

BEEKMAN TOWN BOARD REGULAR MEETING – AUGUST 2, 2017

The Regular Meeting of the Beekman Town Board was called to order at 7:00PM with Supervisor Barbara Zulauf presiding. The Meeting was held in the meeting room at Town Hall.

THOSE PRESENT: SUPERVISOR BARBARA ZULAUF
COUNCILMAN EZIO BATTAGLINI
COUNCILWOMAN MARY COVUCCI
COUNCILMAN WERNER STIEGLER
COUNCILMAN MICHAEL DEL VECCHIO

ALSO PRESENT: TOWN ATTORNEY, PAUL ACKERMAN

Supervisor Zulauf 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. Supervisor Zulauf made one administrative announcement regarding the location of fire exits.

Supervisor Zulauf also made note that the Deputy Town Clerk, Melissa McAlley is here in lieu of Rachael Rancourt, Town Clerk, who had a family commitment.

PUBLIC COMMENT AGENDA ITEMS & RESOLUTIONS:
There was no public comment on agenda items this evening.

RESOLUTIONS:

RESOLUTION NO. 08:02:17 – 1 (114)
RE: Approval of Past Town Board Minutes

COUNCILMAN STIEGLER offers the following and moves for its adoption:

WHEREAS, Town Clerk Rachael Rancourt has provided copies of the minutes of the July 19, 2017 Town Board Meeting to all members of the Beekman Town Board; and

WHEREAS, Town Board members have had the opportunity to review said minutes; now therefore be it

RESOLVED, the Town Board hereby adopts the minutes of the July 19, 2017 Town Board Meeting.
Seconded COUNCILMAN BATTAGLINI

ROLL CALL VOTE:

Councilwoman Covucci AYE
Councilman Stiegler AYE
Councilman Del Vecchio AYE
Councilman Battaglini AYE
Supervisor Zulauf AYE

Dated: August 2, 2017

RESOLUTION NO. 8:02:17 – 2 (115) TABLED

RE: SEQRA Determination for Local Law No. 3 of 2017, Adding Regulations Pertaining to Solar and Wind Energy Systems to the Town’s Zoning Code

COUNCILMAN BATTAGLINI offers the following and moves for its adoption:

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WHEREAS, the Town Board of the Town of Beekman has the ability to adopt local laws and to amend the zoning code; and

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) (“SEQRA”) of the Environmental Conservation Law, the Town Board is obligated to conduct an environmental review and assess the environmental impact of amending the zoning code as proposed; and

WHEREAS, the Town Board is desirous of becoming the lead agency for purposes of this environmental review; and

WHEREAS, the Town Board has determined that there are no other interested or involved agencies, as those terms are defined in the SEQRA regulations; and

WHEREAS, the Town Board has determined that the proposed action is an unlisted action under the SEQRA regulations; now therefore be it

RESOLVED, that the Town of Beekman finds that there are no other interested or involved agencies, as those terms are defined in the SEQRA regulations; and be it further

RESOLVED, that the Town of Beekman declares itself to be the lead agency for the SEQRA determination for this project; and be it further

RESOLVED, that the Town of Beekman finds that this is an unlisted action; and be it further

RESOLVED, that the Town of Beekman finds that no adverse environmental impacts will occur as a result of the proposed action and accordingly adopts the attached negative declaration.

Seconded SUPERVISOR ZULAUF

***COUNCILWOMAN COVUCCI motions to table this Resolution. Seconded by COUNCILMAN STIEGLER. * ROLL CALL VOTE: Councilwoman Covucci-AYE, Councilman Stiegler-AYE, Councilman Del Vecchio-NO, Councilman Battaglioni-AYE, Supervisor Zulauf-NO; Motion to table passes.**

**RESOLUTION NO. 8:02:17 – 3- PULLED
RE: Set Public Hearing to Amend and Add to Chapter 155, Zoning**

**RESOLUTION NO. 8:02:17 – 4 (116)
RE: Set Public Hearing to Amend Chapter 31, Planning and Zoning Boards**

SUPERVISOR ZULAUF offers the following and moves for its adoption:

WHEREAS, the Town of Beekman has the ability to amend local laws; and

WHEREAS, the Town Board is desirous in amending Chapter 31, Planning and Zoning Boards; and

WHEREAS, the Town Attorney has provided the amended regulations pertaining to the training of planning and zoning board members as per New York State Department of State; now therefore be it

RESOLVED, that a public hearing to gather resident input on amending Chapter 31 will be held on August 16, 2017 at 7:10 pm at Beekman Town Hall, 4 Main Street Poughquag, NY and that notice of time and place of such hearing

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be posted and published once on or before the 7th day of August in the Poughkeepsie Journal, a newspaper circulating in the Town of Beekman, and that such notice be posted on the bulletin board in the Town Clerk’s Office and be posted on the Town of Beekman website.; and be it further

RESOLVED, that the public may submit written comments to the Town Clerk’s Office, to be received by August 16, 2017.

Seconded COUNCILMAN BATTAGLINI

*****Councilman Del Vecchio made a friendly amendment to the first RESOLVED paragraph to change the time from 7:10 pm to 7:00 pm. Seconded by Supervisor Zulauf. All in favor.*****

ROLL CALL VOTE:

Councilwoman Covucci AYE
Councilman Stiegler AYE
Councilman Del Vecchio AYE
Councilman Battaglini AYE
Supervisor Zulauf AYE

Dated: August 2, 2017

RESOLUTION NO. 8:02:17 – 5 - PULLED

RE: Set Public hearing to Amend Chapter 59, Dogs and Other Animals

RESOLUTION NO. 8:02:17 – 6 (117)

RE: Waive 30 Day Notice for Liquor License

COUNCILMAN DEL VECCHIO offers the following and moves for its adoption:

WHEREAS, Montebello’s Restaurant doing business at 2645 Route 55 Poughquag, New York in the Town of Beekman intends to file for a New York State Liquor License; and

WHEREAS, pursuant to Alcohol Beverage Control Law § 64 (2A), an applicant must give the municipality thirty (30) days notice of the pending liquor license application unless the municipality consents to waive this thirty (30) day requirement; now therefore be it

RESOLVED, that the Town Board of the Town of Beekman hereby waives the thirty (30) day notice period in regard to Montebello’s Restaurant allowing an earlier submission of the liquor license application.

Seconded SUPERVISOR ZULAUF

ROLL CALL VOTE:

Councilwoman Covucci AYE
Councilman Stiegler AYE
Councilman Del Vecchio AYE
Councilman Battaglini AYE
Supervisor Zulauf AYE

Dated: August 2, 2017

RESOLUTION NO. 8:02:17 – 7 (118)

RE: Amend Cash Receipts Policy

COUNCILWOMAN COVUCCI offers the following and moves for its adoption:

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WHEREAS, the Cash Receipts Policy was adopted on September 2, 2015; and

WHEREAS, after review of this policy by the Comptroller, amendments need to be considered; now therefore be it

RESOLVED, that the following sections be amended to the Cash Receipts Policy:

- Transmittal of Cash Received (Except Recreation Department)
- Procedures for Collection of Cash Received for Special Districts

and be it further

RESOLVED, that these amendments take effect August 2, 2017; and be it further

RESOLVED, that the Comptroller, Payroll/Account Clerk, Supervisor, Secretary to the Supervisor, Receiver of Taxes, Town Clerk, Deputy Town Clerk, Recreation Director, Assistant Recreation Director, Court Clerks, Highway Superintendent, Legislative Aide, Senior Coordinator and Part-time Activity Worker will sign a new employee acknowledgement immediately.

Seconded COUNCILMAN STIEGLER

ROLL CALL VOTE:

Councilwoman Covucci AYE
 Councilman Stiegler AYE
 Councilman Del Vecchio AYE
 Councilman Battaglini AYE
 Supervisor Zulauf AYE

Dated: August 2, 2017

**RESOLUTION NO. 8:02:17 – 8 (119)
 RE: Transfer Funds**

COUNCILMAN STIEGLER offers the following and moves for its adoption:

WHEREAS, the Town of Beekman’s Recreation Department has generated revenue in excess of \$218,000 through the month of June 2017, now therefore be it

RESOLVED, that the Town Board of the Town of Beekman directs the Town Comptroller to transfer \$200,000 from the Recreation checking account known as “My Rec” to the General Fund checking account.

| | | | | | | | |
|------------------|-------------|-------------|--------------|--------------|--------------|--------------|----------------------|
| Concession | \$ 61.00 | \$ - | \$ - | \$ 152.00 | \$ 116.50 | \$ 777.00 | \$ 1,106.50 |
| Recreation | \$ 5,650.00 | \$ 9,174.00 | \$ 19,636.61 | \$ 49,125.13 | \$ 49,693.00 | \$ 54,987.50 | \$ 188,266.24 |
| Senior Programs | \$ 301.00 | \$ 2,239.00 | \$ 2,567.00 | \$ 109.00 | \$ 1,311.00 | \$ 2,271.00 | \$ 8,798.00 |
| Structure Rental | \$ 2,790.00 | \$ 4,290.00 | \$ 1,685.00 | \$ 3,050.00 | \$ 1,645.00 | \$ 3,300.00 | \$ 16,760.00 |
| Community Day | \$ - | \$ - | \$ - | \$ - | \$ 1,695.00 | \$ 1,730.00 | \$ 3,425.00 |
| | | | | | | Total | \$ 218,355.74 |

Seconded SUPERVISOR ZULAUF

ROLL CALL VOTE:

Councilwoman Covucci AYE
 Councilman Stiegler AYE
 Councilman Del Vecchio AYE
 Councilman Battaglini AYE
 Supervisor Zulauf AYE

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**RESOLUTION NO. 8:02:17 – 9 (120)
RE: Payment of Claims**

COUNCILMAN BATTAGLINI 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 | \$57,983.42 |
| Claims to be paid from the DA-Highway Fund | \$ 0 |
| Claims to be paid from the SS – Dover Ridge Sewer District Fund | \$ 2,892.40 |
| Claims to be paid from the SW – Dover Ridge Water District Fund | \$ 3,492.82 |
| Claims to be paid from the T-Trust & Agency Fund | <u>\$ 1,007.00</u> |
| | \$ 65,375.64 |
| Payroll 15 Paid 7/27/17 | \$ 96,084.26 |
| General Fund | \$74,178.90 |
| Highway Fund | \$ 21,905.36 |

Seconded COUNCILMAN STIEGLER

ROLL CALL VOTE:
Councilwoman Covucci AYE
Councilman Stiegler AYE
Councilman Del Vecchio AYE
Councilman Battaglini AYE
Supervisor Zulauf AYE
Dated: August 2, 2017

OTHER BUSINESS

**RESOLUTION NO. 8:02:17 – 10 (Other Business)
RE: Authorization to Purchase 2008 International Truck**

SUPERVISOR ZULAUF offers the following and moves for its adoption:

WHEREAS, the Highway Department is in need of a snow plow truck; and

WHEREAS, Highway Superintendent and Highway Department Mechanic, has had the opportunity to locate, research, and inspect first hand a 2008 International 7500 truck in Denning, New York; and

WHEREAS, the Town Board has had the opportunity to review the particulars for the 2008 International 7500 truck; now therefore be it

RESOLVED, that the Town Board hereby authorizes the purchase of the 2008 International 7500 truck Vin #1HTWMAZR28J571939 for a fee not to exceed \$40,000.

Seconded COUNCILMAN STIEGLER

ROLL CALL VOTE:

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Councilwoman Covucci AYE
Councilman Stiegler AYE
Councilman Del Vecchio AYE
Councilman Battaglini AYE
Supervisor Zulauf AYE

Dated: August 2, 2017

**RESOLUTION NO. 8:02:17 – 11 (Other Business)
RE: Budget Modification**

COUNCILMAN DEL VECCHIO offers the following and moves for its adoption:

WHEREAS, the Town of Beekman wishes to purchase a vehicle at a cost of \$40,000 and the Contingency Line of the General Fund has sufficient funds allocated to this Budget Line

Therefore be it RESOLVED, that the Town Board of the Town of Beekman authorizes the following Budget Modification:

| | | | |
|--------|-------------------------|-------------|----------|
| Debit | Contingency | A.1990.0400 | \$40,000 |
| Credit | Transfer to Other Funds | A.9901.0900 | \$40,000 |

Seconded COUNCILMAN BATTAGLINI

ROLL CALL VOTE:

Councilwoman Covucci AYE
Councilman Stiegler AYE
Councilman Del Vecchio AYE
Councilman Battaglini AYE
Supervisor Zulauf AYE

Dated: August 2, 2017

GENERAL PUBLIC COMMENT

*Steve Thompson, 79 Orchard Drive, spoke of complaints against Barton Orchards. Mr. Barton recently removed some crops behind their houses to make an overflow parking lot. Since then and due to the lack of storm water prevention, Mr. Thompson's house, as well as his neighbors at 73 Orchard Drive, have been getting mud slides and water in their back yards and flooding in their house (pictures provided). They are looking for Mr. Barton to take responsibility. Town Attorney, Paul Ackerman, said that they are aware of some previous complaints and the Town Engineer has begun to look into this matter.

*Doug Demasi Sr., Beekman Road, thanked Congressman John Faso and his staff for responding to a prior concern he had regarding how non-productive some government agencies are during financial crisis. Congressman John Faso and his staff sent Mr. Demasi information and proof on how they are helping people who were negatively affected during the mortgage crisis.

*Linda Porter, 427 Clapp Hill Road, was concerned with the NYS Law on Solar and Wind Energy and would like to see the Town make a Local Law regarding restrictions and that these types of matters relating to Solar & Wind Energy fields should be determined by each Town and not the State.

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*Leonard Jerrum, Beyer Drive, shared that a free ticket to the Renegades baseball game on September 2nd is being given to military veterans which includes a BBQ, baseball cap and recognition. Reservations need to be made by August 18th.

GENERAL BOARD COMMENT

Councilwoman Covucci would like to give more time and consideration to the residents regarding the Solar & Wind Farm Local Law so that they are more aware and informed enough to speak about it and questioned how they can get the information. Supervisor Zulauf responded that once a Public Hearing is set, the information is readily available at the Town Clerk’s Office. Councilwoman Covucci expressed her concerns about the Wind Turbines and its effects and recommends having the individuals who wrote the law present at a meeting to discuss the particulars about it. In addition, she is concerned about the timing that Public Hearings are set and a lack of time to hear the resident’s feedback. Councilman Del Vecchio stated he agrees with Councilwoman Covucci that people should be equipped with all the information before a decision is made but states with respect to the timing of a Public Hearing, written Public Comment is encouraged and welcomed so each resident is heard regardless of attendance at that Public Hearing. Both he and Supervisor Zuluaf would have liked to proceed with the SEQRA Determination Resolution and proceed with holding the Public Hearing on Solar & Wind Fields so at least the dialogue could be started.

Supervisor Zulauf announced that the Senior Picnic has a Carnival Theme this year and is being held on September 14th at 11am. Please contact Suzanne Puma, Secretary to the Supervisor, to reserve your spot.

Supervisor Zulauf announced the next meeting of the Beekman Town Board is Wednesday, August 16th at 7:00PM and a Happy Birthday to Councilman Stiegler.

At 7:52PM, Supervisor Zulauf made the motion to move to Executive Session to discuss proposed, pending and current litigation; and Medical, Financial, Credit or employment history of a particular person or corporation, or relating to appointment, promotion, demotion, discipline or removal, Seconded by Councilman Del Vecchio, all in favor.

Councilman Del Vecchio takes minutes following Executive Session.

At 9:11PM the Board returns from Executive Session taking the following action(s):

EXECUTIVE SESSION RESOLUTION NO. 8:02:17-A
Resolution Approving a Settlement of a pending Tax Certiorari Proceeding with
Forest Lake Country Club of Sylvan Lake

COUNCILMAN DEL VECCHIO offers the following and moves for its adoption:

WHEREAS, there are now pending in Dutchess County Supreme Court tax review proceedings commenced for the years 2014/2015, 2015/2016, and 2016/2017 seeking a reduction in the tax assessment of property owned by Forest Lake Country Club of Sylvan Lake for those tax rolls; and

WHEREAS, the Town Attorney and the Town Assessor have negotiated a settlement of these tax review proceedings;

NOW, THEREFORE, BE IT RESOLVED, as follows:

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1. The Town Board of the Town of Beekman hereby approves the settlement on behalf of the Town of Beekman of the tax review proceedings brought by Forest Lake Country Club of Sylvan Lake in accordance with the Stipulation of Settlement attached hereto; and

2. The Supervisor, the Town Assessor and the Town Attorney are hereby authorized to take all action necessary and appropriate to effectuate the terms of this Resolution and Stipulation of Settlement, including, but not limited to, the execution of this Stipulation embodying the above settlement, the obtaining of an Order from the Dutchess County Supreme Court embodying the above settlement and a refund or crediting of tax payments, without interest, if paid within sixty (60) days after service of the Order with Notice of Entry, all in accordance with the above authorized settlement.

Seconded SUPERVISOR ZULAUF

ROLL CALL VOTE:

| | |
|------------------------|-----|
| Councilwoman Covucci | AYE |
| Councilman Stiegler | AYE |
| Councilman Del Vecchio | AYE |
| Councilman Battaglini | AYE |
| Supervisor Zulauf | AYE |

Dated: August 2, 2017

EXECUTIVE SESSION RESOLUTION NO. 8:02:17-B
Resolution Approving a Settlement of a pending Tax Certiorari Proceeding with
Cumberland Farms, Inc.

COUNCILMAN DEL VECCHIO offers the following and moves for its adoption:

WHEREAS, there are now pending in Dutchess County Supreme Court tax review proceedings commenced for the years 2015/2016, and 2016/2017 seeking a reduction in the tax assessment of property owned by Cumberland Farms, Inc. for those tax rolls; and

WHEREAS, the Town Attorney and the Town Assessor have negotiated a settlement of these tax review proceedings;

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The Town Board of the Town of Beekman hereby approves the settlement on behalf of the Town of Beekman of the tax review proceedings brought by Cumberland Farms, Inc in accordance with the Stipulation of Settlement attached hereto; and

2. The Supervisor, the Town Assessor and the Town Attorney are hereby authorized to take all action necessary and appropriate to effectuate the terms of this Resolution and Stipulation of Settlement, including, but not limited to, the execution of this Stipulation embodying the above settlement, the obtaining of an Order from the Dutchess County Supreme Court embodying the above settlement and a refund or crediting of tax payments, without interest, if paid within sixty (60) days after service of the Order with Notice of Entry, all in accordance with the above authorized settlement.

Seconded COUNCILMAN BATTAGLINI

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ROLL CALL VOTE:

Councilwoman Covucci AYE
Councilman Stiegler AYE
Councilman Del Vecchio AYE
Councilman Battaglini AYE
Supervisor Zulauf AYE

Dated: August 2, 2017

RESOLUTION NO. 8:02:17-C

Resolution regarding Building and Zoning codes and fines at 2535 Route 55

COUNCILMAN DEL VECCHIO offers the following and moves for its adoption:

WHEREAS, there is a certain parcel of property with the address of 2535 Route 55 in the Town of Beekman, Poughquag, NY which is currently being operated as Hot Ass Wood and is in violation of multiple sections of the Town of Beekman building and zoning codes

NOW, THEREFORE, BE IT RESOLVED that the Town Attorney is hereby authorized by the Supervisor and Town Board to commence an action in Supreme Court to enforce the provisions of the town building and zoning codes and to collect all fines levied against both the operator of the business and the property owner located at 2535 Route 55 and take any and all legal action necessary to protect the towns rights under its codes.

Seconded COUNCILMAN BATTAGLINI

ROLL CALL VOTE:

Councilwoman Covucci AYE
Councilman Stiegler AYE
Councilman Del Vecchio AYE
Councilman Battaglini AYE
Supervisor Zulauf AYE

Dated: August 2, 2017

ADJOURN:

At 9:15PM with no further business to conduct, Councilman Del Vecchio made the motion to adjourn, seconded by Councilwoman Covucci. All in favor.

RESPECTFULLY SUBMITTED,

MELISSA MCALLEY
DEPUTY TOWN CLERK