

Catskill Town Board Monthly Minutes
Catskill Town Hall
June 2, 2009 6:30 pm

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

Supervisor Markou opened the meeting with a moment of silent prayer and the Pledge of Allegiance. He thanked all for coming. The following minutes were reviewed:

05/05/2009 Catskill Town Board Monthly Meeting
Motion Councilman Antonelli
Second Councilman O'Connor
Ayes 5 Nays 0 Absent 0

05/20/2009 Bid Opening #2-2009 Surplus Hwy Equip.
Motion Councilman Antonelli
Second Councilman Walsh
Ayes 5 Nays 0 Absent 0

05/20/2009 Public Hearing-#5-2009 JUNK-Hanzel
Motion Councilman Antonelli
Second Councilman O'Connor
Ayes 5 Nays 0 Absent 0

05/20/2009 Town Board Committee Meeting
Motion Councilman Antonelli
Second Councilman Walsh
Ayes 5 Nays 0 Absent 0

The following resolutions were reviewed and passed:

Resolution # 67-2009 Acceptance of Proposal for Awnings for
Ambulance Building
Motion Councilman O'Connor
Second Councilman Antonelli
Ayes 5 Nays 0 Absent 0
Motion Carried

Resolution # 68-2009 Approve Computer Service Contract
Motion Councilman Antonelli
Second Councilman Walsh

Ayes 5 Nays 0 Absent 0
Motion Carried

Resolution # 69-2009

To Hire Part-time Code Enforcement Officer
Motion Councilman Antonelli
Second Councilman Walsh
Ayes 4 Nays 1 (C. O'Connor) Absent 0

Roll Call Vote:

Councilman Smith-aye
Councilman Antonelli-aye
Councilman Walsh-aye
Councilman O'Connor-nay
Supervisor Markou-aye Motion Carried

Councilman O'Connor stated with the income we have coming in, he doesn't believe we can afford the position. Supervisor Markou asked Linda to tell the Board about the fire inspections. She stated that in 2006 NYSDOS Codes Division revised Section 1203 of the Executive Law. The municipalities were mandated by the State to adopt the revision to 1203. The Town of Catskill complied. Part of the changes that were made was that fire inspections were now required. The State states that every place of assembly within the Town has to be inspected at least once a year and every other building in the Town except for single and two family dwellings have to be inspected at least every three years. They also created operating permits which apply to all places of assembly that have an occupancy load of greater than 100. That is a special inspection. They also instituted year end reporting. At the end of the year, the Code Officer, has to submit to the DOS the activity of the department. One of the reports is how many places of assembly are located within the Town and how many fire inspections were completed that year; the same for apartment buildings and commercial occupancies. The Code office has collected data for over 400 commercial buildings within the Town. They are not yet finished compiling that information. The State also increased their building inspection requirements by adding three new inspections for every building permit.

If the Town does not file that report by year's end, the Code Enforcement Officer is removed from the active list. They also indicated that if the number of fire inspections is not where the State would like to see them, action will be taken against the Town.

These changes resulted in the Town Board of 2007 authorizing the hiring of two part-time Code Enforcement Officers. One was to concentrate on fire inspections and the other to help out with the violations. The Code office is down those two officers. At this time the Code Office is busy with plan reviews, building inspections, and violations and if finding it difficult to complete the fire inspections.

Supervisor Markou asked if it was the expectation of the State that all 500 structures be completed within the year. Linda stated no, all the places of assembly have to be done at least once a year and a third of all remaining.

Councilman O'Connor asked how many inspections were completed. Linda stated in 2008 there were 164 fire inspections. Each inspection she stated takes a re-inspection because of violations found. She stated it was not 164 buildings, but total inspections. She stated this year there have been 37 inspections done. Since Denise Sossa resigned, the office has only been able to complete 2.

Councilman O'Connor asked that the fire inspections be completed in the fall when the office is slower. Linda stated the office is not slowing down. Violations are coming in daily. The building permits are coming in. She stated that the Code office issues approximately 240 building permits every year. They average over 850 inspections every year.

Councilman O'Connor stated that he noticed in their monthly report that they have slowed down from last year, from January to now. He suggested that if someone was hired for fire inspections that it is on a part-time basis and the person be sent to fire inspection school only. He stated he doesn't want to send someone to Code Enforcement because they have done that in the past, dished the money out, and it is ridiculous.

Linda stated that in 2007, January through the end of May, 85 building permits were issued. In 2008, same time period, 85 building permits were issued. In 2009, there have been 79 building permits issued. In 2007 they conducted 313 building inspections for the same time period. In 2008 they completed 329 inspections and in 2009, 339 inspections. She stated the office has not slowed down.

Linda stated that only sending someone for the first three courses of class creates the downside that after those three courses, even though a person can do a fire inspection they can't write violations that are found. If the people don't comply, the person cannot write the order to remedy. The other Code Officers would have to write it and without having them see the violation it is counter productive. The DOS does not charge for Code Enforcement basic training.

Councilman O'Connor stated that they should get someone in the Spring. Supervisor Markou stated we can use the civil service list from last year. Councilman O'Connor said we can advertise for someone who has the training. Linda stated there is a new law that even part-time Code Officers have to pass civil service exam. Councilman O'Connor asked to see that in writing. Linda stated it is based on the amount of people in the Town. If a Town has a population of over 5,000 people, a civil service exam is required. That information came from Civil Service. She stated Sandy has it in her office.

Supervisor Markou finished reviewing the following resolutions:

Resolution # 70-2009

Authorize Supervisor to Sign Quadricentennial
Contracts

Motion Councilman Antonelli

Second Councilman O'Connor

Ayes 5 Nays 0 Absent 0
Motion Carried

Resolution # 71-2009

Approve Cementon Sewer User Fees
Motion Councilman Antonelli
Second Councilman Smith
Ayes 5 Nays 0 Absent 0
Motion Carried

Supervisor Markou reviewed the County resolutions:

Resolution # 158-09

Authorizing Municipalities to Participate in
County Purchases for #2D Diesel Fuel and Gasoline

Resolution # 153-09

Awarding Fuel Oil Bids

Resolution # 171-09

Approving Reimbursement to Comm. Colleges
(Catskill's share \$81.00)

Resolution # 173-09

Authorizing Distribution of Mortgage Tax
(Catskill's share \$88,377.52)

Supervisor Markou stated for the record it appears at the half year cycle, the mortgage tax share is down. It isn't down significantly but it will be watched closely.

Councilman Smith asked Supervisor Markou to address the issues concerning this for the coming year and the income that is coming in and what, as a Town board, can be done.

Supervisor Markou stated that the budget has begun for 2010. He has very serious concerns about the flow of fees into the Town. He isn't convinced that things will get better in 2010. He stated the Comptroller does not think we will make the budget for 2009. He states we will need a more realistic estimate for next year. He stated they are within the budget for the ambulance building. The final obligation will be completed on the Senior Center. He does not want to take on any new debt for 2010. He will try to hold the line for the 2010 tax rate.

Councilman O'Connor stated he is worried about getting through 2009. He says this is why he is making the decisions he is making. Supervisor Markou stated we are on budget right now. He stated our cash situation is very good. This is why he would like to begin an informal budget process in July.

Supervisor Markou spoke about new business. He introduced Liz LoGuidce from Cornell Cooperative Extension who is present to speak about the Catskill Creek Watershed Awareness Project.

She introduced her partner Fran Martino who is works for Hudson Basin River Watch. This is a volunteer organization.

Liz stated that their project centers on the Catskill Creek. She viewed the benefits of the Creek for all who live in the region. She stated the Creek starts in Schoharie County and flows into the Hudson River from the Village. It is influenced by the Hudson's tides so in the Village and about a mile upstream it is tidal. There are two high tides and two low tides every day. It is an important resource for fish spawning including fish from the Atlantic Ocean. Upstream is where trout spawning occurs.

It is important to the communities because of the recreational and tourism industry. The creek is also used as a source of irrigation for nurseries and farms. It also has an aesthetic beauty to it.

Fran stated when they speak about watershed protection, it does not just include the Catskill Creek. There is a watershed map that she presented. She stated the Catskill watershed is 415 square miles that covers four counties (Albany, Schoharie, Greene & Ulster). She stated that a watershed is all the land that surrounds the area, including ponds, lakes and aquifers.

The Hudson Basin River Watch program has been around since 1990. They help monitor the water quality. They look for three components; the physical aspect of the stream, the biological component and the water chemistry. Tonight they are here to educate and raise awareness and to solicit volunteers.

Liz stated that she is here to inform the Board of the project. They plan to be active in the Community and raising awareness and thought it would be important of their actions. She stated that neither Cornell Cooperative nor Hudson Basin River Watch are regulatory agencies. They are not advocacy groups. They are educational organizations.

Liz stated the project is to monitor the major tributary streams up and down the Hudson River. The project is to raise awareness and monitor water quality of the Creek. They also are interested in gathering a group of volunteers to promote education events and to actually get their feet wet and get out into the stream and do the water quality monitoring.

This project is funded through DEC, the Hudson River Estuary Program. There are groups throughout the Hudson Valley in different stages of development. Some are at the point where they are working closely with municipalities to have Towns within a watershed adopt similar zoning to protect riparian buffers, streamside plantings, and no building in flood zones. They are trying to have uniformity within Towns within each watershed. Liz stated they are just starting out so their interest is to raise awareness and to solicit volunteers. She thanked the Board for their time.

Supervisor Markou read a letter from Mr. Ori Vincent to Mr. Peter Grannis, Commissioner of NYSDEC on behalf of his client, Joseph Law. It outlines the emphasize of the importance of water. It is regarding the bass tournaments and the 15

inch limit for black bass. The Department enacted a rule in taking the size of black bass from 12 inches to 15 inches. There are no bass tournaments this year in the Village of Catskill due to this. Mr. Vincent asked Mr. Grannis to review the rules and to ask changing the inch limit from 15 inches to 12 inches to help our local economy.

Councilman O'Connor stated we should request a catch and release permit. This may help us. Supervisor Markou asked why Catskill has a 15 inch limit and others have 12.

Supervisor Markou asked the Catskill Little League to speak in regards to their use of the Babe Ruth field.

Ed DuPont, President of the Catskill Little League, approached the Board and stated he was here this evening because Councilman O'Connor has been trying to get a deal together between the Catskill Babe Ruth and the Catskill Little League. The President of the Babe Ruth was in the audience. Mr. DuPont stated he has an agreement in hand along with a check. He would like to review the agreement and try to get this thing done.

Councilman O'Connor asked if Hank was here and if he read a copy of the agreement. Mr. DuPont says he is to give him a copy now.

Hank read the agreement and asked about the trailer that Little League wanted to bring in. Mr. DuPont stated that trailer will not happen, but something will go on Joe Pilatich's property, which is next to the Babe Ruth. Hank stated this has changed since the spoke before. He stated it has been expanded from our conversations.

Mr. DuPont stated the initial conversation that they had, on Memorial Day, has changed based on the bringing in a concession stand. He stated he was told it wasn't a good idea. Hank offered 25% of the concessions. Mr. DuPont stated they have not gotten together again to discuss it. Mr. DuPont stated we can discuss tonight before the Board and try to put it to bed. Hank stated he believes he has the right to look at it first.

Mr. DuPont stated in regards to the last conversation with Councilman O'Connor, they talked about him stating that some of the parents had said that Babe Ruth wasn't going to exist. There was a meeting the other night and he presented what the parent's signed and that Mr. DuPont was being honest with him. Councilman O'Connor stated what he said he heard on the street. Mr. DuPont stated he needed Councilman O'Connor to know that it wasn't said at registration. Councilman O'Connor stated he told him at that time, it was on the street.

Councilman Smith stated there is a lease agreement and the Board has not been consulted with the modification of the lease agreement. He stated they are presented with an agreement that doesn't mention the lease agreement with the Town. He stated as Board members, they are here for the children and support the activities to educate our children. This needs to be done in coordination with the existing contracts with the Town. He doesn't see that that has happened. He believes there are two issues. One is the internal issues between groups and the second thing is the lease agreement with the Town that

needs to be addressed. Councilman Smith stated before any agreement is reached between the two groups, they need to meet with the Town Board. He stated the end result is the kids.

Hank stated that the lease at this point doesn't state they need to share the field. They have a valid lease. All the requirements are in. What needs to be done now is to see if the schedule can be modified. He stated he received Little League's schedule on May 17th. He stated there is a concern about the double header on Saturday and Sunday. Mr. DuPont stated he was trying to accomplish for both leagues to play two games on Saturday and Sunday. He stated the Little League would take whatever was left over.

Hank stated he was able to change his Babe Ruth but Mr. Acker, who is in charge of Senior Babe Ruth, schedule is not as flexible. Hank stated he would look at whatever is on the table.

Mr. Acker stated that they play between 45 and 60 games within the season. Councilman O'Connor stated that he believes the discussions went very well. He stated he spoke with Supervisor Markou and that a decision was made that one board member would handle it and bring it back to the board. He stated they attempted to get it together. He stated there is a lease with Babe Ruth. They have followed their lease. He states he has had a lot of phone calls from both sides. A meeting was arranged for Memorial Day for both sides to sit down. Councilman O'Connor stated he was not involved in that meeting. He stated a schedule should be made out. He mentioned the lights are on a separate meter. If Little League needs to use the lights, have them pay. He stated do not bring up past bills. This would be from here forward.

Councilman O'Connor stated the arrangements have been made except for a couple of games. He stated that Little League approached the Town Board a couple of months ago and stated they have \$5,000 to put into the field. He stated to get together and put in a field or pay for the lights but that the kids should play ball. Councilman O'Connor stated if both groups can't get together than he would like to see the Town get out of the lease all together and make there own park.

Mr. John Simons stated that if the two leagues can not see eye to eye, Councilman O'Connor made a proposal, and asked if a timeline would be given for that. He asked if he was just saying that as a member.

Councilman O'Connor stated he has been in this Town his entire life. He stated when he played ball, it was different than it is now. He stated when a kid walked on the field, sign ups were over with. If a kid didn't have the money to pay a fee, the Coach still said, you play. Councilman O'Connor challenged Babe Ruth and Little League to make this work. He stated this is about the kids, not about the parents.

Mr. DuPont stated we are not trying to take anything away from the kids. Councilman O'Connor stated he is taking it wrong. He wants both parties to sit down and work it out. Mr. DuPont stated he is assuming that we have sat down and not been able to work it out.

He stated he can not gain an audience with Hank. Councilman O'Connor stated three months ago, Little League approached the Board and tried to get the contract with Babe Ruth cancelled. An audience member said that they were in default then. Councilman O'Connor stated they were not in default. He stated this Board has nothing to do with Babe Ruth bills. He stated the Board had their insurance. The bills are Babe Ruth.

An audience member asked if upkeep of the field is in the contract. Councilman O'Connor stated in January? An audience member asked if he has been up there. He stated that the High School plays there and communities from all over come there and the field is an embarrassment.

Councilman O'Connor stated if both groups get together maybe there would be enough volunteers to make it work.

Supervisor Markou asked for order.

An audience member wanted to make sure that the money that is being raised by that entity is doing right by the Community. She has just read the agreement where it says Little League will pay \$15.00 a head. If it is for upkeep and lights, fine, but there needs to be accountability and the Town is in the middle.

Councilman Smith stated that she is talking about two separate legal entities. He stated the Town has no legal connection in terms of accountability for funds with either organization. The relationship between the Town is a lease agreement. There can be no implication that there is some relationship or obligation between the Town and not-for-profits with accountability; there is no line. He stated the accountability exists within each organization. The Town is not in the middle, make no mistake about it.

The audience member stated that if these two leagues cannot get together and Babe Ruth has the lease and Little League cannot use the field, since they are in the start of their season, they will need to contact other communities. She asked what the end result is.

Councilman O'Connor stated that his suggestion was to get through this season for the kids and form a steering committee between the two organizations. He believes if the committee is formed it will work out for next year.

Mr. DuPont stated that Mr. O'Connor was not at the meeting. He stated that the Thursday before Memorial Day, the two (Babe Ruth/Little League) were suppose to get together, it was cancelled. The meeting was rescheduled for Friday, Babe Ruth cancelled again. On Saturday morning, Hank would not return phone calls and Mr. DuPont called Councilman O'Connor. He stated he has been doing his due diligence to get together with Hank. After Councilman O'Connor made the call, a meeting was scheduled. He understood that Little League would have to move their schedule. He has no problem with moving his schedule. He does not want to take either his kids off the field or Babe Ruth. Hank stated this is not adversarial. He is trying to get everyone to play.

Councilman Smith stated a meeting took place and maybe it wasn't perfect. Mr. DuPont said nothing was resolved.

Councilman O'Connor stated all the Board can do is help the two to get together.

An audience member stated that the two entities got together and the end result is that agreement. Can the agreement be signed? Councilman O'Connor asked if Hank would sign the agreement and he stated "sure, he would sign".

This audience member reiterated that no one in the audience wants to be here. They should be playing baseball, Catskill baseball. She stated many of the children played Catskill Babe Ruth last year. She is not going to belittle what happened last year. She stated there were children who played three games last year. There were championships that were not held. There was electricity not on, etc. She stated she wanted to assure the Board that as a parent group, they went to Catskill Babe Ruth and to Mike Chaz, and stated as a group, they stated their concerns. She stated Mike Chaz basically ran them out. She stated that she never knew that Catskill Babe Ruth is not about Catskill students or Catskill town payers. She stated Catskill Babe Ruth encompasses all of Greene County. She stated that Catskill does not have the luxury that Cairo, Coxsackie and Greenville have by having their own fields. She stated every home game for Catskill Babe Ruth is played at Catskill. She stated that our children are not playing on the Catskill field.

She stated that Athens, Cairo and Coxsackie formed their own Little League because of the issues with Catskill Babe Ruth last year. She stated this shouldn't be happening because it sounds like a school fight. She feels bad for these kids because all they should know about is baseball. She stated she doesn't mean that Greenville cannot use the field, but that if Greenville has a field, why are their home games being played in Catskill so their kids can't play.

Councilman O'Connor stated he believed the Board would be a lot happier knowing that the two organizations are working together. The audience member stated she hoped the agreement is what it is going to be. Councilman O'Connor stated that agreement was what was discussed at their meeting. It may have had a little change but as long as it is signed and that is what you go by and make the committee for next year.

Ed DuPont stated that agreement wasn't discussed at their meeting. Councilman O'Connor stated it came out of the meeting that that was what was agreed upon. Ed stated that isn't true. Mr. DuPont stated Mr. O'Connor called him and said this is the way it is suppose to be. He stated they never discussed paying them money for anything. Councilman O'Connor stated the fee was discussed before the letter was written. It was brought up because they could not work at the 25% for the concession stand. The \$15.00 fee is to help maintain the field that Little League's kids will be playing on.

Mr. DuPont stated they wanted to pay for supplies, to work on the field. They have had their two senior teams work on the field already. Mr. DuPont stated the day he and Hank spoke, they offered to pay for any supplies and to kick in for maintenance on the field.

Councilman Smith asked for this to stop because there is all sorts of confusion. He believes that maybe they should start over. He asked if another meeting can be set up and work the issues that need to be addressed.

Mr. Acker stated if the lights can come on then there would be 7 additional time slots for kids to play. He asked the Town if they can help get the price of the lights reduced. Councilman O'Connor stated that if the lights are turned on at a periodic time the rate will not come on. He stated he will check this out with Central Hudson. He stated if the lights are turned on periodically, the charge is put on a demand rate. If they know there is a second game, put the lights on at 6 or 7 o'clock because they won't get charged a demand rate. If the lights are turned on during a demand time, then you will be charged the entire month.

Mr. Acker stated he thought every time the switch was flipped it was a \$250.00 plus the rate. Councilman O'Connor stated if they are flipped all together it uses the demand and increases the rate. Councilman O'Connor will check. Mr. Acker is asking for the Town's help.

Supervisor Markou stated the issue needs to be resolved. The kids will play or no one will play. If no action is not taken within 60 days to solve the issue, there will be action to break the lease. Supervisor Markou stated this is something the Town Board need not deal with. He stated everyone needs to sit down as adults and to put the egos behind you. He stated there better be a resolution. He doesn't care how it is done, but it needs to be done.

Theresa Brantley stated Babe Ruth has a new board. They have worked very hard to make Babe Ruth what it is right now. They have had fundraisers to clear the debt. She stated Babe Ruth is willing to work on the agreement. She feels the 60 day thing is unfair. She stated that now, because of that, her opinion is that the Little League will want the lease to be broken.

Mrs. Peckovitch stated she appreciates the Board members working very hard. She stated it is a hard job and hard to dig out of a hole. That being said though, these are people who are not residents of the Town of Catskill and she is looking at Town of Catskill taxpayers. She said these are Town of Catskill constituents.

Councilman O'Connor stated to form a steering committee and notify the Town Board of the meeting.

Supervisor Markou stated 60 days is arbitrary because the season is over within 60 days. He stated everyone will walk away from the table equally unhappy. If a compromise doesn't work there is always next year. He stated this has been the most aggravating

issue that has come before the board. He stated he knows everyone is devoted to their expected groups. He stated not to call him until the issue is settled. He stated that within 2 weeks, he needs to have a progress report. Councilman O'Connor stated he will be the liaison.

With no further business a motion to adjourn the meeting was made by Councilman Antonelli and seconded by Councilman Smith. Meeting ended at 8:05 pm.

Respectfully submitted,

Elizabeth Izzo
Town Clerk