

VILLAGE OF BREWSTER  
BOARD OF TRUSTEES  
September 7, 2011  
PUBLIC HEARING AND REGULAR MEETING

Minutes

The Board of Trustees of the Village of Brewster held a Public Hearing at 7:30 PM followed by a Regular Meeting at 8:40 PM on September 7, 2011 at Village Hall, 50 Main Street, Brewster, New York.

Attendees:

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

Absent:

Pledge to flag.

Notation of Exits

Mayor Schoenig motioned to open the Public Hearing, Trustee Stockburger 2<sup>nd</sup> all in favor 5 to 0.

Public Hearing

For the purpose of obtaining public input in regard to enactment of a chapter entitled "FIRE ALARMS AND EMERGENCY ENTRY" which will regulate the use of fire alarms and rapid entry devices for buildings within the Village of Brewster in the County of Putnam as Local Law 8 of 2011 of the Village Code.

Mark Anderson – surprised to see the proposed local law. Asked if the Board had discussed the potential impact on the fire department with all these new alarm systems being required. Mr. Anderson asked if this law is patterned on the Town of Southeast law? Mayor Schoenig said he had requested the Town law but had not yet received it. Mr. Anderson read Martin Hellman letter (follows) into the record.

Deputy Mayor Piccini notes that this is a public hearing and is intended solely to solicit public input. We appreciate the public providing that input.

Mr. Anderson notes that there are existing fire alarm devices and systems in place which are inspected by the code enforcement officer. We believe these systems and devices are adequate to protect the public. The cost of implementing this proposed law could be enormous and Mr. Anderson would like some statistics to show how much safer the public would be relative to the cost of implementation.

Tyler Murello reiterates Mr. Anderson's comments that the rental registration law and existing fire notification and deterrent systems are adequate. The last fatality from a fire in this village was in 1963. Do we really need these new requirements given that fatalities from fire are so rare? Also, this proposed law excludes single family homes from compliance. Why are they treated differently? The last fatality of a firefighter occurred in a single family home. Mr. Murello thinks it is too much to ask of the commercial property owners for this type of requirement. The extent of the work required and the cost burden outweighs any safety improvement unless it can be shown otherwise. Mr. Murello also asks if the Volunteer Fire department was consulted.

Mayor Schoenig said he asked for representatives from the fire district to answer the public's questions be present tonight but no one came. Several phone calls and messages were left with certain representatives requesting their presence beginning at least 3 weeks earlier. We are disappointed no one showed up at this meeting as this proposed law was a direct result of a request by a fire inspector. It leads us to believe the Fire District is not all that interested in implementation of this proposed local law.

Mike Ligouri was in the audience on another matter pending before the Board. Mr. Ligouri represents the Board of Fire Commissioners and is willing to pass the proposed law by the board and ask for their input.

David Gillis notes that the most dangerous buildings are the vacant buildings. Who will enforce the requirements of this law on them? Mayor Schoenig says the owner will be held responsible. Mr. Gillis says what if the owner is out of the country? Counsel Mole says due process would be followed to enforce local and state code.

Richard Ruchala notes that the financial burden being placed on commercial property owners in the village is onerous and this law will make it worse. In his opinion we will end up with more vacant and abandoned buildings as a result of this law. That will cause the safety of our inhabitants to deteriorate.

Deputy Mayor Piccini reiterates that just because a building becomes abandoned or vacant does not relieve the property owner of their obligations to maintain compliance to code.

Mark Anderson reiterates his concern regarding the capability of the volunteers as they are already overburdened. This proposed law would make that burden much worse because of all the false alarms it could generate.

Deputy Mayor Piccini acknowledges the Mr. Anderson's concerns on behalf of the volunteer fire department and welcomes their expertise to refine the language in proposed law.

Rick Stockburger questions the purpose of the Knox Box. Also, what is the definition of a false alarm?

Mike Ligouri explains the Knox Box system. When a call comes in and there is a need to have a forcible entry a call goes to 911. 911 sends a signal to open the lock box where the Knox Box key is located. A Knox Box can be equipped with a single master or with individual keys for each unit.

Mr. Anderson asks again how much safer will the community be with this law? Can you show me the statistics that show how much safer the community will be? I want to see the statistics to justify the expense of implementation of this local law.

Deputy Mayor Piccini notes that statistics are meaningless because what might happen in the future has no bearing on what happened in the past.

Trustee Boissonnault asks how many have Knox boxes now? Mark Anderson, a property manager, is the only one who acknowledges he has Knox boxes. The nine other commercial property owners in attendance do not acknowledge having Knox boxes.

Mayor Schoenig notes again that this law is being implemented to help the fire department and looks forward to having them provide valuable input before the next meeting.

Deputy Mayor Piccini motions to continue the Public Hearing to September 21, 2011 at 50 Main St. Brewster, NY 10509 at 7:30 PM and will be accepting written comments in the interim with the regular meeting to follow as soon thereafter as practical, Trustee Stockburger 2<sup>nd</sup> all in favor 5 to 0.

Mayor Schoenig motioned to open the Regular Meeting, Trustee Stockburger 2<sup>nd</sup> all in favor 5 to 0.

Regular Meeting

1. Set Public Hearing for Refuse rents – Mayor Schoenig explains that during the budget discussions it was decided to allot administrative fees applicable to Refuse billing and payments directly to the Refuse service. The budget reflects this approach and it is necessary to hold a Public Hearing to change the Refuse Rent. Deputy Mayor Piccini motions to set the public hearing for October 5, 2011 at 50 Main Street, Brewster, NY 10509 at 7:30 PM with notice of the proposed rate published as part of the public hearing notice, Trustee Stockburger 2<sup>nd</sup> all in favor 5 to 0.
2. Artbeat – parade permit – Contact Bob Dumont for details and add to September 21, 2011.
3. 450 N. Main rezoning petition – Mike Ligouri represents the 450 N. Main property owner who is requesting a rezoning designation to B1 from PB. The property is adjacent to Hoyt St. the dividing line between B1 and PB. Having the ability to include retail, restaurant, and tavern would be advantageous for this property. Given the structure of the building, it lends itself to the B1 designation as the characteristics of the building mimic most of the B1 buildings. Mr. Ligouri notes that this is not spot zoning as spot zoning is defined as “not in concert with the comprehensive plan.” Rezoning this building would remain in compliance with the Comprehensive Plan. The parking restriction easing in the overlay district will need to be addressed as well since the current overlay district does not coincide geographically with this property. The Board would have to consider all uses of B1 for this application, including Special Exception uses. Deputy Mayor Piccini motions to refer the rezoning application to the Planning Board for their recommendation and have the Planning Board review the Parking Overlay issue at the same time, Trustee Stockburger 2<sup>nd</sup> all in favor 5 to 0.
4. Year-To-Date Budget comparison report – Hansen reports that we are 25% through the fiscal year and we remain at 23 to 24% of expenditures. Deputy Mayor Piccini asks what issues might affect our performance. Hansen says there is another tax certiorari that will be processed requiring us to move funds from contingency. Deputy Mayor Piccini asks if there are other tax certioraris pending. Hansen states not to his knowledge, but this latest one was a surprise as we had been told all cases had been settled some time ago.
5. Authorization and Resolution of Support for Justice Court Administration Grant Application – Deputy Mayor Piccini motions to authorize submittal of the JCA grant application and offer the Board’s full support in the application process, Trustee Stockburger 2<sup>nd</sup> all in favor 5 to 0.
6. August 17 and August 31 Minutes for Approval – Trustee Bryde motions to approve the August 17 minutes, Trustee Boissonnault 2<sup>nd</sup> all in favor 5 to 0. Trustee Bryde motions to approve the August 31 minutes, Trustee Boissonnault 2<sup>nd</sup> all in favor 4 to 0. 1 abstention.
7. Training for Assistant Water Superintendent – water license CEU ~\$1,500. Trustee Stockburger motions to authorize the training expense not to exceed \$1,500, Deputy Mayor Piccini 2<sup>nd</sup> all in favor 5 to 0.

8. Vouchers Payable	
8.1. A General	\$27,071.31
8.2. F Water	6,837.69
8.3. G Sewer	84,159.28
8.4. H15 Sidewalks SAFETEA-LU	5,157.00
8.5. TA Trust & Agency	145.80
<b>Total Vouchers Payable</b>	<b>\$123,371.08</b>

Mayor Schoenig motions to approve vouchers payable, Trustee Boissonnault 2<sup>nd</sup> all in favor 5 to 0.

9. Other Business –

- 9.1. Deputy Mayor Piccini notes that she recently traveled to Santa Barbara and signs for national brands were incorporated into compliance with the local sign ordinance.
- 9.2. Trustee Stockburger needs the village seal jpg. Home Depot has baskets on sale right now and they look like they would be a good option to replace our existing hanging baskets. Trustee Stockburger will contact Dan Crawford and ask him to have someone accompany her to Home Depot to purchase and transport them to the highway garage.
- 9.3. Trustee Bryde asks about the CT DMV status. Mayor Schoenig says they have all the information they need to proceed. Trustee Bryde asks about the type of tree we might consider. Trustee Stockburger suggests Crabapple. Trustee Bryde asks about the status of the Carmel Ave. Bridge. Counsel Mole will contact their attorney.
- 9.4. Trustee Boissonnault asked about the status of Putnam County as a FEMA designated disaster area – as yet no determination has been made. Trustee Boissonnault asked if we were going to pursue the magnets he had designed. Trustee Stockburger motions for Trustee Boissonnault to order 1,000 magnets as described and made available for distribution on Founders Day up to \$1,180 but try to negotiate a better deal, Trustee Bryde 2<sup>nd</sup> all in favor 5 to 0.
- 9.5. Trustee Stockburger motions to authorize up to \$600 for a 30 second commercial spot per the proposal from Starr Ridge Video, Trustee Boissonnault 2<sup>nd</sup> all in favor 5 to 0.
- 9.6. Mayor Schoenig notes that TeamBrewster is tomorrow at 10AM. Counsel Mole is working on the Peaceable Hill Water District contract revision, and the new Water Rules and Regulations law.
- 9.7. Deputy Mayor Piccini asks about the huge concrete raised block up by St. Lawrence. Mayor Schoenig said that Dan Crawford recommends the area be ringed with a barrier such as a wrought iron fence. Code Enforcement will look into it and start the process by ascertaining ownership, responsibility and compliance with code.
10. New Business
  - 10.1. Trustee Bryde notes that the DPW and Police did a terrific job during Hurricane Irene and they deserve recognition. Citations and or Proclamations were discussed as possible recognition vehicles.
  - 10.2. Mayor Schoenig notes the DPW cell phones were not working during Hurricane Irene and we need to look into an alternative communication means between the DPW crew and possibly the Police or Emergency Services. Hansen says he contact NYCOMCO, who handle our Police radios and they will get back to us with a proposal. Jack Gress mentions that his trucks have a GPS system that is two-way communication and provides location information.
  - 10.3. Deputy Mayor Piccini notes that for Founders Day there is a flyer saying the Village of Brewster presents Artbeat. Counsel says we will not be held responsible for something someone puts in their flyer.
11. Public Comment - None
12. Mayor Schoenig motions to go into Executive Session, Deputy Mayor Piccini 2<sup>nd</sup> all in favor 5 to 0.
  - 12.1. Mayor Schoenig motions to go out of executive session and resume the regular meeting, Deputy Mayor Piccini 2<sup>nd</sup> all in favor 5 to 0.
13. Mayor Schoenig motions to adjourn, Deputy Mayor Piccini 2<sup>nd</sup> all in favor 5 to 0.

**Martingale Management Co.**

**730 Alvarado Court**

**Stanford, CA 94305**

4 September 2011

RECEIVED

SEP 06 2011

VILLAGE OF BREWSTER

Village of Brewster, Board of Trustees  
50 Main Street  
Brewster, NY 10509

Dear Board Members:

The Board is to be commended for considering ways to improve the safety of those living in the Town of Brewster and, if the proposed ordinance mandating monitored fire alarms in each unit of a multi-family dwelling will increase safety in a cost-effective manner, then it should be enacted. If, however, it actually increases risk, or improves safety in a way that is not cost-effective compared to other actions that might be taken, it should be modified or rejected. I assume that the proponents of the proposed ordinance have done their homework and can answer the following questions. If they haven't, I hope the ordinance will be tabled until answers are provided:

1. Current law requires individual, unmonitored smoke detectors in each unit. How many deaths or injuries from fire, if any, are expected to be saved each year by moving to monitored alarms? What data supports the estimate?
2. How many additional false alarms are expected annually as a result of the proposed ordinance? How many additional deaths or injuries are expected each year to public safety and other personnel as a result of responding to these false alarms? What data supports the estimate?
3. What are the estimated capital and recurring costs per dwelling unit to comply with the proposed ordinance, and how do they compare with other measures that could be taken to improve public safety, but have not yet been enacted? If more cost-effective, not-yet-mandated, public safety measures exist, why are they not being enacted before the proposed ordinance?
4. If the proposed ordinance is cost-effective, why are single family homes exempted? Shouldn't the ordinance be extended to include all dwelling units before enactment? I will note that the one fire related fatality of which I am aware in the area of the town was in a single family home. (That fatality was in the Town of Southeast, and to a fire fighter, not a resident.)

Thank you for considering these comments.



Martin Hellman  
General Partner, Martingale Management Company  
Owner of 104 Main Street and 35 Oak Street