSION PERSONNEL

There being no further business, Mr. Cook made a **motion** to go into Executive Session at 7:55 p.m.

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

Mr. Burns made a **motion** to close Executive Session at 8:25 p.m.

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

Mr. Griffin called the meeting back to order at 8:25 p.m.

Mr. Griffin stated I will ask the Town Attorney to make a motion for me in the matter of Brian Yates.

Mr. Donald Rossi, Town Attorney made a **motion** that the Town Attorney's office in conjunction with the Towns HR Consultants should commence all appropriate action pursuant to the contract among the Town, the Union and Mr. Yates with regard to the noted violation of the agreement.

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

ADJOURNMENT

There being no further business, Mr. Rogan made a **motion** to adjourn the Town Board meeting at 8:27 p.m.

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

Respectfully Submitted,

Antoinette Kopeck, Town Clerk