

BEEKMAN TOWN BOARD REGULAR MEETING – MARCH 15, 2017

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

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

Supervisor Barbara 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.

REPORTS:

Highway Superintendent, Tony Coviello, was not present this evening due to the snow storm. Supervisor Zulauf stated that she had been in constant contact with Tony Coviello and Dutchess County Emergency Response throughout the duration of the storm and was pleased to announce that the clean-up went extremely well. She thanked Tony and his staff for a wonderful job.

PUBLIC COMMENT AGENDA ITEMS & RESOLUTIONS:

There was no public comment this evening.

RESOLUTIONS:

RESOLUTION NO. 3:15:17 – 1 (43)
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 March 1, 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 March 1, 2017 Town Board Meeting.

Seconded COUNCILMAN BATTAGLINI

ROLL CALL VOTE:

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

Dated: March 15, 2017

RESOLUTION NO. 3:15:17 – 2 (44)
RE: Approve MIFI (mobile WIFI hotspot) for Recreation Department

COUNCILMAN BATTAGLINI offers the following and moves for its adoption:

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WHEREAS, internet is needed at the locations outside of Recreation Park for the use of processing registrations and point of sales for concession items; and

WHEREAS, two proposals for internet at Town Center Park (TCP) were received and reviewed by the Town Board, the Recreation Advisory Committee, and Sullivan Data Management (IT Department); now therefore be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with Verizon for MIFI data access to obtain MIFI access for the Rec Department for a fee of \$29.99 hookup and a monthly fee of \$39.99.

Seconded SUPERVISOR ZULAUF

ROLL CALL VOTE:

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

Dated: March 15, 2017

**RESOLUTION NO. 3:1:17 – 3 (45)
RE: Authorize Attendance at Code Enforcement Education Conference**

SUPERVISOR ZULAUF offers the following and moves for its adoption:

WHEREAS, the Hudson Valley Code Enforcement Educational Conference will be held April 19 - 21, 2017 in Poughkeepsie, New York; and

WHEREAS, the cost for the registration is \$300 per attendee; and

WHEREAS, funding is included in the 2017 budget, now therefore be it

RESOLVED, that the Building Inspector, Shawn Beresford, and the Code Enforcement Inspector, Arthur Kaufman, be hereby authorized to attend the Hudson Valley CEO Educational Conference with a fee not to exceed \$600.00

Seconded COUNCILMAN DEL VECCHIO

ROLL CALL VOTE:

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

Dated: March 15, 2017

**RESOLUTION NO. 3:1:17 – 4 (46)
RE: Institute a Moratorium on the Issuance of a Permit for Solicitors, Peddlers and Vendors Other Than Those Issued For Town Recreation Areas**

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

WHEREAS, by Resolution No.:03:15:04-63 the Town of Beekman established a licensing procedure for solicitors, peddlers and vendors wishing to operate a transient business in the Town of Beekman; and

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WHEREAS, the Town Attorney has advised that the licensing procedure is not enforceable as to those solicitors, peddlers and vendors operating outside of town owned and operated properties; and

WHEREAS, the town is desirous of implementing a new enforceable licensing procedure by way of local law while continuing the regulation of solicitors, peddlers and vendors operating in and about town owned and operated public property; and

WHEREAS, the town is further desirous of placing a temporary moratorium on the issuance of permits and/or licenses until such time as a more comprehensive and enforceable local law is adopted by the board; and now therefore be it

RESOLVED, that the Town Board of the Town of Beekman hereby places a moratorium on the issuance of any solicitor, vendor and peddler’s permit until such time as a local law regulating such activity is adopted by the Town Board or for three (3) months, which ever shall occur first; and be it further

RESOLVED, that the Town Clerk by order of the Town Board shall not issue such vending permits; and be it further

RESOLVED, that this moratorium shall not apply to the issuance of a solicitor, peddler and/or vendor permit for any town owned public property.

Seconded SUPERVISOR ZULAUF

ROLL CALL VOTE:

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

Dated: March 15, 2017

RESOLUTION NO. 3:15:17 – 5 (47)

RE: Amend the Requirements for a Peddler’s License and Renaming it Peddlers “Permit”

COUNCILMAN STIEGLER offers the following and moves for its adoption:

WHEREAS, by Resolution No.:03:15:04-63 the Town of Beekman established a licensing procedure for solicitors, peddlers and vendors desirous of setting up a transient business within town parks; and

WHEREAS, the Town’s Recreation Advisory Committee has recommended changes to the licensing procedures as it pertains to vending in Town of Beekman Parks and Recreation areas; and

WHEREAS, the Town Board is desirous of accepting the Committee’s recommendations and amending the “Guidelines for Peddler’s License” accordingly and including them as part of this resolution; now therefore be it

RESOLVED, that the Town Board of the Town of Beekman hereby adopts the following changes to the Guidelines for Peddler’s License” adopted March 15, 2004 by Resolution No.: 03:15:04-63:

1. The name be changed to “Permit” and the guidelines listed herewith supersede all previously published guidelines.

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2. No person shall sell, hawk, peddle or solicit any property or article of merchandise in any recreation area or park of the Town of Beekman either on foot or by vehicle, without first obtaining a permit from the Town in accordance with this resolution.
3. A permit to vend in any recreation area or park of the Town of Beekman shall be valid for one year, January 1 to December 31. The permit fee shall not be prorated. There shall be a \$250 permit fee to vend in the Town parks and recreation areas
4. Each year the Recreation Advisory Committee may issue black-out dates which dates vendors shall be prohibited from vending. At such time, the Recreation Advisory Committee may also decide to limit the number of permits that may be issued for vending in Town parks and recreation areas and if such right is exercised the permits shall be issued on a first come first serve basis.
5. Any peddlers applying for a permit must comply with the following requirements:
 - a. Provide business name, first and last name, age, phone number, permanent address, current address if different, email address.
 - b. Physical description of the applicant and all employees, accompanied by all the valid NYS Driver's License of the applicant and all employees
 - c. A brief description of the nature of the business to be conducted and the goods to be sold
 - d. The names of all municipalities in which the applicant has carried on the business of soliciting, peddling or vending orders during the preceding six months.
 - e. The description of the vehicle to be used, its license number and a copy of a valid registration to the vehicle.
 - f. A description of the proposed location(s) of the vending business and the length of time during which it is proposed that the business shall be conducted.
 - g. If the application is for a permit to handle food in any form, the applicant shall submit a valid permit issued by the Dutchess County Health Department establishing compliance with the provisions of the Dutchess County Public Health Regulations.
 - h. The applicant must submit a copy of their NYS Sales Tax ID Certificate of Authority.
 - i. The applicant must submit proper and appropriate proof of Workers Compensation Insurance in an amount sufficient to cover its employees.
 - j. The applicant shall be insured and keep current a public policy for damages for death or injuries to persons in an amount not less the \$1,000,000.00 aggregate and must also maintain any insurance required by New York State for the carrying out of a transient business including but not limited to automobile insurance and workers compensation; and shall submit a copy of the Certificate of Insurance naming the Town of Beekman, 4 Main St., Poughquag, NY 12570 as additionally insured.
 - k. Any change in circumstances with regard to the information provided in the permit process shall be reported to the issuing office within 30 days.
 - l. Certified permits must be prominently displayed on the vehicle.
 - m. Applicant and all employees must sign and submit a Permission for Background Check form as provided by the Town. And be it further,

RESOLVED, that all applicants for a permit in Town parks and recreation areas submit their application materials and copies to the Recreation Office in Recreation Center Park.

Seconded COUNCILMAN DEL VECCHIO

ROLL CALL VOTE:

Councilwoman Covucci ABSENT
Councilman Stiegler AYE

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Councilman Del Vecchio AYE
Councilman Battaglini ABSTAIN
Supervisor Zulauf AYE
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RESOLUTION NO. 3:15:17 – 6 (48)
RE: Declare April as World Wide Parkinson’s Awareness Month

COUNCILMAN BATTAGLINI offers the following and moves for its adoption:

WHEREAS, Parkinson’s disease is a progressive neurological movement disorder of the central nervous system, which has a unique impact on each patient; and

WHEREAS, according to the Parkinson’s Action Network, the Parkinson’s Disease Foundation, the American Parkinson’s Disease Association and the National Institutes of Health, there are over one million Americans diagnosed with Parkinson’s Disease; and

WHEREAS, symptoms include slowness, tremor, difficulty with balance and speaking, rigidity, cognitive and memory problems; and

WHEREAS, although new medicines and therapies may enhance life for some time for people with Parkinson’s disease, more work is needed for a cure; and

WHEREAS, increased education and research are needed to help find more effective treatments with fewer side effects and ultimately a cure for Parkinson’s disease; and

WHEREAS, a multidisciplinary approach to Parkinson’s disease care includes local wellness, support and caregiver groups; and

WHEREAS, April has been proclaimed as World Wide Parkinson’s Awareness Month for all to recognize the need for more research and help in dealing with the devastating effects of Parkinson’s disease; now therefore be it

RESOLVED, that the Town Board of the Town of Beekman do hereby proclaim April as Parkinson’s Awareness Month in the Town of Beekman.

Seconded SUPERVISOR ZULAUF

ROLL CALL VOTE:
Councilwoman Covucci ABSENT
Councilman Stiegler AYE
Councilman Del Vecchio AYE
Councilman Battaglini AYE
Supervisor Zulauf AYE
Dated: March 15, 2017

RESOLUTION NO. 3:15:17 – 7 (49)
RE: Waive the Prohibition against Alcohol Contained in the Park Policies for an Event Sponsored by the Portuguese American Cultural Center

SUPERVISOR ZULAUF offers the following and moves for its adoption:

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WHEREAS, the adopted Park Policies of the Town of Beekman prohibits the consumption, serving or selling of alcoholic beverages in the parks of the town; and

WHEREAS, the Town has received an application from the Hudson Valley Portuguese American Cultural Center to hold a carnival on town park property and a request to waive the prohibition against the consumption serving and/or selling of alcohol in town property; and

WHEREAS, the application and request for a waiver was reviewed by the Recreation Advisory Committee which approved of the application and wavier and forwarded such approval to the Town Board for action; and

WHEREAS, the Town Board and the Town Attorney have had the opportunity to review the application and the waiver request; and

WHEREAS, the Town Board has determined that the event is beneficial to the community at large and reasonable safe guards could be put in-place to protect the community for the issuance of a waiver from the adopted park rules and regulations; and now therefore be it

RESOLVED that the Town Board of the Town of Beekman hereby approves the request from the Hudson Valley Portuguese American Cultural Center to waive the Town’s prohibition on the consumption, serving and/or selling of alcoholic beverages in town parks for its carnival event to be held with the following conditions:

1. A Certificate of Insurance for “Liquor Legal Labiality” coverage with a limit of \$1 Million per occurrence/ \$1 Million annual policy aggregate naming the Town as an additional insured together with any and all other insurance requirements set forth in the Town’s Park Policies and as approved by the Town’s Insurance Broker.\
2. Any vendor the applicant brings on site will have a written agreement with each including the Town’s insurance requirements.
3. A valid Liquor License issued by the New York State Liquor Authority for the date, time and place of the event.
4. A dumpster of sufficient capacity to handle the trash generated by the event.
5. A bathroom monitor who shall monitor the Town’s bathrooms and any portable toilets utilized for the event which shall be inspected and documented in no less than forty-five minute intervals during the hours of the event

Seconded COUNCILMAN BATTAGLINI

ROLL CALL VOTE:

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

Dated: March 15, 2017

RESOLUTION NO. 3:15:17 – 8 (50)

RE: Payment of Claims

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

WHEREAS, the Supervisor has audited and approved claims pursuant to Sect. 119 of Town Law as set forth in the attached abstracts; be it

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

Claims to be paid from the A-General Fund	\$ 27,872.26
Claims to be paid from the DA-Highway Fund	\$ 8,971.68
Claims to be paid from the SS – Dover Ridge Sewer District Fund	\$ 2,892.15
Claims to be paid from the SW – Dover Ridge Water District Fund	\$ 1,701.52
Claims to be paid from the T-Trust & Agency Fund	\$ 2585.00
Claims to be paid from the H-Capital Projects Fund	<u>\$ 2443.80</u>
	\$ 46,466.41

Payroll	5	3/9/17	Paid	\$53,902.09
General Fund				\$ 33,816.02
Highway Fund				\$ 20,086.07

Seconded SUPERVISOR ZULAUF

ROLL CALL VOTE:

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

Dated: March 15, 2017

OTHER BUSINESS:

RESOLUTION NO. 3:15:17 – 9 Other Business

RE: Authorize Interfund Borrowing Regarding the Replacement of the Gardner Hollow Bridge

COUNCILMAN STIEGLER offers the following and moves for its adoption:

Now, therefore be it RESOLVED, that the Supervisor is hereby authorized to make a short term non-interest bearing interfund loan from the General Fund to the Capital Projects Fund, in an amount currently estimated not to exceed \$200,000, to provide sufficient cash to proceed with the Gardner Hollow Bridge Replacement portion of the capital project authorized by emergency order of the Town Board Resolution dated July 6, 2016, until contractually obligated grant reimbursements are received by the Town of Beekman. The loan from the General Fund will be repaid on receipt of the reimbursement from Dutchess County and New York State.

Seconded SUPERVISOR ZULAUF

ROLL CALL VOTE:

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

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Councilman Battaglini announced that the Fire Department had crews on standby throughout the snow storm. He also announced the Burn Ban which is in effect until May 15, 2017.

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Councilman Stiegler spoke about the record breaking snow storm we just experienced. He was in communication with the Highway Department throughout the storm. They had some issues with equipment but did an excellent job. He thanked both the Highway Department and the Maintenance Department for doing a great job with the snow clean up.

Supervisor Zulauf also gave credit to both Departments for doing a great job during the storm.

GENERAL PUBLIC COMMENT

Virginia Peters, Robin Court, thanked the Town Board for giving the Highway Superintendent, Tony Coviello, permission to plow their development during the storm. She also questioned the status of the Comptroller position. Supervisor Zulauf advised her that the Town is still seeking to fill the position.

Bridget Fraher, 2 Pine Ridge Road, Poughkeepsie, NY – is a patron of the Beekman Library and was here this evening to speak about her concerns with the proposed cell tower and the many health risks associated with it.

Len Jerrum, Beyer Drive, questioned where Councilwoman Covucci was this evening. Supervisor Zulauf advised that she had a prior commitment. He also stated that he attended the State of the County Town Hall Forum last week, which is on the County website for those who missed it. Lastly, he questioned if the Portuguese Festival date was rain or shine. Councilman Del Vecchio advised there was no rain date listed.

GENERAL BOARD COMMENT

Councilman Battaglini stated the Cell Tower decision has not been made yet; however, he wanted to dispel the rumor about the Town doing it for the money. That is simply not true.

Supervisor Zulauf announced the next meeting of the Beekman Town Board is Wednesday, April 5, 2017 at 7:00PM.

Supervisor Zulauf made the motion to move to Executive Session at 7:50PM seconded by Councilman Battaglini, to discuss medical, financial, credit or employment history of a particular person or corporation, or relating to appointment, promotion, demotion, discipline or removal. All in favor.

At 7:58PM the Board returns from Executive Session taking the following action: Councilman Del Vecchio offers the following and moves for its adoption; WHEREAS, the Town is in need of a municipal financial consultant to perform services necessary to submit mandated financial reporting, THEREFORE BE IT RESOLVED, that the Town Supervisor is hereby authorized to retain Rae D’Achille to perform those services at a rate not to exceed \$2,200.00, seconded by Councilman Battaglini. Roll call vote: Councilman Stiegler – AYE, Councilman Del Vecchio – AYE, Councilman Battaglini – AYE, Supervisor Zulauf - AYE.

ADJOURN:

At 7:59PM with no further business to conduct, Councilman Del Vecchio made the motion to adjourn, seconded by Councilman Battaglini. All in favor.

RESPECTFULLY SUBMITTED,

**RACHAEL RANCOURT
TOWN CLERK**