

VILLAGE OF BREWSTER VILLAGE OF BREWSTER

BOARD OF TRUSTEES

17 December 2014

Public Hearing & Regular Meeting

Minutes

The Board of Trustees of the Village of Brewster held two Public Hearings beginning at 7:30 PM followed by a Regular Meeting on 17 December 2014 at Village Hall, 50 Main Street, Brewster, New York 10509.

Attendees:

Mayor: James Schoenig
Deputy Mayor and Trustee: Christine Piccini
Trustees; Tom Boissonnault, Terri Stockburger, Mary Bryde
Village Engineer: John Folchetti
Village Counsel: Anthony Molé,
Clerk & Treasurer: Peter Hansen
Village Police: John Del Gardo

Absent:

Pledge to flag

Notation of Exits

Public Hearing Continued – Bicycle & pedestrian safety proposed local law

7:30 PM for the purpose of obtaining public input in regard to the proposed local law regulating bicycles on sidewalks.

Mayor Schoenig motions to continue the public hearing of December 3, 2014, Trustee Stockburger 2nd all in favor 5 to 0.

Joe Lambert submitted a letter with supporting signatures, not aware of injuries between cyclists and pedestrians on sidewalks. Mr. Lambert is opposed to enacting legislation that may not be needed. Mr. Lambert suggests having the Village conduct a study of the issue before enacting legislation. Copy of the letter is attached.

Mark Slouka speaks in support of Mr. Lambert's letter regarding opposition to the proposed law.

Rick Stockburger sees adults speeding down the hill on Progress Street. Mr. Stockburger says the issue does appear to be a problem that needs to be addressed.

Mayor Schoenig motions to close the public hearing, Trustee Stockburger 2nd all in favor 5 to 0.

Public Hearing – Chapter 263, amended zoning code for annexed property

7:31 PM or as soon thereafter as time permits for the purpose of obtaining public input in regard to the proposed local law amending Chapter 263 with regard to zoning of annexed property known as B.O.S. Land Development, 61 Allview Ave. Brewster, NY 10509 Tax Map # 67.12-1-28.

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

Deputy Mayor Piccini suggests changing a sentence that currently reads disposable to recyclable/disposable.

No public comment.

Mayor Schoenig motions to close the public hearing, Deputy Mayor Piccini 2nd all in favor 5 to 0.

Regular Meeting (7:32 or as soon thereafter as time permits)

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

1. Monthly Reports

1.1. Engineer's Report – John Folchetti delivers the November Engineer's Report. Trustee Bryde asks if the status meetings with VRI are held regularly and Mr. Folchetti said they were. Trustee Bryde hopes that VRI continues to perform at this higher level as compared to Severn Trent. Deputy Mayor Piccini motions to accept the November Engineer's Report, Trustee Boissonnault 2nd all in favor 5 to 0. Copy of report is included in these minutes.

1.2. Police Report– Chief John Del Gardo delivers the November Police Report. Mayor Schoenig asks how many 911 outside the village. Chief Del Gardo says there were four. Trustee Bryde asked about the attempted burglary inside village. Chief Del Gardo says the incident was on Main Street but is not sure there really was an

attempted burglary. Deputy Mayor Piccini asks for more detail on the stop sign infractions throughout the village. Chief Del Gardo says enforcement is throughout the village but to a large degree enforcement is up to individual officer's discretion. Trustee Bryde asks about the stop sign at Wells St; is enforcement still ongoing. Chief Del Gardo says there are rarely any infractions because virtually all drivers know this stop sign is watched carefully. Trustee Bryde asks about leaving the scene of an accident. Chief Del Gardo says the perpetrator was found at their home. Deputy Mayor Piccini notes that a neighbor lauds the Brewster Police for 911 response even though it was a false alarm. Having the Police follow up regardless of whether it is a false alarm provides a much greater sense of security. Trustee Bryde asks about the harassment complaint. Chief Del Gardo says it wasn't anything serious. Trustee Bryde asked about the stranded female at MTA station. Chief said she missed the last train but arrangements were made to get her home in Connecticut. Mayor Schoenig asks if there were any accidents between bicycles and pedestrians reported at any time. Chief Del Gardo is not aware of any accident reports during the last eight years. Chief Del Gardo goes on to say he has seen bicycles on sidewalks and witnessed close-calls but no incidents. Deputy Mayor Piccini asks if he sees bicycles on sidewalks on a daily basis. Chief Del Gardo says no, not on a daily basis. Mayor Schoenig motions to accept the November Police Report, Trustee Bryde 2nd all in favor 5 to 0. Copy of report is included in these minutes.

- 1.3. Code Enforcement Report – Joe Hernandez delivers the November Code Enforcement Report. Mayor Schoenig notes that people frequently ask why code enforcement comes by when construction is occurring. Mayor Schoenig notes that recently there were unlicensed contractors working without permits in the village. Code Enforcement was called and now the property owner is in compliance with the law. Trustee Boissonnault asks if Code Enforcement has the authority to write tickets against bicycle offenders. Counsel says that Code Enforcement Officers do have the authority to issue tickets. Chief is not in favor of Code Enforcement Officers issuing tickets as they are not in uniform and have no visible identification about their person. Trustee Bryde asks about Parking Enforcement Officer issuing tickets. Chief Del Gardo says that is fine as they are in uniform. Mr. Hernandez follows up on the question of visible authority, uniforms and an official vehicle. Mayor Schoenig says we are in preliminary discussions internally regarding this issue. Mayor Schoenig motions to accept the November Code Enforcement Report, Trustee Stockburger 2nd all in favor 5 to 0. Copy of report is included in these minutes.
- 1.4. Planning Board Report– Mr. Stockburger informs the Board of Trustees that they did not meet in the month of November. Trustee Bryde asks for a report regardless of no activity.
- 1.5. Zoning Board of Appeals Report – Mr. Ruchala submitted a written report at the meeting of no activity.
2. Pedestrian Safety – bicycling on sidewalks
 - 2.1. Trustee Stockburger says the Main Street pedestrians need to be protected as there is much more pedestrian activity on Main Street. Trustee Stockburger continues that bicycle activity on Main Street sidewalks needs to be prohibited. Mayor Schoenig says he does not want to vote on this law yet as the information delivered at tonight's public hearing was in sharp contrast to what we heard at previous public hearings. Mayor Schoenig would like to strike a balance between the two competing points of view. Deputy Mayor Piccini wants to start an education program promptly instead of waiting for a law to be passed. Trustee Boissonnault wants to put stencils on sidewalks with pictograms. Trustee Bryde says this is the wrong time of year to start new regulations on this subject and this is more appropriate for spring time. Trustee Stockburger asks Counsel if we have the authority to put signage up without a law. Counsel says we do but we could not issue tickets without a local law. Trustee Boissonnault notes we have warning signs on other subjects we could and should have warning signs regarding bikes on sidewalks and pedestrian safety even without a local law in place and reiterates that action regarding signage and education begin now and not wait for a local law to be passed. Mayor Schoenig wants to revisit the law language again to focus more on "walking bikes on sidewalks." Discussion is tabled until a further revision to the proposed law's language.
3. Zoning of Annexed Property
 - 3.1. Mayor Schoenig motions to approve Resolution 121714-1 Local Law 1 of 2015 amending the Village Code; Chapter 263, ZONING; ARTICLE IV; District Regulations; § 263-16.2. OP District (Office Park) as local law 1 of 2015 as written with the noted word change of "disposal" to "disposable or recyclable," Trustee Boissonnault 2nd all in favor 5 to 0.
4. Marketing Feasibility Study
 - 4.1. Deputy Mayor Piccini motions to accept the Marketing Feasibility Study as recommended by the Comprehensive Plan Committee in support of the Comprehensive Plan Revisions and potential Urban Renewal program, Trustee

Boissonnault 2nd all in favor 5 to 0. The Marketing Study and addendum is filed in Village Hall and available online at www.brewstervillage-ny.gov

5. Blight Study

5.1. Deputy Mayor Piccini tabled action until we hear back from Pace Land Use Law Center.

6. Minutes for approval – 03 December 2014 Minutes - Trustee Bryde motions to accept the December 3, 2014 minutes, Deputy Mayor Piccini 2nd all in favor 5 to 0.

7. Correspondence sent - received for November, 2014 – Trustee Bryde motions to accept correspondence sent and received for November, 2014, Trustee Stockburger 2nd all in favor 5 to 0.

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

8.1.	A	General	\$49,737.60
8.2.	C	Refuse/Garbage	17,784.08
8.3.	F	Water	14,433.85
8.4.	G	Sewer	76,934.25
8.5.	H10	Waste Water Treatment Capital	200.00
8.6.	H61	Wells Brook Retrofit	100.00
8.7.	H62	Tonetta Brook Retrofit	100.00
8.8.	TA	Trust & Agency	5,262.48

Total Vouchers Payable \$164,552.26

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

9. Other Business

9.1. Trustee Stockburger –holiday decorative light string has not been demonstrated as yet.

9.2. Trustee Bryde – Snow removal bids. Since no bids were received, what is the next step? Counsel suggests if we act on a case by case basis it would be advisable to get three verbal or written quotes each time we engage. Trustee Bryde asks if there were any more winter parking permits issued. Clerk Hansen says that a total of 2 winter parking permits were issued. Trustee Bryde thanks Trustee Boissonnault and Southeast Museum Director Amy Campanaro for their work on the holiday event and their flexibility in keeping the scheduled activities going at the Museum despite the heavy rains outside.

9.3. Trustee Boissonnault – January will be the Wells Park reach-out to the community for input on Wells Park programs.

10. New Business

10.1. Mayor Schoenig asks Counsel about the Town of Southeast Budget. The budget includes town-wide snow removal at a cost \$569,000 but the village removes their own snow at no cost to the town. Similarly, brush removal only in the town-wide budget but the village does not partake of those services either. There are other issues as well. Counsel advises to send a letter to Town Supervisor and or the State Comptroller that there is nothing budgeted outside village for both budget lines yet it is glaringly obvious the costs should exclude the village and be borne exclusively by town taxpayers. Counsel will draft a letter from Mayor Schoenig to Supervisor Hay.

10.2. Community Service – Counsel has issues with this offer and suggests we do not act on this until a court or prosecutor approaches us on the matter.

10.3. Cell Tower on Riverside Drive – Homeland Towers is looking at a property owned by the village and located in the town. They need our permission before applying to Southeast for approval. More information is needed.

11. Public Comment

11.1. Rick Stockburger asks if we are receiving regular monthly tonnage reports from Suburban Carting. Clerk will follow up with them to make sure they are regularly submitted. Mr. Stockburger asks if the Bike & Hike trail is a park by definition. Counsel is unsure. Mr. Stockburger says Water rates outside village contain an allocation, town should do the same. Town is not likely to act on the water districts, village should revisit the rates. Recommends the code enforcement staff patrol after snow storms promptly and send letters out to property owners.

12. Mayor Schoenig motions to enter executive session to discuss personnel, Deputy Mayor Piccini 2nd all in favor 5 to 0.

13. Mayor Schoenig motions to come out of executive session and resume the regular meeting, Deputy Mayor Piccini 2nd all in favor 5 to 0.

14. Mayor Schoenig motions to adjourn, Deputy Mayor Piccini 2nd all in favor 5 to 0.

Submitted at 12/17/14 Public Hearing on Bicycle Law

Dear Board, Mayor, neighbors and friends,

My view on pedestrians being able to safely walk on a sidewalk and avoid an impact with a cyclist or moving vehicle is clear, it should not happen. At present, I am unaware of any cyclist impacts with pedestrians on village sidewalks. I'm aware of cars having impacts with pedestrians on sidewalks or crosswalks but not cyclists hitting pedestrians on sidewalks. To be fair, I have heard 2nd hand of "near misses" but the lack of any specific detail of said incidents precludes me from rendering an opinion.

I tried to think in my 17 years as a homeowner here in the VOB if I have ever heard or read about a cyclist impacting a pedestrian on a sidewalk and I came up with a Blank.

I called and asked around to see if there were towns nearby that have ever experienced a similar bike/pedestrian incident and came up empty handed. I then reached out to the PC sheriff's dept. to see if there was a law in Putnam County banning biking on any sidewalk and was told there wasn't. I checked with the town of Carmel police and they also told me there was no such law. NYS does not have any such law either banning cyclists from using sidewalks. The only law I'm familiar with banning cyclists from using sidewalks is in NYC where bike lanes have been created to serve the multitudes of cyclists there.

After deep reflection on this topic and having heard how other municipalities have chosen to allow freedom and common sense to prevail over unnecessary legislation and in the spirit of being objective and not just diagnosing a problem without proper investigation, I would ask the village board to conduct a study regarding bicycle impacts with pedestrians over a period of time. **Some aspects of the study to focus on would be any consistencies with antidotal reports from the community. Look for patterns in time of day, location, type of cyclist, (commuter, recreational, child, homeless) and any follow up that may have occurred if any.**

At the conclusion of an unbiased study, analyze the data and present said findings to the public at a future meeting for discussion.

Absent of any investigative study to see if a problem exists and WHAT that problem . may be, the voting on a law based solely on a few anecdotal and uncorroborated stories would be irresponsible at best and unconstitutional at its worst.

As an avid cyclist that has ridden on our streets, paths and occasionally a sidewalk as well as all over NYC, the Bronx, City Island and Brooklyn I have come to enjoy the streets and scenes in a unique way and have connected with nature while maintaining a healthy lifestyle while reducing my carbon footprint.

In all of my rides I have always demonstrated and practiced safety and used caution as to the monitoring of my speed, keeping my bike in control and always having a clear line of sight to stop and avoid any potential impact with a car, pedestrian or other objects.

I think growing up cycling and learning how to ride with traffic is paramount to avoiding any cycling impacts and it is this training and experience that may help mitigate any potential impacts or near impacts.

My own anecdotal observations of bicycling on VOB main streets have been uneventful. I've ridden to the Wednesday & Saturday farmers market, the library and restaurants all of which I spent minimal time on a sidewalk and have never encountered had any impacts near or not.

In conclusion, many of us moved into this village to raise a family and to be part of a quaint, picturesque and intimate community and I would honestly hope that WE all come together as a community and feel comfortable sharing and expressing our feelings with each other without fear of ridicule or retaliation regarding this issue.

I think a comprehensive, unbiased, investigative study is merited before freedoms are restricted, lets not do just what is best for 1 or 2 people rather what is best for an entire village and its guests.

Thank You,

Joseph Lambert

Paul J. Melan 36 PROSPECT ST
22 Prospect St.
Phurba Sherpa 15 Michael Neuner Dr
Paul Flynn & MICHAEL NEUNER DR.
Maya Slouka (Maya Slouka) 20 Prospect St
Mark Slouka (Mark Slouka)
Leslie Slouka (Leslie Slouka)
Manhelf 24 Prospect
Brad Mills 5 Garden St
G. McD 10 Garden St.
Jesse Reid 10 Garden St.
Sue DeSanto 11 Garden St.
Jill 44 Prospect St
Jill 15 Garden St
Jill 16 Prospect St
Eugene #
Joseph J. Lambert 21 PROSPECT ST
Julie Boussanault 50 PROSPECT ST

**VILLAGE OF
BREWSTER POLICE
DEPARTMENT
MONTHLY REPORT**

NOVEMBER 2014

**POLICE CHIEF
John Del Gardo**

VILLAGE OF BREWSTER POLICE DEPARTMENT

MONTHLY REPORT

TO: Mayor James Schoenig - Board of Trustees
FROM: Police Chief John Del Gardo
RE: Monthly Report November 2014

TICKETS	
Uniform Traffic Tickets:	59
Parking Tickets:	93
Code Tickets	14
TOTAL TICKETS	166

TAXI INSPECTION	
	35

ARRESTS		
MIRKO	Marihuana	UPM
MIRKO	Agg Unl Oper	AUO

MIRKO	Marihuana	UPM
MIRKO	Agg Unl Oper	AUO

TOTAL ARRESTS	
	2

SECURITY VISITS PATROL

Sewer Plant	233
Water Tank:	212
Well Field:	65

SECURITY VISITS	
	510

FOOT PATROL		HOURS
Main Street:		64
M.T.A Station:		49
Residential:		18

Main Street:		64
M.T.A Station:		49
Residential:		18

Residential:		18
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TOTAL HOURS	
	131

911 CALLS	
	63

	63
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	63
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	63
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	63
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VEHICLE REPAIRS	
	\$329
MILEAGE TOTAL	
	4627
Total Fuel	
	654

PEO Stockburger	Tickets:	17
	Hours:	41
PEO Giangguzi	Tickets:	16
	Hours:	15

(Security Detail) 2 Officers
(Security Detail) 2 Officers

911 DISPATCHED CALLS – 63

AIDED CASE – 12

EDP - 4

D.O.A. - 1

MISSING JUVENILE - 1

ATT BURGLARY - 1

LARCENY - 1

VEHICLE ACCIDENT – 8

LEAVING THE SCENE - 1

911 HANG UP – 6

DOMESTIC VIOLENCE - 1

DISPUTE – 1

INTOX MALE - 6

DISORDERLY MALE - 1

CRIMINAL MISCHIEF - 2

HARASSMENT - 3

FIRE ALARM – 3

BURGLAR ALARM - 1

SUSPICIOUS VEHICLE - 1

SUSPICIOUS PERSON - 1

STRANDED FEMALE MTA - 1

MALE WALKING IN ROAD - 1

BLOCKED DRIVEWAY - 1

WELFARE CHECK - 1

VEHICLE LOCKOUT - 1

DISABLE VEHICLE - 1

NOISE COMPLAINT - 1

LOST WALLET - 1