

VILLAGE OF BREWSTER
BOARD OF TRUSTEES
PUBLIC HEARING
OCTOBER 20, 2010
7:30 PM
Minutes

PLEASE TAKE NOTICE, that the Board of Trustees of the Village of Brewster held a Public Hearing ON OCTOBER 20, 2010 50 MAIN STREET BREWSTER, NY 10509, at 7:30 PM. for the purpose of obtaining public input for a Special Use Permit for 571 N. Main Street. The Public Hearing took place at Village Hall, 50 Main Street, Brewster, NY, at 7:30 P.M.

Attendees:

Deputy Mayor and Trustee: Christine Piccini
Trustees: William Banks, Terri Stockburger, Yoshihiko Ito
Village Engineer: John Folchetti
Village Counsel: Anthony Molé,
Clerk & Treasurer: Peter Hansen

Absent:
Mayor: James Schoenig

Pledge to flag.

Deputy Mayor motions to call the public hearing into session, Trustee Stockburger 2nd all in favor.

Deputy Mayor Piccini asks to hear from the applicant and then give the public the opportunity to speak. Don Rossi, counsel for the applicant briefs the board and public on the non-conforming use and submits a petition signed by property owners in proximity of the location.

Deputy Mayor Piccini asks for comments from the public.

Mark Anderson asks of the applicant if he would be paying fines related to this application as it has gone forward without proper permitting and in violation of the code. This applicant has cost this village money over time.

Mr. Rossi says there is a Justice Court matter pending and the applicant expects to discuss this in detail with the Village attorney and court.

Jack Gress says the code allows for a change of use if the new use is lesser, is this lesser and who makes that determination. Counsel Molé explains this is the decision of the Board of Trustees.

Trustee Ito asks Mr. Rossi to explain the non-conforming use.

Mr. Rossi says that the zone is LMW and the church use is Institutional. Mr. Rossi believes the entire building uses are all non-conforming and this application is asking to change from one non-conforming use to another.

Trustee Ito asks what the difference is between non-conforming v. unauthorized. Mr. Rossi says it is up to the Board to permit or not permit this use.

Trustee Ito asks if this use was ever approved under prior code.

Trustee Ito says the prior code never permitted this use so it is not a permitted use under any code current or prior. Non-conforming use must have been legal at one time prior to the new code in order to be considered non-conforming.

Deputy Mayor Piccini explains that Special Exception Uses for institutions were delineated in some districts but not in LMW zone.

Mr. Rossi argues that the code allows for the board to consider non-conforming uses.

Deputy Mayor Piccini says the code allows the board to consider non-conforming uses if they are a lesser use.

Mr. Rossi says this is an inherent inconsistency in the code and the board has to rule in favor of the applicant when inconsistency is shown. The definition in the code is not consistent with actual non-conforming application.

Rick Stockburger says that an example of the old code had 1,2 & 3 family houses in a district and the new code says only one family should be in this district. If someone wanted to rebuild a 3 family house into a 2 family house that would be a lesser use and conform to the code definition.

Jack Gress asks; what is the current non-conforming use? Applicant states "it was a gymnasium when the I purchased it."

Mark Anderson says the building has been in existence for at least two zoning codes. Mr. Anderson does not believe that a church is that different from a gymnasium as they both have "assembly." Mr. Anderson further states that the capital has been invested and pragmatically the right thing to do is to grant the use.

Deputy Mayor Piccini points out that institutional use includes many more uses than just churches.

Trustee Ito believes after reading the Planning Board minutes the proper course of action is to seek a zoning variance. Mr. Rossi disagrees and believes this matter should remain before the board of trustees.

Mr. Kulo comments that the Planning Board minutes are still draft, not yet approved.

Renée Diaz says there is a zoning code and a Master Plan in place and there are reasons for those documents.

Mark Anderson says there are pragmatic issues that need to be considered as there have been discussions of revising the Master Plan therefore the Board should take this under consideration. Mr. Anderson does not believe this is an onerous use.

Trustee Ito says the code allows the applicant to address the use and does not believe this venue is the appropriate one.

Mr. Rossi says the Zoning variance route is a drastic approach for this issue. The issues before the board are more suited to deciding this application rather than as a zoning variance.

Rick Stockburger; If the applicant feels that a zoning variance is too onerous, then the applicant can petition the board to amend the zoning law.

Mr. Rossi restates that this process is the best to decide this issue.

Trustee Ito asks Mr. Rossi to present the case that meets the requirements of the zoning code before the board when this comes up for consideration. Mr. Rossi asks that Village Counsel Molé review this issue as well.

Deputy Mayor Piccini motions to close the public hearing, Trustee Banks 2nd all in favor 4 to 0.

REGULAR MEETING
OCTOBER 20, 2010
8:15 P.M.

Minutes

The Board of Trustees of the Village of Brewster held a Regular Meeting at 8:15 P.M. on October 20, 2010 at Village Hall, 50 Main Street, Brewster, New York.

Deputy Mayor Piccini motions to open the regular meeting, Trustee Banks 2nd all in favor 4 to 0.

1) Monthly reports

- a. Planning Board Report – David Kulo delivered the September Planning Board report. Deputy Mayor Piccini motions to accept the Planning Board Report, Trustee Stockburger 2nd all in favor 4 to 0.
- b. Police Report – Chief Inspector John Del Gardo delivered the Police Report for September. Trustee Ito asks for time detail on security checks at water and sewer. Deputy Mayor Piccini motions to accept the report, Trustee Stockburger 2nd all in favor 4 to 0.

2) Police Vehicle purchase using \$25,000 grant. John Del Gardo reads a letter into the record on the justification to purchase the new vehicle (text follows these minutes).

- a. Trustee Stockburger asks if we just bought a vehicle. Answer is yes.
- b. Trustee Ito discusses the history of the 1st vehicle purchase and events surrounding that purchase. The need to save taxpayer pennies is extremely important. Trustee Ito asked about the grant money for the new vehicle purchase. Clerk Hansen informed the Board that the grant was not awarded at the time of vehicle purchase. The first vehicle was purchased with budgeted money. The terms and conditions of the grant do not permit it to be used for the vehicle that was purchased prior to the grant award and acceptance. Trustee Ito asks again what is the purpose of the police force and this discussion still needs to take place. Perhaps we can outsource security for Water & Sewer and relieve the PD of that responsibility. We need to understand the PD role before we can equip them appropriately. Trustee Ito would like to call for a public hearing before making a decision because the public seems to be very interested in this subject.
- c. Trustee Ito motions to convene a meeting of taxpayers to discuss the role of our Police Department before we make a decision on purchasing , 2nd
- d. Deputy Mayor Piccini motions to purchase the police car, Trustee Banks 2nd all in favor
 - i. Roll call vote: Trustee Banks -Aye , Trustee Ito - No, Deputy Mayor Piccini - Aye , Trustee Stockburger – Aye motion carries 3 to 1.

3) Correspondence Sent & Received –

- a. Deputy Mayor Piccini motions to accept the Correspondence Sent & Received, Trustee Banks 2nd all in favor 4 to 0.

4) Team Brewster authorization- December meeting at 50 Main

- a. Trustee Stockburger motions to allow Team Brewster to hold the meeting in 50 Main Street for December if needed to, Trustee Banks 2nd all in favor 4 to 0.

5) Retirement service awards

- a. Trustee Stockburger motions to approve \$100 apiece for a service award.

6) Part-time Clerk position

- a. Clerk advised the board of a candidate for the part-time clerk position who appears to be an outstanding hire. This person also happens to be an in-law of the current Mayor. The Clerk wants to bring this information out in the public before continuing the evaluation and potential hiring of this person. Trustee Ito asks that the ethics policy be consulted for guidance. Trustee Banks says he has concerns only because of potential for public reaction but agrees that if this is the right person

then we should move forward. Trustee Stockburger thinks if it is the right person then the relationship should not stand in the way. Deputy Mayor Piccini asks if the person will be a direct report to the Mayor, answer: no.

- 7) Designate two part-time Deputy Clerk/Treasurer in place of one
 - a. Trustee Stockburger motions to appoint Joanne Wieland and Cathy Mannfolk part time deputies clerk & treasurer effective November 1, 2010, Trustee Banks 2nd all in favor 4 to 0.
- 8) Update on Blight study grant
 - a. Deputy Mayor Piccini advises the board that grants have not yet been awarded but should be within 30 to 45 days. Deputy Mayor Piccini says that even if we don't get the grant we should consider moving forward using Village money. Trustee Ito adds that we should fund this generously and look toward public private partnership.
- 9) Recreation & Youth funds to Town of Southeast (\$391 & \$350)
 - a. Deputy Mayor Piccini motions to authorize the Mayor to sign the allocation the grant money to the Town of Southeast. Trustee Stockburger 2nd, motion carries 3 to 1 with Trustee Banks dissenting.
- 10) JCAP Grant application authorization resolution
 - a. Resolution No. 102010-1 Deputy Mayor Piccini motions to authorize the application for the JCAP grant, Trustee Stockburger 2nd all in favor 4 to 0.
- 11) Minutes for Approval
 - a. October 6, 2010 minutes for approval. Trustee Stockburger motions to approve the October 6, 2010 minutes, Trustee Banks 2nd all in favor 4 to 0.
- 12) Vouchers Payable

a. A	General	\$33,266.01
b. F	Water	11,795.42
c. G	Sewer Operations	42,101.53
d. H10	Wastewater Treatment Capital Project	7,084.14
e. H15	Sidewalks SAFETEA LU	925.00
f. T	Trust and Agency	1,230.24
Total Vouchers Payable		\$96,402.34

Deputy Mayor Piccini motions to approve the vouchers payable, Trustee Stockburger 2nd all in favor 4 to 0.
- 13) Other Business
 - a. Deputy Mayor Piccini brings up the Zoning Overlay for Main Street around the Green Lot but not limited to only the Green Lot. We need to determine what we want to include and the boundaries and then conduct the process of approval.
 - b. Deputy Mayor Piccini discusses the Micro Enterprise Grant Work Session.
 - c. Bailey Park sign is still not up. Money was approved previously.
- 14) New Business
 - a. Intermunicipal Agreement for tax levy.
 - b. Deputy Mayor Piccini motions to authorize the Parking Enforcement Officer to allocate as many spaces as needed for Election Day, Trustee Stockburger 2nd all in favor.
 - c. Deputy Mayor Piccini motions Authorization to close traffic on Prospect St. to Wells, to Center St at the discretion of the Village of Brewster Police on October 31st, Trustee Stockburger 2nd all in favor 4 to 0.
- 15) Public Comment
 - a. George Godfrey – its pitch dark on Marvin Ave. and needs more street lights. Refer to John Folchetti to research lighting needs and possible installation on Marvin Ave.
- 16) Trustee Stockburger motions to go into Executive Session regarding Personnel, Trustee Banks 2nd all in favor 4 to 0. Deputy Mayor Piccini motions to come out of Executive Session and resume the regular meeting, Trustee Banks 2nd all in favor 4 to 0.
- 17) Trustee Ito motions to authorize the Mayor to appoint a hearing officer in the matter of disciplinary action against the code enforcement officer with advise of the Village Counsel, Deputy Mayor Schoenig 2nd all in favor 4 to 0.
- 18) Deputy Mayor Piccini motions to adjourn, Trustee Stockburger 2nd all in favor 4 to 0.

October 20, 2010

To: Village of Brewster Board of Trustees:

Subject: New Police Vehicle Justification

Over the last 4 or 5 months we have experienced serious breakdowns in the 2001 Chevy Tahoe, 115,000 miles and the 1999 Ford K-9, 90,000 miles. The Chevy Tahoe needs \$8,000 of mechanical work according to Steve Presti. The Ford K-9 is running at this time but has accumulated over \$1000 of work the last two months.

We have a State grant for \$25,000 for a new Police vehicle. I was informed by a person in the Grant Department that we should use this grant ASAP because the State at times does reduce grant money if it is not used in a reasonable time.

Our plans are to reduce our Police fleet to three vehicles. We have the 2010 Crown Vic and the 2007 Chevy Impala. With a second new vehicle from the grant we could retire the 1999 Ford and the 2001 Chevy Tahoe and try to sell both vehicles. Both new vehicles will be covered by new car warranty. The 2007 Impala will be our K-9 Vehicle.

The cost of repairs to the vehicles is excessive and the time lost while the vehicle is in the shop creates a potentially dangerous condition for the officers and the general public. The new vehicle purchase price is \$30,880. Given that we have a grant to cover 81% of the purchase price of a new police vehicle, and will likely obtain 3 to 4 thousand dollars by selling the two old vehicles, the remaining 2 to 3 thousand to complete the purchase would be taken from the budget. As we have budgeted \$15,000 for the purchase of two vehicles and have used approximately \$8,300 there is money available for the Village portion of the cost.

It is not advisable to delay this purchase as we have seen state grants cut in the past and the sooner we purchase the vehicle and obtain reimbursement the better our position.

Sincerely,

John Del Gardo
Chief Inspector