

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

NOVEMBER 20, 2013

MINUTES

PRESENT: MICHAEL GRIFFIN, SUPERVISOR  
KEVIN BURNS, COUNCILMAN  
CHARLES W. COOK, DEPUTY SUPERVISOR  
ROBERT MCCARTHY, 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 6 in attendance.

EMERGENCY MANAGEMENT TRAINING – PRESENTATION

Mr. Griffin stated we will postpone this presentation until the next Town Board meeting.

AUDIT OF BILLS

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

General Fund \$43,838.86, Highway Fund \$10,251.52, Waste Water Treatment Plant \$897.30, Putnam Lake Light District \$1,500.73, Patterson Light District \$1,249.17, Patterson Refuse District #2 \$33.10, Patterson Park District \$100.00, Putnam Lake Park District \$5,110.00, Alpine Water District \$232.35, Fox Run Water District \$24.40, Trust & Agency \$300.00, Grand Total Abstract \$63,537.43.

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

ROBERT MCCARTHY

GOLDEN AGE SENIOR'S REQUEST(S)

Mr. McCarthy made a **motion** to approve the Seniors Christmas party at the Southeast Grill in an amount not to exceed \$1,776.60.

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

BONIELLO – UPDATE

Mr. McCarthy stated I was hoping one of my fellow Councilmen could help me out with this because I do not have enough information to present anything.

Mr. Griffin stated we were actually expecting more of an update from the attorney than the Town Board. It just happened to be on your agenda. At this point, I was going to suggest that we make a motion to tell the Planning Board that they are not to proceed with any reviews to the projects based on what is taking place most recently and that was due to the fact that the check bounced.

Mr. Williams stated I think that was clear from the past direction of the Town Board in that we weren't allowed to go forward until certain things had been done by Mr. Boniello as well as a formal application with the Planning Board. There are other legal issues you probably don't want to talk about.

Mr. Griffin stated no.

Mr. Williams stated we do have a court decision on awarding the fees to us but not attorney fees.

Mr. Griffin stated you don't think we need to take a formal action to advise you guys not to proceed with review of any of their projects.

Mr. Williams stated no, I think the direction at the last meeting was clear.

Mr. Griffin stated ok, I just want to make sure it stays clear.

#### PATTERSON PARK RENOVATIONS – UPDATE

Mr. McCarthy stated the Veterans Memorial Park is being renovated right now and we are about half way through. The painting is done, fixtures are in and we are in pretty good shape. We are about one week behind schedule. So far we have no change orders.

#### ANNOUNCEMENTS

Mr. McCarthy stated on Friday, December 6<sup>th</sup> at 6:30 p.m. at the Patterson Town Hall, we will be lighting the tree and Christmas caroling with the Recreation Center and Patterson Fire Department. Santa and Mrs. Claus will be at the firehouse with milk and cookies.

Mr. McCarthy stated "Save the Date", breakfast with Santa at the Patterson Recreation Center on Saturday, December 14<sup>th</sup> from 9:00 a.m. to 11:00 a.m. Reservations are required by December 6<sup>th</sup>. Call us to reserve your spot at 845-878-7200. The price is \$3.00 per child, \$5.00 per adult. There is \$1.00 off with a donation of a non-perishable food item.

#### MICHAEL GRIFFIN

#### 2014 TOWN BOARD MEETING – SET DATES

Mr. Griffin stated does everyone have the Town Board meeting dates. Does anyone have any questions, concerns, problems or changes.

Mr. Griffin made a **motion** to approve the Town Board meeting schedule for 2014 as per the memo dated November 6<sup>th</sup>, 2013 to the Town Board and Town Clerk from the Supervisors Office.

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

#### 2014 FINAL BUDGET ADOPTION RESOLUTION

Mr. Griffin introduced the following **Resolution Adoption of Final Budget for 2014**:

#### **R-1113-03**

WHEREAS, the Town Board of the Town of Patterson is currently in the process of finalizing the budget for the 2014 fiscal year, and

WHEREAS, the Town Board of the Town of Patterson has met at the time and place specified in the Notice of Public Hearing on the Preliminary Budget has heard all persons desiring to be heard all persons desiring to be heard thereon, and

WHEREAS, the General Fund appropriation reflected in the Preliminary Budget has been amended from \$3,936,788.00 to \$3,937,138.00 and

WHEREAS, the Highway Department appropriation reflected in the Preliminary Budget has been amended from \$2,777,804.00 to \$2,777,804.00 and

WHEREAS, the Putnam Lake Fire Protection District appropriation reflected in the Preliminary Budget has been amended from \$509,700.00 to \$509,700.00 and  
WHEREAS, the Patterson Fire Protection District appropriation reflected in the Preliminary Budget has been amended from \$936,973.00 to \$936,973.00 and

WHEREAS, the Patterson Hamlet Sewer District appropriation reflected in the Preliminary Budget has been amended from \$419,788.00 to \$419,788.00 and

WHEREAS, Capital Fund appropriation reflected in the Preliminary Budget has been amended from \$124,890.00 to \$0.00 and

WHEREAS, the Patterson Library appropriation reflected in the Preliminary Budget has been amended from \$737,852.00 to \$737,852.00 and

WHEREAS, the Putnam Lake Lighting District appropriation reflected in the Preliminary Budget has been amended from \$21,175.00 to \$21,175.00 and

WHEREAS, the Patterson Lighting District appropriation reflected in the Preliminary Budget has been amended from \$24,225.00 to \$24,225.00 and

WHEREAS, the Putnam Lake Refuse appropriation reflected in the Preliminary Budget has been amended from \$256,730.00 to \$256,730.00 and

WHEREAS, the Patterson Garbage District appropriation reflected in the Preliminary Budget has been amended from \$1,011,580.00 to \$1,011,255.00 and

WHEREAS, the Dorsett Hollow Drainage District appropriation reflected in the Preliminary Budget has been amended from \$3,350.00 to \$3,350.00 and

WHEREAS, the Deerwood Drainage District appropriation reflected in the Preliminary Budget has been amended from \$2,100.00 to \$2,100.00 and

WHEREAS, the Quail Ridge Road Improvement District appropriation reflected in the Preliminary Budget has been amended from \$15,000.00 to \$15,000.00 and

WHEREAS, the Patterson Park appropriation reflected in the Preliminary Budget has been amended from \$103,497.00 to \$103,497.00 and

WHEREAS, the Putnam Lake Park District appropriation reflected in the Preliminary Budget has been amended from \$145,880.00 to \$145,880.00 and

WHEREAS, the Alpine Water District appropriation reflected in the Preliminary Budget has been amended from \$34,860.00 to \$34,860.00 and

WHEREAS, the Dorsett Hollow Water District appropriation reflected in the Preliminary Budget has been amended from \$27,026.00 to \$27,026.00 and

WHEREAS, the Fox Run Water District appropriation reflected in the Preliminary Budget has been amended from \$57,822.00 to \$57,822.00 and

WHEREAS, the Debt Service Fund appropriation reflected in the Preliminary Budget has been amended from \$0.00 to \$124,890.00 and

NOW, THEREFORE BE IT RESOLVED, that the 2014 Budget as amended and revised is hereby adopted as set forth in Schedule "A" which is attached hereto and made part hereof.

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

APPOINT FINANCIAL ADVISOR – MUNISTAT

Mr. Griffin stated as discussed at the last Town Board meeting we are in the process of refinancing all of our callable bonds and we anticipate a savings in excess of \$100,000.00 over a ten year period. We also put out to bid for a Financial Advisor to maintain our credit rating. Munistat was the best company.

Mr. Griffin introduced the following **Resolution Professional Services Contract with Munistat Services Inc. for Municipal Finance Advisory Services:**

**R-1113-04**

WHEREAS, in connection with its efforts to obtain professional advice concerning the planning and implementation of capital financing for the Town of Patterson for the years 2013 and 2014, the Town Comptroller has received a Statement of Municipal Finance Advisory Services and Fees for 2013-2014 (the "Statement") from Munistat Services Inc. of Port Jefferson Station, New York (the "Agency"), a copy of which is annexed hereto and hereby made a part hereof; and

WHEREAS, the Town Comptroller has recommended that the Town retain the Agency relating to professional municipal finance advisory services for the years 2013 and 2014; and

WHEREAS, professional services contracts under \$20,000 are not subject to competitive bidding pursuant to the Town's Procurement Policy, and the Statement sets forth fees for the Agency's professional services that are under \$20,000; and

WHEREAS, the Town Board desires to retain the services of the Agency in accordance with the terms set forth in the attached Statement for the years 2013 and 2014;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Patterson hereby approves the Statement of Municipal Finance Advisory Services and Fees for 2013-2014 from Munistat Services Inc., as set forth in the attached Statement; 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 and to take any and all other actions necessary to give effect to this Resolution.

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

EXECUTIVE SESSION – LEGAL

Mr. Griffin stated I will defer Executive Session – Legal until the end of the meeting regarding the Assessor's contract.

KEVIN BURNS

PLPAB REQUEST(S)

Mr. Burns stated there has been a letter that has been mailed to all registered boat owners to remove all boats for the winter months by December 1, 2013. Volunteers will be available to assist anyone who needs help. After December 1<sup>st</sup> boats remaining on the park lands will be impounded. We will ask the Clerk to publish a notice to this effect. Dede, I understand the removal went very well.

Ms. Lifgren stated yes.

Mr. Burns made a **motion** to authorize the Town Clerk to advertise for the removal of the boats on Putnam Lake.

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

Ms. Lifgren stated all together there were about 175 boats. 25 came off originally that weren't registered at all. We helped about 25 people that needed transport assistance. Since the weather has been good, I think people will wait until the last minute. The ones that are left are all viable. We would like to put out a legal notice also after this one.

Mr. McCarthy stated where are you storing all of them.

Ms. Lifgren stated right now they are in the boat house. We are holding the ones that haven't been picked up for 60 days and there are some that will have to be destroyed because they are totaled. The ones that are pretty good, we are trying to find the owners. Our aim is to find the owners and not to sell them. We are looking into what we should do with the ones that are left.

Mr. Burns stated there are two positions open on the Board. You had a resignation and your term is up for re-appointment. Will we be interviewing for one person.

Ms. Lifgren stated there is one open seat available.

Mr. Burns stated do you want to post a notice.

Ms. Lifgren stated I need it to go on the Town website and our website and maybe put out a public notice.

Mr. Burns made a **motion** to authorize the Town Clerk to advertise a Public Notice to interview for a position on the Putnam Lake Advisory Board.

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

Ms. Lifgren stated we would like to interview those and then put forth the recommendation.

Mr. Griffin stated okay.

BUDGET TRANSFER(S)

Mr. Burns made a **motion** to approve Budget Transfer No. 42 through 47:

Budget Transfer No. 42

Increase:	DA.2665	Sale of Equipment	\$11,208.12
		Revenue Account	

Increase:	DA.5130.200	Machinery Equipment & Capital Outlay	\$11,208.12
		Expense Account	

Budget Transfer No. 43

From:	A.1910.400	Unallocated Insurance	(\$4,001.00)
	A.1990.400	Contingency Account	(11,700.00)
	A.5142.400	Snow Removal Contractual	(1,625.00)

To:	A.1989.400	Miscellaneous Contractual	\$3,000.00
	A.1930.400	Judgments & Claims Contractual	\$14,326.00

Budget Transfer No. 44

From:	SWF.8310.200	Water Administration Equipment	(\$1,000.00)
	SWF.8320.400	Source of Power Contractual	(\$1,500.00)

To:	SWF.8310.400	Water Administration Contractual	\$2,500.00
	Expense Accounts		

Budget Transfer No. 45

From:	SP.1910.400	Liability Insurance Contractual	(\$250.00)
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To:	SP.1930.401	Tax Certiorari	
	Expense Accounts		

Budget Transfer No. 46

Increase:	FP.0599 Fund Balance	Appropriated Fund Balance	\$3,642.00
Increase:	FP.1930.401 Expense Account	Judgments & Claims – Tax Certiorari	\$3,642.00

Budget Transfer No. 47

Increase:	L.0599 Fund Balance	Appropriated Fund Balance	\$600.00
Decrease:	L.7410.401	Contingency Account	\$(1,200.00)
Increase:	L.1930.401 Expense Accounts	Judgments & Claims – Tax Certiorari	\$1,800.00

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

BUILDING OPERATIONS REQUEST(S) - HVAC REPAIRS

Mr. Burns made a **motion** to approve a non-bid procurement request for Hudson Mechanical for a sum not to exceed \$1,190.00 for HVAC repairs.

Mr. McCarthy stated on the back of this it stated \$1,990.00. Is this a typo.

Mr. Burns stated I see that but it is written as \$1,190.00.

Mr. Williams stated can I just ask what the repairs are.

Mr. Burns stated this is for the Recreation Center.

Mr. Williams stated ok.

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

Mr. Burns made a **motion** to add Conference Requests to his agenda.

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

CONFERENCE REQUEST

Mr. Burns made a **motion** to approve one Conference Request to attend an Executive System Workshop at the Mahopac Library.

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

CHARLES COOK

CURTISS LETTER – CLOVER LAKE

Mr. Cook stated we have an update on the Clover Lake assessment to date. Clover Lake is challenging their assessment for the years 2010, 2011 and 2012. The assessment for the property is approximately \$10,000,000.00 per year. They are claiming between \$4,000,000.00 and \$6,000,000.00. This is from Tim Curtiss who is handling this. There were several conferences which led to the Town paying for an appraiser to go out. The court has directed that preliminary appraisals be exchanged on November 21, 2013 in preparation for trial. At this time, our appraiser does not believe that Clover Lake can sustain their \$6,000,000.00 evaluation given the size and nature of the facility. Early in 2007 and 2008 it was appraised for \$11,000,000.00 and

\$12,000,000.00 respectively. Once appraisals have been exchanged the court will schedule one more pre-trial conference in an effort to try to resolve the matter. If the matter cannot be resolved at the last pre-trial conference we anticipate receiving a trial date sometime early in 2014. The saga continues.

#### RICHARDSON REPORT – DISCUSSION

Mr. Cook stated as mentioned at previous meetings, Mr. Richardson prepared a report back in August. The Town Board has discussed it on and off. I sent a note to my colleagues suggesting an action plan to coincide what was in the report. A lot of it relates to personnel down there. The Board has not had a chance to discuss my comments but it revolves around reducing the staff which we have already taken care of. Numbers two and three talk about changing the work day and that has to be discussed with the men and the Union. It talks about using an independent truck mechanic to service all the sanitation and recycling vehicles, which I think is a really good idea. I suggest guys who know all about this stuff like the Supervisor and the Highway Superintendent contact local mechanics if there is an interest and what they would charge to do this work. There were some other recommendations relating to Highway people and helping out and that has to be discussed. If additional help is necessary seasonal temporary help would be the way to go. The big recommendation about getting out of the municipal sanitation and recycling collection business and having it done by a private separate company we have to have another discussion on that subject since it relates to the livelihood of five employees. We also have to keep in mind the taxpayer in Garbage District No. 2. I'm also suggesting that we have a better knowledge of RFP's in this area and have the Supervisor's office contact some of our neighboring Towns to get copies of those RFP's, so we can have a further discussion on the approach to take. The recycling and sanitation services department is in the current budget we just passed.

Mr. Bruce Major stated as you know I have been bringing this up to many of the meetings and asking questions and I wanted to give a little bit of a history. The Richardson Report has been in their hands since August 5<sup>th</sup>. These are the highlights of the Richardson Report and Mr. Cook has gone over a lot of them. It is over four months and we are now talking about having some discussions. I would hope we could have these discussions this evening. We are basically one month and a half away from January 1, 2014 implementation. At one of the meetings it was mentioned that the nearly \$400.00 for garbage pick-up wasn't so bad because we get good service, and we do get good service. How many people here are from Garbage District No. 1. Is there anyone not happy with this service.

Everyone stated they are happy with the service.

Mr. Major stated would you be happier if you spent twice as much for the same service.

Everyone stated no.

Mr. Major stated I understand we have municipal employees. I am not up here saying we should get rid of those employees. What I am saying is we really need to have a management plan as to how we are going to go forward.

Conversation ensued.

Mr. Griffin stated the following:

1. Has been taken care of; we are down to five employees.
2. I had a discussion with the employees and the Administrator and they don't believe a ten hour day would work for them considering what they do on Mondays and Fridays.
3. I don't support early release with full pay for anyone so you can just run through and maybe do an incomplete job. It doesn't encourage the extra care and effort that we would like municipal employees to take. I definitely would not support this.

4. Use of an independent truck mechanic, which may have some merit. There is clearly a need for a mechanic. I have discussed it with our Highway Superintendent and he has his hands full. His staff has got all they can manage to maintain their own fleet.
5. Assigning a motor equipment operator, again I had conversations with the Highway Superintendent and he believes he is understaffed and couldn't spare anyone, which is why we are currently advertising for temporary help.
6. As far as another department taking it over, so far we haven't found a department that is interested in taking it over. Unless it becomes a department of the Town Board, I'm not sure who they would be immediately answerable to. The Highway Department has expressed no interest in taking over Sanitation. That is basically where we are.

Mr. Griffin stated as far as putting it out to bid, if that is the direction of the Board that is fine. We went through this about 15 years ago and the general population of the Town of Patterson came out in very significant support for their garbage men and wanted to keep municipal pick-up. Personally, I think they do a pretty decent job. There are also the variables of running the Recycling Center and all of the intangibles that go along with that. I think those are all things that have to be included in the RFP if we were to keep the Recycling Center open. It gets a tremendous amount of foot traffic on the weekend. It is open half a day on Thursday, all day Friday and Saturday. We would have to take that into account. Also, you pointed out in your very thorough reporting of all the stops and pick-ups, they pick-up the municipal garbage and the garbage at the parks etc. They would also have to be accounted for in an RFP. If the Board wants to move in that direction, I will support it. In the meantime, I will speak with the Highway Superintendent to see if he knows of any local mechanics that might want to work one day a week or a Saturday to do the maintenance on the trucks. That one suggestion, I think, has significant merit. That's where I am at on the report.

Mr. Major stated any other Board member have any thoughts.

Mr. Burns stated I think that fairly well summarizes what we all spoke about. Charlie Tucker makes a good point that it is a pretty sweet deal at \$195.00. Historically those numbers from 2010 and 2011 for Putnam Lake are closer to being realistic.

Mr. Major stated they were running at just about \$300.00.

Mr. Burns stated if you are saying at that time there is an \$80.00 difference between the cost of picking up garbage on this side of Patterson than the other side of Patterson because the houses are so close together so it doesn't sound so bad.

Mr. Major stated but if you also take the time to look at Carmel and Southeast which have just done contracts and bids you see they are at \$236.00 and \$264.00.

Conversation ensued.

#### PLANNING BOARD MEMO – AMENDMENT TO ZONING CODE

Mr. Cook stated we received a memo from the Fire Department relative to some changes to consider to the municipal code relative to scrolling message signs. The Town Board referred their request to the Planning Board for comment and recommendations. The Planning Board basically stated that they are not in favor of amending the Zoning Code for the exemption for Fire Department signs.

Mr. Cook read the memo from the Planning Board. We just received this and have not discussed this as a Board.

Conversation ensued.

#### HIGHWAY DEPARTMENT MEMO – NEW VEHICLE

Mr. Cook stated this was covered in Budget Transfer No. 42, so nothing more has to be said on that.

Mr. Griffin stated Russ do you have an update on your back hawk.

Mr. Goff stated yes, we ordered it. We are all set.

OTHER BUSINESS

Mr. Cook stated if anyone is interested in serving on any of the Boards, please send a note to the Supervisor.

PUBLIC RECOGNITION

Ms. Dede Lifgren stated what is going on with the status or plan of the valve.

Mr. Griffin stated we are waiting on some estimates and prices to determine what it will cost to fix it and how we are going to go back.

Mr. Williams stated I'm still pressing on. We have the videos and considerable amount of information from the people who did the evaluation. We don't have the final report yet. I'm not sure what the delay is but I assure you we will not pay one dime to the consultant until we get that report. I sent some emails to a couple of people who do this work. One of the original firms who did the dam back in 1932 we have located and are waiting for a response to get proposals back for their evaluation of the dam and perhaps replacement of the valve.

Mr. Griffin stated the general conclusion is the valve has to be replaced.

Mr. Williams stated yes, my opinion having seen the condition of the valve that would be my recommendation pending a more professional's opinion.

Mr. Charlie Tucker stated one of the reasons I am here tonight is 699 East Branch Road and I'm sure you gentlemen have gone by there and seen that pile. That is a hazard. I spoke to the Building Department here and they informed me that they do not have anything in our codes to cover a situation like that. That pile is over 20 feet high, gentlemen. I would not want to be in a car that runs into that or if it lands on someone when they are walking by. It is going to happen. The right side of that pile has already collapsed part of the fence. He had a machine over there last night and they are putting more stuff on top. That belongs to our Ex-Highway Superintendent, Charlie Williams. I'm not afraid to mention names.

Mr. Griffin stated we all know who you are talking about. I know the County has gotten involved.

Mr. Tucker stated I bring it to your attention because we need to get something in the Town Code.

Mr. Burns stated I agree with you it is unsightly.

Mr. Tucker stated not unsightly it is dangerous.

Mr. Tucker stated we have another condition; 40 Sanborn Road which is four or five houses away from me. I filled out a FOIL request to find out where that person is living because the house basically is dangerous. He has mold and vermin, raccoons going in and out and it is so bad that they put black plastic over the windows. I have pictures.

Mr. Griffin stated there is an open building permit on it and I know they have been back and forth. The permit is about three or four years old.

Mr. Tucker stated these are pictures from 2006 before it got bad. That is good compared to now. It gets worse as the years go on and right now no one can live there. He tells people that he is working on it and fixing it up. We bring other people to court and fine people for that. That is Town Justice John King's house for those who don't know. You had a Councilman living right around the corner so the whole Board knows the situation for years. No one is living in that house. I put in a request to the Town Board and your attorney quoted the laws which stated you don't have to release the name or the address to me. I went to the Board of Elections and they

gave it to me. If they can give it to me you guys can give it to me and you have to have an up to date address on him because you are paying him. He sits on our court.

Mr. McCarthy stated is that address a post office address.

Mr. Tucker stated I don't know what it is. That is what I am trying to find out. He doesn't live in the Town. So where is he living. Can you guys tell me.

Mr. McCarthy stated I don't know.

Mr. Tucker stated how about this, will the Supervisor put an affidavit in stating that he does live in the Town. Will you swear Mike that he lives in the Town, that he is upholding Public Offices Law Section 3. Will you do that Mike.

Mr. Griffin stated no.

Mr. Tucker stated why not.

Mr. Griffin stated I have no idea where the Judge is living.

Mr. Tucker stated yes you do. Your Accounting Department has to have it. He has to be filing taxes. He can't be filing from 40 Sanborn Road which I have a copy of his nominated petition it says he does. So, he lied. He swears he lives on 40 Sanborn Road and he doesn't live there and he is not living in this Town and you guys know it. I don't know if individually you know it but collectively you know it and it is known to the Town. You have a responsibility to see that Public Offices Law Section 3 is enforced and carried out.

Mr. Rossi stated it has been raised and it is something we can certainly consider. There are violations with regard to the property that is in question. It is a matter for the Building Department and Inspector to get out to inspect and give an opinion on it and take enforcement action. If there are violations of the Public Offices Law, that is something that has to be addressed.

Mr. Burns stated I don't think it is incumbent upon the Town to bring that action. If any private citizen believes any sitting politician or Judge is residing outside the Town limits in violation of the law can bring a petition to remove that person from office. So, you as a private citizen, if you really hold true to those beliefs, can bring a petition in court to have him removed. Anyone could. I don't know if it is incumbent upon the Town Board to enforce those laws to bring that petition, but my understanding is because there have been issues raised with other people in other jurisdictions whether they reside in that jurisdiction or not, and there seems to be a very liberal interpretation that is applied by the Board of Commissioners, when a person runs for election as to whether or not they are considered a domicile of the Town. If they own property there and intend to either establish or reoccupy a residence there, generally speaking the Board of Elections allows that to serve as a residency basis. That is the Board of Elections interpretation.

Mr. Tucker stated providing it is livable. It is not livable, it is boarded up. No one is living in that house. I showed you pictures.

Mr. Griffin stated I agree with you.

Mr. Tucker stated if he is lying and said he is living in the Town of Patterson and he doesn't and you are aware of it that makes you accessories to fraud. He is a fraud on the taxpayers of this Town.

Mr. Tucker read the Public Office Law. It behooves you to do something. I shouldn't have to come up and do this.

Mr. Burns stated anyone could have challenged his petition to re-run for Town Judge and no one did. Any public citizen in the Town of Patterson, any 12,000 of the residents could have challenged his residency on the nominating petition that he filed with the Board of Elections. Certainly it is not incumbent on the Town Board to challenge nominating petitions.

Mr. Tucker stated you have been briefed. You sound exactly like the guy I spoke to in Albany.

Mr. Burns stated no, I haven't.

Mr. Tucker stated and you know what I told him, the same thing, no one knew he was running. He ran unopposed. How do you do that, I tried to but the guy said you are too late. It was three weeks prior to the election, I missed the period. He is still supposed to be here. He is the sitting Judge right now and he is not living in this Town. I'm going to the Attorney General's office, no doubt about it, because he is the only one who can legally remove him. Am I right or wrong, Counsel.

Mr. Rossi stated I don't know if you are completely right.

Mr. Tucker stated well that is what they told me.

Mr. Rossi stated that is the way to handle this. The Town Board doesn't sit in a position to exercise control over the Town Justices. Just as you were able to get the address from the Board of Elections as opposed to the Town pursuant to your FOIL request, there are ways for Elected Officials to be reviewed. I don't think that this Town Board lacks interest in this, it is just not in a position to unseat or question an Elected Official.

Mr. Griffin stated if he owns property in the Town and intends to move back there and is working on the house, they generally consider that the residence. The other question I would have for the attorney is that is a Board of Election interpretation relative to voting. Consistently we have been told that if he owns property and has every intention of moving back to it or reoccupying it in a reasonable amount of time, then they consider that acceptable.

Mr. Tucker stated it's been two years since he's lived there.

Mr. Burns stated he also had a significant illness.

Mr. Tucker stated this has been going on for years.

Mr. Burns stated recently.

Mr. Tucker stated I don't care about his illness, he could hire someone to do it. The rest of us in the neighborhood bust our humps to keep our houses nice and we have to put up with this and he fined a guy for four tires on his front lawn around the corner from me. Give me a break. This is an aggravating situation.

Mr. Burns stated your point is well taken, it's not lost on us. We will wait for Counsel to tell us whether it is incumbent on us to act.

Mr. Tucker stated I'm not saying it is incumbent, you have a responsibility to the taxpayer's. You know he is violating this law.

Mr. Rossi stated it is a factual determination, we will look into it.

Mr. Tucker stated thank you.

Mr. Griffin stated would you like me to invite the Assessor up for this.

Mr. Majors stated I really don't care.

Mr. Griffin stated see if Chris wants to come up for this and give him a chance to defend himself if he wants to.

Mr. Major stated when you spoke about the County looking to spend money to train local individuals within the Town relative to Emergency Management, if you remember, I recommended that the Town look to establish an individual and a substitute or a designate as the Emergency Management (inaudible). With that would come the authority that if you did decide to let them have that sign, you would have the authority to take control of that sign irregardless of who was in the Fire Department. Even the library has indicated that they are looking to do

more advertising for Emergency Management issues. They said, if there is a storm people will be able to come to the library and use the computers, charge their cell phones and other electronic devices. Well they may want a sign. I think you need to look at it from the top down, not piecemeal. It is sort of like when you were looking for the sewer extension. These two people want to do a sewer extension etc., what is in the best interest of the entire Town. I think, clearly we need someone designated as the Emergency Management person for the Town and he or she should have a designee in his or her absence and set in-place law that if you are going to allow signs like that, you can take control of those signs in case there is an emergency.

Mr. Griffin stated I think it already exists in Town Hall under the Emergency Powers Act the Town Supervisor can commandeer anything he wants. I got the book in my office. If I declare a state of emergency, there is very little things that can't be done. Same thing with the Highway Superintendent. If he determines that there is state of emergency there is no end to the things he can do. He can rent equipment, get materials, higher bodies. He can do almost anything he wants.

Mr. Griffin stated the Assessor has declined to come up for the public session. He will meet with us in Executive Session.

Mr. Major stated ok fine, as you know I submitted a whole series of charts. I am a supporter of shared services and I think it makes good sense. I think we have to look at costs to make sure that when you are sharing services you don't get burned. What I realize now is that this particular shared services and the contract (inaudible) really wasn't between Pawling Town and Village and Patterson, it was really a three-way contract. It's Pawling, Town and Village, our Assessor and the Town of Patterson. The reason why I say that is in 2012 before the Assessor started under that emergency need to give them an Assessor because their Assessor either left or was fired or whatever, was making \$90,168.00. When this deal came in, the Assessor was given a \$20,000.00 raise. Pawling was going to give us \$40,000.00 but that \$20,000.00 went to the Assessor, but it's not really \$20,000.00 because we have to pay 7.1% on Social Security and 21% on pensions. So, the reality of this is we have to then pay an additional \$1,440.00 in Social Security, \$4,200.00 in State pension, which means that he received of the \$40,000.00, \$25,640.00. I wish he was negotiating in Washington, D.C., I think we would do a lot better. That leaves \$14,360.00 to pay for the approximately 90 days that he leaves us to go to Pawling. What does that mean for the Town of Patterson. If you look at the salary that he was getting, which was \$90,168.00 and you take away \$14,000.00 that they give us, that comes to a payday that we have to pay him for the 170 days left of about \$445.00 with him working three days a week. If we leave him here working five days a week at the \$90,168.00 it costs us \$346.00. Here again, he is working five days. The issues is this, in the following analysis they are getting two days a week, now I realize he goes Monday and Friday, that's why I said 90 days not 104 days because I figured there are a lot of holidays on weekends and vacation but still it is a terrible deal. An absolutely terrible deal. If we went to a part-time clerk we would save more than the \$14,360.00. I'm not suggesting that other people end up losing their jobs or be cut down, but if you have another part-time position available or a need to fill a part-time position, you might be better off doing shared services within the Town, leave him here and we would be ahead of the game. Before you go into your negotiations, please understand the numbers are not good. You saw the numbers per lot, per parcel. It's not even close, we pay substantially more. I didn't even do the analysis including the staffing, and as you saw the staffing here is the same as Carmel and Carmel has 12,000 parcels, we have 4,800 parcels with the same staffing.

Mr. Griffin stated and Carmel also is at 42%.

Mr. Major stated so what does that mean. I assess your house at \$400,000.00 and then I divided at 42% and I say instead of you house being assessed at \$400,000.00 it is assessed at \$198,000.00. It sounds to me it is one less step. Maybe he has to go more often, but Kent are substantially less and they are on 100% assessment and so is Southeast. All I'm suggesting is really look at this. I know you are stuck for a little while, please don't do a long term contract with Pawling and reconsider what you are doing long term. I think the taxpayer's would appreciate it. Thank you very much.

Mr. Burns stated I appreciate your zeal for sanitation and this issue with the Assessor, but I feel like I've heard this presentation for four Town Board meetings in a row. You have presented this very well at the last Town Board meeting and again before that and again before that and I

understand your desire to advance this issue, I appreciate it, and I understood before you even put that up what your feelings were on the Assessor's contract. It just seems to me, getting up and saying the same thing over and over again doesn't move us forward as a Board.

Mr. Major stated unfortunately we are not getting a lot of responses from the Town Board. I raised many issues dealing with the garbage and it's been kind of quite. As it relates to this issue, there was supposed to be some kind of a deal with Pawling. We are not hearing about it. My concern is if you sign another deal for \$40,000.00 than the folks here in Patterson are sort of getting soaked.

Mr. Charlie Tucker stated I've been in this Town for 40 years. This issue came up once before about 10 or 15 years ago, Mike and it was turned over to Mr. Tim Curtiss. He was the attorney at the time, when this man was working for Kent. It was a referendum in the Town whether or not we should go to a full-time Assessor. The taxpayer in the Town voted for a full-time Assessor. Not one that goes to work in Pawling or in Kent, full-time Assessor. You cannot be doing this. You pulled him out of Kent because of this. Mr. Curtiss told you you couldn't do it. Go back and revue the referendums. If he wants to work for Pawling, let him go work on Saturday and Sunday up there, not on my dime.

#### EXECUTIVE SESSION

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. Burns made a **motion** to close Executive Session at 9:25 p.m.

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

Mr. Griffin called the meeting back to order at 9:25 p.m.

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

Mr. Burns made a **motion** to authorize the Town Clerk to run an add to advertise for the openings on the Boards.

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

#### ADJOURNMENT

There being no further business, Mr. Burns made a **motion** to adjourn the Town Board meeting at 9:30 p.m.

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

Respectfully Submitted

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Antoinette Kopeck, Town Clerk