

BEEKMAN TOWN BOARD – REGULAR MEETING – December 4, 2013

The Regular Meeting of the Beekman Town Board was called to order at 7:10PM with Supervisor Matthew D. Kennedy presiding. The Meeting was held in the meeting room at Town Hall.

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

ALSO PRESENT: ATTORNEY, MICHAEL VARBLE

ABSENT: COUNCILMAN MICHAEL MORAN

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 and also for the victims of the Metro North accident. He made one administrative announcement regarding the location of fire exits.

RECOGNITION OF GERRY RICHARDSON, VETERAN HALL OF FAME HONOREE

Supervisor Kennedy presented a Certificate of Achievement to Gerry Richardson. Mr. Richardson is a West Point Graduate and is a Veteran of both the Korean & Vietnam Wars. He is a former Town of Beekman Supervisor, member of the Planning Board and Trails Committee. Councilwoman Zulauf attended Senator Greg Ball's Veteran Hall of Fame Ceremony where Mr. Richardson was honored. The Town of Beekman thanked Mr. Richardson for his service in the Army and all that he has done for this Town.

REPORTS:

SUPERVISOR:

Supervisor Kennedy began his report this evening stating that he is happy to announce that we will have a resolution on tonight's agenda to approve the Comcast Franchise Agreement. As far as the Verizon Cell Tower Agreement, we are nearly ready to present, Verizon is conducting a final site inspection this week, and if all goes well we will present it on the 18th. The Supervisor hoped everyone had a wonderful Thanksgiving. He announced the deadline for Time Capsule submission is Wednesday, December 11th. In closing, he announced the Annual Snowflake Spectacular is this Saturday, December 7th from 2:30 – 4:30 at the Community Center. There will be activities for the children, a tree lighting and a visit from Santa.

TOWN BOARD:

Councilwoman Zulauf attended the Veteran Hall of Fame Ceremony hosted by Senator Greg Ball.

Councilman Barton advised that we have two resolutions this evening to award highway materials bid and scrap metal bid. There was only one tree work bid, which came in rather high; therefore, we may want to consider a re-bid on the Tree Work.

Councilman Mangeri still having discussions regarding the Capital Requests and plans on meeting with the Committee again next week.

PUBLIC COMMENT AGENDA ITEMS & RESOLUTIONS:

Jeanne Scigliano, Recreation Director, requested the Town Board to address her concerns with the Holiday Schedule for 2014 prior to approving tonight.

RESOLUTIONS:

**RESOLUTION NO. 12:04:13 – 1 (137)
To Approve 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 November 20, 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 November 20, 2013, Town Board Meeting.

Seconded COUNCILMAN MANGERI

ROLL CALL VOTE:

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

Dated: December 4, 2013

**RESOLUTION 12:04:13- 2 (138)
To Designate Holidays for 2014**

COUNCILMAN BARTON offers the following and moves for its adoption:

BE IT RESOLVED, that the following holidays shall be observed in 2014 for the non-CSEA personnel of the Town working a 4-day (Monday through Thursday) work week:

New Year's Day	January 1
Martin Luther King Day	January 20
President's Day	February 17
Easter Observance	April 21
Memorial Day	May 26
Independence Day Observance	July 3
Labor Day	September 1
Columbus Day	October 13
Election Day	November 4
Veterans Day	November 11
Thanksgiving	November 27
Christmas Eve	December 24
Christmas	December 25

And be it further RESOLVED, that the following holidays will be observed for the Maintenance Department and the Recreation Department:

New Year's Day	January 1
Martin Luther King Day	January 20
President's Day	February 17
Easter Observance	April 21
Memorial Day	May 26
Independence Day Observance	July 3
Labor Day	September 1
Columbus Day	October 13
Election Day	November 4

Veteran Day	November 11
Thanksgiving	November 27
Christmas Eve	December 24
Christmas	December 25

And be it further RESOLVED, that the members of the Highway Department will follow the holidays governed by the Teamster's Contract and members of the CSEA bargaining unit will follow holidays governed by the CSEA contract.

Seconded SUPERVISOR KENNEDY

*****Councilman Mangeri motioned to table this resolution until the next meeting. The Board wants to further investigate options for paid holidays for Recreation & Maintenance Departments who work a 5 day work week to ensure they are receiving equal amount of paid holidays as those Departments working a 4 day work week. Seconded by Supervisor Kennedy. Councilwoman Zulauf – NO, Councilman Barton – Aye, Councilman Mangeri – Aye, Supervisor Kennedy – Aye.*****

RESOLUTION NO. 12:04:13 – 3 (139)
To Authorize Supervisor to Execute Franchise Agreement with Comcast

SUPERVISOR KENNEDY offers the following and moves for its adoption:

WHEREAS, the Town is desirous of renewing the franchise agreement with Comcast of New York, LLC (“Comcast”), for the continued operation of a cable system within the Town;

WHEREAS, the Town has reached agreement with Comcast on the proposed terms of the franchise agreement;

WHEREAS, the Town provided proper notice of, and then held this evening, a public hearing on the proposed agreement, at which public hearing members of the public were afforded a full and fair opportunity to be heard on the adequacy and feasibility of the franchise terms; now therefore be it

RESOLVED, that the Town Board does hereby approve the franchise agreement with Comcast, and does authorize the Supervisor to execute same.

Seconded COUNCILWOMAN ZULAUF

ROLL CALL VOTE:

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

Dated: December 4, 2013

RESOLUTION NO. 12:04:13-4 (140)
To Set Salary & Wage Schedule for the 2014 Fiscal Year

COUNCILMAN MANGERI offers the following and moves for its adoption:

WHEREAS, the Town Board is authorized to set salaries and wages; now therefore be it

RESOLVED, that the salaries of elected & appointed officials and hourly wages and salaries of employees of the Town are hereby fixed for the 2014 year as follows:

Supervisor \$ 19,663.73
Secretary to the Supervisor \$ 33,000.00
Legislative Aide -\$38,000
Deputy Supervisor No Annual Salary

BEEKMAN TOWN BOARD – REGULAR MEETING – December 4, 2013

Town Board \$ 7,229.57
Town Clerk \$ 57,972.52
Deputy Town Clerk (part time) \$ 16,290.48
Receiver of Taxes \$ 36,845.16
Town Justices \$ 13,435.32
Justice Clerks \$ 46,525.77
Building Inspector/Zoning Inspector \$ 32.51 per hour
Deputy Building Inspector \$ 21.47 per hour
Typist: Planning/Zoning Boards \$ 15.48 per hour
Dog Control Officer \$ 15,353.35
Deputy Dog Control Officer \$ 5,766.97
Comptroller \$ 62,026.49
Budget Officer \$ 38,000.00
Recreation Director \$ 51,350.00
Recreation Assistant \$15.50 per hour
Secretary to the Recreation Commission \$ 12.50 per hour
Maintenance Mechanic \$ 60,000
Maintenance Helper \$ 15.38 per hour
Seasonal Laborer (Maintenance) \$ 12.36 per hour
Superintendent of Highway \$ 65,655.29
Assistant to the Superintendent of Highways \$15.50 per hour (not to exceed 17 ½ hours per week)
Deputy Highway Superintendent \$ 170.00 per diem

Seconded SUPERVISOR KENNEDY

ROLL CALL VOTE:

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

Dated: December 4, 2013

**RESOLUTION NO. 12:04:13-5 (141)
To Set Public Hearings for Abandoned Properties**

COUNCILWOMAN ZULAUF offers the following and moves for its adoption:

WHEREAS, the following properties have been posted with notices in accordance with §114-5 of the Beekman Town Code:

105 Gold Road- Jason, Jolie and Eunice Sealy
23 Main Street- Cardinal Assets of NY LLC
9 Fairhaven Court- Beekman Estates Realty LLC

WHEREAS, the respective homeowners have failed to comply with these notices and their duties to maintain property as required by Chapter 114 of the Beekman Town Code, now be it

RESOLVED, that a Public Hearing will be held on December 18, 2013 at 7 p.m. at Town Hall, to determine whether the Town should order and direct the owner or person in control to perform abatement, remediation, removal or extermination, as the case may be, within sixty (60) days of the Public Hearing, or alternatively, whether the Town Board may direct or order the abatement, remediation, removal or extermination, as the case may be, to be performed or undertaken by the Town or its agents without need for additional time to be afforded to the owner, tenant, occupant or person in control, and further, that the cost of the publication and mailing of this notice and any costs incurred by the Town in connection with any remedial action undertaken by the Town or its designated agent, shall be assessed to the record owner of the property in accordance with §114-6(B) of the Town Code.

Seconded COUNCILMAN BARTON

ROLL CALL VOTE:

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

Dated: December 4, 2013

RESOLUTION NO. 12:04:13 – 6 (142)
To Approve Agreement for the Expenditure of Highway Monies

COUNCILMAN BARTON offers the following and moves for its adoption:

AGREEMENT FOR THE EXPENDITURE
OF HIGHWAY MONIES

AGREEMENT between the Town Superintendent of the Town of Beekman, Dutchess County, New York and the undersigned members of the Town Board. Pursuant to the provisions of Section 284 of the Highway Law, we agree that the monies levied and collected in the Town for the repair and improvement of highways, and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows:

1. GENERAL REPAIRS. The sum of **\$230,000.00** shall be set aside to be expended for primary work and general repairs upon **6.83** miles “**13.66 Lane Miles**” out of **68** miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.
2. PERMANENT IMPROVEMENTS: The following sums shall be set aside to be expended for the permanent improvement of Town Highways:

(a) On the road commencing at Beach Road and leading to **Cedar Lane** a distance of **.35** miles, there shall be expended not over the sum of **\$63,000.00** Type **Blacktop** Width of traveled surface **21 Feet With a Thickness of 2”** Subbase **Blacktop and Bank Run Gravel and 8, 24” X 24” Catch Basin’s and 1795’ of 15” Drainage Pipe.**

(b) On the road commencing at Andrews Rd and leading to **Beaver Road finishing at the Lagrange Town Line** a distance of **.29** miles, there shall be expended not over the sum of **\$53,000.00** Type **Blacktop** Width of traveled surface **23 Feet with a Thickness of 2”** Subbase **Blacktop and Bank Run Gravel.**

(c) On the road commencing at State Route 216 leading to **Depot Hill Road, Brothers Rd, Gold Rd, Brill lane, Ashby Place, Carol Lane and Emma Way** a distance of **4.22** miles, there shall be expended not over the sum of **\$52,500.00** Type **Oil & “1/4” Chip** Width of traveled surface **24 Feet Thickness 2”** Subbase **Blacktop and Bank Run Gravel**

(d) On the road commencing at Mennella rd leading to **Jack & Jill Road, Davida Lane, Gail Lane, and Washburn Road** a distance of **1.75** miles, there shall be expended not over the sum of **\$23,900.00** Type **Oil & “1/4” Chip** Width of traveled surface **24 Feet Thickness 3”** Subbase **Blacktop and Bank Run Gravel**

(e) On the road commencing at **Lime Ridge Rd** and leading to **Deerview Lane**, a distance of **.22 miles**, there shall be expended not over the sum of **\$37,600.00** Type **Blacktop** Width of traveled surface **22 Feet Thickness 2”** Subbase **Blacktop and Bank Run Gravel**

Executed in duplicate this ___ day of December, 2013

Supervisor

Councilperson

Councilperson

Councilperson

Councilperson

County Superintendent of Highways

Town Superintendent of Highways

NOTE: This Agreement should be signed in duplicate by a majority of the members of the Town Board and by the Town Superintendent of Highways. Both copies must be approved by the County Superintendent of Highways. One copy must be filed in the Town Clerk’s office and one in the County Superintendent of Highway’s Office. *COPIES DO NOT TO HAVE TO BE FILED IN ALBANY.*

Seconded by SUPERVISOR KENNEDY

ROLL CALL VOTE:

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

Dated: December 4, 2013

**RESOLUTION NO. 12:04:13-7 (143)
To Approve 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; now therefore be it

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

Claims to be paid from the SW-Dover Ridge Water	\$ 2,557.78
Claims to be paid from the SS-Dover Ridge Sewer	\$ 324.25
Claims to be paid from the A-General Fund	\$ 69,273.04
Claims to be paid from the DA-Highway	<u>\$ 9,991.48</u>
	\$ 82,146.55

Payroll	24	Paid	\$ 50,217.35
General Fund:	\$ 30,247.68		
Highway Fund:	\$ 19,969.67		

Seconded COUNCILWOMAN ZULAUF

ROLL CALL VOTE:

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

Dated: December 4, 2013

**RESOLUTION 12:04:13 – 8 (144)
To Award the Bids for the Removal of Scrap Metal**

COUNCILMAN MANGERI offers the following and moves for its adoption:

BEEKMAN TOWN BOARD – REGULAR MEETING – December 4, 2013

WHEREAS, authorization was given for the Town Clerk to advertise for bids for the removal of scrap metal; and

WHEREAS, one bid for the removal of scrap metal was received, opened and read publicly on November 26, 2013, at 9:30am and has been reviewed by the Highway Superintendent and the Town Clerk; now therefore be it

RESOLVED, that the bid is hereby awarded to Green’s Auto Repair as recommended by the Highway Superintendent as attached hereto; and be it further

RESOLVED, that the Supervisor be and hereby is authorized to execute any and all documents necessary to carry out the said services.

Seconded COUNCILMAN BARTON

ROLL CALL VOTE:

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

Dated: December 4, 2013

**RESOLUTION 12:04:13 – 9 (145)
To Award Bids for 2014 Highway Materials**

COUNCILWOMAN ZULAUF offers the following and moves its adoption:

WHEREAS, authorization was given for the Town Clerk to advertise for bids for Highway Materials for 2014; and

WHEREAS, said bids were received, opened and read publicly on November 26, 2013 at 10:00am and have been reviewed by the Highway Superintendent and Town Clerk; now therefore be it

RESOLVED, that the bids are hereby awarded as recommended by the Highway Superintendent as attached hereto.

Seconded SUPERVISOR KENNEDY

ROLL CALL VOTE:

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

Dated: December 4, 2013

OTHER BUSINESS:

Supervisor Kennedy stated that the Tree Work portion of the Highway Materials bid was not approved and will go out for re-bid. Supervisor Kennedy moves to re-bid the Tree Work for 2014. The Town Clerk is authorized to advertise accordingly, Councilman Barton seconded. Roll Call Vote: Councilman Barton – Aye, Councilman Mangeri – Aye, Councilwoman Zulauf – Aye, Supervisor Kennedy – Aye.

**RESOLUTION NO. 12:04:13 – OTHER BUSINESS
Appointment of Christopher Reardon for Conservation Advisory Council**

SUPERVISOR KENNEDY offers the following and moves its adoption:

WHEREAS, the Town Board will make appointments to the various boards; now therefore be it

RESOLVED, that the Town Board hereby makes the following appointment to be effective immediately:

Christopher Reardon Conservation Advisory Council expires 12/31/17

RESOLVED, that all appointments are contingent upon completion and submission of the new Disclosure of Interest Statement pursuant to Chapter 19, Section 19-9 of the Town Code unless already on file and information has not changed; and be it further

RESOLVED, that all appointees shall file their Oath of Office with the Town Clerk of the Town of Beekman prior to serving their term.

Seconded COUNCILWOMAN ZULAUF

ROLL CALL VOTE:

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

Dated: December 4, 2013

Councilwoman Zulauf requests all those individuals who are currently serving on Committees submit a letter of intent to continue their service if their current term is expired. In addition, if there are members of the public who are interested in serving on a Town Committee, please contact the Supervisor's office.

GENERAL PUBLIC COMMENT:

Len Jerrum, Beyer Drive, requested to have a going away / Holiday party at the next Town Board meeting on the 18th. He offered to organize this and requested that a notice be posted on the website.

Werner Stiegler, Beekman Road, is concerned with the liability of the Town regarding the Maintenance of abandoned properties. He questioned if the Town Insurance Policy would cover if someone were injured on one of these properties that the Town is maintaining.

Greg Brown, Maintenance Supervisor, advised the Town Board regarding vandalism that occurred at TCP. A vehicle did donuts on the soccer fields and tore them up. He proposed placing big boulders around the areas where vehicles can enter the fields to block them.

GENERAL BOARD COMMENT:

Supervisor Kennedy announced the next meeting is December 18th at 7:00pm.

At 8:20pm Supervisor Kennedy made the motion to move to executive session for pending and potential litigation, seconded by Councilwoman Zulauf. All in favor.

Councilwoman Zulauf recorded the minutes following Executive Session

At 10:05pm the Board returned from Executive Session taking the following action:

BEEKMAN TOWN BOARD – REGULAR MEETING – December 4, 2013

In the matter of Sean Johnston's property located on Gardner Hollow Road, the Town Board instructed the Town Attorney to draft a document to the effect that the pond will be dredged once a year by the Highway Department, at a time which the Highway Superintendent will determine and at other dates throughout the year as necessary by Town Board resolution. Mr. Johnston will give the Town release of any damages to that property which the Town Attorney will draft to that effect. This was a unanimous decision of the Board.

No action was taken regarding the discussion of Mr. Cohen, Stone Ridge Estates, except that the Town Attorney was instructed to continue communications with Mr. Cohen's attorney.

ADJOURN:

At 10:08PM with no further business to conduct Councilwoman Zulauf made the motion to adjourn the meeting seconded by Councilman Barton. All in favor.

RESPECTFULLY SUBMITTED,

RACHAEL RANCOURT

TOWN CLERK