

TOWN BOARD MONTHLY MEETING

July 7, 2015

The Town Board of the Town of Catskill held their monthly meeting on Tuesday, July 7, 2015 at Town Hall at 6:30 pm. The meeting was opened with a moment of silence and the Pledge of Allegiance. The following members were present:

Joseph Leggio, Supervisor
Robert Antonelli, Councilman
Pat Walsh, Councilman
Gary Carlson, Councilman
Jared Giordiano, Councilman
Also Attending: Michael Smith, Town Attorney

APPROVAL OF MINUTES:

Motion made by Councilman Antonelli second by Councilman Carlson to approve the June 2, 2015 Town Board minutes, carried.

Motion by Councilman Antonelli second by Councilman Walsh to approve the June 2, 2015 Public Hearing LL 4-6 minutes, carried.

Motion by Councilman Antonelli second by Councilman Giordiano to approve the June 2, 2015 Public Hearing for the Time Warner Franchise Agreement minutes, carried.

Motion by Councilman Antonelli second by Councilman Carlson to approve the June 12, 2015 Government Operations meeting minutes, carried.

Motion by Councilman Antonelli second by Councilman Walsh to approve the June 17, 2015 Town Board Committee Meeting minutes, carried.

DEPARTMENT REPORTS

Town Assessor-Reappointment to the Board of Assessment Review: Susan Hicks

Resolution # 68-2015 with motion by Councilman Antonelli second by Councilman Carlson to reappoint Susan Hicks to the Board of Assessment Review. Vote: Adopted 5 Yes

-Holcim certiorari case, revised assessment \$2,257,458 for 2015, 2016, 2017 and 2018. Resolution # 69-2015 with motion by Councilman Antonelli second by Councilman Walsh to accept the certiorari proposal for Holcim (US) Inc. reducing the taxable assessed value to \$2,257,458. Vote: Adopted 5 Yes

Highway- Accept bids for all of the surplus items except, reject bids for the 1985 GMC dump truck and 1975 Oshkosh plow truck. *Resolution #70-2015 with motion by Councilman Antonelli second by Councilman Giordiano to accept the bids for the surplus highway equipment. Vote: Adopted 5 Yes*

-NYSDOT listing of roads in the TOC. *Mr. McCulloch stated this was received today from the State. It is a federal statute in which States are required to submit public road mileage annually to the Federal Highway Administration. Supervisor Leggio stated we are adding Old High Falls Rd, Vosenkill Rd Ext, N. Allen St. (2) and N. Jefferson Ave Ext to the list; amending the mileage on Dedrick Rd., Mt. Turnpike Rd, Stony Brook Rd., Bogart Rd., High Falls Rd (2), Vosenkill Rd N & S; removing High Falls Rd beginning at the Ulster County Line ending NE TH 6. Resolution # 71-2015 with motion by Councilman Antonelli second by Councilman Walsh accepting the amendments to the roads of the Town of Catskill. Vote: Adopted 5 Yes*

Mr. McCulloch stated motor paving will begin July 21st at 6 am. They have replaced 35 culverts on Foster Rd, Underhill and Stony Brook and SB Ext. They are waiting on the paperwork from DEC to remove the oil tanks. The four seasonal workers are doing well. He is requesting from the board to roll the bond over on the current two trucks to purchase two new dump trucks.

Supervisor Leggio asked for a plan, a wish list so we can see how far to go. The bond for that equipment, the last payment is due in January. There are other things that need attention before highway equipment can be purchased such as the back of Town Hall.

Shaun Beers, who is running for Highway Superintendent, stated he agrees with Patrick on the purchases he needs. There are no spare snow plows. Supervisor Leggio stated to come up with a plan. Mr. Beers stated the building will be there but his concern is the safety of the residents. Mr. Leggio stated the money comes from the general fund. Instead of bonding ex amount of money for project a, project b, there is a different mechanism for financing projects.

Code Enforcement- Mr. Fishman, as only two weeks on the job, was not prepared for a report but stated they are going through the backlog of complaints and are reviewing plans that are coming in. Several complaints has been addressed and closed and they are trying to get a handle on what's left and address those. Supervisor Leggio stated he received a phone call from a resident thanking them for taking care of a sewage problem next to their house. Mr. Fishman stated the pool of sewage is still there but it being taken care of to get it out.

Cemetery-Mr. Dushane gave prices to the board for the purchase of a zero turn mower. Keil's Equipment is under State Bid and the price is \$8,068.38. He asked for permission to purchase it. The last mower was purchased eight years ago. The Highway Dept and Cemetery use tractors and there is money in his budget. Councilman Giordiano wished to table until other machines could be looked at for the longevity of the engine. Councilman Carlson asked if this is the most

appropriate unit. Mr. Dushane stated yes. Councilman Antonelli stated it is a commercial unit. *Resolution #73-2015 with motion by Councilman Antonelli second by Councilman Carlson to purchase, on State Bid, a zero turn mower from Keil's Equipment in the amount of \$8,068.38. Vote: Adopted 4 Yes 1 No (Giordiano)*

CORRESPONDENCE

NYS DOT highway work permit; Stony Brook Rd, Foster Rd., High Falls Rd.

NYS Dept of Public Service re study on the State Telecommunications in NYS

Email from Liz LoGiudice, Cornell Coop Ext., regarding interest in attending a meeting with other town related to the flooding of creek and its tributaries.

Letter from Riverkeeper regarding their efforts meeting the Clean Water Act goal.

Letter from GC Economic Development regarding their infrastructure inventory and development project focusing on water and wastewater infrastructure in GC.

Letter from the State of New York Office of the Attorney General regarding a citizen complaint to the AG regarding a composting facility in the Town.

Letter from the County Attorney enclosing the utility access agreement between the County and Town for the sewer pipe.

Letter from America in Bloom regarding their national symposium in Holland MI and invitation to such event.

Request from Electric City Clowns, based in the Capital Region, requesting we issue a proclamation declaring August 1-7 as International Clown Week in our municipality. *Supervisor Leggio stated this is a volunteer group of individuals who got to hospitals and schools. Resolution # 72-2015 with motion by Councilman Giordiano second by Councilman Antonelli declaring the week of August 1st through 7th as International Clown Week in the Town of Catskill. Adopted 5 Yes*

US Army Corp of Engineers public notice for a proposed project by CSX Transportation discharging fill materials into waters of the United States to facilitate construction of a second mainline track, approx. 7.8 miles in the towns of Catskill, Athens and Coxsackie.

Letter from NYS Environmental Facilities Corp. regarding the Leeds Jefferson Heights Sewer District, engineering agreement acceptance. *Supervisor Leggio stated they are accepting for paying the engineering fees as part of the bond process.*

Copy of letter sent to NYSDEC from Assb. Lopez regarding the draft amendment to Kaaterskill Wild Forest Unit Management Plan.

Meeting notice GC Planning Board, June 17th.

NYSDEC letter to CSX Transportation their application is complete and a technical review has commenced.

RESOLUTIONS

Resolution # 67-2015 with motion by Councilman Antonelli second by Councilman Walsh to approve the bi-annual fee for Cementon Sewer in the amount of \$297.75 per unit. Adopted 5 Yes

PUBLIC COMMENT

Kathleen Holtz approached the board regarding the noise ordinance. She has spoken with Mr. Fishman. She has contacted the State Police and the Sheriff's Department who stated they cannot do anything because the town doesn't follow through with their ordinance.

Councilman Carlson stated law enforcement is in charge of taking care of the laws enacted by the state. A noise complaint would normally be considered disorderly conduct. If they were to charge under town law, they won't because they don't have the mechanism to bring a person to court.

Ms. Holtz stated the noise has not been screaming loud since the Code Office came out but she cannot sit outside on her deck because the noise from the music is so loud. She stated the noise is on vacant property, they are setting up a camp, and part of the problem is it is on her property.

Mr. Fishman stated he went and found the property owner and the kids were playing music too loud the other night. He stated he seemed sincere and stated it wouldn't be a problem. He hasn't heard of another complaint.

Councilman Carlson stated if a person is complaining they need to sign a complaint stating it is bothering you and based on that action, the Code can issue an appearance ticket.

Supervisor Leggio stated he will reach out to the Sheriff and State Police and we will keep an eye on the property.

Ms. Holtz then mentioned an issue with littering. There is a newspaper called the Shopper and they throw their newspapers out and are littering. She has called and asked them to stop but she is unsure what next to do. Supervisor Leggio stated he will contact them.

Supervisor Leggio asked if anyone else wished to be heard. Ms. Martin approached the board regarding Town Law chapter 135, solid waste, and the town prohibits garbage. Supervisor Leggio asked what her question was. She stated she has sworn depositions that tractor trailers dumped shredded construction debris and it is a hazard to her family. She stated the county has a law because of the health hazards and asked why no action has been taken.

Supervisor Leggio stated he has not received any paperwork from any agency other than what DEC said and the agreement between DEC and Mr. Edwards is closed out. Ms. Martin stated the garbage is still on her property line. She is now seeing a NYS Toxicologist.

Councilman Carlson asked Ms. Martin where she obtained the depositions. She stated it is public information in Supreme Court. He asked if this is a result of a civil suit against Mr. Edwards. She stated yes. Councilman Carlson stated depositions taken in civil court can't have action against them, statements cannot be utilized against him and she has brought them in a public forum. The attention has been brought to the DEC. Ms. Martin stated the town overrides the DEC.

Ms. Martin stated she is unhappy the Town continues to neglect the issue. Supervisor Leggio stated there is a process. Ms. Martin gave a copy of the local law stating the board's ignorance. Supervisor Leggio stated we have been fair and listened. DEC and DOH have been contacted. He does not believe the town supersedes the State of New York.

Mr. Fishman stated the section of town code referring to solid waste; construction debris is not considered solid waste. It appears the county law, 4 of 88, requires a permit for dumping construction waste. Ms. Martin states the debris is not wetted down, it gets driven over and all he has is compost for mulch and not shredded material from Long Island. The county is saying it doesn't have an answer and to sue the county, town and state and Mr. Kaplan says he can't talk about it and to get an attorney.

Supervisor Leggio asked Michael Smith if town law supersedes state law. Mr. Smith stated of course not. Supervisor Leggio stated we can impose stricter ordinances, state law supersedes. Mr. Smith stated you cannot make it more restrictive than state law.

Supervisor Leggio stated we are trying to find a remedy. Mr. Hackett, who lives on the other side of Mr. Edwards, stated the debris is there, it makes dust and they are crushing it. How often is he supposed to check his well at one thousand dollars a pop? If there is a problem, he wants to know as he has a family there too.

Mr. Fishman stated the town law doesn't talk about debris but the county law does. Supervisor Leggio asked Mr. Fishman, since he is just starting out, to review for the next meeting in three weeks. We had sent letters asking for a timeline of your events so we have a complete report.

Mr. Hackett stated it is frustrating when you say DEC and DOH handled it and it the wetland capped but he sees dust.

Mr. Izzo, in regards to County Law #4 of 88 suggested the CEO request from the county if a permit was issued and when. If it was issued prior to the local law, you are only allowed so many tons. If it was issued after the local law, it is a requirement to give the county the specifics of land, weekly deposits, records and reports ever year; where the debris came from and how much it weighed. The CEO can contact the county and put them on notice there is a complaint and see if the applicant conformed to the law.

Supervisor Leggio stated he doesn't believe the county knew. Mr. Izzo stated it doesn't matter what they knew. You are putting the county on notice and if they knew...Supervisor Leggio stated he didn't believe Mr. Edwards owned the property in 08. Mr. Izzo stated it doesn't matter. You need to request to see if the county followed their laws.

Mr. Pugsley, a friend of Ms. Martin's, stated DEC has had Mr. Edward's move the material away from the wetlands but it is still on his property. He isn't an attorney but suggests Mr. Smith look at the laws. He believes everyone wants the issues resolved. DEC just wants the material moved and the town and county state he can't have that operation in Greene County and he is operating against the law.

Supervisor Leggio asked if there was any further comment. He stated there was not a spring clean up and people have been calling asking for one. He asked the board if they were interested in holding a fall clean up. Councilman Antonelli recommends we do one. *Resolution # 74-2015 with motion by Councilman Antonelli second by Councilman Carlson to have a fall town-wide clean up day the third Saturday in September. Vote: Adopted 4 Yes 1 No (Carlson)*

Supervisor Leggio stated the back-up tapes have been malfunctioning. IT suggested we back-up to the cloud at a onetime fee of \$798. Councilman Giordiano agreed but asked what would happen if we switch contracts, what would happen with the information. Supervisor Leggio stated the same with the other company. *Resolution # 75-2015 with motion by Councilman*

Giordiano second by Councilman Antonelli to authorize backing up to the cloud upon attorney review in the amount of \$798.00. Vote: Adopted 4 Yes 1 No (Carlson)

Supervisor Leggio stated the Town of Catskill is self insured and we subscribe to the rates of BC/BS. There is implementation of Teledoc and the cost would be \$5.50 for every paid employee or roughly \$2,000 till the end of the year. This would be used instead of someone going to the ER. It is for minor issues such as a cold. It is twenty-four hour seven day a week call in service. It would possibly save the town thousands of dollars. It was discussed in the past but there was some confusion if it was for only paid employees. Our insurance broker believes it is a good way to reduce our medical costs. *Resolution #76-2015 with motion by Councilman Antonelli second by Councilman Giordiano to subscribe to the Teledoc System till the end of the year in the amount of \$2,040.50.*

Supervisor Leggio stated the town has sponsored Music in the Park, a Heart of Catskill event, for several years and we tried to have a music event in other parts of the Town and the Palenville Country Club will be hosting a music series at the golf club with Sawyer Motors, the RVW and us as sponsors. This was discussed at a previous meeting and the cost will probably be about \$1,200. We hope people will attend and enjoy these events.

With no further business a motion to adjourn the meeting was made by Councilman Carlson second by Councilman Antonelli. Meeting ended 7:54 pm.

Respectfully submitted,

Elizabeth Izzo
Town Clerk