

**BEEKMAN TOWN BOARD – REGULAR MEETING – December 5, 2012**

The Regular Meeting of the Beekman Town Board was called to order at 7:08 PM 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 also made one administrative announcement regarding the location of the fire exits.

**PUBLIC HEARING – AMENDING CHAPTER 128 OF BEEKMAN TOWN CODE – STORMWATER**

At 7:10pm Supervisor Kennedy made a motion to open the Public Hearing on Amending Chapter 128 of the Beekman Town Code (Stormwater Management; Erosion & Sediment Control Law) seconded by Councilman Mangeri, all in favor. Town Engineer, Ron Evangelista, gave a summary of the Stormwater Management; Erosion and Sediment Control Law. He stated there are two proposed amendments to this Chapter in order to comply with New York State Law. Supervisor Kennedy asked if anyone would like to be heard on this matter.

Fire Commissioner, Peter Poltrack spoke and asked to amend section H to include: Installation of fence, sign, telephone and electric poles, **fire hydrants pipe to protect life, property or natural resources** and other kinds of posts or poles.

With no further public comment, at 7:20pm Supervisor Kennedy moved to close the public hearing seconded by Councilman Mangeri, all in favor.

**PUBLIC HEARING – ABANDONED PROPERTIES**

At 7:28pm Supervisor Kennedy made a motion to open the Public Hearing on Maintenance of Abandoned Properties; seconded by Councilman Mangeri, all in favor. Code Enforcement Officer, Shawn Beresford advised the Board that he has had contact with the owner of one out of the five properties listed on tonight's Public Hearing. Supervisor Kennedy asked if anyone would like to be heard on this matter. There was no public comment on this public hearing. At 7:34pm Supervisor Kennedy made a motion to close this public hearing seconded by Councilwoman Zulauf, all in favor.

Supervisor Kennedy presented a Certificate of Appreciation to Viraj Kumar for his volunteer work at the Apoquague Friends Cemetery on Pleasant Ridge Road. The Cemetery had been neglected and overgrown. Viraj organized and participated in the clean-up and brush removal of this historical Cemetery. The Supervisor read a letter from resident Evelyn Heady that was published in the Poughkeepsie Journal, letters to the editor section, thanking Viraj for all his efforts.

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Supervisor Kennedy presented a Certificate of Appreciation to Eagle Scout Mario Campisi. For his Eagle Scout project, Mario did extensive research at the Trinity Church Cemetery and was able to identify 187 people. The Supervisor thanked him for volunteering his time and efforts.

***The Regular portion of this meeting began at 7:43pm***

**REPORTS:**

Supervisor Kennedy gave a heartfelt welcome to Mark Coviello, Highway Superintendent Tony Coviello's son. He serves our country in the US Army and is stationed in Fort Drum. On behalf of the entire Town and Country he thanked Mark for his service.

**HIGHWAY SUPERINTENDENT:**

Highway Superintendent, Tony Coviello reported that several roads have been graded and pot holes repaired. The scrap steel has been picked up by Green's and is expected to generate approximately \$2,437.00 in revenue. The Highway Department has begun construction on the Lean-To facility; the footings were completed last week. He stated that many of the street signs in Town have been vandalized and stolen and if anyone sees anything suspicious please call 911. Tony met with a uniform company today and stated that the quality of these uniforms is better than what they currently have and less expensive. In closing Tony stated that he has submitted the 2013 Schedule 284 for review the total mileage is 16.58 lane miles.

**SUPERVISOR:**

Supervisor Kennedy began his report by wishing all a belated Happy Thanksgiving. He advised the public that Town Hall is a drop off site for Toys for Tots so if possible please donate to those that are less fortunate. He attended the annual Snowflake Spectacular at the Beekman Recreation Center on Saturday. A great time was had by all and was largely attended. Santa was present and children were able to write letters to him. He thanked Jeanne Scigliano, Recreation Director, Phyllis Hughes, Doreen Sheriden and the Teen Leadership Council for all their efforts in putting this day together. He also thanked Peter Barton for donating the Christmas tree for that event.

Supervisor Kennedy met with Bruce Oswald and Douglas Florence who have volunteered to put together a footprint of Town Center. They are having some difficulty locating the electronic maps but are working on that project and Supervisor Kennedy thanked them for their efforts. He also had a meeting with a commercial developer in our area, Ted Petrillo, who volunteered to serve on the Town Infrastructure Committee. The Supervisor requested the Town Attorney, David Sears, to arrange a meeting of the Ethics Board. The Ethics Board has some business to conduct and they are also looking for volunteers to fill that Board.

The Supervisor stated that the Solar Bid information is currently available at the Town Clerk's Office and thanked Paul Curran for his guidance through this process. The Lean-To facility is well under way and he thanked the Highway Department for doing a good job. The Trails Committee met with the County to discuss plans to move forward with the continuous path project which goes from Recreation walkway to Beekman Road. He announced that NYSEG will hold a meeting on December 14, 2012 with all Mayors and Supervisors in Dutchess County to discuss problem areas and possible solutions in the event of power failure.

**TOWN BOARD:**

Councilwoman Zulauf reported that she attended the Dutchess County Transportation meeting last Wednesday. She stated that they discussed the report regarding the Beekman Road assessment. They are still working on the report and will notify her when it is complete. They also discussed a Senior Citizen

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Program they plan to implement in 2013. The program will provide transportation to seniors, once a week, to bring them shopping. Councilwoman Zulauf also reported that she attended the Fire Commissioners meeting where they passed a resolution in regard to the weather vane to replace “in kind” the Town Hall weather vane. They are working with the State Historical Society to make sure this can be done. In closing, she stated that she attended the Snowflake Spectacular and thanked Jeanne and her staff for a very nice event.

Councilman Barton reported that the Highway Lean-To facility is under construction and looks as though it will come in under budget. Thanked the Highway Department for doing a great job. He attended a lawsuit earlier today with respect to the Town in which he was one of the witnesses.

Councilman Mangeri reported that he attended the Dutchess County Executive’s meeting in Fishkill last week where he read a letter regarding the Dutchess County Sales Tax Proposal. He had several questions for the Dutchess County Executive. He plans to introduce a resolution this evening in Other Business regarding this issue.

Councilman Moran reported that the next meeting of the Recreation Commission is December 17 2012. He recognized the Recreation Director, Jeanne Scigliano for her great work with the Department.

**PUBLIC COMMENT AGENDA ITEMS & RESOLUTIONS:**

Len Jerrum, Beyer Drive, questioned the resolution pertaining to ice skating at Recreation Park Lake.

**RESOLUTIONS:**

**RESOLUTION NO. 12:05:12 – 1 (179)**  
**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 November 14, 2012, 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**, that the Town Board hereby adopts the minutes of the November 14, 2012, Town Board Meetings.

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: December 5, 2012

**RESOLUTION NO. 12:05:12-2 (180)**  
**RE: Authorization of Ice Skating at Recreation Park Lake**

**COUNCILMAN BARTON** offers the following and moves for its adoption:

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Whereas, the Town of Beekman’s Recreation Commission has approved a resolution recommending that ice skating be allowed at Recreation Park Lake during the 2013 winter season, and

Whereas, the Recreation Commission’s recommendation has been forwarded to the Beekman Town Board for its consideration, and

Whereas, the Beekman Town Board is desirous of approving the recommendation with the stipulation that ice skating shall only be allowed when deemed safe, now therefore be it

Resolved, that ice skating shall be allowed for the 2013 winter season at the Recreation Park Lake during regular park hours and only when deemed safe by the Town’s Recreation Director, and be it further

Resolved, that the Town’s Recreation Director is hereby directed to take all necessary precautions to ensure that it is safe before allowing ice skating at Recreation Park Lake

Seconded COUNCILWOMAN ZULAUF

**ROLL CALL VOTE:**

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

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**RESOLUTION NO. 12:05:12-3 (181)**

Re: Approval of 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 A-General Fund:	\$ 247,586.08
Claims to be paid from the CM-Special Recreation Fund:	\$ 17,651.17
Claims to be paid from the SW-Dover Ridge Water:	\$ 505.00
Claims to be paid from the SS- Dover Ridge Sewer:	\$ 705.00
Claims to be paid from the DA- Highway:	<u>\$ 18,449.82</u>
	\$ 284,897.07

Payroll 24		Paid	\$ 54,072.58
General Fund:	\$ 33,172.91		
Highway Fund:	\$ 20,899.67		

Seconded COUNCILMAN BARTON

**ROLL CALL VOTE:**

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

Dated: December 5, 2012

OTHER BUSINESS:

**RESOLUTION NO. 12:05:12 (Other Business)**

Re: Maintenance of Abandoned Properties

SUPERVISOR KENNEDY 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:

34 Gold Road- Shawn Cohen/Shawn Maher  
117 Hillside Road- Thomas and Donna Pfister  
60 Cedar Lane- Charles and Ann Emmons  
228 Sylvan Lake Road- Gino and Maryann Montalegre  
1490 Clove Valley Road- Roberta Ann Lieberman

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, and

WHEREAS, a Public Hearing was held on December 5, 2012 at 7:15 p.m. at Town Hall as required by law, now therefore be it

RESOLVED, the Town Board directs 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 AYE  
Councilman Ron Mangeri AYE  
Councilwoman Barbara Zulauf AYE  
Supervisor Matt Kennedy AYE

Dated: December 5, 2012

**RESOLUTION NO. 12:05:12 (Other Business)**

AMENDING CHAPTER 128 OF THE BEEKMAN TOWN CODE

COUNCILMAN BARTON offers the following and moves its adoption:

WHEREAS, the Town Board of the Town of Beekman desires to amend the Stormwater Management; Erosion and Sediment Control Law.

WHEREAS, by this Resolution the Town Board does introduce a proposed amendment to Chapter 128 of the Town Code by being Local Law 4 of 2012; and

WHEREAS, that notice of the time and place of a public hearing was posted and published once on the 18<sup>th</sup> of November, 2012 in the Poughkeepsie Journal, a newspaper circulating in the Town of Beekman; and

WHEREAS, the proposed local law, prepared by the Town Attorney, was filed in the Town Clerk's Office and posted on the Town's website for review by any and all interested parties; and

WHEREAS, a Public Hearing on the aforementioned law was held on the 5<sup>th</sup> day of December, 2012 at 7:00 p.m. at Beekman Town Hall located at 4 Main Street, Poughquag, NY 12570; now therefore

BE IT ENACTED, by the Town Board for the Town of Beekman that Chapter 128 of the Beekman Town Code is amended as follows:

**AMEND Chapter 128-2. Purpose, subsection B, to read as follows:**

*“B. Require land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) general permit for construction activities GP-0-10-001 or as amended or revised. These activities include construction projects resulting in land disturbance of one or more acres, or in the case of the East of Hudson (Middle Branch) Watershed, land development activities equal to or greater than 5,000 square feet of land area. Such activities include but are not necessarily limited to clearing and grubbing, grading, excavation and demolition”*

**ADD Chapter 128-4. Applicability, to include subsection E, to read as follows:**

*“E. Additional requirements shall be imposed for all portions of the Town that reside within the defined limits of the East of Hudson (Middle Branch) Watershed as designated by the NYSDEC and the NYCDEP. This includes the requirement for the preparation of a full SWPPP for land development activities that are equal to or greater than 5,000 square feet of land area.”*

Seconded SUPERVISOR KENNEDY

**ROLL CALL VOTE:**

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

Dated: December 5, 2012

Supervisor Kennedy made a motion to appoint Ted Petrillo to the Town Infrastructure Committee seconded by Councilman Mangeri. Roll call vote: Councilman Barton – Aye, Councilman Mangeri – Aye, Councilman Moran – Aye, Councilwoman Zulauf – Aye, Supervisor Kennedy – Aye.

Supervisor Kennedy mentioned that Donna Burkhart had resigned from the Ethics Board; however, she has changed her mind and would like to continue to serve on the Ethics Board. Supervisor Kennedy made a motion to re-appoint Donna Burkhart to the Ethics Board and complete her term, seconded by Councilman Mangeri. Roll call vote: Councilman Barton – Aye, Councilman Mangeri – Aye, Councilman Moran – Aye, Councilwoman Zulauf – Aye, Supervisor Kennedy – Aye.

**RESOLUTION NO. 12:05:12 (Other Business)**

RE: Withholding consent of notice for County Sales tax reduction

COUNCILMAN MANGERI offers the following and moves for its adoption:

WHEREAS, the County Executive, Marcus Molinaro, has proposed a reduction of the amount of Net Sales Tax distributed to the Towns within the County of Dutchess, and

WHEREAS, the reduction of the Net Sales Tax distribution is proposed by way of a “cap” on the Net Sales Tax distributed to towns, cities and villages within Dutchess County, and

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WHEREAS, a portion of the Net Sales Tax collected by Dutchess County has been distributed to cities in the County and areas outside cities, including the Town of Beekman for many years and the amount distributed to Beekman for 2012 was projected at \$780,262.00 and the distribution proposed by the Dutchess County Executive for 2013 is reduced to \$661,501.00, and

WHEREAS, in the year 2012, the budgeted distribution of Net Sales Tax revenues to the towns, cities, and villages was \$29,000,000.00, and the County proposal for 2013 reduces this distribution amount to \$25,000,000.00, and

WHEREAS, Dutchess County’s proposed reduction of the Net Sales Tax distributed to the Towns requires adoption of a Local Law, Ordinance or Resolution by the Dutchess County Legislature effectuating such decrease, and written notice of such adoption be given to the governing bodies of such towns, cities and villages affected thereby, at least six (6) months prior to the commencement of their respective fiscal years, and

WHEREAS, the Town of Beekman has received no such notice as required by New York State Tax Law six (6) months prior to the commencement of the 2013 fiscal year, nor has the Dutchess County Legislature passed such a Local Law, Ordinance or Resolution imposing a “cap” on the distribution of the Net Sales Tax to the towns, cities and villages, and

WHEREAS, pursuant to New York State Tax Law, any reduction to the distribution of the Sales Tax distributed by the County to the Towns requires notice to or consent by the Town Board, now therefore be it

RESOLVED, that the Town of Beekman withholds its consent to the reduction of the distribution to the Town of the Net Sales Tax collected by the County and further refuses to waive the notice requirement contained in New York State Tax Law §1262 and be it further

RESOLVED, that a copy of this Resolution be sent to County Executive Marcus Molinaro, Chairman of the Dutchess County Legislature Robert Rolison, all members of the Dutchess County Legislature, New York State Comptroller Thomas DiNapoli, all Mayors and Town Supervisors in the County of Dutchess.

Seconded by           SUPERVISOR KENNEDY

\*\*\*\*\*Councilman Barton made a motion to table this resolution until after the Dutchess County Legislature votes on their budget, seconded by Supervisor Kennedy.\*\*\*\*\*

**\*\*\*\*\*ROLL CALL VOTE: ON MOTION\*\*\*\*\***

Councilman Peter Barton	AYE
Councilman Mike Moran	AYE
Councilman Ron Mangeri	NO
Councilwoman Barbara Zulauf	NO
Supervisor Matt Kennedy	AYE

Dated: December 5, 2012

Councilwoman Zulauf stated that a representative from Aflack would like to set up a meeting to discuss insurance plans with Supervisor Kennedy.

GENERAL PUBLIC COMMENT:

Len Jerrum, Beyer Drive, stated that Comcast is not receiving the DVD’s of the Town Board meetings. He expressed his concern with removing the weather vane from the roof of Town Hall due to the fact that it is a Historical Building. He would like to see the Town explore the idea of advising the community that the Town is always accepting donations of office equipment and various other items that would eliminate the need to spend money. He made a comment in reference to the Solar Panel project that is out to bid. Lastly, he stated that he attended an Emergency Preparedness Committee meeting several months ago and questioned if the flow chart that they had been working on had been completed.

GENERAL BOARD COMMENT:

Councilman Moran stated that he wanted to settle the resolution that had been tabled earlier this evening regarding withholding consent of notice for County Sales tax reduction and requested it to be un-tabled.

Councilwoman Zulauf made a motion to re-open the **Other Business** portion of this meeting to vote on the withholding consent of notice for County Sales tax reduction resolution; seconded by Councilman Mangeri, all in favor.

Councilman Barton made a motion to un-table the withholding consent of notice for County Sales tax reduction resolution seconded by Councilman Moran, all in favor.

**ROLL CALL VOTE: WITHHOLDING CONSENT OF NOTICE FOR COUNTY SALES TAX REDUCTION RESOLUTION**

Councilman Peter Barton	NO
Councilman Mike Moran	NO
Councilman Ron Mangeri	YES
Councilwoman Barbara Zulauf	NO
Supervisor Matt Kennedy	NO

Supervisor Kennedy announced the next Town Board meeting is scheduled for Wednesday, December 19, 2012 at 7:30pm.

ADJOURN:

At 9:28 pm with no further business to conduct Councilwoman Zulauf makes the motion to adjourn the meeting seconded by Supervisor Kennedy. All in favor.

RESPECTFULLY SUBMITTED,

RACHAEL RANCOURT

TOWN CLERK