

PRE-BOARD MEETING – FEBRUARY 1, 2012

The Pre-Board Meeting was held on Wednesday, February 1, 2012 at 7:30 p.m. at the Frank D. Greco Multi Purpose Building located on the corner of Market and Robinson Streets in the Village of Saugerties. The meeting was opened with the Pledge of Allegiance with the following members present:

Councilman Bruce Leighton
Councilwoman Leeanne Thornton
Councilman Fred Costello
Councilman James Bruno
Supervisor Kelly Myers *arrived at 7:55 p.m.*

Motion made by Councilman Bruno, seconded by Councilman Costello to enter into Executive Session to discuss personnel matters, carried.

Motion made by Councilman Leighton, seconded by Councilwoman Thornton to exit Executive Session, carried.

Town Clerk

TOWN BOARD MEETING – FEBRUARY 1, 2012

The Town Board Meeting was held on Wednesday, February 1, 2012 at 8:00 p.m. at the Frank D. Greco Multi Purpose Building located on the corner of Market and Robinson Streets in the Village of Saugerties. The meeting was opened with the Pledge of Allegiance at 8:35 p.m. with the following members present:

Councilman Bruce Leighton
Councilwoman Leeanne Thornton
Councilman Fred Costello
Councilman James Bruno
Supervisor Kelly Myers

PRIVILEGE OF FLOOR:

Project Hope had two representatives at the meeting to discuss and get the word out that it is a FEMA funded community based relief program. This is to service people impacted by Hurricane Irene. They are offering free counseling services and will refer to case managers.

PUBLIC COMMENT PERIOD:

Jim Gilman – property owner for past 20 years. Questioned tax cap – is it against the tax levy or tax rate? Councilman Costello said that the 2% cap was on levy – knew that this would cause confusion because there are exceptions that could raise the rate. Our tax base fell 3% last year, relatively we are doing well. Mr. Gilman then asked how the County general budget went up 2.4%. Councilman Costello explained that although we are assessed at 100%, other towns are not and the difference has to be made up. Councilwoman Thornton added that the NYS Department of Finance has a booklet on FAQ regarding the property tax cap on the internet.

Beth Murphy – heard that an employee was out on sick leave and had her pay cut in half. How can the Supervisor make that decision without consulting the other Town Board members? This is not an executive position, the Supervisor acts with the town board. Please make decisions as a Town Board and not individually.

SUPERVISOR’S COMMENTS:

- Attended the Esopus Creek meeting hosted by Mike Hein, which was well attended. USDA is working toward stream restoration.
- Problems with the computers at town hall, which should be fixed.
- Fifty properties are on the tax sale.
- Marie Post has been in the hospital, we wish her well.
- Marshall & Sterling Insurance has a good resource to log-in and check-in.

APPROVAL OF MINUTES:

Motion made by Councilman Bruno, seconded by Councilwoman Thornton to approve the minutes of Pre-Board and Town Board Meeting of January 18, 2012, carried.

APPROVAL OF BILLS:

Motion made by Supervisor Myers, seconded by Councilman Costello to pay the bills as presented, carried. Some bills will be reflected in the 2011 budget.

General Fund
General Fund Outside

BOARD COMMITTEE REPORTS:

Councilman Leighton – read the Building Department report for January 2012, which is on file at the Town Clerk’s Office.

Councilwoman Thornton – TV23 is doing an outreach of Out and About on February 4th. Thank you to the Building and Grounds Department for electrical up-dates to TV23.

Lifespring spring semester is under way. CPC has finished final wording on water resources.

Councilman Costello – clean-up of old evidence and paperwork is being done in the Police Department. Congratulations to Ethan Stanley for over 100 wins in SHS wrestling.

Councilman Bruno - \$1.4 million grant is available, list given to Town Board members with 13 proposed projects, committee will meet again and the town's share would be 45%. Councilman Costello added that some are not district wide and would need Public Hearings. Water & Sewer Department will be working toward CDL licenses, 4 employees at \$10.00 per test, \$12.50 license and \$40.00 for the road test. Grinder pumps at Canterbury Drive are burning up but may be able to get refurbished ones. Supervisor Myers warns residents not to put “chunky” items down the sewer.

MOTIONS & RESOLUTIONS:

Motion made by Councilman Bruno, seconded by Councilman Costello to appoint the following individuals to the Water & Sewer Committee for 2012 – Pat Lambert and William Ashmore.

Discussion: Councilman Bruno explained that they were omitted from the original motion.

Vote: Adopted – 5 Yes

Motion made by Councilman Bruno, seconded by Councilman Costello to approve supplying the Water & Sewer Department with on e1999 Sterling Truck Cab and Chassis with serial number 2FZHRJAA7XAB02101 plus currently owned tank, transferred from previously owned town vehicle with an estimated total being approximately \$6,500.00 with delivery and NYS inspection.

Discussion: Councilman Bruno added that this will replace the broken one and look like new.

Vote: Adopted – 5 Yes

Motion made by Supervisor Myers, seconded by Councilman Leighton to approve hiring Darcy Snyder as a part time Data Entry Clerk consisting of 25 hours per week for the Highway Department with an hourly rate of \$10.00, effective immediately, per the request of the Highway Superintendent.

Discussion: Supervisor Myers added that the large FEMA project will require additional help.

Vote: Adopted – 5 Yes

Motion made by Councilman Costello, seconded by Councilman Leighton to accept the resignation of Officer Richard P. Sisilli from the Police Department effective January 26, 2012.

Discussion: Councilman Costello said that he was a good member but is going to another job, we wish him the best of luck.

Vote: Adopted – 5 Yes

Motion made by Councilman Costello, seconded by Councilwoman Thornton to accept Detective Henry Mirabella's entrance into the NYS and Local Retirement System, effective February 1, 2012. The Town Board is continuing Detective Henry Mirabella's employment as a full time detective, effective February 2, 2012, based on a recommendation by the Town of Saugerties Chief of Police to fill a "critical need" for the period of one year through February 2, 2013 and under the terms and conditions of the current bargaining agreement.

Motion to amend made by Councilman Bruno, seconded by Councilwoman Thornton to accept Detective Henry Mirabella's entrance into the NYS and Local Retirement System, effective February 1, 2012.

Discussion: Councilman Costello said that he is an outstanding Detective and the PBA is looking into this matter.

Vote on amendment: Adopted – 5 Yes

Motion made by Councilman Costello, seconded by Councilman Bruno to reimburse Officer Mike Craft for his 10 sick days that he took in September 2011 from an old work-related injury from 2007 deeming this 207C status.

Discussion: Councilman Costello clarified that Officer Craft was hurt in the line of duty and was re-injured so we are reimbursing his time used.

Vote: Adopted – 5 Yes

Motion made by Councilman Leighton, seconded by Councilman Costello to approve a refund of \$350.00 to Duane Taylor for site plan review and special use permit fees because of pending litigation on SBL #29.13-1-27.200.

Discussion: Councilman Leighton added that this is pending litigation.

Vote: Adopted – 5 Yes

Motion made by Councilman Bruno, seconded by Councilwoman Thornton to change the name of Economic Development Committee to the Economic Development and Tourism Committee.

Discussion: Supervisor Myers said that this better describes the actions of the committee.

Vote: Adopted – 5 Yes

Motion made by Councilman Bruno, seconded by Councilman Costello to appoint Marjorie Block and Barbara Budik (presently committee members) as co-chairs of the Economic Development and Tourism Committee.

Vote: Adopted – 5 Yes

Motion made by Supervisor Myers, seconded by Councilman Bruno to approve the Vision Plan, as on file, for the employees.

Vote: Adopted – 5 Yes

Motion made by Supervisor Myers, seconded by Councilman Bruno to approve the Health Insurance Eligibility Policy, as on file, for the employees.

Discussion: Supervisor Myers said that employees must work 37.5 hours to be eligible, except those grandfathered-in. No changes for current employees.

Vote: Adopted – 5 Yes

Motion made by Supervisor Myers, seconded by Councilman Bruno to enter into Executive Session for discussions regarding proposed, pending or current litigation, carried.

Motion made by Supervisor Myers, seconded by Councilman Costello to exit Executive Session and resume Town Board Meeting, carried.

RESOLUTION DATED FEBRUARY 1, 2012
WITH RESPECT TO PROPOSED PILOT AGREEMENT
BETWEEN THE TOWN OF SAUGERTIES, DICKINSON’S KEEP, LLC
AND DICKINSON’S KEEP HOUSING DEVELOPMENT FUND CORPORATION

WHEREAS, by Resolution dated January 19, 2011, the Town Board of the Town of Saugerties approved a proposed payment in lieu of taxes (“PILOT”) Agreement by and among the Town of Saugerties (“Town”), Dickinson’s Keep, LLC (the “Company”) and Dickinson’s Keep Housing Development Fund Corporation (the “HDFC”), providing for annual payments in lieu of taxes as set forth in such agreement; and

WHEREAS, the Resolution authorized the Supervisor of the Town of Saugerties to execute and deliver the proposed PILOT Agreement on behalf of the town; and

WHEREAS, the proposed PILOT Agreement was signed by the Supervisor on behalf of the Town of Saugerties on January 24, 2011; and

WHEREAS, the proposed PILOT Agreement provided that the HDFC will become the bare legal or record owner, and the Company will become the beneficial and equitable owner of the real property located on the easterly side of New York State Route 32 in the Town of Saugerties, County of Ulster, State of New York, having tax map number 29.003-1-15.2 (the “PROPERTY”); and

WHEREAS, the proposed PILOT Agreement further provided that the tax exemption will commence on the date of the HDFC's acquisition of the property and shall continue for a period of thirty (30) years following the date on which a temporary or permanent certificate of occupancy is issued for all forty (40) of the residential rental units comprising the project unless terminated earlier as the result of an event of default; and

WHEREAS, to date, the proposed PILOT Agreement has not been signed and returned to the Town of Saugerties by the Company and the HDFC and the Company and the HDFC have not otherwise completed all of the pre-requisites and requirements for the commencement of the proposed PILOT Agreement, despite the passage of one (1) year since the proposed PILOT Agreement was originally approved by the Town Board of the Town of Saugerties; and

WHEREAS, it is not fair or prudent for the Town of Saugerties to keep the offer of a PILOT Agreement with the Company and the HDFC open indefinitely due to, among other things, the changing assessment roll, tax rate and budget of the Town of Saugerties.

NOW, THEREFORE, BE IT:

RESOLVED by the Town Board of the Town of Saugerties that Dickinson's Keep, LLC and Dickinson's Keep Housing Development Fund Corporation be notified in writing by the Supervisor of the Town of Saugerties that unless the Company and the HDFC sign and return the proposed PILOT Agreement to the Town of Saugerties and otherwise comply with and complete all of the pre-requisites and requirements for commencement of the proposed PILOT Agreement on or before 45 days from the date of this Resolution, the Resolution approving the proposed PILOT Agreement will be and hereby is rescinded and revoked and the Town of Saugerties will withdraw from and rescind the proposed PILOT Agreement signed by the Supervisor of the Town of Saugerties on January 24, 2011; and

IT IS FURTHER RESOLVED, that the Town Board reserves and does not waive by reason of this Resolution, any and all other claims and defenses with respect to the proposed PILOT Agreement.

Motion made by Councilman Costello, seconded by Councilwoman Thornton to approve the above motion as read by Town Attorney John Greco.

Motion to amend made by Councilman Bruno, seconded by Supervisor Myers to rescind Dickinson's Keep project immediately.

Discussion: Councilman Costello said he doesn't understand the motivation to not follow the advice given by our town attorney. We have to do our best for the taxpayers from the legal perspective. Councilman Bruno added that the advice was not necessarily 100% for giving them 45 days to comply. Supervisor Myers says she is not happy with the agreement, there was strong community opposition to this project.

Vote on amendment: Yes – 2, No - 3 (Councilman Costello, Councilman Leighton and Councilwoman Thornton voting No)

Further discussion: Supervisor Myers said she is disappointed amended motion failed but second best will pass. Councilman Costello said he feels this was purely political. Councilman Bruno totally disagrees that this is political.

Vote on original motion: Adopted – 4 Yes (Councilman Bruno voting No)

Motion made by Councilman Costello, seconded by Councilman Leighton to adjourn Town Board Meeting at 11:45 p.m., carried.

NEXT SCHEDULED MEETINGS:

Wednesday, February 15, 2012

Pre-Board Meeting

7:30 p.m.

Town Board Meeting

8:00 p.m.

Town Clerk