

BEEKMAN TOWN BOARD – REGULAR MEETING – February 20 2013

The **Workshop Session** of the Regular Meeting of the Beekman Town Board was called to order at 7:09PM with Supervisor Matthew D. Kennedy presiding. The Meeting was held in the meeting room at Town Hall.

THOSE PRESENT: SUPERVISOR MATTHEW D. KENNEDY
COUNCILMAN PETER BARTON
COUNCILMAN RON MANGERI
COUNCILWOMAN BARBARA ZULAUF
COUNCILMAN MICHAEL MORAN

ALSO PRESENT: DAVID SEARS – ATTORNEY TO TOWN

Supervisor Matthew D. Kennedy began the Meeting with the Pledge of Allegiance and a Moment of Silence in Honor of our Troops who have served and those currently serving. He made one administrative announcement regarding the location of the fire exits.

Town Board Workshop: Elder Cottage Housing Opportunity (ECHO) Presentation

Bob Novak began his presentation on ECHO Cottages by showing a brief video. ECHO Cottage LTD is dedicated to developing alternative housing for the elderly in one's own backyard. These units are 400 square feet and are constructed on wheels so as to not be considered a permanent structure. This company sets up the unit, taps into the existing septic, well and electric, and removes the unit when living circumstances change. The Town of Beekman Zoning Code does not allow mobile homes anywhere outside of a mobile home park. Bob Novak would like to see the Zoning Code amended so that these ECHO Cottages would be allowed on residences within the Town.

Several Board members stated that they toured an ECHO Cottage and think they are a great idea. A few Board Members and the Town Attorney asked Bob several questions. At 7:35PM Supervisor Kennedy thanked him for the presentation and closed the Workshop session.

The Regular Portion of tonight's meeting began at 7:47pm

Supervisor Kennedy presented the Beekman Volunteer Award to Kate Monroe. Kate received the nomination from Beekman Library Director, Carol Rodriguez, for her volunteerism to the Beekman Library and also the entire Community. Kate thanked everyone for the honor and reminded everyone about the Library's Annual Fundraising Event on May 18, 2013 at 4pm.

REPORTS:

SUPERVISOR:

Supervisor Kennedy began his report by wishing everyone a Happy Presidents Week. He stated the information regarding the Dover Ridge Water & Sewer Workshop will be available on the website shortly. He reported that communications with Comcast regarding the renewal of the franchise agreement have commenced and advised anyone that has questions or concerns to contact the Supervisor's Office. Supervisor Kennedy reminded all that taxes are due by February 28, 2013. He spoke with Ron Hicks, Deputy Commissioner of Strategic Planning & Economic Development, with respect to the Town Center Park

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District and is hoping to have him attend a Town Board Meeting in the near future to discuss in detail. The Supervisor thanked the Highway Department for doing a great job keeping the roads clean during Storm Nemo. He extended prayers to Andrew Olang, a Beekman resident who suffered a severe spinal injury recently when he fell from a ladder.

TOWN BOARD:

Councilwoman Zulauf attended the Fire Commissioners Meeting where they conducted routine business. She also attended the Association of Towns on Monday and Tuesday with Town Clerk, Rachael Rancourt. She heard State Comptroller, Thomas DiNapoli speak during one of the classes she took.

Councilwoman Zulauf congratulated Kate Monroe on receiving the Beekman Volunteer Award.

Councilman Barton stated that Highway Superintendent, Tony Coviello will inform us on the two trucks that are being purchased.

Councilman Mangeri reported that he attended a meeting with Morris Associates this past Saturday. He also stated that in the Other Business portion of tonight's meeting we will discuss the Dog Park. He also reported that Michael Polera will present his Eagle Scout project at the next Town Board Meeting. Councilman Mangeri wrapped up his report by stating that according to the Wall Street Journal, NYS Comptroller Thomas DiNapoli advised that local sales tax grew by 3.3% from 2011, however, Beekman will not benefit from that growth due to the Dutchess County Sales Tax Cap.

Councilman Moran congratulated Kate Monroe on her Beekman Volunteer Award. Thanked Highway Superintendent, Tony Coviello, for a great job during the last snow storm. There are four resolutions pertaining to the Recreation Department this evening, Councilman Moran noted that Jeanne negotiated the WML Aquatics resolution to a lower rate this year from last, in hopes to gain more lifeguards in the upcoming season. He also recognized Sue Gardner for her work with the seniors; she has a tight budget and yet comes up with fantastic trips for them.

HIGHWAY SUPERINTENDENT REPORT:

Highway Superintendent, Tony Coviello reported that a division of NYS Public Employee Safety & Health (PESH) was invited down to evaluate highway safety practices. The men received classes on brush chipping and chainsaw use at no cost to the Town. Beekman received approximately 16" of snowfall from the last storm, Tony reported that the men worked extremely hard with little rest. The men installed catch basins on Clapp Hill Road and chipped over 40 yards of brush at TCP and the Rec. Weather permitting, Tony plans to begin street sweeping on March 11, 2013. Tony reported that there is a new resolution pertaining to the purchase of two new Highway vehicles on the agenda this evening. The reason being, upon inspection of the original vehicles it was discovered that they were not up to specifications. Those trucks were not purchased. Tony found a similar deal with a savings of \$7000 and that is the resolution being presented on this evenings agenda.

PUBLIC COMMENT AGENDA ITEMS & RESOLUTIONS:

A gentleman spoke; congratulated Kate on her award. He lives on Route 216 and stated it is a very unsafe road to live on. Asked the Town if they have any pull with the State Highway Department regarding the speed limit on that road? He also questioned the status of the Deer Farm. Supervisor Kennedy stated that there had been a stop work order placed by the DEC, however, it has been lifted and they have permission to move forward. In reference to the speed limit question, Supervisor Kennedy stated it is a very lengthy process with little or no results.

Len Jerrum, Beyer Drive, is concerned with the resolutions not having the backup paperwork attached detailing specific dollar amounts of what is being authorized. He questioned the deal regarding the Highway trucks. He also questioned the discussion on the Town's professional services contract and interviews listed at the bottom of the agenda.

Supervisor Kennedy stated that Resolution #2 is being pulled from the agenda. A conversation came up with regard to this particular resolution and we will be holding off until the next meeting.

RESOLUTIONS:

RESOLUTION NO. 02:20:13 – 1 (27)
Re: Approval of Town Board Minutes

COUNCILWOMAN ZULAUF offers the following and moves for its adoption:

WHEREAS, Town Clerk Rachael Rancourt has provided copies of the minutes of the February 6, 2013, Town Board Meeting to all members of the Beekman Town Board; and

WHEREAS, Town Board members have had the opportunity to review said minutes, and find same to be in order; now therefore be it

RESOLVED, the Town Board hereby adopts the minutes of the February 6, 2013, Town Board Meeting.

Seconded COUNCILMAN MANGERI

ROLL CALL VOTE:

Councilman Peter Barton	AYE
Councilman Mike Moran	AYE
Councilman Ron Mangeri	AYE
Councilwoman Barbara Zulauf	AYE
Supervisor Matt Kennedy	AYE

Dated: February 20, 2013

RESOLUTION NO. 02:20:13-3 (28)
To Authorize the Special Prosecutor to Bring an Action against Deda and Lula Gazivoda

COUNCILMAN BARTON offers the following and moves for its adoption:

WHEREAS, the Town in years past was involved in litigation with certain property owners, the Gazivodas, who were then alleged to be in violation of various town codes;

WHEREAS, that litigation concluded with a stipulation of settlement pursuant to which the property owners were to make certain remediations, and refrain from further violations;

WHEREAS, the Code Enforcement Officer advises that several violations persist on this property, which violations the property owners have failed and/or refused to remedy, and that there are similar violations and issues, on other property owned by these same persons, which violations present significant health and safety concerns; now therefore

BE IT RESOLVED, that the Town Board does hereby authorize attorney Kate Metzger, the Town's special prosecutor, to commence an action against these property owners in Dutchess County Court or Dutchess Supreme, for the existing violations, for any breaches of the stipulation of settlement, and for such other relief as may be warranted.

Seconded SUPERVISOR KENNEDY

******Supervisor Kennedy moved to amend this resolution to add language to the "BE IT RESOLVED..." paragraph to commence an action not sooner than 20 days from the date of this resolution. Seconded by Councilman Barton. Roll Call Page 3 of 9**

Vote: Councilman Barton-AYE, Councilman Moran-AYE, Councilman Mangeri-AYE, Councilwoman Zulauf-AYE, Supervisor Kennedy-AYE****

ROLL CALL VOTE AS AMENDED:

Councilman Peter Barton AYE
Councilman Mike Moran AYE
Councilman Ron Mangeri AYE
Councilwoman Barbara Zulauf AYE
Supervisor Matt Kennedy AYE

Dated: February 20, 2013

**RESOLUTION NO. 02:20:13-4 (29)
RE: Approval of Mileage Reimbursement**

SUPERVISOR KENNEDY offers the following and moves for its adoption:

WHEREAS, by resolution passed January 23, 2013, the Town Board set policy pertaining to authorization for and reimbursement of out-of-town travel, attendance at meetings and conferences, and reimbursement of in-town mileage incurred by town employees who must use their private vehicles in discharge of official Town duties or obligations;

WHEREAS, the referenced resolution provided for advance Town Board approval and authorization;

WHEREAS, the Director of Recreation has requested prior authorization for certain trips and travel; now therefore be it

RESOLVED, that the Town Board does hereby approve, in advance, mileage reimbursements for the following:

- local travel to pick up the Rec Newsletter at the copy store in Hopewell, for delivery to the local schools;
- local travel to put up and then take down signs for Community Day; and
- local travel to put up and then take down signs for the Fall Festival;

and be it further

RESOLVED, that the Recreation Director shall be authorized to attend, and to obtain mileage reimbursement for, travel to the meetings of the Hudson Valley Leisure Services Association.

Seconded COUNCILWOMAN ZULAUF

****** Supervisor Kennedy moved to amend this resolution to remove the first “RESOLVED...” paragraph. Seconded by Councilman Barton. Roll Call Vote: Councilman Barton-AYE, Councilman Moran-AYE, Councilman Mangeri-AYE, Councilwoman Zulauf-AYE, Supervisor Kennedy-AYE******

ROLL CALL VOTE AS AMENDED:

Councilman Peter Barton AYE
Councilman Mike Moran AYE
Councilman Ron Mangeri AYE
Councilwoman Barbara Zulauf AYE
Supervisor Matt Kennedy AYE

Dated: February 20, 2013

**RESOLUTION NO. 02:20:13-5 (30)
RE: To Approve Senior Citizens Trips and Venue Deposits**

COUNCILMAN MANGERI offers the following and moves for its adoption:

WHEREAS, the 2013 budget includes funding for the cost of a variety of bus trips for the Senior Citizens Programs; and

Supervisor Matt Kennedy AYE
Dated: February 20, 2013

RESOLUTION NO. 02:20:13 – 8 (33)
To Authorize Financing and Purchase of Two Dodge Trucks for the Highway Department

COUNCILMAN BARTON offers the following and moves for its adoption:

WHEREAS, the Town Highway Department now has two trucks in disrepair, which trucks are essential to the Highway Department's operation;

WHEREAS, repair of these aging trucks is not believed to be cost-effective;

WHEREAS, by resolution dated February 6, 2013, the Town Board provided authorization for the financing and acquisition of two new trucks for the Highway Department, and for the trade-in of these two older Town-owned trucks;

WHEREAS, the trucks that were the subject of that resolution did not meet all of the specifications of the governing contract, and consequently were rejected, and the agreement for their purchase avoided;

WHEREAS, the Town Highway Superintendent has identified two trucks, quite similar to those identified previously, which are indeed available at more favorable terms;

WHEREAS, the Town Attorney has reviewed the contract for these two 2012 Dodge trucks, and finds same to be in order; now therefore be it

RESOLVED, that the Town Supervisor is hereby authorized and directed to execute the attached Lease/Purchase Agreement, to execute any related financing and lien documentation, and to provide for the trade-in of the two non-working Town trucks.

Seconded SUPERVISOR KENNEDY

ROLL CALL VOTE:

Councilman Peter Barton AYE
Councilman Mike Moran AYE
Councilman Ron Mangeri AYE
Councilwoman Barbara Zulauf AYE
Supervisor Matt Kennedy AYE

Dated: February 20, 2013

RESOLUTION NO. 02:20:13 – 9 (34)
To Authorize the Town Board to Serve as Lead Agent for SEQRA
Review of Solar Farm

SUPERVISOR KENNEDY offers the following and moves for its adoption:

WHEREAS, the Town Board is considering a land lease for the purpose of a Solar Farm and

WHEREAS, a Short Form Environmental Assessment Form (EAF) has been prepared to address the land lease for the purpose of a Solar Farm as the "Proposed Action" pursuant to 6 NYCRR Part 617, New York State Environmental Quality Review Act (SEQRA) regulations;

NOW THEREFORE BE IT RESOLVED, that the Town of Beekman Town Board hereby classifies the Proposed Action as an Unlisted Action, pursuant to SEQRA section 617.4 and 617.6;and

BE IT FURTHER RESOLVED, that the Town Board hereby declares its intent to be the Lead Agency in this SEQRA review as it is the only identified Involved Agency and, therefore, a Coordinated Review under SEQRA is not necessary pursuant to SEQRA section 617.4; and

BE IT FURTHER RESOLVED, that the Town Board, as Lead Agency, hereby authorizes circulation of the Short Form EAF, project information and a notice of the Town Board’s designation of itself as the Lead Agency in the SEQRA review of the proposed solar farm to other involved and interested agencies to inform them of the initiation of this SEQRA review; and

BE IT FURTHER RESOLVED, that the Short Form EAF and project information shall be referred to the Dutchess County Planning Board in accordance with the NY Town Law section 272-a; Beekman Zoning Article VIII; and General Municipal Law Section 239-m.

Seconded COUNCILMAN MORAN

ROLL CALL VOTE:

Councilman Peter Barton AYE
Councilman Mike Moran AYE
Councilman Ron Mangeri AYE
Councilwoman Barbara Zulauf AYE
Supervisor Matt Kennedy AYE

Dated: February 20, 2013

**RESOLUTION NO. 02:20:13 – 10 (35)
To Approve Payment of Claims**

COUNCILMAN MANGERI offers the following and moves for its adoption:

WHEREAS, the Comptroller has audited and approved claims pursuant to Sect. 119 of Town Law as set forth in the attached abstracts; be it

RESOLVED, that the payment, therefore, is hereby authorized as follows:

Claims to be paid from the A-General Fund:	\$ 1,427,340.30
Claims to be paid from DA-Highway Fund:	\$ 35,594.04
Claims to be paid from the SS-Dover Ridge Sewer:	\$ 170.00
Claims to be paid from the SW- Dover Ridge Water:	<u>\$ 105.00</u>
	\$ 1,463,209.34

Payroll 4		Paid	\$ 70,081.25
General Fund:	\$ 34,489.53		
Highway Fund:	\$ 35,591.72		

Seconded COUNCILWOMAN ZULAUF

ROLL CALL VOTE:

Councilman Peter Barton AYE
Councilman Mike Moran ABSTAIN
Councilman Ron Mangeri AYE
Councilwoman Barbara Zulauf AYE
Supervisor Matt Kennedy AYE

Dated: February 20, 2013

DISCUSSION (AND POSSIBLE ACTION) ON TOWN'S PROFESSIONAL SERVICES CONTRACTS AND INTERVIEWS

Supervisor Kennedy wanted to have a discussion tonight regarding the Town Engineer Services. Councilwoman Zulauf stated that she sat with Morris Associates twice and had conversations with respect to issues and possible solutions. She also sat with Bob Wasp who interviewed for this position. Supervisor Kennedy stated that we currently have Morris Associates who have done a great job, however, the Town received a competing proposal from Bob Wasp and he feels he would do a fine job as well. Supervisor Kennedy recommends to open up an RFP for Engineering Services for the Town of Beekman. He feels this would give the

opportunity to hear from many firms as opposed to just the incumbent versus one other. Councilman Barton gave his opinion in favor of Morris Associates stating they are doing a good job and lowered their budget for 2013. Councilman Mangeri questioned what is prompting a look into the Town's Engineering Services. Supervisor Kennedy stated there have been phone calls and meetings with residents who have valid concerns with our current Engineering Firm. David Anderson, Planning Board, and Paul Curran, Citizens' Budget Oversight Committee, both spoke in favor of an RFP.

Supervisor Kennedy moved to move forward with an RFP for professional services with respect to Engineering, to obtain proposals and conduct interviews to then present to the Town Board. He proposes an Advisory Committee to include: Paul Curran, David Anderson, Gene Wright and Board Members. The Town Board ultimately will make the final decision. This motion was seconded by Councilwoman Zulauf. Roll call vote: Councilman Barton – Aye, Councilman Moran – Aye, Councilman Mangeri – Aye, Councilwoman Zulauf – Aye, Supervisor Kennedy – Aye.

OTHER BUSINESS:

Supervisor Kennedy stated that he would like to have an RFP for Attorney services to the Town as well. Councilman Barton and Councilman Mangeri both spoke their opinion not in favor of this proposed RFP.

Supervisor Kennedy made a motion to have an RFP for Attorney services to be advertised in the normal manner. Councilwoman Zulauf seconded. Roll call vote: Councilman Barton – NO, Councilman Moran – Aye, Councilman Mangeri – No, Councilwoman Zulauf – Aye, Supervisor Kennedy – Aye.

Councilman Mangeri distributed a list of rules for the Dog Park, drafted by the Dog Park Committee, to all Town Board members. The Town Board then held a discussion about the Dog Park, i.e. adoption of rules, hours of operation, Grand Opening and fees. All Board members will review the list of rules and email Ron with their thoughts. He hopes to have further discussion at the next Town Board meeting.

**RESOLUTION NO. 02:20:13 – Other Business
To Set Salary for the Recreation Director**

COUNCILMAN MORAN offers the following and moves for its adoption:

WHEREAS, the Town of Beekman Recreation Director has served with distinction for several years;

WHEREAS, the Recreation Director, working with a limited budget, has managed to deliver exceptional recreational programming and services to Beekman residents, and has proven herself adept at management, cost-savings, and revenue enhancements;

WHEREAS, the salary of the Recreation Director should be set at a level that properly reflects her commitment, skill, dedication, and added value; now therefore be it

RESOLVED, that the salary of the Recreation Director shall be set at \$ 51,350.00 effective January 1, 2013.

Seconded COUNCILWOMAN ZULAUF

ROLL CALL VOTE:

Councilman Peter Barton	AYE
Councilman Mike Moran	AYE
Councilman Ron Mangeri	AYE
Councilwoman Barbara Zulauf	AYE

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Supervisor Matt Kennedy AYE

Dated: February 20, 2013

GENERAL PUBLIC COMMENT:

General Contractor, Bob Palombo, spoke in reference to the money the Town owes him for work performed at TCP. He wants his money. Attorney, David Sears, stated that this matter is currently in litigation.

A resident from Skyline Drive spoke with several concerns; questioned why Skyline Drive never being connected to Potter Lane as with the original plan?
Concerned with the RFP process for Professional Services stating is this going to happen every year now?

Len Jerrum, Beyer Drive, gave his opinion regarding the discussion on generator installations that was brought up at the last meeting of the Town Board. He stated it is a very serious safety issue that needs to be addressed. He also requested that a representative from the Solar Farm Company come out and do a presentation to the Town.

Building Inspector, Shawn Beresford stated that in reference to the amnesty period discussion from last meeting; the effective date of required electrical permits is January 1, 1984.

Maintenance Director, Greg Brown distributed a spreadsheet to Town Board members pertaining to the number of hours he works versus what he gets paid. There were issues raised by a resident at the last Town Board meeting that Greg wanted to clarify.

Jim Dankelman advised the Town Board of his disappointment in authorizing a raise for the Recreation Director. He also expressed his concern with safety practices of the Maintenance Director.

Don Emery, Beach Road stated that Maintenance Director, Greg Brown does a great job.

GENERAL BOARD COMMENT:

Supervisor Kennedy announced the next meeting of the Beekman Town Board is March 6, 2013 at 7:30pm.

ADJOURN:

At 10:54PM with no further business to conduct Councilwoman Zulauf made the motion to adjourn the meeting seconded by Supervisor Kennedy. All in favor.

RESPECTFULLY SUBMITTED,

RACHAEL RANCOURT

TOWN CLERK