

BEEKMAN TOWN BOARD REGULAR MEETING – MARCH 14, 2018

The Regular Meeting of the Beekman Town Board was called to order at 7:03PM with Supervisor Mary Covucci presiding. The Meeting was held in the meeting room at Town Hall.

THOSE PRESENT: SUPERVISOR MARY COVUCCI
 COUNCILMAN ROBERT SWARTZ
 COUNCILWOMAN SHARON WOHRMAN
 COUNCILMAN WERNER STIEGLER
 COUNCILMAN EZIO BATTAGLINI

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

PRESENTATIONS:

Climate Smart Community Presentation – Shannon Fatum, Conservation Advisory Council Member, gave a slideshow presentation regarding the Town of Beekman adopting a resolution to become a Climate Smart Community. This program focuses on reducing greenhouse gas emissions, building green economies and prepares for a changing climate. Beekman can benefit by getting funding for climate change projects which will in turn save tax payer dollars and preserve the environment.

Europa McGovern – (NYSERDA) Clean Energy Community Coordinator also spoke briefly about her role in working with municipalities who participate in this program and the benefits they can experience.

REPORTS:

Storm Wrap Up – Supervisor Covucci reviewed some of the issues experienced during the last storm. She has invited Town, County, State and NYSEG officials to the April 11, 2018 Town Board Meeting in hopes of establishing a comprehensive response program to improve storm emergency situations. She encourages all to attend to have an opportunity to address their questions, concerns and ideas. The Supervisor also announced that she was invited by NYSEG to attend an April 3, 2018 meeting with other municipalities to discuss storm changes moving forward. Both the Senator’s Office and the Governor’s Office have begun State investigations into NYSEG’s extremely slow response in providing relief to residents.

Supervisor Covucci gave further details regarding the resolutions posted this evening.

PUBLIC COMMENT ON AGENDA ITEMS AND RESOLUTIONS

There was no public comment on resolutions this evening.

RESOLUTIONS:

RESOLUTION NO. 03:14:18 – 1 (42) 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 February 28, 2018 Town Board Meetings 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

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RESOLVED, the Town Board hereby adopts the minutes of the February 28, 2018 Town Board Meeting.

Seconded COUNCILMAN BATTAGLINI

ROLL CALL VOTE:

Councilman Stiegler AYE
Councilman Swartz AYE
Councilman Battaglini AYE
Councilwoman Woehrman AYE
Supervisor Covucci AYE

Dated: March 14, 2018

RESOLUTION NO. 03:14:18 -2 (43)

RE: TOWN BOARD ACKNOWLEDGING RECEIPT OF THE RECORDS AND DOCKET TO THE TOWN OF BEEKMAN JUSTICE COURT WHICH HAVE BEEN EXAMINED PURSUANT TO UJC §2019-a

COUNCILMAN BATTAGLINI offers the following and moves for its adoption:

WHEREAS, pursuant to Section 2019-a of the Uniform Justice Court Act, the Town Justices of the Town of Beekman have turned their records and docket over to the Town Board as the auditing board of the Town; and

WHEREAS, the Town has audited the statements, books and records of the Justices and presented its findings to the Town Board; and

WHEREAS, this resolution rescinds Resolution No.: 02:28:18-2(33) and replaces it in its entirety; and
NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Beekman hereby accept the statement of cash receipts and cash balances for Beekman Justice's Garito and Ferris and have determined that the fines therein collected have been turned over to the required Town official as prescribed by law; and be it further

RESOLVED, that the Town Clerk is hereby directed to submit these findings, along with a copy of this resolution, to the New York State Office of Court Administration; and be it further

RESOLVED, that this resolution rescinds Resolution No.: 02:28:18-2(33).

Seconded: COUNCILMAN STIEGLER

ROLL CALL VOTE:

Councilman Stiegler AYE
Councilman Swartz AYE
Councilman Battaglini AYE
Councilwoman Woehrman AYE
Supervisor Covucci AYE

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**RESOLUTION NO. 03:14:18 -3 (44)
RE: Lease Agreement for Truck Purchase**

SUPERVISOR COVUCCI offers the following and moves for its adoption:

WHEREAS, financing of a new truck to be used by the Highway Department will be through a tax exempt municipal lease enabling the Town to own the vehicle at inception of the lease term, as well as spread the payments over five (5) years; and

WHEREAS, the first year payment will be included in the 2018 budget; now therefore be it

RESOLVED, that the Town Board hereby accepts the proposal from M&T Bank at a five (5) year annual rate not to exceed 4.30%; and be it

RESOLVED that the Supervisor is hereby authorized to execute the municipal lease purchase agreement with M&T Bank.

Seconded COUNCILMAN BATTAGLINI

ROLL CALL VOTE:

Councilman Stiegler AYE

Councilman Swartz AYE

Councilman Battaglini AYE

Councilwoman Woehrman AYE

Supervisor Covucci AYE

Dated: March 14, 2018

RESOLUTION NO. 03:14:18 -4 (45)

RE: Allow Overflow Parking from Fire Department on April 7 and June 9, 2018

COUNCILMAN SWARTZ offers the following and moves for its adoption:

WHEREAS, the Beekman Fire Department is holding a Bingo event on April 7 and a Penny Social on June 9, 2018; and

WHEREAS, they would appreciate additional parking to accommodate the many anticipated visitors for the events; now therefore be it

RESOLVED, that the Town Board allow the use of Beekman Town Hall parking lot for the Beekman Fire Department to accommodate the overflow parking on April 7 and June 9, 2018

Seconded: COUNCILWOMAN WOHRMAN

ROLL CALL VOTE:

Councilman Stiegler AYE

Councilman Swartz AYE

Councilman Battaglini AYE

Councilwoman Woehrman AYE

Supervisor Covucci AYE

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**RESOLUTION NO. 03:14:18 -5 (46)
RE: Payment of Claims**

COUNCILWOMAN WOHRMAN 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	\$1,051,531.47
Claims to be paid from the DA-Highway Fund	\$ 81,657.49
Claims to be paid from the SS – Dover Ridge Sewer	\$ 3,407.98
Claims to be paid from the SW – Dover Ridge Water	\$ 762.34
Claims to be paid from the T-Trust & Agency Fund	
	<u>\$1,137,359.28</u>

Payroll Paid on 3/8/18

General Fund	\$ 32,730.19
Highway Fund	<u>\$ 34,498.29</u>
	<u>\$ 67,228.48</u>

Seconded: COUNCILMAN SWARTZ

ROLL CALL VOTE:

Councilman Stiegler AYE
Councilman Swartz AYE
Councilman Battaglini AYE
Councilwoman Wohrman AYE
Supervisor Covucci AYE

Dated: March 14, 2018

OTHER BUSINESS:

There was no other business this evening.

GENERAL PUBLIC COMMENT

A resident questioned why we are leasing the truck in Resolution #3. Supervisor Covucci responded that the Town doesn't have the cash to purchase it.

GENERAL BOARD COMMENT

Councilman Battaglini announced the Burn Ban which takes effect on March 15th and runs through May 15th. There is no open burning during that time frame. Additional information is available in the Town Clerk's Office.

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Supervisor Covucci announced the next meeting of the Beekman Town Board is Wednesday, March 28, 2018 at 7:00PM.

Public Hearing – 7:00PM Solar Energy (Continued) to March 28, 2018

At 7:30PM Supervisor Covucci made the motion to move to Executive Session relating to proposed, pending and current litigation, Seconded by Councilman Battaglini, all in favor.

At 8:18PM the Board returns from Executive Session taking the following action:

Supervisor Covucci makes a motion for settlement, Seconded by Councilman Swartz, Councilwoman Wohrman and Councilman Battaglini. Attorney, John Wirth reads the stipulation of settlement;

WHEREAS, on or about July 12, 2015, Plaintiff filed a Verified Complaint in the Supreme Court of the State of New York, County of Dutchess, bearing the caption Town of Beekman v. Dutchess Realty Holdings, LLC, under Index No. 2015-2139;

WHEREAS, the Parties now desire to settle and resolve their dispute;

NOW, THEREFORE, in consideration of the promises and agreements herein contained, the legal sufficiency of which is hereby acknowledged, and intending to be legally bound hereby, it is hereby stipulated and agreed by the parties as follows:

1. The Town of Beekman would be paid the sum of \$80,000 to be used to complete the right-of-way in the Fairfield Hills Subdivision in accordance with the punch list specifications and comments contained in a memorandum dated February 2, 2017.
2. This sum will be paid by attorney’s escrow, certified or cashier’s check in the amount of \$60,000.00 and payable to the order of John C. Wirth, Jr., Esq., attorney for the plaintiff, within fourteen days after the signing of this stipulation together with the forfeiture of a cash collateral bond pledged by the Defendant or its affiliate to the Town of Beekman.
3. Upon receipt of the settlement proceeds set forth in Paragraph 3 above, the Town of Beekman will perform the work necessary to have the right-of-way completed according to the Town’s specifications following which the right-of-way will be dedicated to the Town by the Defendant.
4. This undertaking will not be subject to or conditioned upon the sale of any vacant and unsold lots in the Fairfield Hills Subdivision, or the pending foreclosure action against the Defendant mortgagor.
5. Upon receipt of the settlement amount as set forth in Paragraph 2 above, and dedication of the right-of-way to the Town of Beekman, the Plaintiff will file a stipulation of discontinuance with prejudice and the parties will exchange general releases (inclusive of the affiliates and principals of the Defendant), upon which time this matter will be concluded.

ROLL CALL VOTE:

Councilman Stiegler AYE
Councilman Swartz AYE
Councilman Battaglini AYE
Councilwoman Wohrman AYE
Supervisor Covucci AYE

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ADJOURN

At 8:26PM, with no further business to conduct, Supervisor Covucci made the motion to adjourn the meeting seconded by Councilman Battaglini & Councilman Stiegler. All in favor.

RESPECTFULLY SUBMITTED,

RACHAEL RANCOURT
TOWN CLERK