

Catskill Town Board Committee Meeting
Catskill Town Hall
November 19, 2008 6:30 pm

Attendance:	Peter Markou,	Supervisor
	Robert Antonelli,	Councilman
	Lewis O'Connor,	Councilman
	Patrick Walsh,	Councilman
	Michael Smith,	Councilman
	Elizabeth Izzo,	Town Clerk
	Sandra Misevis	Town Comptroller

Supervisor Markou opened the meeting with a moment of silent prayer and the Pledge of Allegiance.

Supervisor Markou reviewed the following resolutions:

RESOLUTION # 127-2008	APPROVE CEMENTON SEWER USER FEES- 2009
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Councilman Antonelli offered the following for consideration and adoption,

WHEREAS, the bi-annual Cementon Sewer User fees for the year 2009 will be due, commencing January 01, 2009, and

WHEREAS, the user fee for the first half of the year will be \$ 294.44 per unit, so

THEREFORE WE, the Catskill Town Board approve the Cementon Sewer User fee, for January 01, 2009, to June 30, 2009, in the amount of \$ 294.44 per unit.

Councilman Walsh seconded this motion.

Ayes 5,	Nays 0,	Absent 0	Motion Carried
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Supervisor Markou asked for a motion to adopt the 2009 budget before asking for a second so they could discuss it. Councilman Antonelli made the motion.

Councilman Antonelli wanted the following recommendations made for the budget:

1. Cut 3% for the Councilman and Supervisor.
2. Reduce the Senior Center by \$5,000.
3. Reduce the Community Center by \$10,000.
4. Reduce the Highway Mechanical by \$10,000.

This would reduce the tax rate from 7.44% to 6.15% and the Village would be reduced from 25.41% to 22.91%.

Supervisor Markou asked what the dollar amount would be. Sandy stated it would be \$5.19/\$1,000. This would be an increase of 30 cents.

Supervisor Markou asked if there was any discussion. Councilman Smith stated he supports Mr. Antonelli's recommendation except for cutting the Community Center. He would like to stand firm at \$100,000.

Councilman O'Connor apologized for missing the Government Operations Meeting, due to personal problems, but feels he should stand fast on reducing the Community Center budget by \$25,000 and has to stand fast on reducing the Code Enforcement Office \$25,000. He would like to return the full time position to part-time. He believes that with this change it will bring the tax rate to 5.05%. He stated the Town has lost a lot of revenue and all departments are cut, but with this one department, losing revenue, and adding a full time person, we can't afford it. He feels the crunch should be bared by all, not just with a decrease in services.

Supervisor Markou asked if there is any discussion. Councilman Antonelli stated he is not in favor of Lou's recommendation. He feels that with his recommendation, everyone is participating. He feels that if the Community Center is cut \$25,000, we will be doing harm. He stated there isn't much left to cut in the budget.

Councilman Walsh is in favor of Bob's recommendations, but would like to keep the Community Center at \$100,000.

Councilman Antonelli asked Sandy what the change would be if we added the \$10,000 back into the Community Center. Sandy stated maybe a penny.

Councilman Antonelli stated to keep the changes he recommended but keep the Community Center at \$100,000 in the form of a motion. Councilman Smith seconded, all were in favor except for Councilman O'Connor.

Councilman O'Connor made a motion to cut the Code Enforcement Office by \$25,000. With no second, the motion failed.

RESOLUTION # 128-2008 ADOPTION OF PRELIMINARY BUDGET AS
2009 ANNUAL TOWN BUDGET

Councilman Antonelli offered the following for consideration and adoption,

WHEREAS, the Town Board of the Town of Catskill held a Public Hearing on the Preliminary 2009 Town Budget, on November 05, 2008, at 6:15 pm, with all in attendance having had an opportunity to be heard, so

THEREFORE, WE, the Catskill Town Board hereby approve the Preliminary Budget, as amended, as the Town of Catskill's 2009 Annual Budget, and authorize the Town Clerk to present this approved 2009 Town Budget to the Town Supervisor, according to Town

Law §109. The Town Supervisor, within ten (10) days, must submit said 2009 Annual Budget to the County Legislature, as proscribed in Town Law § 115.

Councilman Smith seconded this motion.

ROLL CALL VOTE:

Supervisor,	Peter Markou	<u>Yes</u>
Councilman,	Robert Antonelli	<u>Yes</u>
Councilman,	Lewis O'Connor	<u>No</u>
Councilman,	Patrick Walsh	<u>Yes</u>
Councilman,	Michael Smith	<u>Yes</u>

Ayes 4, Nays 1, (Councilman O'Connor) Absent 0 Motion Passed

RESOLUTION # 129-2008

2008 GENERAL FUND A BUDGET
TRANSFERS FOR YEAR END

Councilman Antonelli, presented the following for consideration and adoption,

WHEREAS, the following budget transfers for 2008 need to be made to the following accounts:

General A Fund

A1315.11	Comptroller Clerk	\$5,000.00
A1315.4	PKR	\$1,000.00
A1320.4	Auditor	\$2,000.00
A1620.4	Town Building	\$9,000.00
A1430.4	HR Personal	\$4,000.00
A6772.11	Senior Center Employees	\$8,000.00
A8810.4	Cemetery Contractual	\$1,889.75
A8810.11	Cemetery Workers PS	<u>\$9,500.00</u>
Total Transfer		\$40,389.75

SO, THEREFORE WE, the Catskill Town Board hereby approve the following transfers from the following accounts:

General A Fund

A1315.12	Comptroller Acc. Clerk	\$5,000.00
A1315.35	Comptroller Ambulance	\$3,000.00
A1910.4	Unallocated Insurance	\$9,000.00

A1010.4	Town Board Contractual	\$4,000.00
A6772.4	Senior Center Contractual	\$8,000.00
A8810.2	Cemetery Equipment	\$1,889.75
A1410.4	Town Clerk Expense	\$7,000.00
A6510.4	Veterans	\$1,500.00
A7510.4	Historian	<u>\$1,000.00</u>
Total Transfer		\$40,389.75

Councilman Walsh, seconded this motion.

Ayes 5, Nays 0, Absent 0 Motion Passed

RESOLUTION # 130-2008 2008 B FUND BUDGET TRANSFERS
FOR YEAR END

Councilman Antonelli, presented the following for consideration and adoption,

WHEREAS, the following budget transfers for 2008 need to be made to the following accounts:

B Fund

B1420.4	Legal Services	\$10,000.00
B7310.4	Youth Program Contractual	<u>\$ 100.00</u>
Total Transfer		\$10,100.00

SO, THEREFORE WE, the Catskill Town Board hereby approve the following transfers from the following accounts:

B Fund

B7550.4	Celebrations	\$10,100.00
Total Transfer		\$10,100.00

Councilman Walsh, seconded this motion.

Ayes 5, Nays 0, Absent 0 Motion Passed

RESOLUTION # 131-2008

2008 DA FUND BUDGET TRANSFERS
FOR YEAR END

Councilman Antonelli, presented the following for consideration and adoption,

WHEREAS, the following budget transfers for 2008 need to be made to the following accounts:

DA Fund

DA5120.4 Bridges Contractual	\$4,000.00
Total Transfer	\$4,000.00

SO, THEREFORE WE, the Catskill Town Board hereby approve the following transfers from the following accounts:

DA Fund

DA5120.1 Bridges PS	\$4,000.00
Total Transfer	\$4,000.00

Councilman Smith, seconded this motion.

Ayes 5, Nays 0, Absent 0 Motion Passed

RESOLUTION # 132-2008

2008 DB FUND BUDGET TRANSFERS
FOR YEAR END

Councilman Antonelli, presented the following for consideration and adoption,

WHEREAS, the following budget transfers for 2008 need to be made to the following accounts:

DB Fund

DB142.63 MEO Snow PS	\$25,990.00
DB5110.64 HEO PS	\$ 3,065.00
DB5142.64 HEO Snow PS	<u>\$12,000.00</u>
Total Transfer	\$41,055.00

SO, THEREFORE WE, the Catskill Town Board hereby approve the following transfers from the following accounts:

DB Fund

DB5110.63 MEO PS	\$25,990.00
DB5142.1 Deputy Highway PS	\$ 3,065.00
DB5142.1 Deputy Highway PS	<u>\$12,000.00</u>
Total Transfer	\$41,055.00

Councilman Smith, seconded this motion.

Ayes 5, Nays 0, Absent 0 Motion Passed

Supervisor Markou moved on to new business. He asked if Mr. White was in the audience. With no answer, Supervisor Markou moved on to the next item.

Supervisor Markou scheduled a Government Operations Committee Meeting for Monday, November 24th at 4 PM to discuss the Quadricentennial Program and the proposals that they Committee has received to date.

Supervisor Markou reviewed correspondence, specifically the letter the Town received from Mr. & Mrs. Putnum. Mr. Putnum approached the Board regarding his letter. He stated his neighbor Mr. Hanszl, from the time the letter was delivered to yesterday afternoon, approached Mr. Putnum in his driveway, and discussed the letter with him. He would like to know how. He did not give Mr. Hanszl a letter. Supervisor Markou stated good question. Mr. Putnum stated he discussed the letter, in detail, with Mr. Putnum for an hour. Mr. Putnum stated he was not happy.

Supervisor Markou stated we would take this under advisement and found out how, because he doesn't believe anyone from the Board would release the letter. Mr. Putnum reiterated his displeasure. He stated he and his neighbor have not exactly gotten along, but bygones are bygones. He has looked the other way for years. He stated things have slipped through the cracks. Supervisor Markou stated this has gone back a long way; it is an old story and Mr. Putnum stated yes.

Mr. Putnum has asked the Code Enforcement Office certain questions, and his answer has been, if you can't see it from the road, they can't do anything about it. He stated that the Code Office told him if he produced pictures, then something can be done. The Code Office told him that they cannot set foot on a person's property without a formal complaint.

Councilman Antonelli stated that that is correct. She also cannot cite a person if she can not see the violation.

Mr. Putnum wanted to know if an anonymous phone call would work. Councilman Antonelli stated no.

Supervisor Markou stated he will check it out. Mr. Putnum stated the complaint that is into the Code Office now, is a building that is within 30' of his building, more like 3' and unregistered motor vehicles. He states that Mr. Hanszl told him if there is a tarp over the vehicle, there is nothing that can be done. He knows for a fact that that is not true.

Supervisor Markou stated that Mr. Putnum's problem goes back a long way. Mr. Putnum stated he knows that but would like to work from the present.

Supervisor Markou stated he will find out how Mr. Hanszl received a copy of his letter.

Councilman O'Connor asked when the letter was given. The letter was received Monday. Councilman O'Connor stated there wasn't enough time for him to FOIL the letter.

Supervisor Markou asked if anyone else would like to address the Board. Mr. Fallik approached the Board. He stated that he is here to change the Board's mind about removing the mobile homes. He went through the history to date. He read the Town's law and brought and submitted credible proof that the mobile homes are not junk.

Councilman O'Connor wanted to make sure that what we are acting on are the unregistered motor vehicles. Supervisor Markou stated yes.

Mr. Fallik stated that he sent the vehicle code to his attorneys in New York, whom he normally only deals with for patents. They gave it to their constitutional attorney within Hughes, Hubert, & Reed. He stated they declared, along with a firm that they gave it to in Albany, that the law is unconstitutional. It violates the First Amendment to the Constitution and cannot be enforced. Mr. Fallik says if the Town wants to go to Court based on this, then he has no objection. He has very good attorneys and if they say the law is unconstitutional, it stops people from doing what they want to do. He states he couldn't put his used sports car on his property because of this law. Mr. Fallik suggested to the Town that they get their attorney to look at. Mr. Fallik says he needed to bring it to the Town's attention because he is basically being destroyed and he cannot be destroyed by this illegal law. He says the Town is ready to trade him in for a license plate.

Supervisor Markou asked if he had any documentation. Mr. Fallik says no, because he only got a local attorney on Monday from his law firm and he couldn't make it tonight. Supervisor Markou asked for Mr. Fallik to submit documentation so he can give it to the Town Attorney. Mr. Fallik agreed, but said he needs the Town to stop from taking his homes. He said he is living in them.

Councilman O'Connor stated there are two mobile homes. The one that he is living in, we have given him time, but we are acting on the one mobile home to remove, that he is not living in.

Councilman Smith stated we need to move forward with the previous judgment. He states that if Mr. Fallik's attorneys believe the Town is acting illegally, then they know how to perceive in terms of an injunctive power.

Councilman Antonelli stated we are not removing the one that you are not living in. Mr. Fallik states he is living in both of them. He said do you think you could really live in a 24' Winnebago.

Councilman Smith told Mr. Fallik to talk to his attorney and have them act swiftly with a TRO, which is temporary restraining order. Mr. Fallik says he will but he has to try to stop the Town Board by taking half his life.

Mr. Fallik does not want to register the vehicles. He stated they will never be on the road again. They are his homes. He states the Town is forcing him to spend thousands of dollars for something that is not needed.

Mr. Fallik states that with the submission of the letter, he believes that he does not have any junk on his property.

Councilman Smith stated he just submitted a document.

Supervisor Markou stated there is an order and the Town will enforce it.

Supervisor Markou asked if anyone else would like to be heard.

Jim Chewins, Village of Catskill Trustee, asked about how the Town Board came up with a double digit tax increase for the Village residents. He would like to know what services would be received from the Town to justify the double digit budget increase.

Joseph Izzo, Village resident, in regards to Mr. Chewins' question, asked to be heard. He stated that Mr. Chewins should know that Town Law requires that if a Town has a Village within a Town, there are certain expenses that need to be included in the budget. The Town Board, by law, does not have the option to remove those expenses from the Village of Catskill. The Town Board has removed from the Village, the expenses of the Highway Department, the Code Enforcement's office, and the Assessor's office because the Village has those services. State Law requires that any administrator function of the Town, including Ambulance and all other services, must be done on a Town wide basis. There is no room for the Town of Catskill to remove certain costs which the Village may be deemed to be not their charge out of the Town budget.

Mr. Izzo also stated that the Village should look at the taxable assessed value. For this year, the taxable assessed value in the Town, outside of the Village, increased over one million dollars. The Village's taxable assessment decreased almost a million dollars. This happened because one of the big stores exercised its right to reduce their taxes over a 10 year period. It is paying only 10% of its assessed value. If you compare the Village tax rate and 16 something per thousand and the Town's tax rate at 1 something per

thousand, he is unsure if the Village taxpayers are being unjustly charged for a \$35 a year increase.

What happened is that the Town has been hit with a reduction in assessment, a reduction in revenue, and an increase in expenses.

Jim stated it isn't so much the dollar amount, it is a minimal increase to what we the Village currently is paying, but when taxpayers start to call tomorrow, at least he can tell them why it increased.

Supervisor Markou stated the "store" has a section 485B. This year, because of that, three million dollars did not get taxed. On top of that, the store has filed for a reduction in its assessment, which as a Town we have to defend, and that costs us money.

Jim stated he doesn't disagree with the budget, but he wants to be able to give an educated answer to his taxpayer's questions.

Supervisor Markou stated we have another new store, and it probably will ask for a 485B, and every time that is done, we will take a hit.

Supervisor Markou asked if anyone else would like to address the board.

Chris Sutherland, Kiskatom Fire District, asked if anything has been resolved with reference to the Code Enforcement Officer. Supervisor Markou stated nothing has been solved to date because the Town's attorney has been in Court. He has stated though that there are some grey areas in the interplay between the fire code and the Town code with respect to emergency measures that need to be considered and discussed with the Board. Supervisor Markou also stated he has asked the attorney to review the potential liability for volunteer firemen. The attorney does not believe there is a liability because of the fact that they are volunteers. Chris stated not so much for the volunteers, in terms of liability, but for the district as well.

Supervisor Markou stated he will ask the attorney to research that as well and he should have something for the December meeting.

Joe Izzo, as follow up to Jim's question, stated he is uneasy with the Town's budget, because when the State, next year, does their budget, and given what the Governor has proposed, the Town may see a complete loss of State Aid. This will be close to \$32,000. He is unsure of other mandates that the Village and Town may have to incur. He asked that the Board be prepared to say to some groups, i.e. the Community Center and other groups who have requested money, that even though they may have a budgeted amount, the Town may not be able to give them the full amount. His concern is that the Town and Village may be put in such a terrible way, that the Town may be forced to do only the necessary Town services. He is concerned with the County too. They may decide to chargeback down to municipalities. He stated that the Town's job next year may be even more difficult.

Councilman Smith stated that Mr. Izzo's past experience and expertise is demonstrated every time he speaks.

Supervisor Markou asked if there were any other comment. With no further comment, a motion to adjourn the meeting was made by Councilman Antonelli and seconded by Councilman Smith.

Meeting ended at 7:14 pm.

Respectfully submitted,

Elizabeth Izzo
Town Clerk