

CLERMONT TOWN BOARD
SPECIAL MEETING
APRIL 15, 2008

The Clermont Town Board held a special meeting on Tuesday, April 15, 2008 at 7:00 P.M. Those present were Supervisor Raymond Staats, Councilwoman O'Neal, Councilman Richard Jones, Councilwoman Lent and Councilman Nolan.

Others present were Charles Larsen, Bruce Unson, Laurence Saulpaugh, Raymond Tousey, Elizabeth Mahar, Fred Cartier, Highway Superintendent James Potts, Judy Neary, George Davis, Dagmar Payne, Anita Broast and Robert Desmond.

Supervisor Staats opened the meeting with a salute to the flag.

Supervisor Staats introduced Fred Cartier. The meeting is being videotaped on a trial basis. Mr. Cartier explained the process and reasoning for videotaping, which produces a verbatim account of what happened at the meeting, and can then be viewed by anyone.

- Bruce Unson asked if minutes must be verbatim or approved by the board, or highlights of the meetings. The Clerk has researched this issue and minutes do not have to be verbatim and do not have to be approved by the board.
- George Davis asked where the DVD's would be kept. Mr. Cartier explained that they would be the property of the town.
- Councilwoman Lent asked what the cost is. It is \$75.00 for tonight.
- There was a question about whether this could be put on the website. The response was that it would take a lot of memory to do so.

CORRESPONDENCE:

Columbia County is holding Household Hazardous Waste Day on Saturday, May 17 at the Highway Garage on Route 23B in Greenport from 8:00 AM to 12:00 PM.

LEGAL SERVICES:

Supervisor Staats discussed the decline of County sales tax revenue and the attorney fees associated with the various projects including the Hettling property. He does not want to go over budget, so he is requesting that all documents for legal services should go to him first for clearing before going to the town attorney. Charles Larsen asked about legal questions he may have for the Zoning Board of Appeals. These expenses are paid either by escrow accounts or through the zoning and planning budgets, so he would be able to contact the attorney directly.

EMAILS – The Clerk has received a FOIL request for emails sent between the town board members and DEC, CT Male and NYS Health Dept this year. In order to eliminate the problem of researching emails, the Supervisor requested that the board stop sending emails and pick up the phone to contact each other. Discussion followed about allowable charges for emails, which is nothing if sent electronically and \$.25 per page if printed, as any other FOIL request would be. However, the attorney, in some cases would have to review the material for privileged data.

HIGHWAY GARAGE:

Councilman Jones reported on the proposed highway garage on the former Hettling property. Using the property at the rear of the twenty acres and access from County Route 6 through the former Germantown Telephone property. The Supervisor requested that Dan Wheeler, our engineer, seek bids from surveyors, which is the first step.

A survey will be done of the 5.5 acre parcel (formerly the Germantown Telephone property) and an approximate 4 acres from the total of 20 acres (former Hettling property). The surveyor cost will be based on actual linear feet of the boundary to be surveyed. An application will be sent to the Planning board and the procedure for the subdivision and boundary line change through to the public hearing and filing of the map will be followed.

Step 2 – Currently the 5.5 acre parcel is restricted to use for public open space or use for outdoor recreation. This restriction was placed on the parcel by a previous town board. Supervisor Staats has spoken with Bruce Bohnsack of G-tel and he has no objections to the removal of the restriction.

MOTION:

A motion was made by Councilman Jones, seconded by Councilwoman O'Neal as follows: That the Town Board empower the Town Supervisor to engage the Town Attorney, and any other officials necessary, to have the use restriction on the 5 plus acres of the former Germantown Telephone parcel changed from "...solely for public open space and/or solely for use for public outdoor recreational purposes in perpetuity" to "...solely for public uses that are approved by the Town Board."

Councilwoman Lent asked if a statement that this will remain open space should be added. Councilman Nolan noted that the motion could be amended to whatever the attorney agrees to. All in favor. So carried.

Councilman Jones reported that bids has been received for the survey work from Robert Zimmerman and Marie Welch. Our procurement policy allows for two verbal bids if the project is under \$2000.00. The bid from Mr. Zimmerman was for \$1800.00 including the survey, posting stakes at all corners, preparing the maps for the planning board. Councilman Nolan asked if this is the cost for metes and bounds of entire parcel or only portion effected? The response was only the portion effected. The bid from Marie Welch was \$1.00 per foot of the boundary, which would be approximately 2988 feet, thus, \$2,988.00. There was discussion regarding digitizing of the survey. Mr. Zimmerman does not have the capability, but once the fieldwork is done, the information can be given to someone else who could, at an additional cost of \$200 to \$250.00. Previously, Mr. Ihlenburg surveyed the entire town common and Hettling parcel for \$4000.00, but it did not include the former telephone property.

Councilman Nolan is concerned that a budget has not been developed for this work and where the money will come from. A budget needs to be developed. We are authorizing spending \$2000.00 for the survey but we need a source. Councilman Nolan will draft a spreadsheet.

Dagmar Payne said that it sounds as though everything has already been decided and you are moving forward. She asked if there would be a public hearing. Councilman Nolan stated that this is the beginning of the process on the planning of the Hettling land. This is an open discussion. Dagmar also noted that money was spent on the CT Male project, Dan Wheeler's expenses last year and it this could easily end up with a ten thousand dollar expense. She agrees a budget is needed.

Bruce Unson asked if the survey would be updated with the garage, etc. It will but not be at this time. Supervisor Staats said that everything points to using that back five acres of the former Hettling property. We have looked other places but it all points to this five acres. There will be a public hearing and the town garage is a necessity. Notice will be given to neighbors that there may be a road going through from Route 6.

MOTION: A motion was made by Councilman Jones, seconded by Councilwoman Lent to hire Robert Zimmerman at a cost of approximately \$1800 and approximately \$200 to \$250.00 to digitize the survey. All in favor. So carried.

Councilman Jones showed a map of possible uses for the remaining acreage of the former Hettling property and telephone company property. He has tried to prioritize what he thinks is needed. The map showed a road coming in from Route 9 with approved curb cuts, parking area for events, rest rooms, site for a baseball field and park area.

- George Davis thinks the issue is to make sure that public is involved before going too far. There were comments from George and Dagmar about how this meeting was advertised and that it may not have been enough because there are not a lot of people present. The work done by Councilman Jones is important but you have to involve the town.
- Councilwoman O'Neal stated that a suggestion was made last month that the \$7500, which was just received from the Hudson Valley Greenway could be allocated for Hamlet Planning, perhaps a cherette incorporating ideas. Councilman Nolan pointed out that these ideas were concepts in the Behan process, which was a public process and has been ongoing for several years.

- Charlie Larsen stated that the Supervisor has appointed a committee to research uses for the property, and the public can submit ideas.
- Judy Neary thinks the ideas are great but we don't have the money from DEC so these ideas are going to be tabled. The Highway Garage is the immediate concern.
- Supervisor Staats stated that we have to have a basic plan in order to remediate the property. Councilman Jones continued with his presentation stating that the most convenient place for the garage is on the five acres.
- Dagmar Payne commented that we are using the non-contaminated property for a garage and leaving the contaminated for recreation. It was pointed out that there is a deed restriction that the garage must be in the back portion.

Councilwoman O'Neal asked if it would be better if the public were invited to walk the property.

Supervisor Staats said this would have to be done during the day. Dagmar Payne would like more people notified. Councilman Nolan asked if she were suggesting sending notification to the neighbors. Dagmar would like a mailing to the entire town. The Supervisor sees no problem mailing to the entire town.

Councilman Nolan will come up with an overall budget for the highway garage with categories for other suggested uses and a budget. He will schedule a meeting for his committee.

Councilwoman O'Neal suggested the possibility of having a facilitator. The Supervisor said this could be discussed.

Councilwoman Lent asked if we could have our attorney look into how long it will take for the bond attorney, referendum, etc., and what things can be done simultaneously, thereby beginning to put together pieces of the puzzle.

Councilman Nolan said that when we have a budget we could ask Kristen Gillibrand's office to find funding by grants, low interest loans, etc.

COMMITTEE REPORTS:

Councilman Nolan has spoken with Donald Fraser and Tracy Rozhan of the Clermont Historic Site and they would like to be on the June 2nd meeting agenda for a presentation

Councilwoman Lent had no report.

Councilman Jones had no report.

Councilwoman O'Neal explained that the Community House (Academy) was placed on the National Historic Register (October 1983) – NYS Register, Civic Historic District Register (2004) and clear up some questions on the issue of historic preservation. Once on the National Historic Register, it is automatic that you are on the NYS Register. Once you have your designation you cannot lose it, no matter whether the building still stands or not. A grant was applied for in 2002 from Athens Generating Plant and administered through the Office of Parks, Recreation and Historic Preservation. A requirement for accepting was that there is a covenant placed on the deed, that whenever you make changes, you must go through OPRHP for any changes that you make to the building. The process has to be followed as described by NYS and filed in final form by a certain date. The final form has been submitted to the Town Clerk. Once approved by OPRHP we will receive a contract. This designation probably cannot be removed but probably has an expiration in twenty years.

Supervisor Staats and Councilwoman O'Neal met with John LaTorre and Marilyn Kaplan to discuss completing the work on the Community House. George Davis asked if there shouldn't be checks and balances so that work is not paid for that has not been finished. Councilwoman Lent asked for a copy of the inspection report and minutes from the meeting with Marilyn Kaplan. Councilwoman O'Neal said the minutes were a part of the inspection report. Neither has been received by Councilwoman Lent or the Clerk.

Councilwoman O'Neal asked for a motion to put the scope of work for the windows out to bid, as it has now been approved by OPRHP. We have grants from Senator Saland for \$10,000 and Assemblyman Lopez for \$4000. Councilwoman Lent did not receive a copy of the scope of work. She does not know if her corrections were addressed, and she does not want to vote before seeing the updated scope of work.

Councilwoman O'Neal stated that Councilwoman Lent's corrections were included. Councilman Nolan said that the corrections can be circulated in the interim. A motion was made by Councilwoman O'Neal, seconded by Councilman Jones. A roll call vote was as follows: O'Neal – aye, Jones – aye, Lent – nay, Nolan – aye, Staats – aye. Motion carries – 4 ayes – 1 nay.

Councilwoman Lent also asked for bidding information and the name of the preservation contractor that was used, and any names of contractors who may have received bid packages. The contractor that Councilwoman O'Neal used will not be bidding as he is from out of state and no bid packages were sent out. Councilwoman Lent is concerned that the scope of work was approved using the incorrect building code (2002) and that this should have been corrected and not approved by Stacey Matson Zuvic.

PUBLIC COMMENTS:

Judy Neary asked if, in the scope of work, the materials to be used would be included in the bid? Yes, they are, was the response. She also asked if the panes of glass, if possible, could be saved or reused? The response was also, yes.

Robert Desmond asked about the emails, as he was not here for the first part of the meeting. There was further discussion about emails and their use for communication. Also discussed was the possibility of emails having to be redacted because of opinions made by board members in the emails.

Dagmar Payne volunteered to remove and take any old computer equipment from the Community House to the County for disposal. The Town Clerk will check with Bram to see if any of the equipment is worth saving.

Bob Desmond asked if the Record of Decision was discussed previously in the meeting. The Board members just got their hard copies tonight. Mr. Desmond picked up a copy earlier in the week. He had the following comments:

1. Check with CT Male if test that were run in back section, if the levels meet the criteria for using the material for the front section for active recreation.
2. If yes, have additional tests done and confirm that material can be used. If yes, put together a remediation plan that calls for using the material, cutting the cost.
3. In mitigation plan, area adjacent to Route 9, leave as open field or parking lot as you come in from Route 9, there by eliminating the need for two feet of fill.
4. Use foot and one half of material from back, six inches of top soil for vegetative growth to be used for recreation, four acres for town garage, another four and one half acres with two feet of cover, etc.

VIDEOTAPING:

After further discussion on videotaping the meetings, on budgeted costs and how to make it available to those who do not receive the Community Channel on cable or dish and the language for a resolution to allow the videotaping each month a motion was made as follows:

MOTION: A motion was made to ask Mr. Cartier to videotape the May 5th town board meeting by Councilwoman O'Neal, seconded by Councilman Nolan. All in favor. So carried.

A motion was made to adjourn by Councilman Nolan, seconded by Councilwoman O'Neal at 8:45 P.M.

Respectfully submitted,

Mary Helen Shannon, RMC
Town Clerk

