

VILLAGE OF BREWSTER  
BOARD OF TRUSTEES  
06 SEPTEMBER 2017  
7:30 P.M.  
PUBLIC HEARINGS & 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 September 6, 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,  
Village Engineer:  
Village Counsel: Anthony Molé  
Clerk & Treasurer: Peter Hansen

Absent:

Erin Meagher  
Todd Atkinson

Pledge to flag.

Notation of Exits

Mayor Schoenig motions to open the Public Hearing for the El Dorado Cabaret Special Exception Use Permit, Deputy Mayor Piccini 2<sup>nd</sup> all in favor 4 to 0.

**Public Hearing 1**

Public Hearing on September 6, 2017 at 7:30 PM that El Dorado Restaurant has submitted to the Board of Trustees of the Village of Brewster, New York, an application for a Special Exception Use Permit pursuant to Section 263-20 of the Village Code, to operate a Cabaret establishment at 542 North Main Street, Brewster, New York.

Jean Marie Hagan of 5-7 Casino Street, speaking for Irene Hagan and Mike Hagan, wants to understand what they are asking for of the seven subsections describing Special Exception Use Permits. Counsel Mole says that Subsection D - standards, and i.8 - cabarets apply in this circumstance. Ms. Hagan says music has been going on late at night past closing time for quite some time and past the hours of the noise ordinance allowance. Ms. Hagan asks if noise is excessive if it is heard behind closed windows. Counsel Molé says that excessive noise is a judgement call by Police and Code Enforcement. Ms. Hagan asks if the 250 foot rule [from a residential area] applies in this circumstance. Counsel Molé says the use is not adult-oriented so that rule does not apply to this application. Ms. Hagan says we want the Village to thrive but when it infringes on our being able to sleep at night and there are people gathering in the streets late at night and into the morning making loud noise it is not conducive to friendly neighbors. There are times when the noise is still going on at 2-3 AM. Ms. Hagan says we are friendly neighbors who are expressing concern based on our experiences to date. Ms. Hagan is concerned about the nighttime hours and the ability to sleep at night. Ms. Hagan also says there used to be a natural barrier between the businesses on N. Main Street and our property but someone came on our property and illegally cut the trees down which no longer provides any noise barrier between our respective properties.

Tom Durkin speaks as a next door neighbor and owner of the property located next door to El Dorado at 538 N. Main Street. The previous building at 538 N. Main Street burned down due to a grease fire. Mr. Durkin says the El Dorado is discharging raw grease onto his property creating a fire hazard. Additionally they are going on his property without his permission. The El Dorado seems to do whatever they want which is not conducive to a good or responsible neighbor.

Sal Figueroa, owner of the El Dorado, says he would like to have the Cabaret license.

Mayor Schoenig motions to keep the Public Hearing open for 10 days for written comment, Deputy Mayor Piccini 2<sup>nd</sup> all in favor 4 to 0.

Mayor Schoenig motions to open the Public Hearing 2 for Local Law 4 prohibiting Roosters and limiting the number of Hens in the Village of Brewster, Trustee Bryde 2<sup>nd</sup> all in favor 4 to 0.

## **Public Hearing 2**

Public Hearing on September 6, 2017 at 7:31 PM or as soon thereafter as time permits for the purpose of obtaining public input in regard to amending Village Code Chapter 263-17: Prohibited uses (proposed local law 4 of 2017) ...prohibiting Roosters, restricting the number of Hens.

Julie Gianguzzi would like to see roosters prohibited in Brewster. Ms. Gianguzzi says there is a Rooster on Oak Street that is very loud all day and night and another on Garden Street which is also very loud at all hours. Chickens that are not fenced or cooped are a nuisance as they are a hazard to drivers and pedestrians as they leave their droppings everywhere.

Terrie Schoenig says she agrees the roosters should be prohibited and fencing chickens in an adequate space. Ms. Schoenig doesn't see the point of roosters as people who keep chickens generally want eggs and don't need roosters for eggs.

Mayor Schoenig wants Counsel Molé to craft language on coops and fencing to keep the rats from becoming an issue due to the extensive chicken droppings and unfenced chickens.

Trustee Boissonnault asks if a permit is appropriate for controlling the chickens in the Village.

Counsel Molé will capture the desired changes discussed tonight and make it available for the next meeting.

Deputy Mayor Piccini motions to continue the Public Hearing to the September 20, 2017 meeting, Trustee Boissonnault 2<sup>nd</sup> all in favor 4 to 0.

Mayor Schoenig motions to open the Regular Meeting, Trustee Bryde 2<sup>nd</sup> all in favor 4 to 0.

## **Regular Meeting**

1. Trustee Erin Meagher, Request for Immediate Resignation – Trustee Meagher is absent for her 8<sup>th</sup> consecutive meeting and Mayor Schoenig requests her immediate resignation, Deputy Mayor Piccini 2<sup>nd</sup>, discussion; Deputy Mayor Piccini notes in particular that the previously regularly scheduled meeting was canceled due to not being able to convene a quorum and that blame should be laid on Trustee Meagher due to her unwillingness to resign and make way for a replacement so this Board could run as a complete Board; all in favor 4 to 0.
2. DPW Report – Dan Crawford
  - 2.1. DPW conducted Storm water repairs on a unique configuration on N. Main Street which required more extensive construction than is typical.
  - 2.2. The 2012 dump truck oil pan has a leak and the engine has to be pulled in order to repair it. The estimate for repair is \$2,100.
  - 2.3. Water – we flushed the hydrants and no additional complaints of dirty water have surfaced since then. The pressure reducing vaults were rebuilt on Marvin Avenue and Park Street but some additional work is still needed to bring them up to par. We started reading water meters for the October billing.
  - 2.4. There are three potential candidates to fulfill the DPW laborer position. Mr. Crawford asks the Mayor if he would like to interview the candidates. Mayor Schoenig says he will leave the hiring decision up to the DPW superintendent but would be happy to discuss the candidates with Mr. Crawford and Mr. Consentino. Mr. Crawford brings up the Personnel Policy and asks for a one-year training period for DPW employees in addition to the existing Introductory Period and benefit accrual dates.
3. St. Andrews Fall Bazaar Vendor Parking request – Stephanie Fiorentino requests waiver of the parking restrictions on Michael Neuner between Prospect Street and Eastview Avenue and on Garden Street for one block adjacent to the church on October 21, 2017. Mayor Schoenig motions to allow parking for St. Andrews Fall Festival vendors on Michael Neuner between Prospect and Eastview and one block on

Garden Street next to the church between 7:30 AM and 4 PM, with a vendor sign on the dashboard, and waive the sign code for October 21<sup>st</sup> only, Deputy Mayor Piccini 2<sup>nd</sup> all in favor 4 to 0.

4. Financial Report Year to Date – Treasurer Hansen says the Code Enforcement Contractual Expense line needs to be amended and the Fund Balance in the Sewer Fund was not as projected to allow for the contribution to the budget. This will necessitate a transfer of funds from the General Fund to Sewer to cover the shortfall and balance the budget. If the monies are not needed by the close of the Fiscal Year the money may be returned to the General Fund with the Board’s consent. Treasurer Hansen says he will prepare the recommendations of amounts for the next meeting.
  5. Procurement Policy Revision/Update – Mayor Schoenig motions to adopt Resolution No. 090617-1 updating the Procurement Policy to reflect current NYS law as written, Deputy Mayor Piccini 2<sup>nd</sup> all in favor 4 to 0.
  6. Local Law 3 Noise Ordinance revisions consideration – Mayor Schoenig motions to adopt Local Law 3 of 2017 amending Village Code Chapter 159 Noise, after conducting the Public Hearing on August 2, 2017, and removing reference to roosters, Trustee Boissonnault 2<sup>nd</sup> all in favor 4 to 0.
  7. Local Law 4 – Prohibiting Roosters, Restricting Hens consideration – tabled until the September 20, 2017 meeting.
  8. Special Exception Use Permit, El Dorado Cabaret consideration – tabled until the September 20, 2017 meeting.
  9. Toshiba Copier Lease – Deputy Mayor Piccini motions to approve the Toshiba Multi-Function Copier (MFC) Lease as presented, Trustee Bryde 2<sup>nd</sup> all in favor 4 to 0.
  10. The Factors of M Marketing contract – Deputy Mayor Piccini motions to authorize Mayor Schoenig to sign the contract with specified revisions, Trustee Bryde 2<sup>nd</sup> all in favor 4 to 0.
  11. Minutes for approval;
    - 11.1. August 2, 2017 Regular Meeting Minutes – Trustee Bryde motions to approve the August 2, 2017 minutes, Deputy Mayor Piccini 2<sup>nd</sup> all in favor 4 to 0.
    - 11.2. August 23, 2017 Special Meeting Minutes - Trustee Bryde motions to approve the August 23, 2017 Special Meeting Minutes, Deputy Mayor Piccini 2<sup>nd</sup> all in favor 4 to 0.
  12. Vouchers Payable – Trustee Bryde reviewed the vouchers and found everything in order.

12.1. A -	GENERAL FUND	\$9,610.97
12.2. C –	REFUSE & GARBAGE	706.21
12.3. F -	WATER FUND	7,887.44
12.4. G -	SEWER FUND	102,578.05
12.5. TA -	TRUST & AGENCY	3,297.89

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Total Vouchers Payable \$124,080.56
- Mayor Schoenig motions to approve vouchers payable as written, Deputy Mayor Piccini 2<sup>nd</sup> all in favor 4 to 0.

13. Other Business

- 13.1. Deputy Mayor Piccini posted the holiday pickup schedule on Facebook. Deputy Mayor Piccini notes the Bulk pick-up day was moved from September 25<sup>th</sup> to September 18<sup>th</sup>. There was a Facebook post that said recycles were not being picked up at a particular location but she is waiting for confirmation of the address from the complainant before taking it further to the contractor. Deputy Mayor Piccini suggests convening a luncheon for Village Matters contributors to create an esprit de corps and perhaps enhance participation of the non-profits in our area.
- 13.2. Trustee Bryde wants to modify Wells Park rules to include bathrooms, cleaning fees, portable toilets for crowds over 75 or so. Mayor Schoenig suggests attaching a cleaning fee for the restrooms and if occupancy exceeds a certain number the applicant will need to provide portable toilets. Trustee Bryde asks for an Eagle Scout project update. Trustee Boissonnault says he is still working on it. Trustee Bryde says that the Chamber of Commerce 60<sup>th</sup> anniversary celebration was a very good day and we received many compliments on the park from people who hadn’t been there before. Trustee Bryde asks about the status of the Employee Handbook. Clerk Hansen says we will have to contract

with Paychex to update the handbook and we can include the changes to the training period mentioned this evening if adopted. We need to involve Paychex because the document is protected from update and we are unable to revise and print revisions on our own. Trustee Bryde says Bulk pickup date change was put on Facebook, our Website, and sent out flyers in the Refuse bill.

- 13.3. Trustee Boissonnault wants to close the park Monday through Friday now that the colder weather is upon us and we no longer have part-time helpers during the week. Trustee Boissonnault will put some recommendations together for Wells Park form revisions. Clerk Hansen asks if we can put some barricade on the interior access to the park to prevent vehicles from pulling in, notes that we had some complaints of people with dogs in the park and we need to post signage, and finally the electric in the designate Town modular needs to be reconnected. Mayor Schoenig will follow up on the electric. Trustee Bryde notes there is an orange cone left in the middle of the driveway which makes the park appear closed after the chain is removed. Mayor Schoenig will speak with Chief Del Gardo about the cone and leaving the bathrooms locked during the week.

#### 14. New Business

- 14.1. Deputy Mayor Piccini noted she received a flyer at the Chamber of Commerce event for CPR devices at Brewster Fire Department.
- 14.2. Trustee Bryde said that Patriots Day is coming up with events at Someday Retirement Park, the Elks Club, in Carmel at the Cornerstone Park Building. Trustee Bryde said there are several local collections for Hurricane Harvey aid including the drop off box in our Village Office that was left by Senator Murphy's office. Trustee Bryde notes that Founders Day is September 24<sup>th</sup>.
- 14.3. Trustee Bryde motions to waive the late fee on account 355 due to special circumstances, Mayor Schoenig 2<sup>nd</sup> all in favor 4 to 0.
- 14.4. Trustee Bryde mentions the letter that Counsel Molé sent to the owner of 8 Hoyt Street regarding sidewalk repair and said it was well done.
- 14.5. Trustee Bryde thanks Clerk Hansen for attending the Chamber dinner on August 16, 2017 representing the Village.
- 14.6. Deputy Mayor Piccini notes we have an invitation to a Mid-Hudson Regional EDC meeting September 14<sup>th</sup> from 12 to 1 at Tilly Foster. Clerk Hansen says he will attend.
- 14.7. Mayor Schoenig motions to extend the training period for DPW laborers for one year, Trustee Bryde 2<sup>nd</sup> all in favor 4 to 0.
- 14.8. Mayor Schoenig mentions the Land Use Leadership Alliance Training Program and says we have been asked to provide people to attend. Mayor Schoenig recommends George Gaspar to represent the Village. Clerk Hansen will forward the information and if Mr. Gaspar is available will let Ms. Zezula know he will attend.

#### 15. No Public Comment

16. Mayor Schoenig motions to adjourn, Deputy Mayor Piccini 2<sup>nd</sup> all in favor 4 to 0.