

Catskill Town Board Monthly Meeting
Washington Irving Senior Center
April 1, 2008 6:30 pm

Attendance:	Peter J. Markou,	Supervisor
	Robert Antonelli,	Councilman
	Lewis O'Connor,	Councilman
	Patrick Walsh,	Councilman
	Michael J. Smith,	Councilman
	Elizabeth Izzo,	Clerk
	Robert Pierce,	Oneonta Office of DOH

Supervisor Markou opened the meeting with a moment of silent prayer and the Pledge of Allegiance. He then introduced Bob Pierce from the Department of Health.

Mr. Pierce spoke to the large audience in attendance regarding the contamination of the creek in the Hamlet of Leeds. He stated that Leeds, like a lot of other communities in upstate New York, does not have the benefit of public sewer and lots are small in that area and the soil is not good in many cases; such that there is no place for waste. He stated that for some time there have been sporadic reports of odors coming from the storm sewers. This was brought to their attention last winter. A representative was in Leeds several weeks ago and introduced dye in specific locations which showed immediate color in the creek. This was followed up with the Town who brought in a TV camera system that was run through the storm drain to observe various taps in the storm sewer. These are not legal taps. A storm sewer cannot be tapped to get rid of waste water. Wastewater includes black water from toilets and grey water from kitchen sinks and washing machines.

Several systems have been identified and those owners have been contacted and are working with DEC and DOH to find solutions. If it is found to be a DOH issue then they will be dealing with Mr. Pierce to get a permit and the conditions under which they can operate. If it doesn't fall under DOH and is less than one thousand gallons then the Town's Code Enforcement Office will deal with it. If it is over one thousand gallons it falls under DEC.

When DOH looks at a project like this, some residents can afford to fix the problem, some cannot, some may have the space to fix and some may not. This is where the benefit of public sewer plays in.

Mr. Pierce believes that even without having feasibility study completed, public sewer will be the best answer. The engineers will decide whether a pump system can be installed and the waste brought back to the Village of Catskill or whether there would more likely be a collection and disposal system in Leeds.

What is happening in Leeds currently is what has happened in New York State in 1900, 1920. Mr. Pierce has worked with other communities that have had the same problem.

There are several steps that need to be taken. The first is that the Town Board would need to authorize a feasibility study and go out to bid. After that is completed and the report reviewed, if public sewer is feasible, then a district would need to be formed. Once the district is defined, then final plans/specifications are prepared and final cost estimates are completed and sources of funding are looked into. Funding will be difficult and the longer the Town waits the more expensive it will be. Mr. Pierce stated that everyone should be prepared to pay something.

With a grant program, numbers are submitted to the State Comptroller, who reviews them and states what the people can afford and a loan is given to the Town. After that then grants can come from different sources, i.e. State, Federal.

Once the plant is built then individuals can decide to hook up. The District users pay the cost of the system whether or not they are hooked up to the system. If they hook up to the system, there is a user fee paid for the operation and maintenance of the plant built. This is not a Town wide expense.

An audience member asked what is to be done in the meantime. Mr. Pierce stated that he hopes, by summer, that those residents who have been identified to being directly hooked into the creek will be unhooked. There may be some stop measures. He does not perceive anyone to have their business close, but states that the situation cannot be ignored.

This same audience member asked if a closed system can be installed and those property owners would need to have a leech field built. Mr. Pierce does not believe that this would be possible due to the fact that some residents may not be able to do this because they can either not afford it or do not have the land to do it. This would also splinter the community to those who can and cannot comply and then those who cannot comply would not be able to afford a system because the tax base would be shrinking. The better design would be to have everyone participate.

An audience member asked how far one has to be away from the creek. Mr. Pierce stated that one does not need to live near the creek to be contributing to its pollution. As the properties are looked at to incorporate into the district, it may not be cost effective to run a pipe out to very rural areas of Leeds. Mr. Pierce reiterated that he is speaking of the concentrated area of Main Street and the side streets.

An audience member asked if this affects people who have septic systems that do not leech correctly. Mr. Pierce stated yes. He stated there is a distinction between disposal and treatment.

An audience member asked about the Flood zone across the creek. This is a different problem; however, there is a concern for homes built in a floodway because if there is septic it will not work if flooded.

An audience member asked how many people were dyed. Mr. Pierce stated one or two were dyed and cammed. He does not feel that it is necessary to have everyone dyed because it is not isolated to two or three people. He questioned why incur the expense of dying all property owners if the Town Board and DEC/ DOH realize there is a problem.

This audience member stated that the same thing happened in 1994 and that the project fell through.

Councilman O'Connor spoke with the gentleman from DEC, who is not present tonight due to illness, but he stated he is happy that the Town Board has taken a proactive interest.

Mr. Pierce stated that growth in Leeds could be stifled if this problem is not addressed and rectified. He also stated that the value of homes could increase because now there would be municipal sewer.

Mr. Pierce stated he is not averse to placing the Town under a consent order at the right time. Currently, we are not under a consent order; however, if we are placed on a consent order, it may help the Town access grant money.

A question was raised as what is needed by the Community. Mr. Pierce stated a show of hands that no petition is needed and they have the Communities support to progress with a feasibility study.

Mr. Pierce stated that this is a long process and it takes a great deal of time, years, to accomplish.

Warren Sheridan stated that a lot of property in Leeds has laid up drains. He stated that there is more to this than being revealed.

Supervisor Markou stated that the Town will proceed with a feasibility study and will try to get a grant to pay for the study. The conversation will be continued so that everyone hears the same thing and everyone can cooperate in this situation.

Mr. Pierce stated that hopefully the feasibility study will be completed by year end so that the expense can be incorporated in the 2009 year's budget and to start to build the plant by 2010.

Supervisor Markou asked if anyone had any concerns to either put them in writing or call on the phone.

Supervisor Markou recessed the meeting for 5 minutes.

Supervisor Markou reviewed the minutes:

03/04/2008	Monthly Town Board Meeting Motion Councilman Antonelli Second Councilman O'Connor Ayes 5, Nays 0, Absent 0
03/18/2008	Public Hearing #7-2008 Small Cities Grant Part I Motion Councilman Antonelli Second Councilman O'Connor Ayes 5, Nays 0, Absent 0
03/19/2008	Catskill Town Board Committee Meeting Motion Councilman Antonelli Second Councilman Walsh & Smith Ayes 5, Nays 0, Absent 0
03/25/2008	Public Hearing #8-2008 Small Cities Grant Part II Motion Councilman Antonelli Second Councilman O'Connor Ayes 5, Nays 0, Absent 0

Supervisor Markou reviewed the Resolutions:

RESOLUTION # 38-2008	TRANSFER OF FUNDS FOR LANDFILL ADMINISTRATION
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Councilman Antonelli, presented the following for consideration and adoption,

WHEREAS, the Highway Superintendent is also the Landfill Administrator, and

WHEREAS, the Landfill Administrator's salary is paid from the Joint Landfill Account a self-sustaining Fund used to maintain and monitor the closed Joint Town of Catskill Landfill, and

WHEREAS, the Town Board wishes to transfer from the Landfill Account #5995055 an amount of \$5,000.00 for salary and \$384.00 for Social Security to the 2008 "A" Fund, Account #A8160.1, Landfill Administrator PS and Account #A9030.8 Social Security, to budget for the Landfill Administrator's salary, and

WHEREAS, the Town Board will also increase the 2008 Budget Revenue Account #A5031, Interfund Transfers by \$5384.00, so

THEREFORE WE, the Catskill Town Board hereby approve the transfer from the Joint Landfill Account of \$5384.00 and authorize a modification to the 2008 "A" Fund Budget Appropriation Account #A8160.1 and A9030.8.

Councilman Walsh, seconded this motion.

Ayes 5, Nays 0, Absent 0

Motion Carried

RESOLUTION # 39-2008

TO REPEAL LOCAL LAW #1-1988
AND REPLACE WITH LOCAL LAW
#4-2008 FLOOD DAMAGE
PREVENTION

Councilman O'Connor, presented the following for consideration and adoption,

WHEREAS, the Catskill Town Board proposed a Local Law to repeal and replace Local Law #1-1988 for Flood Damage Prevention, and

WHEREAS, this proposed Local Law is advised by the New York State Department of Environmental Conservation, Division of Water, Bureau of Flood Protection and Dam Safety to be in compliance with the National Flood Insurance Program (NFIP), and

WHEREAS, the Catskill Town Board held a public hearing on April 1, 2008 at 6:00 pm at the Washington Irving Senior Center to hear comments and concerns regarding proposed Local Law #4-2008, so

THEREFORE WE, the Catskill Town Board hereby adopt Local Law #4-2008, establishing new guidelines for Flood Damage Prevention.

Councilman Antonelli, seconded this motion.

Ayes 5, Nays 0, Absent 0

Motion Carried

RESOLUTION #40-2008

APPROVE SEQRA FOR BALL FIELD
LEASE AGREEMENT

Councilman Antonelli, presented the following for consideration and adoption,

WHEREAS, the Town of Catskill (the "Town") is proposing to enter into a Ball Field Lease Agreement (the "Lease") by and between the Town of Catskill and the Catskill Babe Ruth League, Inc. (the "League") that would permit the League to lease from the Town a portion of the lands of the former Catskill Cemetery Association for a term of ten (10) years with an option to renew for five (5) successive periods of ten (10) years each (the "Project"); and

WHEREAS, upon review of the Project, the Town Board of the Town of Catskill has determined that the approval of the Project is subject to the State Environmental Quality Review Act (ECL, Article 8) and its implementing regulations (6 NYCRR Part 617) (collectively, "SEQRA"); and

WHEREAS, the Town Board has prepared a Short Environmental Assessment Form ("EAF") for the Project, with Part 1 completed; and

WHEREAS, the Town has compared the information on the EAF to the thresholds for classifying this action as set forth in 6 NYCRR §§ 617.4 and 617.5 and determined that the Project constitutes an Unlisted action under SEQRA; and

WHEREAS, the Town Board, as the agency principally responsible for approving the Project, established itself as the lead agency for purposes of this SEQRA review; and

WHEREAS, on April 1, 2008, the Town Board completed the EAF; and

WHEREAS, the Town Board carefully considered the environmental impacts associated with this action, including reviewing and evaluating the EAF and the criteria for determining significance contained in 6 NYCRR § 617.7 (c) and has set forth its determination of significance in a written reasoned elaboration, a copy of which is attached hereto and incorporated by reference herein; and

WHEREAS, for the reasons set forth in the written Negative Declaration annexed hereto, the Town Board has determined that the Project will have no significant adverse environmental impacts, and accordingly has decided to issue a Negative Declaration of Environmental Significance under SEQRA.

NOW, THEREFORE BE IT RESOLVED, that:

1. The Town Board certifies that the requirements of 6 NYCRR Part 617 have been met.
2. The facts and conclusions set forth in the written Negative Declaration annexed hereto are derived from the EAF, reports, submittals and other relevant information, including the personal knowledge and familiarity of the Town Board members with the Project site and its surrounding areas.
3. The Town Board hereby declares and adopts the written Negative Declaration annexed hereto.
4. Based upon the Negative Declaration, the Town Board hereby declares that the Project will have no significant adverse environmental impact, and hereby issues a Negative Declaration under SEQRA.

BE IT FURTHER RESOLVED, that the Town Board directs the Town Clerk to:

1. Place on file the Negative Declaration (copy attached) and a copy of this resolution in the Office of the Town Clerk;
2. Mail copies of the Negative Declaration (copy attached) and this resolution to the SEQRA involved agencies, if any;
3. Make the Negative Declaration and a copy of this resolution available for inspection and copying by the public.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Councilman Smith, seconded this motion.

TOWN BOARD MEMBER

AYE

NAY

Peter J. Markou	x
Robert Antonelli	x
Lewis O'Connor	x
Patrick Walsh	x
Michael J. Smith	x

Ayes 5, Nays 0, Absent 0

Motion Carried

RESOLUTION #41-2008

AUTHORIZATION TO SIGN
BALL FIELD LEASE AGREEMENT

Councilman Antonelli, presented the following for consideration and adoption,

WHEREAS, the Town Board of the Town of Catskill has reviewed the terms of the proposed Ball Field Lease Agreement (the "Lease") by and between the Town of Catskill and the Catskill Babe Ruth League, Inc. (the "League") that would permit the League to lease from the Town a portion of the lands of the former Catskill Cemetery Association for a term of ten (10) years with an option to renew for five (5) successive periods of ten (10) years each (the "Project"); and

WHEREAS, on April 1, 2008, the Town Board declared itself as the lead agency under the State Environmental Quality Review Act ("SEQRA"), Article 8 of the Environmental Conservation Law and 6 NYCRR 617, et. seq., as the agency principally responsible for reviewing the Project; and

WHEREAS, the Project constitutes an Unlisted Action under SEQRA and the Town Board has determined that the Project will have no significant adverse environmental impacts and, accordingly, issued a negative declaration under SEQRA; and

WHEREAS, the Town Board has thoroughly reviewed the terms and conditions of the proposed Lease, so

NOW THEREFORE, be it resolved that the Town Board finds that:

1. The League has used the Premises (as such term is defined in the Lease) as a baseball field since 1963 while the lands were owned by the Catskill Cemetery Association and that the League has over the years made substantial improvements to the Premises at its own expense by constructing a baseball diamond, dugouts, grandstands, concession stand, announcement building, garages, bathrooms, and a parking lot, and has maintained the Premises in good condition.
2. The Town has no immediate need for the Premises.
3. The continued operation of the Premises by the League provides a beneficial recreational opportunity for the children of the Town, and it is in the public interest of the citizens of the Town to permit the League to continue to use the Premises by entering into the Lease.

BE IT FURTHER RESOLVED, that the Town Board, after due deliberation and consideration, hereby finds that it is in the public interest of the citizens of the Town to enter into the Lease with the League annexed hereto as Exhibit A and made a part hereof, and

BE IT FURTHER RESOLVED, that the Town Board directs the Town Clerk, within ten (10) days of the adoption of this resolution, to post and publish the notice of this resolution annexed hereto as Exhibit B and made a part hereof, and

BE IT FURTHER RESOLVED, that because, in accordance with New York Town Law § 64(2), this resolution is subject to permissive referendum, this resolution shall take effect either (i) thirty (30) days after the date it is adopted if no petition is filed in accordance with New York Town Law § 91 or (ii) following approval by the affirmative vote of a majority of qualified electors of the Town of Catskill if a petition is filed in accordance with New York Town Law § 91.

Supervisor Markou, second this motion

<u>TOWN BOARD MEMBER</u>	<u>AYE</u>	<u>NAY</u>
Peter J. Markou	x	
Robert Antonelli	x	
Lewis O'Connor	x	
Patrick Walsh	x	
Michael J. Smith		x

Ayes 4, Nays 1 (Councilman Smith) Absent 0 Motion Carried

Councilman Smith, before voting, wanted to discuss the terms of the agreement. The lease reads that the term is for 10 years with the option to renew for five (5) successive periods of ten (10) years each, with either party exercising this option by giving written notice of such election to the other party at least ninety (90) days prior to the commencement of the applicable Option Period. Upon approval of both parties, the lease shall be renewed for the applicable Option Period.

He is concerned that we would be tying up the property for a period of 50 years without the Town's input relative to its use in successive terms. He would like to have provisions in the lease agreement that would permit the Town to have more flexibility in regard to future use of the land.

Councilman Smith wanted a motion to withdraw this resolution until a further date. Councilman Antonelli, who had already made the motion, did not want to withdraw.

Joseph Izzo, resident, made the suggestion that the lease agreement could be passed and the language could be changed for that specific section stating the option for renewal is contingent upon both parties.

Councilman Smith stated that is his goal but his concern is that if the lease agreement is passed at this time, it is subject to permissive referendum, he feels the language cannot be changed.

Supervisor Markou stated that the terms state "upon approval of both parties, this lease shall be renewed for the applicable option period". He asked if that is what Councilman Smith is stating.

Councilman Smith stated the term provision, the language in the being of the term, is ambiguous enough that he feels the Babe Ruth League has sole authority whether it exercises the option.

Michael Bulich wanted to make sure that the Town Board spoke with the Superintendent to make sure that she knows the lease will be signed so funds can be released.

Joseph Izzo, stated that if Mr. Smith feels, based on his expertise that there is a language conflict, there is always the potential for an amendment to the lease.

Councilman Smith wanted to make sure that his comments have nothing to do with what he feels is a worthwhile purpose, but as a Councilman, he wants to protect the interest of the Town, because he doesn't want future Boards to be hampered by an action that this Board made.

RESOLUTION # 42-2008

TO SET PUBLIC HEARING
#10-2008 BENDLEWICZ-
JAWORSKI PROPERTY

Councilman Antonelli, presented the following for consideration and adoption,

WHEREAS, the Catskill Town Code Enforcement Office has reported that conditions on the property located at 574 Route 32A, Palenville, NY constitute a public nuisance, and

WHEREAS, the Town of Catskill Code Enforcement Office has an Order to Remedy outstanding on this property due to junk accumulation with no corrections being made, so

THEREFORE WE, the Catskill Town Board hereby approve and set a public hearing pursuant to Chapter 115 of the Town of Catskill Code concerning this matter on May 6, 2008 at 5:45 pm at Catskill Town Hall, 439-441 Main Street, Catskill, NY 12414.

Councilman O'Connor, seconded this motion.

Ayes 5, Nays 0, Absent 0

Motion Carried

RESOLUTION # 43-2008

TO SET PUBLIC HEARING
#11-2008 CICHOCKI PROPERTY

Councilman Antonelli, presented the following for consideration and adoption,

WHEREAS, the Catskill Town Code Enforcement Office has reported that conditions on the property located at 29 Scotch Rock, South Cairo, NY constitute a public nuisance, and

WHEREAS, the Town of Catskill Code Enforcement Office has an Order to Remedy outstanding on this property due to junk accumulation with no corrections being made, so

THEREFORE WE, the Catskill Town Board hereby approve and set a public hearing pursuant to Chapter 115 of the Town of Catskill Code concerning this matter on May 6, 2008 at 6:00 pm at Catskill Town Hall, 439-441 Main Street, Catskill, NY 12414.

Councilman O'Connor, seconded this motion.

Ayes 5, Nays 0, Absent 0

Motion Carried

RESOLUTION # 44-2008

TO SET PUBLIC HEARING
#12-2008 WILKINS JR.
PROPERTY

Councilman Antonelli, presented the following for consideration and adoption,

WHEREAS, the Catskill Town Code Enforcement Office has reported that conditions on the property located at Church St., Leeds, NY constitute a public nuisance, and

WHEREAS, the Town of Catskill Code Enforcement Office has an Order to Remedy outstanding on this property due to junk accumulation with no corrections being made, so

THEREFORE WE, the Catskill Town Board hereby approve and set a public hearing pursuant to Chapter 115 of the Town of Catskill Code concerning this matter on May 6, 2008 at 6:15 pm at Catskill Town Hall, 439-441 Main Street, Catskill, NY 12414.

Councilman O'Connor, seconded this motion.

Ayes 5, Nays 0, Absent 0

Motion Carried

RESOLUTION # 45-2008

APPOINTMENT OF HEALTH OFFICER
FOR TOWN OF CATSKILL

Councilman Antonelli, presented the following for consideration and adoption,

WHEREAS, at the Re-Organizational Meeting of 2008 the position of Health Officer was tabled, and

WHEREAS, Dr. Mark Schilansky has expressed an interest in continuing in this capacity, so

THEREFORE WE, the Catskill Town Board wish to appoint Dr. Schilansky as Health Officer for the Town of Catskill with his term ending December 31, 2008.

Councilman Walsh seconded this motion.

Ayes 5, Nays 0, Absent 0

Motion Carried

Supervisor Markou reviewed the County Resolution:

Resolution #146-08

Approving Reimbursement to Community Colleges
(Catskill share is \$19,149.75)

Supervisor Markou reviewed the Correspondence:

Letter from Time Warner Cable regarding channel drops and adds.

Supervisor Markou reviewed the Reports which are available in the Town Clerk's Office. He then asked Councilman O'Connor for any input. Councilman O'Connor stated everything moving along with ambulance building. He wanted to schedule a public hearing date for the noise ordinance.

RESOLUTION # 46-2008

SCHEDULE PUBLIC HEARING

FOR AMENDMENT NOISE
ORDINANCE

Councilman O'Connor, presented the following for consideration and adoption,

WHEREAS, the Catskill Town Board will hold a public hearing on May 21, 2008 at 6:00 pm, Catskill Town Hall, 439-441 Main Street, Catskill NY, to hear comments and concerns regarding amending the Local Law #5-2001: Noise.

Supervisor Markou seconded this motion

Ayes 5, Nays 0, Absent 0 Motion Carried.

Supervisor Markou asked if there were any other comments from the Board. He then addressed the audience.

Michael Bulich, who is on the Babe Ruth Board, updated the Town about the future of Babe Ruth. He stated there are five municipalities who utilize the field. They are Catskill, Cairo, Athens, Coxsackie and Greenville. He wants to eventually create Greene County Babe Ruth so there could be equal input from each Township and to also be able to compete in Tournaments. He states that the field is going to take some work and is looking to the Town Board for assistance. He is also going to approach other Townships too.

Michael is seeing if there is a municipal rate from Central Hudson so the lighting will not be so expensive.

He states that there are many people who utilize that field to play games. The school also uses the field and he is going to broach the subject with the School Board for assistance.

He is also going to approach Greene County for funding too.

Joe Izzo spoke about an article in the Daily Mail about the increase in the Village water rates. His concern, and he is unsure if Mr. Seeley has been misquoted, but when he was Supervisor, a water district was discussed for the main reason in helping aid the Village in collecting back water taxes. The Village made their own solution so the issue never went any further than the study for the replacement of the water lines. Mr. Seeley had indicated that he does not want a water district because the Village wants to be able to control the placement for commercial and residential property within the boundaries of the water district thus stunting the economic growth of the Town. He advises the Board meet with the Village Board to discuss this issue so the Town has the ability to grow and not be on the whims of the Village Board. He wants to have the Town know what their (Village) intent is for development in that particular area.

Rich Ahlberg stated there are a lot of challenges with Babe Ruth and feels that it would be great if it was Greene County Babe Ruth. He wanted to state that there are funding

sources out there and that the Community Center has grant writers on staff and encouraged Babe Ruth to reach out to them for help.

Michael stated he is not a fan of grants because he is not in favor of people from Buffalo paying for our kids and feels that we shouldn't have to pay for kids in Buffalo. He believes it should be kept in house. He stated grants are not free money, it is still taxpayer money. He believes it should be County level because it is becoming too expensive for the municipalities.

Supervisor Markou addressed Mr. Vincelette who asked that the Board enter into executive session to discuss pending litigation. Councilman Antonelli made the motion and Councilman O'Connor seconded to go into executive session at 8:00 pm

Motion to end the meeting after executive session was made by Councilman Antonelli and seconded by Supervisor Markou.

The Board meeting ended at 9:00 pm.

Respectfully submitted,

Elizabeth Izzo
Town Clerk