

BEEKMAN TOWN BOARD REGULAR MEETING – OCTOBER 4, 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 MICHAEL DEL VECCHIO
COUNCILWOMAN MARY COVUCCI
COUNCILMAN WERNER STIEGLER
COUNCILMAN EZIO BATTAGLINI

ALSO PRESENT: LISA COBB, on behalf of Paul Ackerman, Town Attorney

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.

PRESENTATION:

Jon Bodendorf, Hudson Land Design, stated that he is unable to update us on the Weir project because he is still waiting for the final survey. Once he receives it, he will bring us up to date. Jon spoke about the status of the Gardner Hollow Bridge project. He stated that we have received the DEC permit which will not expire until December 2020, so we have some time to complete the permanent structure. Jon went over the different phases of construction. The Town will do an RFP for the sub structural work. Councilwoman Covucci asked if there was a more economical way to handle the sub structure. There was discussion back and forth between what the DEC wants as a sub base versus a more economical sub base. Highway Superintendent, Tony Coviello, gave his opinion about holding off on replacing this bridge right away since we do have time until the permit expires and the temporary structure will last several years.

2018 Budget to Town Board by the Town Clerk. Town Clerk, Rachael Rancourt distributed the 2018 Preliminary Budget. Supervisor Zulauf announced that the Budget Workshop sessions are as follows, Wednesday, October 11, 2017, Thursday, October 12, 2017 and Monday, October 16, 2017 beginning at 6:30PM. Those sessions are open to the public.

PUBLIC COMMENT AGENDA ITEMS & RESOLUTIONS:

Len Jerrum, Beyer Drive, questioned how much money it would cost the Town if the Justice Court grant is awarded. Supervisor Zulauf stated that there is no money out of pocket.

RESOLUTIONS:

RESOLUTION NO. 10:04:17 – 1 (148) 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 September 20, 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 September 20, 2017 Town Board Meeting.

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Seconded COUNCILMAN BATTAGLINI

ROLL CALL VOTE:

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

Dated: October 4, 2017

RESOLUTION NO. 10:04:17 – 2 (149)

RE: Set Public Hearing for Proposed Local Law to Override the Tax Levy Limit for Fiscal Year 2018

COUNCILMAN BATTAGLINI offers the following and moves for its adoption:

WHEREAS, the Town Comptroller and the Town Board have determined that it could be necessary for the Town of Beekman to exceed the limit on the amount of real property taxes that may be levied by the Town of Beekman for fiscal year 2018; and

WHEREAS, a proposed local law has been prepared to override the tax levy limit for fiscal year ending in 2018 pursuant to General Municipal Law 3-C; now therefore be it

RESOLVED, that the Town Board hereby schedules a Public Hearing of said Local Law to be held on October 18, 2017 at 7:10pm at Town Hall, 4 Main Street, Poughquag, NY and that notice of the time and place of such hearing be posted and published once on or before the 9th day of October in the Poughkeepsie Journal, a newspaper circulating in the Town of Beekman, on the bulletin board in the Town Clerk's office as well as the Town of Beekman Website;

Seconded SUPERVISOR ZULAUF

ROLL CALL VOTE:

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

October 4, 2017

RESOLUTION NO. 10:04:17 – 3 (150)

RE: Approve Grant for Justice Court Assistance Program

SUPERVISOR ZULAUF offers the following and moves for its adoption:

WHEREAS, the Justice Court of the Town of Beekman is applying for a Justice Court Assistance Program; and

WHEREAS, the Justice Court is in need of tables, chairs, carts and a bulletin board, and

WHEREAS, the Town Board of the Town of Beekman does hereby support the efforts of the Justice Court; and

WHEREAS, an application has been prepared by the Justice Court Clerks, now therefore be is

RESOLVED, that the submission of said application to the Justice Court Assistance Program be hereby authorized.

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Seconded COUNCILMAN DEL VECCHIO

ROLL CALL VOTE:

Councilwoman Covucci AYE
Councilman Stiegler AYE
Councilman Del Vecchio AYE
Councilman Battaglini AYE
Supervisor Zulauf AYE
Dated: October 4, 2017

RESOLUTION NO. 10:04:17 – 4 (151)
RE: Accept an Offer of Cession/Dedication and Consenting to the Dedication of Pine Street Extension-Maple Farms Estate

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

WHEREAS, Nicolosi Buildings, Inc, a New York corporation having an office at 21 Cambridge Street, Highland, New York 12528 (“Grantor”) is the owner of a certain subdivision in the Town of Beekman (the “Town”) known as Maple Farms Estates; and

WHEREAS, Grantor previously has received Conditional Subdivision Approval for the Maple Farms Estates subdivision (the “Subdivision”), conditioned upon Grantor offering to cede to the Town a roadway and/or portion of a roadway depicted as the extension of Pine Street (the “Pine Street Extension”) on the Subdivision map, which map has been filed with the Dutchess County Clerk as Map No. 11783; and

WHEREAS, this offer is memorialized in a certain document captioned “Irrevocable Offer of Cession,” executed by Grantor and dated October 4, 2017, which document has been reviewed and approved by the Town Attorney and a copy of which has been provided to the Town Board for review; and

WHEREAS, Grantor has provided to the Town certain of those items set forth in §130-38(g) of the Town Code of the Town of Beekman, specifically, a recent abstract of title showing clear title and a recent tax lien search, which showed no liens against the property to be offered for dedication, and said items have been reviewed by the Town Attorney and found to be acceptable; and

WHEREAS, the Town Engineer has reviewed a survey of the property to be dedicated found it to be acceptable; and

WHEREAS, in accordance with Town Code §130-38(g)(4), the Town Engineer has provided a written review of the property to be dedicated, found no issue therewith; and

WHEREAS, in accordance with Town Code §130-38(g)(4), the Town Highway Superintendent has provided a written review of the property to be dedicated; and

WHEREAS, the Town Board acknowledges that it previously passed a resolution that it would not accept the dedication of any roads in the Town after September 15th of any year, but finds that a waiver of this policy in this instance is warranted, since the subdivision has been in existence for more than a decade, the road to be dedicated is only a portion of an existing road, and is already paved and otherwise improved, and the waiver is only for a period of twenty (20) days; and

WHEREAS, Grantor has agreed to promptly file the Irrevocable Offer of Cession with the Dutchess County Clerk; and

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WHEREAS, as a condition of the acceptance of the Offer of Cession, Grantor also has agreed to post a maintenance bond in the amount of \$11,000, which amount is equal to ten (10) percent of the original performance bond total, the proceeds of said bond to be used to repair the defects or issues, if any, found in the Pine Street Extension, that may arise in the year following the dedication. Said maintenance bond is to remain in effect for a period of one (1) year following the Grantee’s acceptance of the road extension and related improvements; and

WHEREAS, the Town Board finds that it is in the interest of the Town of Beekman and its residents that the Irrevocable Offer of Cession of the Pine Street Extension be accepted by the Town, and further finds that it is in the interest of the Town of Beekman and its residents that the Town Board Consent to the Dedication of the Pine Street Extension.

NOW THEREFORE BE IT RESOLVED, that the foregoing WHEREAS paragraphs are incorporated herein by reference and adopted; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Beekman finds that there has been substantial compliance with §130-38 of the Town Code of the Town of Beekman concerning the dedication of roads; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Beekman further finds that it is in the interest of the Town of Beekman and its residents that the Irrevocable Offer of Cession of the Pine Street Extension be accepted by the Town; and

BE IT FURTHER RESOLVED, that the Irrevocable Offer of Cession of the Pine Street Extension by Grantor in favor of the Town be, and hereby is, accepted; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Beekman further finds that a twenty day waiver of the prohibition on the dedication of any roads after September 15th of any year is warranted in this instance for the reasons set forth above, and hereby waives said requirement for this resolution; and

BE IT FURTHER RESOLVED, that upon all of the foregoing, Town Board of the Town of Beekman hereby gives its consent to the Town Superintendent of Highways to make an order laying out the lands described in said Irrevocable Offer of Cession, to wit, the Pine Street Extension, for highway purposes, in accordance with the provisions of the Highway Law and other statutes applicable thereto, subject to and strictly conditioned upon, the condition set forth above, and authorizes the Town Supervisor to execute a Consent of the Town Board to Highway Dedication for the Pine Street Extension, similar in form and substance to the draft consent attached hereto.

Seconded SUPERVISOR ZULAUF

ROLL CALL VOTE:

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

Dated: October 4, 2017

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RESOLUTION NO. 10:04:17 – 5 (152)
RE: Set Public Hearing for Abandoned Properties

COUNCILWOMAN COVUCCI 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:

- 173 Andrews Road, HSBC Bank, 6559-00-979661
- 21 Underhill Road North, Robert and Dawn Maselli, 6759-03-407069
- 47 Stowe Drive, Joseph and Denise Massa, 6859-02-553565
- 23 Main Street, Red Cardinal Properties. 6758-02-843689.

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 therefore be it

RESOLVED, that a Public Hearing will be held on October 18, 2017 at 7:20 pm at the Beekman 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, to determine whether the Town Board should instead order and direct that the subject abatement, remediation, removal or extermination 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 be it further

RESOLVED, 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; and be it further

RESOLVED, that the time and place of such hearing and setting for the proposed amendment, or describing in general terms the proposed change, be published once in the Poughkeepsie Journal, a newspaper with a general circulation in the Town of Beekman, on or before the 9th day of October 2017.

Seconded COUNCILMAN DEL VECCHIO

ROLL CALL VOTE:
Councilwoman Covucci AYE
Councilman Stiegler NO
Councilman Del Vecchio AYE
Councilman Battaglini AYE
Supervisor Zulauf AYE
Dated: October 4, 2017

RESOLUTION NO. 10:04:17 – 6 (153)
RE: Amend Fall Festival Entertainment

COUNCILMAN STIEGLER offers the following and moves for its adoption:

WHEREAS, Entertainment for the 2017 Fall Festival was approved on September 20, 2017; and

WHEREAS, Partytime Rental can no longer provide the inflatable bounce house for the 2017 Fall Festival; and

WHEREAS, Southwest Sandart has submitted a proposal for an inflatable pumpkin bounce house for the 2017 Fall Festival for \$400; now therefore be it

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RESOLVED, that Southwest Sandart is hereby authorized to supply an inflatable pumpkin bounce house for a fee not to exceed \$400.

Seconded COUNCILMAN DEL VECCHIO

ROLL CALL VOTE:

Councilwoman Covucci AYE
Councilman Stiegler AYE
Councilman Del Vecchio AYE
Councilman Battaglini AYE
Supervisor Zulauf AYE
Dated: October 4, 2017

RESOLUTION NO. 10:04:17 – 7 (154) TABLED
RE: Authorization RFP for Gardner Hollow Bridge Substructure

COUNCILMAN BATTAGLINI offers the following and moves for its adoption:

WHEREAS, the Gardner Hollow Road Bridge is ready for placement; and

WHEREAS, the Gardner Hollow Road Bridge requires a substructure that is necessary for placement of the actual bridge; and

WHEREAS, the Town Board is desirous to have the Town Engineer prepare a Request for Proposals (RFP) to determine the potential costs associated in planning and building the Gardner Hollow Bridge Substructure; and

WHEREAS, the Town Board is desirous to advertise the Request for Proposal (RFP) to receive bids for the building of the Gardner Hollow Bridge Substructure; now therefore be it

RESOLVED, that the Town Board hereby authorize the Town Engineer to prepare a Request for Proposal (RFP) for the Gardner Hollow Bridge Substructure; and be it further

RESOLVED, that the Town Board authorize the Town Clerk to advertise the Request for Proposal (RFP) for building of the Gardner Hollow Bridge Substructure in the Poughkeepsie Journal, on the bulletin board in the Town Clerk's office, and on the homepage of the Town of Beekman website.

Seconded SUPERVISOR ZULAUF

*****Councilwoman Covucci made the motion to table this resolution seconded by Councilman Stiegler*****

ROLL CALL VOTE TO TABLE:

Councilwoman Covucci AYE
Councilman Stiegler AYE
Councilman Del Vecchio AYE
Councilman Battaglini AYE
Supervisor Zulauf AYE
Dated: October 4, 2017

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RESOLUTION NO. 10:04:17 – 8 (155)

RE: Resolution of the Town Board of the Town of Beekman Pursuant to Article 12-A of the Town Law Directing the Preparation and Filing of a Map, Plan and Report for the Proposed Alania Estate Drainage District

SUPERVISOR ZULAUF offers the following and moves for its adoption:

WHEREAS, JSM Upstate Properties Inc. is the owners of property located on Beekman Poughquag Road and more specifically known as Tax Map # 6758-00-642721 and currently has an application for a 16 lot conservation subdivision pending before the Planning Board; and

WHEREAS, as a condition of approval, the Planning Board has required that the applicant adequately provide for efficient discharge of run-off produced by the future lots by means of the creation of a drainage district; and

WHEREAS, Article 12-A permits the Town Board to create a special district by resolution, subject to permissive referendum; and

WHEREAS, it is necessary to develop a general map, plan and report for the creation of the drainage district which map, plan and report shall be filed with the Town clerk; and

WHEREAS, pursuant to Section 209-b, the cost of the preparation of the map, plan and report shall be a Town expense recoverable from the beneficiary property owners upon creation of the district; now therefore be it

RESOLVED, that the Town Engineer is hereby directed to prepare the necessary map, plan and report pursuant to Section 209-c of the General Municipal Law for the creation of the Alania Estate Drainage District and file such map, plan and report with the Town Clerk within thirty (30) days from the date of this resolution; and be it further

RESOLVED, that the cost incurred by the Town Engineer shall be recoverable from the beneficially owners upon the creation of the district apportioned to each beneficial owner; and be it further

RESOLVED, that the cost of the Town Attorney in the creation of the district shall be recoverable from the beneficial owners upon the creation of the district apportioned to each beneficial owner.

Seconded COUNCILMAN BATTAGLINI

ROLL CALL VOTE:

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

Dated: October 4, 2017

RESOLUTION NO. 10:04:17 – 9 (156)

RE: Payment of Claims

COUNCILMAN DEL VECCHIO 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:

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Claims to be paid from the A-General Fund	\$ 58,414.40
Claims to be paid from the DA-Highway Fund	\$ 26,471.55
Claims to be paid from the SS – Dover Ridge Sewer District Fund	\$ 625.27
Claims to be paid from the SW – Dover Ridge Water District Fund	\$ 2,370.64
Claims to be paid from the T-Trust & Agency Fund	<u>\$ 6,062.13</u>
	\$ 93,943.99

Payroll	Paid 10/5/2017	\$ 55,443.10
	General Fund	\$ 34,207.95
	Highway Fund	\$ 21,235.15

Seconded SUPERVISOR ZULAUF

ROLL CALL VOTE:

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

Dated: October 4, 2017

OTHER BUSINESS:

RESOLUTION NO. 10:04:17 – 10 (Other business) TABLED
RE: Accepting a Drainage Easement Granted by Nicolosi Buildings, Inc.

COUNCILWOMAN COVUCCI offers the following and moves its adoption:

WHEREAS, insufficient drainage exists in an area located in the Town of Beekman, County of Dutchess and State of New York, as more specifically shown on a plan of subdivision entitled, "Maple Farms Estates," dated February 7, 2002, last revised February 16, 2005, and filed in the Dutchess County Clerk's Office on March 18, 2005 as Filed Map No. 11783, which results in flooding, soil erosion and increased maintenance and repair costs to the Town of Beekman; and

WHEREAS, Nicolosi Buildings, Inc. ("Grantor"), having its offices at 21 Cambridge Street, Highland, New York 12528, the owner in fee of a parcel of real estate known as "Maple Farms Estates," has agreed to permit a portion of their property to be used to aid the drainage of water from said property, all as depicted in the Filed Map No. 11783; and

WHEREAS, Grantor in consideration of One Dollar (\$1.00), lawful money of the United States paid by the Town of Beekman, receipt of which is hereby waived, and other good and lawful consideration, has agreed to grant and release unto the Town of Beekman ("Grantee"), its successors and assigns forever, a permanent easement over that portion of the property located in Maple Farms Estates shown as the "Detention Pond Easement, which area is described more fully in the Schedule "A" attached to the Drainage Easement and referred to hereinafter as the "Drainage Easement Area;" and

WHEREAS, under the terms of the Drainage Easement, Grantor is prohibited from blocking or obstructing the Drainage Easement Area above or below grade or planting trees or substantial shrubs within the easement area or constructing and/or maintaining any type of permanent or temporary structure including, but not limited to, underground pipes and conduits in, on, under or over the easement area without written permission of the Town of Beekman,

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NOW, THEREFORE, BE IT RESOLVED that the foregoing WHEREAS paragraphs are incorporated herein by reference and adopted; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Beekman hereby accepts the Drainage Easement from Nicolosi Buildings Inc. and authorizes the Supervisor to sign said Drainage Easement, and to execute and deliver any and all required documentation for filing of the Drainage Easement with the Office of the Dutchess County Clerk.

Seconded COUNCILMAN DEL VECCHIO

*****Councilman Battaglini made the motion to table this resolution seconded by Councilwoman Covucci.*****

ROLL CALL VOTE TO TABLE:

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

Dated: October 4, 2017

GENERAL PUBLIC COMMENT

Virginia Peters, Robin Court, just realized that the Town does not accept roads to maintain after September 15th. She wondered if by some miracle the case settles, that Robin Court's roads will be maintained this winter due to it being after the Sept. 15th deadline. Councilman Del Vecchio advised her that this case is a slow process with a next court date of October 30th and not likely to be settled prior to this upcoming winter.

Mary Scocozza, 35 Martin Road, wanted an update on the issues with Paul Hood, Animal Control Officer. Supervisor Zulauf had nothing new to report.

GENERAL BOARD COMMENT

Councilman Battaglini announced the Fire District's proposed training facility public informational meetings, scheduled for October 19, 2017 and November 16, 2017. There will be a vote on December 12, 2017 on the proposed building.

Councilman Del Vecchio announced a very heavy traffic weekend coming up, due to the Beekman Cup tournament and Barton Orchard's busy season. Beekman Road will be very congested so please plan accordingly and bear with us. He also announced the Fall Festival is on Saturday, October 14, 2017 at Recreation Park.

Councilman Stiegler announced Town Clean Up day for Saturday, October 21, 2017 from 7AM – 2PM.

The next meeting of the Beekman Town Board is Wednesday, October 18, 2017 at 7:00PM.

ADJOURN

At 8:47PM, with no further business to conduct, Councilman Del Vecchio made the motion to adjourn the meeting seconded by Councilman Stiegler. All in favor.

RESPECTFULLY SUBMITTED,
RACHAEL RANCOURT - TOWN CLERK