

CATSKILL TOWN BOARD MONTHLY MEETING**OCTOBER 7, 2014**

The Town Board of the Town of Catskill held their monthly board meeting on October 7, 2014 at 6:30 pm at the Catskill Town Hall. The meeting was opened with a moment of silent prayer 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
Alfie Beers, Highway Superintendent
Joseph Izzo, Planning Board Chair

APPROVAL OF MINUTES:

09/02/2014	Public Hearing 12-2014 Unsafe Structure Motion Antonelli Second Walsh	Adopted 5 Yes
09/02/2014	Town Board Monthly Meeting Motion Antonelli Second Carlson	Adopted 5 Yes
09/17/2014	Town Board Committee Meeting Motion Antonelli Second Giordiano	Adopted 5 Yes

GREENE COUNTY RESOLUTIONS:

Res 264-14	Authorizing Delay of Greene County to assume Responsibility for payment of reimbursements to Community colleges
Res 275-14	Approving reimbursement to comm. colleges (Catskill's share \$59.97)
Res 277-14	Amounts due County Treasurer by respective towns (\$72,468.56)

CORRESPONDENCE:

Request from Young Explosives for a display fireworks at the Catskill Golf Club on Dec 11th for the Greene County Chamber event. Duration will be 8-12 minutes around 7 pm.

PSA from Catskill High School presenting a Veteran's Day Assembly, Friday, November 7th at 9 am in the High School Auditorium.

Letter from Olana Partnership President Sara Griffen stepping down as President effective December 31st.

Copy of memo from Pete Lopez, Assemblyman to Jerome Hauer, Commissioner of NYS Division of Homeland Security & Emergency Services seeking update on the town's grant for the Penn Ave bridge project.

2014 Personal Management School from the Asso of Towns to be held November 13-14th in the Town of Amherst.

Letter from Terry McGee Ward, Executive Director of GCDSS, with proposed 2015 contract for the use of the Senior Center. *Supervisor Leggio stated they are asking to reduce the rental amount to \$1,000 per month due to budgetary restrictions. Councilman Carlson stated no as it was reduced last year. Councilman Giordiano stated in lieu of the county discontinuing their plan with college charge backs, he doesn't want to reduce the rent. Resolution #88-2014 with motion by Councilman Giordiano seconded by Councilman Carlson to not accept the contract with Greene County Department of Human Services. Adopted 5 Yes.*

Energy bulletin from Central Hudson.

Invite to an executive seminar presentation from the NLRB to review section 7 of the NLRA (National labor relations act).

DEPARTMENT REPORTS/CORRESPONDENCE:

Code Office Report

Animal Control Officer Report

Cemetery report

Email from Assessor for board to consider reappointment of Ray McNeany to the BAR.

Letter from Planning Board recommending Kevin Conklin be appointed as a Planning Board member.

Mr. Izzo of the Planning Board informed the Town Board at their next meeting or the meeting after; they will be looking at the initial stages of a site plan for the Dollar Store in Palenville.

PUBLIC COMMENT:

Jill Burkholder presented to the town board a petition with 487 signatures of residents to have the Town of Catskill do what they need to re-establish the swinging bridge. The first action should be to have a meeting with the landowners, town attorney and town board. Supervisor Leggio stated if the town can get the easements with the bridge being replaced at no cost, we would accept liability of the walking path. The town has tried to work with the gentleman but it hasn't come full circle. If you wish to schedule a meeting, we would be happy to attend.

Mr. Smith stated it is an excellent idea to have a forum where the issue will be discussed; however, the meeting will require the landowners of both sides of the Kaaterskill Creek to be present to make it meaningful.

Mr. Harvey asked if the efforts fail to get the landowners to the meeting, will the town file eminent domain. Mr. Smith stated there would need to be a party to begin litigation relative to the issue. Research would need to be done to see if the TOC wants to be in the position to proceed with eminent domain and if the town board has a standing to do it. He hopes it never gets to that point.

Councilman Carlson stated he would be hesitant to bring up that issue. He is happy to see all members of the community to stand up for it but to go into an adversarial review, he doesn't want to see eminent domain as a point of contention. Mr. Harvey stated they are looking for the town's assistance in getting the easement.

Mr. Murray stated we are all in agreement to get the bridge back as since Irene it is hurting the shops and asked when the attorney can come out to Palenville. Councilman Carlson stated the town's participation is as support group. We are also cognizant of the feelings of the property owners.

Mr. Davis stated he believes there is a hidden agenda. The town is having a war with the property owner and he believes we are disingenuous. He wants to unlink the code issues as the bridge is being held hostage. Mr. Smith disagreed with his observation. Nothing happening in the code office is influencing the town's support of the bridge. The code office will do its job relative to the enforcement to all property owners. The one property owner in Palenville is addressing issues. One has nothing to do with the other. There is no influence on the board with what is happening with the code office. Mr. Davis disagreed as the last time he spoke with Joe Leggio he stated the issues are with the property owner. Supervisor Leggio stated the last time

this was discussed, Gary was going to talk to the gentleman in question and that is where it was left off. Get the two property owners in a room and have a meeting with everyone. This whole issue is everyone else is involved except the person. Contact us with the next step.

Mr. DiPietro asked for legal clarification of what constitutes a thoroughfare. The bridge was actively used well over 100 years. Mr. Smith stated at first glance it would not. There is no easement on either side for the swinging bridge. Mr. DiPietro stated he believes a thoroughfare was established on the paths and the bridge and doesn't believe the property owners have a right to put an end to the thoroughfare. Councilman Carlson stated you are discussing adverse possession and that is a Supreme Court litigation case generally initialized by property owners when there is a property line present.

Supervisor Leggio stated the first thing is to talk to the people first. If there are no alternatives other options can be explored.

Mr. Shuster stated he has spoken with the property owners and they want the town to own the easement as he doesn't want to be responsible. Is the town willing to assume responsibility? Another audience member asked the town to vote on the liability issue. Supervisor Leggio stated it wasn't necessary for us to have a resolution.

Resolution #87-2014 with motion by Councilman Carlson second by Councilman Giordiano to assume liability for the Swinging Bridge in Palenville if the easements are given to the Town by the property owners. Adopted 5 Yes

CONTINUING BUSINESS:

Bruce Shanley of Stella Place asked about their road. Supervisor Leggio stated the town engineer looked at that road and a few others. Because the road has been maintained over ten years by the town, the engineer and attorney stated because of maintaining and plowing the road it has become a town road. We do not have a legal deed of the road as the engineer is in that process. We do not want to take over roads but that is this outcome.

Mr. Praetorius looked at LaCorte Road and because the town does not maintain that road, to do something with that road, a highway maintenance agreement can be done where the property owners pay a fee to make the road conditional. The engineer is trying to see how to make it conditional but his question is where to start and where to end.

Donna Meo stated the issue is because someone decided to take care of Stella Place; it is now a town road, so we have to come up with the money because someone didn't decide to choose our road to maintain. Councilman Carlson stated they had gone through the process of becoming a

town road and the paperwork was dropped. The road was brought up to specs at that time. It was the understanding of both parties to be a town road but there was no paperwork to make it legal. We stopped the maintenance of it when LaCorte came into play.

Ms. Meo stated she has correspondence from Bill Beck about taking over the road. There were the same issues back then. Our next step would be a petition like they did? Supervisor Leggio stated he will contact Praetorius and schedule a meeting with him and the property owners. The Supervisor will call Ms. Meo with the date.

EXECUTIVE SESSION:

Supervisor Leggio asked for a motion to enter into executive session to discuss part employment history and part collective bargaining with CSEA. Councilman Antonelli made a motion to enter into executive session seconded by Councilman Giordiano. Executive session began 7:23 pm.

Motion to exit executive session was made by Councilman Giordiano seconded by Councilman Antonelli. Executive session ended at 8:04 pm and the meeting resumed.

RESOLUTIONS:

Resolution # 89-2014 with motion by Councilman Antonelli second by Councilman Walsh to authorize a firework display by Young Explosives for the Greene County Chamber of Commerce event at the Catskill Golf Club December 11, 2014. Adopted 5 Yes

Resolution #90-2014 with motion by Councilman Antonelli second by Councilman Walsh to re-appoint Raymond McNeany to the Board of Assessment review effective October 1, 2014 through September 30, 2019. Adopted 5 Yes

Resolution #91-2014 with motion by Councilman Antonelli second by Councilman Giordiano to appoint Kevin Conklin as Planning Board member effective immediately. Adopted 5 Yes

BOARD COMMENT:

Councilman Giordiano asked about the bids. Supervisor Leggio stated the chipper bid came in at \$27,469.99 and \$29,100 respectfully. The Highway Superintendent and Highway Clerk stated we can use chips money to purchase equipment but he wants a letter from DOT confirming. The attorney will review the bids.

The video camera bids were \$1,987, \$7,900 and \$13,995 (via email). He doesn't know why the price is so ridiculous. The original quote from S & F was in between the low bid and the second

the next highest. His recommendation is to throw out the bids and requite. Councilman Giordiano stated the cameras are on state bid and we can purchase. *Resolution # 92-2014 with motion by Councilman Walsh second by Councilman Carlson to reject the bids received for the surveillance system for the Highway Department. Adopted 5 Yes*

Supervisor Leggio asked if there was further comment. With no further comment a motion to adjourn the meeting was made by Councilman Giordiano seconded by Councilman Carlson. Meeting ended 8:12 pm.

Respectfully submitted,

Elizabeth Izzo
Town Clerk