

VILLAGE OF BREWSTER
BOARD OF TRUSTEES
05 APRIL 2017
7:30 P.M.
PUBLIC HEARINGS
AND
REGULAR MEETING
MINUTES

The Board of Trustees of the Village of Brewster held three (3) Public Hearings beginning at 7:30 P.M. followed by a Regular Meeting on April 5, 2017 at Village Hall, 50 Main Street, Brewster, NY 10509.

Attendees:

Mayor: James Schoenig
Deputy Mayor and Trustee: Christine Piccini
Trustees; Mary Bryde, Tom Boissonnault, Erin Meagher
Village Engineer:
Village Counsel: Anthony Molé
Clerk & Treasurer: Peter Hansen

Absent:

John Folchetti

Pledge to flag.

Notation of Exits

Public Hearing one (1)

Chapter 199 Signs

7:30 P.M.

For the purpose of obtaining public input in regard to amending Chapter 199 – Signs of the Village Code (proposed local law 1 of 2017)

Mayor Schoenig motions to open Public Hearing one (1), Chapter 199 – Signs , Deputy Mayor Piccini 2nd all in favor 5 to 0.

Mayor Schoenig requests public comment.

No public comment.

Mayor Schoenig motions to close Public Hearing one (1) Chapter 199 - Signs, Trustee Bryde 2nd , all in favor 5 to 0.

Public Hearing two (2)

Chapter 263 – Cabarets, Special Exception Use Permits

7:31 P.M.

For the purpose of obtaining public input in regard to amending Chapter 263-9, 263-11, 263-20 and any other code that may be affected by said amendments establishing Cabarets as a Special Exception Use Permit of the Village Code (proposed local law 2 of 2017)

Mayor Schoenig motions to open Public Hearing two (2) Chapter 263 Cabarets Special Exception Use Permits, Trustee Boissonnault 2nd all in favor 5 to 0.

Mayor Schoenig requests public comment.

No public comment.

Mayor Schoenig motions to close Public Hearing two (2) Chapter 263 Cabarets Special Exception Use Permits, Deputy Mayor Piccini 2nd all in favor 5 to 0.

Public Hearing three (3)

2017-2018 TENTATIVE BUDGET

7:32 P.M.

To take and hear comments on the 2017-2018 Tentative Budget as proposed by the Board of Trustees.

Mayor Schoenig motions to open Public Hearing three (3) for the 2017-18 Tentative Budget, Trustee Boissonnault 2nd all in favor 5 to 0.

Mayor Schoenig requests public comment.

No public comment.

Mayor Schoenig motions to close Public Hearing three (3) for the 2017-18 Tentative Budget, Trustee Bryde 2nd all in favor 5 to 0.

Mayor Schoenig motions to open the regular meeting, Deputy Mayor Piccini 2nd all in favor 5 to 0.

Regular Meeting

1. James King – Little League – Mayor Schoenig motions to approve the parade permit for the Brewster Little League for April 22, 2017 starting with assembly at Veterans Park at 9 A.M. parade starts at 10 A.M. toward Markel Park with some vehicles and approximately 300 participants, event ending around 1 P.M.; rain date of April 23rd - waiving all fees, Trustee Boissonnault 2nd all in favor 5 to 0.
2. Adopt Local Law 1 of 2017 – Deputy Mayor Piccini motions to adopt the amendments to chapter 199, Signs as Local Law 1 of 2017, Trustee Bryde 2nd – Mayor Schoenig asks Clerk Hansen if we received any written comments regarding the proposed law amendment; Clerk Hansen said we did not receive any comments, vote; all in favor 5 to 0.
3. Adopt Local Law 2 - Deputy Mayor Piccini motions to adopt the amendments to chapter 263, Cabaret Special Exception Use Permit as Local Law 2 of 2017, Trustee Meagher 2nd - Mayor Schoenig asks Clerk Hansen if we received any written comments regarding the proposed law amendment; Clerk Hansen said we did not receive any comments, vote; all in favor 5 to 0.
4. Budget discussion if needed – Clerk & Treasurer Hansen asked if anyone had any suggested changes to the budget. Clerk Hansen said the court clerk evening stipend has been the same \$25 for 17 years and recently learned the clerks are usually putting in at least two hours each court night which makes the stipend less than their hourly rate. Clerk Hansen proposes increasing the budget line from \$1,750 to \$3,500 making the court night stipend up to \$50 per night. Mayor motions to make the change to the budget line for Court Clerk evenings to \$3,500 and offsetting the cost with appropriated fund balance, Trustee Bryde 2nd all in favor 5 to 0. Clerk Hansen said he will make the change and present the amended budget for adoption at the April 19, 2017 regular meeting.
5. MS4 annual report acceptance & order to post for 30 day comment period – Mayor Schoenig motions to accept the annual MS4 report and orders the Clerk to post for 30 days, Deputy Mayor Piccini 2nd all in favor 5 to 0. Deputy Mayor Piccini motions to accept the interim MS4 semi-annual report and orders the Clerk to post for 30 day comment period, Trustee Meagher 2nd all in favor 5 to 0.
6. Ad-hoc water purchase for commercial purposes – Clerk Hansen says he had an inquiry regarding the purchase of water by a commercial pool water supply company in Westchester County asking if we would be interested in providing our water for sale to them. DPW Superintendent Crawford said the sale of water would put a burden on DPW personnel, would require a tanker truck to be fitted with a backflow preventer device depending on how it was to be filled, would require a meter to measure the flow, and could potentially disrupt the system if a hydrant were opened to provide supply causing discolored water which is not an ideal situation. Clerk Hansen says that it could be possible to address all these issues before making a final decision to enter into an agreement to sell water and was looking at it from a financial point of view. Selling water could provide revenue to the water fund that is not currently realized at little incremental cost. The Board would like more information about a solution and what the prospective purchaser is willing to do before deciding whether this is something worth pursuing.
7. 2017 fiscal year-to-date Budget Report – Treasurer Hansen says the year-to-date budget report is before budget transfers which should carry each budget expenditure line through the end of the budget year if accepted by the Board of Trustees.
8. Budget Transfers – Deputy Mayor Piccini motions to approve budget transfers as presented, Trustee Meagher 2nd all in favor 5 to 0. Copy of budget transfer detail appended to these minutes.
9. Minutes for approval;
 - 9.1. March 15, 2017 Regular Meeting - Trustee Bryde motions to approve the March 15, 2017 minutes, Deputy Mayor Piccini 2nd all in favor 5 to 0.

10. Vouchers Payable – Trustee Bryde reviewed the vouchers payable and found everything in order.

10.1. A -	GENERAL FUND	\$28,686.50
10.2. C -	REFUSE & GARBAGE	382.79
10.3. F -	WATER FUND	4,048.09
10.4. G -	SEWER FUND	51,703.18
10.5. TA -	TRUST & AGENCY	2,296.20

Total Vouchers Payable \$87,116.76

Mayor Schoenig motions to approve vouchers payable as written, Deputy Mayor Piccini 2nd all in favor 5 to 0.

11. Other Business

- 11.1. Deputy Mayor Piccini reminds all that articles for the Village Matters newspaper are due by April 15th
- 11.2. Deputy Mayor Piccini mentions the CAP luncheon is on April 19th and asks who might be going. Trustee Bryde says she goes every year and will go again this year. Deputy Mayor Piccini says she is likely to attend as well. Clerk Hansen says he will go.
- 11.3. Deputy Mayor Piccini speaks about alternates for Planning and Zoning Boards and wants a sense of the Board with regard to her looking into this topic further and reporting her findings. No one objected.
- 11.4. Deputy Mayor Piccini says she would like to hear highlights from the New York Planning Federation (NYPF) Conference with the next Planning Board report.
- 11.5. Deputy Mayor Piccini says she would like to look into the Winter Parking rules again and see if there are changes or alternatives that can be made as she still believes the rules are too restrictive on the side streets. Trustee Boissonnault says he is concerned about not having Winter Parking rules on the side streets because the streets are significantly narrowed after a storm and it is very difficult to navigate when cars are parked on the streets and snow banks are on both sides. Mayor Schoenig suggests Deputy Mayor Piccini research the subject further and report her findings.
- 11.6. Deputy Mayor Piccini attended the Town of Southeast Work Session last week and learned they may now allow tax bills to contain inserts which is new. Also, they intend to define recreation fees at three levels; commercial, residential, and small-scale residential. The Board intends to adopt the new Veterans exemptions. During Public Comment, a Town resident commented that the town should publish a newspaper like Village Matters as he found the Village newspaper lovely and informative. The Town Council was non-committal.
- 11.7. Trustee Meagher notes that the clock is fixed.
- 11.8. Trustee Meagher says that some people who live on Main Street said that they had no idea that bulk pickup happened. Mayor Schoenig said he responded to some who complained as well saying that the information was in Village Matters, was sent in a billing as an insert and perhaps their landlord did not pass that information along to the tenant. Additionally the bulk pick up information is and was on our website.
- 11.9. Trustee Bryde said that after reviewing the vouchers and seeing the expenses submitted she had also thought that an update from the Planning Board on Saratoga NYPF conference was appropriate.
- 11.10. Trustee Bryde says the K-9 Falco fundraiser is April 7th at 7PM at the Elks Lodge.
- 11.11. Trustee Bryde says the Village-Town Earth Day Clean-up is April 22nd and 23rd.
- 11.12. Trustee Boissonnault says the Eagle Scout project is a go and if they do a fund raising event they will let us know.
- 11.13. Safe Life Animal Rescue will sponsor the first movie night at Wells Park.
- 11.14.

12. New Business

- 12.1. Trustee Meagher asks if the Police presence would be reduced at Wells Park since the Farmers Market would not be there anymore. Trustee Bryde asks why that would be. The Park will still be open the same number of hours and will still need to be patrolled on a regular basis for trespassers, vandals, illegal dumpers, and other types of violations. The Farmers Market presence or absence would have little to no influence on Police patrols.
- 12.2. Trustee Bryde mentions the Chamber of Commerce anniversary plans for Wells Park and says the article that Mayor Schoenig wrote and the one Trustee Boissonnault wrote for the Chamber pamphlet were very well done.
- 12.3. Trustee Bryde mentions the Gotham bicycle event would be using Markel Park in May and wanted to make sure Chief Del Gardo was aware of the activity. Mayor Schoenig says Chief Del Gardo is aware and in the loop.

- 12.4. Trustee Bryde mentions the Carmel Avenue Bridge inspection report and says it was not a positive report. Trustee Boissonnault says the report was very poor and the bridge needs to be replaced sooner rather than later. Mayor Schoenig says he will get together with Senator Murphy soon to bring the Carmel Avenue Bridge replacement forward at a faster pace. Trustee Boissonnault asks Mayor Schoenig to put completion of the Bike and Hike Trail on that discussion agenda as well.
- 12.5. Trustee Boissonnault says he met with the Chamber of Commerce at Wells Park about the 60th anniversary celebration August 6th and it sounds like a wonderful event with a 1950s theme, a live band, food, car show, portable dance floor, and really sounds like a fun event.
13. Public Comment
 - 13.1. Wayne Karns asks about the noise ordinance details. Counsel Molé says all the details are in the Village Code and there are a number of criteria. Mr. Karns says there is a neighbor who starts up a very loud car and runs it for many minutes at a time which is extremely noisy and bothersome. Also people driving down the street playing music with a very loud bass. Mr. Karns comments on Winter Parking and says it is nice to have no one parking behind his driveway in the morning.
 - 13.2. Renee Diaz says there was a local newspaper article that said the Village was committing \$10 million to the Urban Renewal process. Mayor Schoenig says that is not accurate. Ms. Diaz says that Covington is listed as the Garden Street School real estate listing agent and asks if there is a conflict with the Village signing a Memorandum of Agreement with the same entity that represents one of the parcels in the Urban Renewal area. Counsel Molé says he does not know of a conflict. Mayor Schoenig said that the School chose the real estate listing agent long before there was an Urban Renewal Plan and the Village chose the development partner. The public entities are totally independent of each other.
 - 13.3. Rick Stockburger says the noise ordinance is a subjective standard open to interpretation by the responding officer.
14. Mayor Schoenig motions to go into executive session to discuss the Oddey Litigation matter and a potential litigation regarding Peaceable Hill Water Arrears with action on a resolution after executive session, Trustee Bryde 2nd all in favor 5 to 0. Mayor Schoenig motions to come out of executive session and resume the regular meeting, Deputy Mayor Piccini 2nd all in favor
15. Deputy Mayor Piccini Motions to approve Resolution No. 040517-1 as written authorizing Special Counsel to obtain a trial ready appraisal and authorize special trial counsel in the Oddey matter, Trustee Bryde 2nd all in favor 5 to 0. Resolution copy appended to these minutes.
16. Mayor Schoenig motions to adjourn, Deputy Mayor Piccini 2nd all in favor 5 to 0.

BUDGET TRANSFER REQUESTS

04/05/2017

ACCOUNT
NO

ACCOUNT DESCRIPTION

ORIGINAL BUDGET

VARIANCE

SUMMARY OF AVAILABLE FUNDS

GENERAL FUND

REVENUE ACCOUNT	FINES TO STATE COMPTROLLER CONTRACT	A.2610	\$	29,181	AVAILABLE
REVENUE ACCOUNT	LAW ENFORCEMENT GRANTS	A.1289.800	\$	5,742	AVAILABLE
REVENUE ACCOUNT	BULLETPROOF VEST PARTNERSHIP..	A.1289.900	\$	310	AVAILABLE
REVENUE ACCOUNT	PUBLIC SAFETY - DWI	A.1589	\$	390	AVAILABLE
REVENUE ACCOUNT	CHIPS AID - CAPITAL IMPROVEMENT	A.3501	\$	44,263	AVAILABLE
UNEXPENDED					
EXPENDITURES	CONTINGENT ACCT..	A.1990.400	\$	40,000	AVAILABLE
UNEXPENDED	UNALLOC INSURANCE				
EXPENDITURES	PREMIUMS.PROPERTY&LIABILITY	A.1910.400	\$	3,770	AVAILABLE
UNEXPENDED					
EXPENDITURES	BUILDING FEES	A.2555	\$	15,500	AVAILABLE
UNEXPENDED					
EXPENDITURES	STATE RETIREMENT..	A.9010.800	\$	34,456	AVAILABLE
UNEXPENDED					
EXPENDITURES	INSURANCE RECOVERIES	A.2680	\$	5,241	AVAILABLE
			\$	178,853	TOTAL AVAILABLE (SELECTED REVENUE OR UNDERSPENT ACCOUNTS)
			\$	110,429	PROJECTED OVERRUNS

TRANSFER DETAILS:

PROJECTED OVERRUN	EXPENDITURE	A.1110.400	COURT CONTRACT EXP	17000	\$	(3,196)
SOURCE OF FUNDS	CONTINGENCY	A.1990.400	CONTINGENT ACCT..	40000	\$	3,196
PROJECTED OVERRUN	EXPENDITURE	A.1130.400	FINES TO STATE COMPTROLLER.CC	\$123,000	\$	(33,275)
SOURCE OF FUNDS	REVENUE EXCESS	A.2610	FINES AND FOREFEITED BAIL	360000	\$	29,181
SOURCE OF FUNDS	CONTINGENCY	A.1990.400	CONTINGENT ACCT..	40000	\$	4,094
PROJECTED OVERRUN	EXPENDITURE	A.1420.400	ATTORNEY CONTRACT EXP	\$28,000	\$	(3,920)
SOURCE OF FUNDS	CONTINGENCY	A.1990.400	CONTINGENT ACCT..	40000	\$	3,920
PROJECTED OVERRUN	EXPENDITURE	A.1620.400	BUILDING OPS & EQUIP.CONTRAC	15500	\$	(4,599)
SOURCE OF FUNDS		A.1910.400	UNALLOC INSURANCE.PREMIUMS	18000	\$	3,770
SOURCE OF FUNDS	CONTINGENCY	A.1990.400	CONTINGENT ACCT..	40000	\$	829
PROJECTED OVERRUN	EXPENDITURE	A.1930.400	JUDGMENTS & CLAIMS - TAX CERT	\$0	\$	(1,012)
SOURCE OF FUNDS	CONTINGENCY	A.1990.400	CONTINGENT ACCT..	40000	\$	1,012

PROJECTED OVERRUN	EXPENDITURE	A.3120.400	POLICE. CONTRACT EXP..	37000	\$	(11,963)
SOURCE OF FUNDS	REVENUE	A.1289.800	LAW ENFORCEMENT GRANTS	2640	\$	5,742
SOURCE OF FUNDS	REVENUE	A.1289.900	BULLETPROOF VEST PARTNERSHII	2065	\$	310
SOURCE OF FUNDS	REVENUE	A.1589	PUBLIC SAFETY - DWI	0	\$	390
SOURCE OF FUNDS	REVENUE	A.2680	INSURANCE RECOVERIES		\$	5,241
SOURCE OF FUNDS	CONTINGENCY	A.1990.400	CONTINGENT ACCT..	40000	\$	280
PROJECTED OVERRUN	EXPENDITURE	A.3620.410	CODE ENFORCE/FIRE MARSHALL. I	\$38,760	\$	(1,240)
SOURCE OF FUNDS	REVENUE EXCEEDED	A.2555	BUILDING FEES	44500	\$	1,240
PROJECTED OVERRUN	EXPENDITURE	A.5112.200	CHIPS.CAP IMPROV	\$0	\$	(44,263)
SOURCE OF FUNDS	REVENUE	A.3501	CHIPS AID - CAPITAL IMPROVEME	0	\$	44,263
PROJECTED OVERRUN	EXPENDITURE	A.9040.800	WORKERS COMP..	\$16,399	\$	(6,962)
SOURCE OF FUNDS	UNDEREXPENDED FUNDS	A.9010.800	STATE RETIREMENT..	80000	\$	6,962

SUMMARY OF AVAILABLE FUNDS

STATE RETIREMENT..

REFUSE FUND

C.9010.800	\$	2,793	AVAILABLE
	\$	2,793	TOTAL AVAILABLE (SELECTED UNDERSPENT ACCOUNTS)
	\$	477	PROJECTED OVERRUNS

TRANSFER DETAILS:

PROJECTED OVERRUN	EXPENDITURE	C.9040.800	WORKERS COMP	\$1,074	\$	(477)
SOURCE OF FUNDS	UNDEREXPENDED FUNDS	C.9010.800	STATE RETIREMENT	5846	\$	477

SUMMARY OF AVAILABLE FUNDS

STATE RETIREMENT..

WATER FUND

F.9010.800	\$	22,289	AVAILABLE
	\$	22,289	TOTAL AVAILABLE (SELECTED UNDERSPENT ACCOUNTS)
	\$	7,387	PROJECTED OVERRUNS

TRANSFER DETAILS:

PROJECTED OVERRUN	EXPENDITURE	F.8310.470	ADMIN. POLICE CONTRACT	30100	\$	(888)
SOURCE OF FUNDS	UNDEREXPENDED FUNDS	F.9010.800	STATE RETIREMENT..	52213	\$	888

PROJECTED OVERRUN	EXPENDITURE	F.8320.400	SUPPLY.CONTRACT EXP	80000	\$	(6,499)
SOURCE OF FUNDS	UNDEREXPENDED FUNDS	F.9010.800	STATE RETIREMENT..	52213	\$	6,499

PROJECTED OVERRUN	EXPENDITURE	F.8340.400	TRANS/DIST.CONTRACT EXP	30000	\$	(1,406)
SOURCE OF FUNDS	UNDEREXPENDED FUNDS	F.9010.800	STATE RETIREMENT..	52213	\$	1,406

PROJECTED OVERRUN	EXPENDITURE	F.9040.800	WORKERS COMP..	11211	\$	(4,786)
SOURCE OF FUNDS	UNDEREXPENDED FUNDS	F.9010.800	STATE RETIREMENT..	52213	\$	4,786

SUMMARY OF AVAILABLE FUNDS		SEWER FUND			
	CONTINGENT ACCOUNT	G.1910.400	\$	10,000	AVAILABLE
	SEWER ADMINISTRATION.PT ACCOUNT CLEI	G.8110.121	\$	5,250	AVAILABLE
	SEWER PLANT OPS CONTRACT	G.8130.410	\$	67,584	AVAILABLE
	STATE RETIREMENT..	G.9010.800	\$	5,061	AVAILABLE
			\$	87,895	TOTAL AVAILABLE (SELECTED UNDERSPENT ACCOUNTS)
			\$	54,216	PROJECTED OVERRUNS
TRANSFER DETAILS:					
PROJECTED OVERRUN	EXPENDITURE	G.8110.470	ADMIN FINANCE FEES CONTRACT	\$5,000	\$ (6,000)
SOURCE OF FUNDS	UNDEREXPENDED FUNDS	G.8110.121	SEWER ADMINISTRATION.PT ACC	5250	\$ 5,250
SOURCE OF FUNDS	UNDEREXPENDED FUNDS	G.1910.400	UNALLOC INSURANCE.PREMIUMS	9000	\$ 750
PROJECTED OVERRUN	EXPENDITURE	G.8110.480	ADMIN LAB BLDG CONTRACT	\$0	\$ (10,000)
SOURCE OF FUNDS	UNDEREXPENDED FUNDS	G.1990.400	CONTINGENT ACCT.CONTRACT E	10000	\$ 10,000
PROJECTED OVERRUN	EXPENDITURE	G.8120.420	COLLECTION SYSTEM OPERATION	100000	\$ (33,217)
SOURCE OF FUNDS	UNDEREXPENDED FUNDS	G.8130.410	SEWER PLANT OPS CONTRACT	736929	\$ 33,217
PROJECTED OVERRUN	EXPENDITURE	G.8140.110	STORMWATER. MANAGEMENT OF	\$0	\$ (5,000)
SOURCE OF FUNDS	UNDEREXPENDED FUNDS	G.9010.800	STATE RETIREMENT..	13292	\$ 5,000

VILLAGE OF BREWSTER

RESOLUTION NO. 040517-1

RESOLUTION AUTHORIZING SPECIAL COUNSEL TO OBTAIN TRIAL READY APPRAISAL AND AUTHORIZE SPECIAL TRIAL COUNSEL

INTRODUCED BY: DEPUTY MAYOR CHRISTINE PICCINI

SECONDED BY: TRUSTEE MARY BRYDE

WHEREAS, the Village of Brewster is currently involved in a litigation entitled, Village of Brewster vs. Ruth Oddey, Index No. 078/2005, a claim for damages pursuant to Eminent Domain Procedure Law; and

WHEREAS, the Hon. Paul Marx has set the matter down for trial on June 13, 2017; and

WHEREAS, the Village of Brewster is in need of obtaining a trial ready appraisal in preparation for trial.

NOW, THEREFORE BE IT RESOLVED, that the Village Board of the Village of Brewster hereby authorizes Special Counsel, Thomas J. Jacobellis, Esq., to retain the services of a New York State licensed appraisal firm to prepare a trial ready appraisal at a cost not to exceed \$10,000.00; and

BE IT FURTHER RESOLVED, that the Village Board of the Village of Brewster hereby appoints Joseph A. Charbonneau, Esq., as Special Trial Counsel in the above matter to assist Special Counsel Thomas J. Jacobellis, Esq., in the trial of this matter.

RESOLVED, that this Resolution shall take effect immediately.

UPON ROLL CALL VOTE:

MAYOR SCHOENIG: AYE DEPUTY MAYOR PICCINI: AYE

TRUSTEE BOISSONNAULT: AYE TRUSTEE BRYDE: AYE

TRUSTEE MEAGHER: AYE

VOTE: RESOLUTION CARRIED BY A VOTE OF FIVE (5) TO ZERO (0)

STATE OF NEW YORK)

) ss.:

COUNTY OF PUTNAM)

I, PETER BREWSTER HANSEN, Village Clerk of the Village of Brewster, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Board of Trustees of the Village of Brewster at a meeting of said Board on April 5, 2017

DATED: April 6, 2017



PETER BREWSTER HANSEN, Village Clerk

(Seal)