

BEEKMAN TOWN BOARD – REGULAR MEETING – August 15, 2012

The **Workshop** portion of the Meeting of the Beekman Town Board was called to order at 7:05PM 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 MICHAEL MORAN

ALSO PRESENT: DAVID SEARS – ATTORNEY TO TOWN

ABSENT: COUNCILWOMAN BARBARA ZULAUF

COUNCILMAN RON MANGERI

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.

WORKSHOP – FROG HOLLOW DEER FARM

Supervisor Kennedy begins the Workshop by stating that the purpose of this session is to discuss the Deer Farm on Frog Hollow. He stated that all who wish to be heard on this topic will have the opportunity to do so and after the public has been heard, the Town Board will answer any questions that they can.

Geneva Claire Hamilton, Chair of Open Space Committee, would like to see a full environmental impact report done on the Deer Farm.

Bill Crane agrees with Geneva, urges Board to send letter to the DEC requesting the impact study be performed.

Heidi Harrison did research on this company and stated they do tests on these deer, extract urine to use to lure other deer in and believes it to be used for profit only.

Lenore Gale sent letter to the Town Board and stated that this use of this land is not what voters had in mind back in 2009.

Katie O'Dell questions the safety of her drinking water as her property borders the Deer Farm and requests the Town to perform water testing.

Sadie Eddie very upset about the views that she lost and in its place is the tall fence with barbed wire on top. She is also very concerned about the debris that is being dumped very close to her property line. She questioned if the deer would be slaughtered on site? And if so, where will the remains go?

Tom Hynes has an issue with the fence height and the barbed wire on top.

Mark Rosenthal is appalled at the inhumane treatment of these deer and the fence that is being constructed. He believes this company is taking advantage of the Town.

Paul Curran felt that this farm is an insult to the Town and regulations of Open Space. He would like to see the Planning Board move forward to have the impact study done.

Robert Luscardi, Attorney in Pawling, representing the owner of the Deer Farm stated that they are not a factory farm and are following all the regulations under the DEC.

Len Jerrum suggested the Town look into who was the attorney in charge of reviewing this Open Space plan prior to voting on it and possible hold him accountable.

Butch Allen stated that the wells and streams will not be contaminated. This situation is controlled by NYS Department of Agriculture & Market.

Ellen Crane states the possibility of chronic waste disease.

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Supervisor Kennedy asks if anyone else from the public would like to speak before he opens it up to the Town Board to issue their comments. With no further public comment several members of the Town Board express their opinion.

Supervisor Kennedy stated that this Open Space Bond was done in 2009. It was intended for agricultural use and the deer farm falls under agricultural. At this point, there is nothing the Town can do to stop the construction. The owners of the Farm are acting under the regulations of the Open Space Bond.

Councilman Barton states that at this point any questions should be directed to NYS Department of Agriculture & Markets.

Attorney David Sears states that he has reviewed the contracts, NYS Department of Agriculture & Markets Law, and Town Board resolutions. The Deer Farm Owners are working within their limits. There are no requirements to notify neighboring properties of such construction.

Town Engineer, Ron Evangelista, stated that Deer Hollow Farm LLC came in front of the Planning Board for a lot line re-adjustment only therefore didn't require an impact study. Dutchess County Soil & Water Conservation District has been involved in this project and Ron has been in contact with them.

The Workshop Portion of the Meeting ended at 8:57 PM.

The Regular Meeting of the Beekman Town Board was called to order at 9:16 PM with Supervisor Matthew D. Kennedy presiding. The Meeting was held in the meeting room at Town Hall.

REPORTS:

SUPERVISOR:

Supervisor Kennedy reported that the Building Department escrow accounts are being brought current. The Town has begun the 2013 budget preparation process. We will be establishing a town cleanup day with a resolution on tonight's agenda. With respect to the FEMA reimbursement, we have been notified that the Town will be receiving \$132,799.83. The Dog Park construction will begin the end of August and should be completed by beginning of September. Supervisor Kennedy was contacted by the Bureau of Reclamation and they will be performing a dam tabletop exercise at Nuclear Lake. Supervisor Kennedy has a meeting tomorrow with Senator Greg Ball to discuss the 911 Memorial Park. Lastly, he attended a golf outing fundraiser for the East Fishkill PBA and was happy to be part of such a good cause.

TOWN BOARD:

Councilman Barton reported that the Highway Department has been performing repairs on Payne Road which qualified for FEMA reimbursement.

Councilman Moran reported that recreation is winding down for the summer season and that some of the summer staff has returned to college.

PUBLIC COMMENT AGENDA ITEMS & RESOLUTIONS:

Len Jerrum, Beyer Drive questions the resolutions regarding the dry hydrant and sign for court personnel.

RESOLUTIONS:

RESOLUTION NO. 08:15:12 – 1 (126)

RE: Approval of Town Board Minutes

COUNCILMAN BARTON offers the following and moves for its adoption:

WHEREAS, Town Clerk Rachael Rancourt has provided copies of the minutes of the July 25, 2012 Town Board Meetings 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 July 25, 2012 Town Board Meetings.

Seconded SUPERVISOR KENNEDY

ROLL CALL VOTE:

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

Dated: August 15, 2012

RESOLUTION NO. 08:15:12 – 2 (127)

Re: Authorizing Amendments to the Salt Shed Contract

SUPERVISOR KENNEDY offers the following and moves for its adoption:

WHEREAS, the Town Board has authorized the construction of a lean-to storage structure attached to the side of the Town salt shed; and

WHEREAS, the Town of Beekman has a pre-existing agreement with the County that outlines the construction and use of the Town salt shed; and

WHEREAS, amendments to the Salt Shed agreement must also be approved by the County prior to the construction of the lean-to storage unit; and

WHEREAS, the Town Attorney has reviewed said proposed amendments, and other documentation; now therefore be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the County to amend the Salt Shed Agreement to allow for the construction of a lean-to storage structure.

Seconded COUNCILMAN BARTON

ROLL CALL VOTE:

Supervisor Matt Kennedy	AYE
Councilman Peter Barton	AYE

Councilman Mike Moran AYE
Councilman Ron Mangeri ABSENT
Councilwoman Barbara Zulauf ABSENT

Dated: August 15, 2012

RESOLUTION NO. 08:15:12 – 3 (128)

Re: Authorizing Request for Bids for Removal of Excess Highway Equipment

COUNCILMAN MORAN offers the following and moves for its adoption:

WHEREAS, the Superintendent of Highways has advised the Town Board of the existence of a number of pieces of equipment and machinery which are obsolete or otherwise of no use; and

WHEREAS, Town Law Sec. 64(2A) authorizes town boards to sell and dispose of unneeded town property; now therefore be it

RESOLVED, that the following articles of equipment are determined to be of no use or value to the Town:

- (1) B-10 Dump Truck 1988 Ford L8000
- (1) A 14' Steel Dump Body off of Unit B-8
- (1) 10' Stainless Steel Sander for dump truck off of B-10
- (1) Sweeper attachment for old loader

BE IT FURTHER RESOLVED, that the Town Clerk and Highway Superintendent are hereby authorized to request bids for the sale and disposal of the aforementioned list of obsolete equipment

Seconded COUNCILMAN BARTON

ROLL CALL VOTE:

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

Dated: August 15, 2012

RESOLUTION NO. 08:15:12 – 4 (129)

Re: Approval of Fall Clean Up Schedule

COUNCILMAN BARTON offers the following and moves for its adoption:

WHEREAS, the Town Board wishes to offer residents the opportunity to dispose of items that cannot be taken to the recycling center or discarded in the general trash; and

WHEREAS, the Town Board desires to designate September 29, 2012 as Fall Clean-Up Day; and

WHEREAS, participation in Fall Clean-Up day shall be solely for Town of Beekman residents who show proof of residency with a valid Driver's License; and

WHEREAS, no garbage, hazardous material, brush or building materials will be accepted, now therefore be it

RESOLVED, that the Town Board hereby authorizes the Highway Superintendent to conduct a Town Fall Clean Up Day on 9/29/12 at the Highway Department Facility.

Seconded SUPERVISOR KENNEDY

ROLL CALL VOTE:

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

Dated: August 15, 2012

RESOLUTION NO. 08:15:12 – 5 (130)

Re: Authorizing Request for Bids for Highway Dept. Lean-To Storage Building

COUNCILMAN MORAN offers the following and moves for its adoption:

WHEREAS, the Town Board has determined the need for additional storage capacity for equipment to be used by the Highway and Maintenance Departments; and

WHEREAS, the Town Board has authorized the construction of a Lean-To addition to the Town's Salt Shed; and

WHEREAS, the Town has received insurance proceeds to offset the expense of the addition to the Salt Shed; now therefore be it

RESOLVED, that the Town Clerk is hereby authorized to seek bids for the affixed list of materials to be used in the construction of the Lean-To storage facility; and be it further

RESOLVED, that prior to publication, bid documents are to be reviewed by the Town Engineer and the Town Attorney; and be it further

RESOLVED, that the requests for bids shall be in accordance with the updated Town of Beekman procurement policy.

Seconded: COUNCILMAN BARTON

ROLL CALL VOTE:

Supervisor Matt Kennedy	AYE
Councilman Peter Barton	AYE

Councilman Mike Moran	AYE
Councilman Ron Mangeri	ABSENT
Councilwoman Barbara Zulauf	ABSENT

Dated: August 15, 2012

RESOLUTION NO. 08:15:12 – 6 (131)

Re: Authorization of Highway Personnel
to Assist Beekman Fire District Install Dry Hydrants

SUPERVISOR KENNEDY offers the following and moves for its adoption:

WHEREAS, the Board of Fire Commissioners requested the assistance of the Highway Department in installing dry hydrants within the Town, now therefore be it

RESOLVED, that the Highway Department is authorized to, and shall assist in the installation of the dry hydrants within the Town, on such basis as the Supervisor shall direct

Seconded COUNCILMAN BARTON

ROLL CALL VOTE:

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

Dated: August 15, 2012

RESOLUTION NO. 08:15:12 – 7 (132)

Re: Approval of Request from Town Justices to Obtain New Sign in Driveway.

COUNCILMAN BARTON offers the following and moves for its adoption:

WHEREAS, Town Justice Robert D. Ferris and Town Justice John C. Garito requested a sign in the driveway in front of the Town Hall that designates court personnel parking only, now therefore be it

RESOLVED, that the driveway area in front of Town Hall will be designated with a sign indicating parking for court personnel only.

Seconded SUPERVISOR KENNEDY

ROLL CALL VOTE:

Supervisor Matt Kennedy	AYE
Councilman Peter Barton	AYE
Councilman Mike Moran	AYE
Councilman Ron Mangeri	ABSENT

Councilwoman Barbara Zulauf ABSENT

Dated: August 15, 2012

RESOLUTION NO. 06:27:12 – 8 (133)

RE: Payment of Claims

SUPERVISOR KENNEDY 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:	\$ 112,099.13
Claims to be paid from the CM-Special Recreation	\$ 4,363.26
Claims to be paid from the DA-Highway Fund:	\$ 146,749.02
Claims to be paid from the SW-Dover Ridge Water Fund:	\$ 25.00
Claims to be paid from the T-Trust & Agency Fund:	<u>\$ 6,201.74</u>
	\$ 269,438.15

Payroll 16		Paid	\$ 75,111.06
General Fund:	\$ 58,446.92		
Highway Fund:	\$ 16,664.14		

Seconded COUNCILMAN BARTON

ROLL CALL VOTE:

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

Dated: August 15, 2012

OTHER BUSINESS:

Attorney David Sears requests the Town Board to consider an executive session for pending and current litigation.

Councilman Barton makes a motion to move the road bond resolution from table for discussion, Supervisor Kennedy seconds. Councilman Barton moves to re-table this resolution to show up on the September 5th 2012 Agenda. Roll call vote: Supervisor Kennedy-Aye, Councilman Barton-Aye, Councilman Moran-Aye.

Supervisor Kennedy spoke regarding the Recreation Commission; he will be addressing their general role at the next Town Board Meeting. Some changes have been made to reduce the risk of exposure to EPL claims.

GENERAL PUBLIC COMMENT:

Len Jerrum, Beyer Drive, had several questions for the Town Board pertaining to various activities that were mentioned in the past that he hasn't heard about since.

GENERAL BOARD COMMENT:

Supervisor Kennedy made a motion to move to executive session at 9:45pm for discussion of opposed, pending and current litigation. Councilman Moran seconds. All in favor.

At 9:59pm the Town Board returns from executive session.

EXECUTIVE SESSION RESOLUTION 8-15-2012

COUNCILMAN BARTON offers the following and moves its adoption:

WHEREAS, The Stop & Shop Supermarket Company v. The Town of Beekman, et al, is a pending tax certiorari matter against the Town of Beekman in the Dutchess County Supreme Court, and

WHEREAS, the Town Assessor recommends that these matters be resolved on the following term; Tax parcel # 6759-00-408539 will be assessed at \$6.4 million for the year 2008/2009, \$6.4 million for the year 2009/2010, \$6.25 million for the year 2010/2011, \$6.25 million for the year 2011/2012 and \$6.25 million for the year 2012/2012, now be it

RESOLVED, that The Stop & Shop Supermarket Company v. The Town of Beekman, et al, be settled in accordance with the Town Assessor's recommendations, and the Town Attorney and Town Assessor shall take necessary steps to effectuate such a settlement.

Seconded: SUPERVISOR KENNEDY

ROLL CALL VOTE:

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

Dated: August 15, 2012

ADJOURN:

Supervisor Kennedy announces the next meeting of the Town Board is September 5, 2012 at 7:30PM.

At 10:00pm with no further business to conduct Supervisor Kennedy makes the motion to adjourn the meeting seconded by Councilman Barton. All in favor.

RESPECTFULLY,

RACHAEL RANCOURT - TOWN CLERK