

Catskill Town Board Committee Meeting
Palenville Fire House
January 16, 2013

Attendance: Joseph Leggio, Supervisor; Robert Antonelli, Councilman; Pat Walsh, Councilman; Gary Carlson, Councilman; Elizabeth Izzo, Town Clerk

Also Present: Michael Smith, Town Attorney; Richard Praetorius, Town Engineer

Supervisor Leggio opened the meeting with a moment of silent prayer and the Pledge of Allegiance. He asked Mr. Praetorius to give an update on FEMA related projects.

Mr. Praetorius stated the project on Mill Lane and Kaaterskill Avenue is completed. DEC is appeased and gone. Supervisor Leggio asked about the change orders and the total project cost was estimated at \$330,000 but came in at \$290,000. Mr. Praetorius stated when you have good people working and there are full time inspections, a problem is solved before it comes up and doesn't create delays.

Supervisor Leggio asked about reimbursement from NRCS and heard it will not happen until all NRCS projects are completed within the County. Mr. Praetorius will check his notes. He stated we are almost in a position where we can submit for reimbursement. Supervisor Leggio thanked Mr. Praetorius for a job well done. He asked for an update on the Woodstock Bridge project.

Mr. Praetorius stated the project was bid on in the fall and everything is in order. The project has been delayed, set to begin May 15th with stream work June 15th, because DEC had concerns regarding spawning. The road will be closed again and he hopes to have it re-opened in October. Supervisor Leggio asked about a redesign. Mr. Praetorius stated there is an issue with the Army Corp of Engineers and has yet to receive any return correspondence. He stated SHIPO doesn't think there will be a problem with the tunnel and he will apply for a change in the scope of work to them. He will contact the Army Corp again.

Mr. Praetorius stated the culvert project on Route 32 is completed. Supervisor Leggio asked about the guardrail. Mr. Praetorius stated that is an issue. The homeowner was to either replace or give the guardrail to the town. He is unsure if that ever happened. There was discussion about putting a fence around the plunge pool but there was no resolution. Supervisor Leggio asked which one was least expensive. Mr. Praetorius stated the Town owned the guardrail and the homeowner removed it. The Town should get a rail and put it back up or he can get a price for a fence. Supervisor Leggio asked if a fence goes around the plunge pool and the water rises...Mr. Praetorius stated it is only around three sides. He is concerned more so about when the pool is dry and someone walking into it. Supervisor Leggio asked his preference. Mr.

Praetorius stated a fence. We have an easement and we have the right to install and maintain facilities there. If the homeowner removes the fence, he may have a problem. Supervisor Leggio stated he is worried about that.

Mr. Smith stated the issue is the responsibility of the town. What the homeowner does relative to what we do is secondary relative to protecting the citizens of the Town. We need to establish a fence. If he attempts to remove it we will take aggressive action to protect the Town's interests. He stated the key is protecting people from falling into the plunge pool. If the homeowner tries to attack us relative to that, we will address and oppose. Supervisor Leggio told Mr. Praetorius to get prices for a fence.

Mr. Ruckh mentioned he is on jury duty over that property and the property owner is taking away a neighbor's right to park his car. He was told it was town property for fireman to get there. He stated Ward has a right of way for his car and Mr. Murariu is trying to take that away. He stated we have all had a right of way to use the footpath and for fireman. He took a dozer to it. He asked why the Town isn't fighting for their piece. Mr. Dombrowski stated he hasn't been able to find a deed showing the right of way. Mr. Smith stated the Town has an established right of way. Mr. Praetorius stated the court case has nothing to do with either a right of way or an easement. He stated there is an easement on the Stanborough property on two filed maps, a drainage easement, which allows us to maintain the pipes but not for the walking path or access road easement. He stated the problem is we are not finding a written right of way on that side of the creek. If the right of way is through a prescriptive use and is fought, it usually ends up in court. He stated the best thing to do is to get it on a survey map. He stated he didn't find anything about access road for fire company uses. He stated there used to be a mill there and the foundation of that mill is owned by the people across the street.

Supervisor Leggio mentioned the unknown, untitled parcel on Kaaterskill Ave. He stated it is approximately 8/10 of an acre. He questioned if a title search was done to get an easement. Mr. Praetorius stated one must of because it goes to the center line of the creek. Under Section 149 of Highway Law the town owns 25 feet. He believes it may be the residual piece of the Griffin subdivision from the 1910-1920's. There is an unknown owner at this point in time and taxes are not being paid on the property. He stated the title search reached a dead end with Griffin. It is a gore. It has been unused since the 20's. Supervisor Leggio mentioned maybe being able to put a pocket park there and wanted to know what it will take to do something about the property.

Mr. Praetorius stated it is a worthless piece of property to anyone other than the Town. He stated most of the town roads are through prescriptive use. He stated it would be an advantage to the Town to acquire it and sees no downside. Councilman Carlson mentioned he went through something similar purchasing his property with the old railroad. He purchased the property as adverse possession. He stated we should try to find the heirs of Griffin and bring it to their

attention. Mr. Smith stated the thought the Supervisor's idea of a pocket park benefitting those in Palenville would be nice so is now pursuing.

Mr. Ruckh stated if it becomes town property and people outside of Palenville come in and uses it and trashes it by breaking bottles etc. it becomes a problem. Mr. Praetorius stated there are quite a lot of rocks lined up on Kaaterskill Avenue so the creek would be difficult to access. Supervisor Leggio stated we invested a couple hundred thousand dollars in the creek and wants clarification to see if it is possible. Mr. Praetorius stated we need a copy of the deed research. Supervisor Leggio asked if all were in favor of Mr. Smith looking into. Councilman Carlson stated yes as it would benefit the community.

Supervisor Leggio next mentioned the educational classes in the city. He stated the Town Attorney is to attend the classes and the fee will be about \$1,200. He stated one of the judges wants to attend as well and will the offer be the same? Councilman Antonelli stated there are other places the judges can get their classes. Councilman Carlson stated he has no problem saying yes to one and no to the other. Mr. Smith stated the classes he attends are only available in the city. Councilman Carlson stated if the judge can commute to a class he should. Councilman Walsh thought we were paying for the class but not for room or board. Supervisor Leggio stated he is unsure of what was done last year. Councilman Walsh stated for budgetary reasons it was not offered.

Mr. Smith stated when he was Councilman he paid his own expenses minus the registration fee. Now that he is Town Attorney, the courses are designated specifically towards attorneys and continuing education is addressed. He wants to be paid as benefit to the town. Councilman Antonelli stated the other attorney never went to New York. Mr. Smith reiterated it is important he attends as it affects his performance of his duties as Town Attorney. Councilman Antonelli stated he is not disagreeing. He stated what Pat said was brought up at the meeting and the freeze was never lifted. Supervisor Leggio stated he wants to treat everyone fairly. Councilman Walsh stated if it is imperative to take the classes, ok. Supervisor Leggio stated he is only concerned about the board's decision with the Judge attending the City. He stated if classes are available somewhere else he should go closer and asked if everyone was in favor. Councilman Carlson stated to ask OCA if they hold classes elsewhere and if they only hold them in the City then the issue will be readdressed. Supervisor Leggio asked if everyone was in favor of the Town Attorney going. Supervisor Leggio asked about John Cashin. He attends with his wife who is Supervisor of New Baltimore. We pay for his registration and he also gets his continuing education too. Councilman Carlson stated if the Judge wants to pay for room and board he would be ok with him going.

Supervisor Leggio stated he met with Delaware Engineering and they gave him a preliminary schedule for the Leeds Sewer District. The engineer study is complete. We need to finalize the

Intermunicipal agreement between the Village and the Town. That is being worked on. We have a timeline of the project. He stated everyone is on the same wave length. If all goes as planned the end of construction will be in the fall of 2016.

Supervisor Leggio mentioned the Senior Center fee schedule. It will be reviewed. He also mentioned the Wii game broke and is asking the board if they want to replace. Councilman Walsh stated ok. Councilman Antonelli stated it was donated. All were in favor to purchase except Councilman Antonelli.

Supervisor Leggio stated he would like to have a buzzer hooked up to the computer to announce anyone coming into the building after hours when offices are closed though there may be meetings going on.

Supervisor Leggio mentioned the letter will be sent out for the Memorial Day Parade. He next polled the board. He polled the public. Mr. Ruckh asked about the empty chair. Councilman Carlson stated it was addressed at the last meeting. At the moment the board decided to see how things go with four people and it can be readdressed at a later date if need be. He stated the plan is to interview for part-time administrator to help alleviate our job. The topic is fluid not static.

Mr. Dombrowski asked if the Town would use legal resources to investigate the Swinging Bridge property as they may for access for the fire department. Councilman Carlson stated no. He stated there is a private group who supports the bridge. He understands the fire access issue as it is a venue to get water but he would not pursue the other issue.

Mr. Smith stated the core issue dealing with the bridge is private property and rights of owners which is tantamount. He stated he hazards to guess it would be an ineffective use of the town attorney's time because of the issue of private property. It was a historical bridge and the use changed with the times and there is no longer a need for an access road for the community.

With no further comment a motion to adjourn the meeting was made by Councilman Antonelli and seconded by Councilman Walsh. Meeting ended 7:55 pm.

Respectfully submitted,

Elizabeth Izzo
Town Clerk