

TOWN OF WASHINGTON
TOWN BOARD
May 10, 2018

The Town Board of the Town of Washington held their regular meeting on Thursday, May 10, 2018, at the Town Hall, 10 Reservoir Drive, Millbrook, NY. Supervisor Gary Ciferri called the meeting to order at 7:00 PM with the following present: Councilmen Stephen Turletes, Robert Audia, Al De Bonis and Michael Murphy, Town Clerk Mary Alex, Highway Superintendent Joseph Spagnola, Bookkeeper Dana Sukow and Attorney Jeff Battistoni.

Also present were: Allen and Rikki Friedman, Kevin Cox of YSG Solar, Judith Balfe and Howard Schuman.

Supervisor Ciferri began the meeting with the Pledge of Allegiance.

Supervisor Ciferri advised that the Friedman's were present to discuss with the Board a situation on Milewood Road. Mr. Friedman said that 303 Milewood Road has been vacant and abandoned for quite a long time. For over nine months he has been in communication with New York State and the Town. Mr. Fiore has been out to the property and has confirmed the abandonment. Mrs. Friedman provided photographs and noted that they live behind the property and that they own the driveway. They said they have taken the case as far as they can as citizens and request that the Town initiate proceedings against the mortgage company. Mrs. Alex confirmed that Select Portfolio Servicing paid the taxes.

On a motion made by Councilman Audia and Councilman De Bonis the Town Board authorized Attorney Battistoni to send a letter to Select Portfolio Servicing, as the New York State Vacant Property law allows, requiring the property to be maintained. The vote was as follows:

Supervisor Ciferri: Aye
Councilman Turletes: Aye
Councilman Audia: Aye
Councilman De Bonis: Aye
Councilman Murphy: Aye

Supervisor Gary Ciferri reported that he had a conversation with Legislator Houston advising that Dutchess County had land available on County House Rd. Legislator Houston Spoke with Robert Balkind of Dutchess County DPW. The County is in favor of selling a parcel to the Town as a potential highway garage location. Village water and sewer at the site. The Board concurred to get more information. Supv. Ciferri will contact Deirdre Houston to set up a meeting.

On a motion made by Councilman Audia and seconded by Councilman Murphy, the Board opened the Public Hearing on Fee changes for 2018. The vote was as follows:

Supervisor Ciferri: Aye
Councilman Turletes: Aye
Councilman Audia: Aye
Councilman De Bonis: Aye
Councilman Murphy: Aye

Councilman De Bonis questioned the increase in the recreation fee per lot? Town Clerk Alex said she derived the fees by averaging the fees in other Dutchess County towns. The town has not raised the fees in 15 years. The recreation fees are in lieu of a property donation and are used exclusively for improvements to the recreation programs and park enhancements. Councilman Audia explained that the fee has been used most recently to when the Town purchased land to expand the park. He explained that the future property owners have access to recreation programs and therefore it helps pay for their share of program costs.

Bookkeeper Dana Sukow provided the monthly reports to the Town Board. The Town has received the following money:

- Highway FEMA Sandy \$24,016.30
- Dutchess County Sales Tax for 2017 \$7,680.70
- Dutchess County Sales Tax for 2018 \$34,643.54

Pending

- Millbrook Central School District to reimburse highway for salt and sand \$2,533.13
- Village of Millbrook from January to present \$27,637.50

Ms. Sukow further advised that the Annual Financial Report has been posted on the town website.

She requested that elected officials that participate in the New York State Retirement System submit their hours for the next Town Board meeting.

The information for the Town Payroll Certification has been submitted to DC Human Resources.

There are several Transfer Station permit holders that have not paid outstanding bills. The amounts are as follows: \$89.41, \$161.13, \$121.75, \$178.90, \$56.20 and \$55.60. The Board requested that we give the people a courtesy phone call requesting payment prior to filing a small claim proceeding.

The Town Board established the following policy regarding the Transfer Station:

Transfer Station permit holders are responsible for any charges made to their account. The permit is to be affixed to the vehicle that the permit has been purchased for. The permit holder may request from the Town Clerk a letter providing a contractor or family member access to the facility in a different vehicle. Additional permits may be purchased for people residing in the same household. All fees are the responsibility of the permit holder. Permits may be revoked if payments are three or more months in arrears.

County Legislator Deirdre Houston entered the meeting.

Highway Superintendent Joseph Spagnola provided the Highway Department monthly report. The department has scheduled the of resurfacing of North Tower Hill Rd. for August 6, 2018. The date may change due to weather conditions. He expects completion of the work prior to when school begins. A notice will be placed in the upcoming transfer station mailing.

Next week the Highway Department will begin drainage improvements on the lower end of Killlearn Rd.. There is electric and phone wires buried within the roadway, which was done at the request of property owners. For the safety of the men, those areas will be marked again. The other end will begin thereafter.

Through the benefit of the Pave NY program and the 2018 Town Highway budget, the department will be blacktopping 2,000 feet of South Rd. coming off Route 82 (Copperfield's) to Tyrell Rd. The estimated cost of the project is \$65,000.00.

One of the Capital project for 2018 is to remove the 4000 gallon gas tank and replace it with a 500 gallon gas tank. Highway Superintendent Spagnola is awaiting two additional estimates. Councilman Audia requested they look at placement where we can place a shed roof over the tank, which will prevent water getting inside the tank. Highway Superintendent Spagnola said condensation is a bigger problem.

The Highway Department finished cleaning the pool this week. Highway Superintendent Spagnola is reviewing ideas for filtering the sand bed area of the reservoir. The Town might want to treat the pond which would decrease the algae. The Highway Department will do the work to make it happen.

The Board praised the Highway Department for the fabulous job they did on Daheim Rd.. They used the millings they had stockpiled from other roadwork.

The Town roads have all been swept clean. Easy Street Cleaning was used for cul-de-sacs and the town used the new equipment on all other roads. The cost for Easy Street was \$3,500.00 and has been \$18,000.00 in the past. The equipment purchase was \$21,000.00.

Councilman Audia said he recently attended a conference at the Institute of Ecosystem Studies regarding snow removal. Councilman Audia provided the following statistics from the conference:

- National cost to maintain a dirt road is \$5,871 per mile per year.
- The cost in South Dakota is \$8,300.48. They project grading needs to be done 21 – 50 times per year at \$67.00 per mile.
- The typical cost for a dirt road with water infiltration is \$13, 520.00 per mile
- National cost to maintain a paved road is \$5,570.00 per mile
- It costs \$1,200.00 per mile for crack sealing every 3 years
- The cost for seal coating is \$37,000.00 per mile every 20 years
- Figures are based on traffic of less than 100 cars per day.
- Cost will double when over 150 cars per day.
- A key point is there was no value placed on safety.

County Legislator Houston addressed the Board regarding Dutchess County legislative matters. On April 6th she toured the Dutchess County property where the Eastern Government Center is situated. Legislator Houston said she has major concerns about how the property is being maintained. Chris Bano, Bill O'Neill, Bob Balkind from the County were present.

There is a Cemetery located on the property which served the underprivileged of the county. Well over 800 people are buried there. Due to very little markings 246 known people are identified as being buried. Years back, Vassar College students did a research study to locate and identify the deceased. The cemetery is in disarray and hasn't been cared for in years. County officials have created a new access path and will remove all trees, limbs and leaves. The cemetery is one and a half acres in size. In conjunction with the Vassar College Anthropology Class it will be transformed into a respectful place to honor the deceased including leveling the ground with fill, placing interpretive signs and distinguishing the location of people.

Legislator Houston said she is unhappy with the state of the buildings. In 2014, a resolution was adopted to provide funding to take certain buildings down. By December of this year, five of the six buildings will be taken down and the West Wing will be rehabilitated. Mrs. Houston said Mr. Storms, who was a caretaker there years ago was on the tour. He was a wealth of information and it was very helpful to have him present.

Supervisor Ciferri said that the Board was interested to hear more regarding the potential for the town to purchase a portion of the property. Legislator Houston said the County is willing to offer the town a 99 - year lease for \$1.00. Dutchess County uses portion for their satellite site. Legislator Houston will arrange for a walk around the property and a meeting with county officials and the Town. The Board appreciates Legislator Houston's on all of these efforts and looks forward to meeting.

Councilman Al De Bonis advised that the Solar Law Committee has completed legislation, which Attorney Battistoni has put into a resolution for the Board's introduction. The proposed legislation has been distributed to all local boards, Town Clerk Alex and the Building Inspector for review and input.

Councilman Murphy said that there was a lot of talent on the committee and it included Jeff Feigelson, Larry Ham, Howard Schuman and Ed Jorgensen. It was a really great committee with all members volunteering their time and resources. They appreciated Mr. Feigelson's help as he wrote the law based upon the committees input and reviews. They also had great input from Kevin Cox, YSG Solar, a solar installation company working with the Cary Institute.

Councilman De Bonis said a woman called him because she was looking to purchase land here and in Clinton. She was asking about a variance for a solar farm, due to the moratorium. He explained to her that the Town expects to adopt legislation which says power generation is limited to 110% of the use on the property. We will Allow solar development where it is done reasonably, but this is not the place for solar farms. She advised him that she would reconsider the property they were investigating.

RESOLUTION

Councilperson De Bonis, seconded by Councilperson Murphy, introduced the following proposed local law, to be known as Local Law No. ____ of 2018, entitled A LOCAL LAW OF THE TOWN OF WASHINGTON, DUTCHESS COUNTY, NEW YORK, REGARDING SOLAR ENERGY SYSTEMS AND WIND ENERGY SYSTEMS.

BE IT ENACTED by the Town Board of the Town of Washington as follows:

Section 1 Legislation

The Zoning Code of the Town of Washington is hereby amended to add a new Section 249 as follows:

- I. The Table of Contents shall be amended to add "349: Solar Energy Systems and Wind Energy Systems" on a new line immediately following the words "348: Bed-and Breakfast". No page numbering notation shall be made for this new Section.

- II. A new Section 249 shall be added immediately following the end of all words included in Section 248 as follows:

"Section 349. SOLAR ENERGY SYSTEMS AND WIND ENERGY SYSTEMS

1. Authority

This Town of Washington Solar and Wind Zoning Code is adopted pursuant to Sections 261-263 of the Town Law of the State of New York, which authorize the Town of Washington to adopt zoning provisions that advance and protect the health, safety, and welfare of the community, and "to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor."

2. Statement of Purpose

The purpose of this Town of Washington Solar and Wind Zoning Code is to establish standards and limitations for the installation and operation of solar and wind systems within the Town of Washington. The Town of Washington intends to encourage the use of natural energy resources in accordance with its Comprehensive Master Plan.

3. Definitions

110% LIMITATION: shall have the meaning ascribed to it in Section 5(A) below.

ADJOINING PARCELS: shall have the meaning ascribed to it in Section 5(E) of this Solar and Wind Zoning Code.

BUILDING INTEGRATED PHOTOVOLTAIC SYSTEM: A combination of photovoltaic building components integrated into any building envelope system such as vertical facades including glass and other facade material, semitransparent skylight systems, roofing materials, and shading over windows.

CONSENT: shall have the meaning ascribed to it in Section 6(C)(3) of this Solar and Wind Zoning Code.

GLARE: The effect produced by reflections of light with an intensity sufficient to cause significant annoyance, discomfort or loss in visual performance and visibility.

GROUND-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System that is anchored to the ground and attached to a pole or other mounting system, detached from any other structure, and in which the anticipated annual total amount of electric energy generated from such system does not exceed 110% of the anticipated annual total amount of electric energy used by the applicant's parcel (this 110% limitation is hereinafter referred to as the "110% Limitation").

NYSERDA: The New York State Energy Research and Development Authority.

NON-RESIDENTIAL PROPERTY: Real property that is not considered Residential Property.

RESIDENTIAL PROPERTY: Real property that is primarily used for residential purposes and contains a one or two-family residence.

ROOF-MOUNTED SOLAR ENERGY SYSTEM: A solar panel system located on the roof of any legally permitted building or structure for the purpose of producing electricity for onsite or offsite consumption.

SOLAR ENERGY EQUIPMENT: Electrical energy storage devices, material, hardware, inverters, or other electrical equipment and conduit of photovoltaic devices associated with the production of electrical energy.

SOLAR ENERGY SYSTEM: An electrical generating system composed of a combination of both Solar Panels and Solar Energy Equipment.

SOLAR PANEL: A photovoltaic device capable of collecting and converting solar energy into electrical energy.

4. Applicability

The requirements of this law shall apply to all Solar Energy Systems installed or modified after its effective date, excluding general maintenance and repair.

5. General Provisions

A. Solar Energy Systems installed for the purpose of supplying power measured by the personal use of the property shall be permitted as an accessory use so long as the Solar Energy System satisfies the other provisions of this Town of Washington Solar and Wind Zoning Code. A Solar Energy System shall be limited to a power generating capacity not in excess of 110% of the anticipated annual total amount of electric energy used by the applicant's parcel (this 110% limitation is hereinafter referred to as the "110% Limitation").

B. All Solar Energy Systems shall be installed in accordance with applicable electrical and building codes (including the New York State Uniform Fire Prevention and Building Code) in effect at the time of installation, the manufacturer's installation, and industry standards, and prior to operation the electrical connections must be inspected by the Town Code Enforcement Officer or by an appropriate electrical inspection person or agency, as determined by the Town of Washington. In addition, any connection to the public utility grid must be inspected by the appropriate public utility.

C. When solar storage batteries are included as part of the Solar Energy System, they must be placed in a secure container or

enclosure meeting the requirements of the New York State Uniform Fire Prevention and Building Code when in use and when no longer used shall be disposed of in accordance with all applicable laws and regulations.

D. The installation of any Ground-Mounted Solar Energy System shall be outside any land area exhibiting sensitive environmental characteristics such as fresh water wetlands, one-hundred year flood hazard areas, severe topography (slopes more than 15%), stream corridors, wetland transition areas, historic and/or culturally significant areas or other areas regulated under the Town's Wetlands Law. No Solar Energy System shall be within any conservation easement or conservation deed restricted area unless within the approved building envelope.

E. It is acknowledged that an applicant may own one or more adjoining parcels which technically consist of more than one legal parcel. In such case, there may a Solar Energy System on one parcel which produces electricity primarily for the needs of that parcel and/or the needs of one or more of such other adjoining parcels (the "Adjoining Parcels"). In such case, for purposes of the definition of Ground-Mounted Solar Energy System, the term "applicant's parcel" shall include the Adjoining Parcels.

F. All Solar Energy Systems shall require a building permit and a certificate of occupancy/compliance upon completion.

G. All Solar Energy Systems shall be maintained in good working order.

H. No Solar Energy System shall be permitted if such installation would require the installation of a new above-ground power line, power pole or an electrical substation; provided, however that (i) if a new building structure is being constructed in connection with the Solar Energy System, a new power pole shall be permitted or (ii) a new power pole shall be permitted if it is required by the local utility company to maintain the Solar Energy System's safe operation.

I. Prior to the installation of a Solar Energy System, the Town of Washington Building Inspector shall receive (i) a letter from a licensed engineer or other qualified professional or from the installer of the Solar Energy System stating in effect that the Solar Energy System will satisfy the 110% Limitation and (ii) any applicable Consent. The Town of Washington Building Inspector shall have the right to confirm the satisfaction of the 110% Limitation by reviewing prior utility statements.

J. If a Solar Energy System causes any Glare, the owner of such Solar Energy System shall use reasonable efforts to eliminate such Glare within 60 days of notice of the existence of such Glare from the Town of Washington.

6. Solar as an Accessory Use or Structure

A. Building Integrated Photovoltaic System ("BIPS"). BIPS material shall be permitted in all zoning districts.

B. Roof-Mounted Solar Energy Systems.

1) Roof-Mounted Solar Energy Systems are permitted as an accessory use in all zoning districts when attached to any lawfully permitted building or structure.

2) Height. Roof-Mounted Solar Energy Systems shall not exceed the maximum height restrictions of the zoning district within which they are located.

3) Aesthetics. Roof-Mounted Solar Energy System installations shall incorporate, when feasible, the following design requirements:

a. Panels must be mounted at the same angle as the roof's surface up to a maximum distance of 18 inches between the roof and highest edge of the system.

b. The Solar Panels and all ancillary equipment for the Solar Energy System shall not extend beyond the edge of the roof.

c. Solar Energy Equipment forming a part of the RoofMounted Solar Energy System shall be installed inside walls and attic spaces to reduce their visual impact. If such Solar Energy Equipment is visible from a public road or adjacent property, it shall match the color scheme of the underlying structure.

4) Roof-Mounted Solar Energy Systems shall be exempt from site plan review under the local zoning code or other land use regulations.

C. Ground-Mounted Solar Energy Systems for a Residential Property:

- 1) Ground-Mounted Solar Energy Systems for a Residential Property are permitted as accessory structures in the Town of Washington.
- 2) In no event shall the height of the Ground-Mounted Solar Energy System for a Residential Property exceed 12 feet. This 12 foot requirement shall be calculated when the solar energy system is oriented at maximum tilt.
- 3) Subject to the terms set forth herein, a Ground-Mounted Solar Energy System for a Residential Property shall not be visible from any public road or from any other parcel. If a Ground-Mounted Solar Energy System for a Residential Property would be visible from any public road or other parcel, the Ground-Mounted Solar Energy System shall be screened from view at all times by existing vegetation or topography or through the use of architectural features, earth berms, landscaping, new plantings, fencing or a combination thereof. Plantings used for screening shall be of such a height and width, at the time of planting, so as to obscure the Ground-Mounted Solar Energy System from public roads and such other parcels. Notwithstanding anything herein to the contrary, a Ground Mounted Solar Energy System for a Residential Property may be visible from another parcel if:
 - a. the Ground-Mounted Solar Energy System is at least 300 feet from the affected parcel, or
 - b. The owner of the affected parcel consents in writing (the "Consent") to the Ground-Mounted Solar Energy System.
- 4) All Ground-Mounted Solar Energy Systems for a Residential Property shall have a minimum set-back of the greater of (i) 100 feet from the property line or (ii) the set-back required by the Zoning Code.
- 5) Ground-Mounted Solar Energy Systems for a Residential Property shall be exempt from site plan review under the Zoning Code or other land use regulations.

- 6) Ground-Mounted Solar Energy Systems for a Residential Property shall not be considered as a building for purposes of determining building coverage of the lot.
- 7) Solar Panels for a Residential Property shall not be included in any calculation of impervious surface or impervious cover, however the base or foundation of the Solar Panel shall be included in any calculation.

D. Ground-Mounted Solar Energy Systems for a Non-Residential Property:

- 1) Ground-Mounted Solar Energy Systems for a NonResidential Property are permitted as accessory structures in the Town of Washington.
- 2) In no event shall the height of the Ground-Mounted Solar Energy System for a Non-Residential Property exceed 12 feet. This 12 foot requirement shall be calculated when the solar energy system is oriented at maximum tilt.
- 3) Subject to the terms set forth herein, a Ground-Mounted Solar Energy System for a Non-Residential Property shall not be visible from any public road or from any other parcel (unless the owner of such other parcel executes a Consent). If a Ground-Mounted Solar Energy System for a Non-Residential Property would be visible from any public road or other parcel (and a Consent is not executed by the affected owner), the Ground-Mounted Solar Energy System shall be screened from view at all times by existing vegetation or topography or through the use of architectural features, earth berms, landscaping, new plantings, fencing or a combination thereof. Plantings used for screening shall be of such a height and width, at the time of planting, so as to obscure the Ground-Mounted Solar Energy System from public roads and such other parcels.
- 4) All Ground-Mounted Solar Energy Systems for a NonResidential Property shall have a minimum set-back of the greater of (i) 100 feet from the property line or (ii) the set-back required by the Zoning Code.
- 5) Ground-Mounted Solar Energy Systems for a NonResidential Property shall require a special permit and site plan

review under the Zoning Code or other land use regulations.

6) Ground-Mounted Solar Energy Systems for a NonResidential Property shall not be considered as a building for purposes of determining building coverage of the lot.

7) Solar Panels for a Non-Residential Property shall not be included in any calculation of impervious surface or impervious cover, however the base or foundation of the Solar Panel shall be included in any calculation.

7. Abandonment and Decommissioning

Solar Energy Systems are considered abandoned after one year without electrical energy generation and must be removed from the property. An applicant shall have the right to request a one year extension of that time upon notice to, and approval from, the Town of Washington Planning Board. If a property owner fails to remove a Solar Energy System as required by this section, then the Town of Washington may elect, at its sole and absolute discretion, to remove such Solar Energy System from the property in which case all of the costs and expenses incurred by the Town of Washington, together with interest at the annual rate of 16%, or such lower rate required by any applicable usury law or regulation, shall be immediately paid by the property owner. In addition, any violation of this section shall result in a fine of \$50 per day for each day such violation exists. The cost incurred by the Town shall be assessed against the property, shall become a lien and tax upon said property, shall be added to and become a part of the taxes to be levied and assessed thereon, and enforced and collected with interest by the same officer and in the same manner as other taxes.

In the case of a Ground-Mounted Solar Energy System for a NonResidential Property, the Town of Washington Planning Board may, at its discretion, require the adoption of an Abandonment, Restoration and Decommissioning Plan in connection with any approval of such project.

8. Enforcement

Any violation of this Town of Washington Solar and Wind Zoning Code shall be subject to the same civil and criminal penalties provided for in the Zoning Code (except that any violation of Section 8 hereof shall result in the fines and penalties set forth therein).

9. Real Estate Tax Exemption

Owners of Solar Energy Systems shall be entitled to the real estate tax exemption set forth in RPTL § 487, as amended and supplemented through time.

10. SEQRA

Building Integrated Photovoltaic Systems, Ground-Mounted Solar Energy Systems for a Residential Property and Roof-Mounted Solar Energy Systems shall be considered Type II actions for SEQRA purposes. At the option of the Town of Washington Planning Board, Ground-Mounted Solar Energy Systems for a Non-Residential Property shall be considered for action for SEQRA purposes.

11. Wind Energy Systems:

Based on an assessment by NYSERDA, the geographical territory of the Town of Washington is not conducive to wind energy systems. Accordingly, no type of wind turbines, wind towers or similar systems shall be permitted in the Town of Washington. If in the future, circumstances change and NYSERDA notifies the Town of Washington that wind energy systems can be conducive to the economic production of wind technology, then the Town of Washington shall revisit this section.

12. Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision or phrase of the aforementioned sections as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision or phrase, which shall remain in full force and effect."

Section 2. Authority

This local law is enacted by the Town Board of the Town of Washington pursuant to its authority to adopt local laws under the New York State Constitution Article IX and Municipal Home Rule Law §10.

Section 3. This local law shall take effect immediately upon filing with this state's Secretary of State.

Councilperson De Bonis advised the Town Board that, pursuant to the Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing upon this law. He offered the following resolution which was seconded by Councilperson

Murphy, who moved its adoption:

WHEREAS, on May 10, 2018, Councilperson De Bonis has introduced this local law for the Town of Washington, to be known as TOWN OF WASHINGTON LOCAL LAW NO. ____ OF THE YEAR 2018, A LOCAL LAW OF THE TOWN OF WASHINGTON, DUTCHESS COUNTY, NEW YORK, REGARDING SOLAR ENERGY SYSTEMS AND WIND ENERGY SYSTEMS; be it

RESOLVED, that a public hearing be held in relation to the proposed local law as set forth in the form of notice, hereinafter provided, at which hearing parties in interest and citizens shall have an opportunity to be heard, to be held at the Town Hall, 10 Reservoir Drive, Millbrook, New York, on June 14, 2018 at 7:00 o'clock, p.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of Washington, by the Town Clerk, at least five (5) days before such hearing and that such notice shall be in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Town Board of the Town of Washington will hold a public hearing at the Town Hall, 10 Reservoir Drive, Millbrook, New York, on June 14, 2018 at 7:00 o'clock, p.m., on Local Law No. ___ of the Year 2018, regarding Solar Energy Systems and Wind Energy Systems.

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Town of Washington, at the Town Hall, 10 Reservoir Drive, Millbrook, New York, between the hours of 9:00 a.m. to 12:30 p.m. and then between 1:30 p.m. to 3:00 p.m. on all business days between the date of this notice and the date of the public hearing.

TAKE FURTHER NOTICE, that all person interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: Millbrook, New York
May 10, 2018

MARY ALEX, Town Clerk

The foregoing resolution was duly put to a vote which resulted as follows:

Supervisor Ciferri	Aye
Councilman Turletes	Aye

Councilman Audia Aye

Councilman De Bonis Aye

Councilman Murphy Aye

DATED: Millbrook, New York
May 10, 2018

MARY ALEX, Town Clerk
Town of Washington

Attorney Battistoni conferred with the Association of Towns and recommends that the Local Law ____ of 2018 can be declared a Type II action under SEQRA.

The following resolution was offered by Councilman Audia and moved to adoption by Councilman De Bonis:

RESOLUTION

**Declaration of Type II Action SEQRA
Town of Washington Local Law 1 of 2018**

“Solar Energy Systems and Wind Energy Systems”

WHEREAS, the Town Board of the Town of Washington is considering a Resolution of Introduction for a proposed Local Law No. 1 of 2018 entitled “Solar Energy Systems and Wind Energy Systems” which will add a New Section 349 to the Zoning Code; and

WHEREAS, the Town Board finds that this action is a Type II action under SEQRA; and

NOW, THEREFORE BE IT RESOLVED that the Town Board declares this section to be a Type II action pursuant to 6 NYCRR 617.5 (C) (7) and (27) and thus no further environmental review is needed.

The foregoing resolution was duly put to a vote which resulted as follows:

Supervisor Ciferri	Aye
Councilman Turletes	Aye
Councilman Audia	Aye
Councilman De Bonis	Aye
Councilman Murphy	Aye

Councilman Turletes asked if the Public hearing should be held at the firehouse. The Board determined that the Town Hall should have adequate space.

On a motion made by Councilman De Bonis and Councilman Audia introduced the following

Resolution for Planning Board and Zoning Board of Appeals Submissions to Dutchess County Planning:

RESOLUTION

AUTHORIZING ENTERING INTO AGREEMENT WITH DUTCHESS COUNTY REGARDING CERTAIN REFERRALS PURSUANT TO THE GENERAL MUNICIPAL LAW

WHEREAS, New York State General Municipal Law Section 239 requires local municipalities to refer applications for certain planning and zoning actions to the Dutchess County Department of Planning & Development for review; and

WHEREAS, New York State General Municipal Law authorizes the County to enter into agreements with local municipalities in order to determine which, if any, of the local municipal actions subject to referral may be deemed strictly matters of local determination, and therefore, not subject to the referral process, and

WHEREAS, the County hereby proposes to eliminate the necessity of the County's review and comment on the following local actions:

- a. administrative amendments (zoning amendments regarding fees, procedures, penalties, etc.);
- b. special use permits, use variances and area variances for residential uses; and
- c. renewals/extensions of site plans or special permits that have no changes from previous approvals.

NOW, THEREFORE, BE IT RESOLVED, that the Administrator is authorized to enter into the attached Inter Municipal Agreement with Dutchess County to eliminate the requirement to refer certain actions to the Dutchess County Planning Department for review.

The foregoing resolution was duly put to a vote which resulted as follows:

Supervisor Ciferri	Aye
Councilman Turletes	Aye
Councilman Audia	Aye
Councilman De Bonis	Aye
Councilman Murphy	Aye

Councilman De Bonis requested that a copy of this resolution be forwarded to the Planning Board and Zoning Board of Appeals.

Town Clerk Alex provided the Town Clerk and Tax Collector monthly report. The April 12, 2018 Town Board minutes have been distributed and posted to the Town website. Monthly reports have been received and filed from the Recreation Department, Planning and Zoning Department and Justice Court. The Tax Collection for April 2018 will net the Town \$5,790.13 for payments made with the 3% penalty and Dutchess County will receive \$225,907.24.

Town Clerk Alex advised the Board that the town received notification from the DEC to amend LL#1 of 2012, because they have amended the Flood Plain in the Town of Washington. Although the letter states the Village of Millbrook, the location of the change encompasses the Town. The amendment is required by September 28, 2018.

Councilman Stephen Turlletes provided the Recreation Department report. The Recreation Commission met last night, and they opened with an Executive Session. They had a general approval of prior months minutes and Ms. Edson provided the financial reports to Commission.

Program wise, there was a Senior Trip to Hunterdon Hills was a complete success. 42 people attended. A generous donation from Millbrook Tribute Garden paid for trip.

The Town sponsored Senior Luncheon is scheduled for June 6th t the Town Park. Nooch's Pub & Grill will cater the food. The Town Board is invited to attend.

Summer Camp registration is due by May 15 without penalty. More children registered than the same period last year, with 60 children to date. There is space for 200 campers. He said that 35 youngsters will be employed for the summer. A new program is being offered as a four-year-old minicamp. The 7th grade campers will spend a day at Splash Down and the younger children to Bounce. Camp will run from June 26 – August 3rd.

The department is working on a revised rain day schedule. 225 people in the building gets to be a tough day.

Other summer programs are listed on the website and include:

- K-6 Soccer
- Intro to Volleyball 3 – 8, gym Mon – Thursdays July
- Ken Dawson basketball, 1st 2 weeks in August 9 am – 11:30
- Swim Lessons
- Lacrosse Sundays

They will delay the start of Pickleball because it will be to hot in the gym. It will become a fall program.

The Commission decided that they will move the date for Santa night to have it separate from the Parade of Lights. The Parade of Lights is scheduled for 11/30 and Santa 12/7.

With new Recreation Commission members, they made new Committee assignments which are scholarship, long range planning, budget and fund raising.

Ms. Edson spoke well of Ricky Butts. He is the new Park manager and he seems to be doing well. Mr. Turlletes said he was at the park and looked at turning dock and ball field. The new material was spread, so Steve asked that Ricky roll it, which he has done. Supervisor Ciferri requested that the area around the bathroom be weeded. Tom Fiore will work with Ricky for the chlorine system to get it up and going.

Councilman Robert Audia discussed some of the programs he has recently attended. The Salt Forum at Cary Institute discussed how can the towns save some money on salt and be safe and effective. He will be giving the highway department information on Snow University which might teach the crew some new techniques until we can purchase state of the art equipment. Waters that have been tested show a

concentration of salt has doubled in 25 years. It starts to have an environmental impact when it reaches 80 parts per liter.

- Funding opportunities: EFC – most of the grants are for wastewater and main water sources. Hardships for 0 interest loans. He made notes and got contact information.
- Bridge NY will be available to apply again next year. Minimum amount they will fund is \$250,000.00
- ISC Grant \$15 million to improve water quality. Not just for municipality, can go to private projects. Flood alleviation may be funded.
- Pay for engineering and planning grants. GIGP Grant.

Councilman Audia asked if there are any plans for Oak Summit Road? Not at this time.

Councilman Audia said that Tribute Garden has asked if there are any projects the town would like to request funding for. Councilman Turletes suggested the reservoir pool filtration area. The Board concurred.

A representative from the Northeast Community Center spoke with Councilman Audia and said they are serving more people here for transportation. Bob asked for additional information and that the Town Board might revisit their request based upon usage.

Councilman Michael Murphy attended the recent Village of Millbrook Board meeting because they were opening bids for a new ambulance. One bid was received in the amount of \$207,942.00 and the Village was offered \$17,500.00 for a trade in on a current ambulance. The final cost is \$190,442.00. A portion of the expenditure would come from donations to the Rescue Squad.

Mayor Brown has spent a good deal of time making the Village Cable TV channel available. TV Channel 22 is now up and running. The Town may provide information to be included on the station.

There will be a parade on May 19th for the Millbrook High School Girls Basketball Team celebrating their NYS Championship. The Town will be providing a Proclamation.

Mayor Brown announced that the Village will probably be planting some trees on the corner of Franklin Avenue and Church Street to replace the ones that were recently removed.

Trustee Mike Herzog has been updating the Village Emergency Plan and will provide the appropriate updates to the Town.

Councilman Al De Bonis provided a report on the Planning Board & Zoning Board of Appeals. The Van Buren's on Stanford Rd. requested a revision to their wetlands correction plan. The Planning Board referred it to Steve Marino, Wetland Consultant, who reported via memo that the modification plan will be better overall.

The ZBA scheduled a Public Hearing for an applicant with a pre-existing non-conforming building, which was a garage with apartment.

Supervisor Ciferri notified the Board that the date of September 23rd has been selected to honor Skip Ciferri. More details will follow.

Councilman De Bonis offered the following comments regarding the fee schedule. He suggested increasing the stop work order to \$150.00. While he wants all fees to be reasonable, when someone has violated the code and needs to be issued stop work order, the town has to expend time and money to ensure corrective action. The responsible party should be paying enough to cover the cost of the town's expenses. The Board agreed.

Councilman De Bonis said that the late fee for dog licenses should be raised to \$10.00 per month, rather than \$2.00 because he sees the time and effort spent tracking down people who do not abide by town regulations. The Board concurred.

No other comments were provided. On a motion made by Councilman Murphy and seconded by Councilman De Bonis the Board moved to close the public hearing on the 2018 proposed Fee Increases. The vote was as follows:

Supervisor Ciferri	Aye
Councilman Turletes	Aye
Councilman Audia	Aye
Councilman De Bonis	Aye
Councilman Murphy	Aye

On a motion made by Councilman De Bonis and seconded by Murphy the following fees were adopted:

PLANNING BOARD

Preapplication Meeting **\$100.00**

Sketch Plan Application **\$250.00**

SUBDIVISION

Preliminary Approval

Minor Subdivision up to 4 Lots

Application Fee **\$750.00**

Fee Per New Lot **\$250.00**

Final Approval

Application Fee **\$750.00 ***

Minor Subdivision up to 4 lots **\$200.00 ***

Recreation Fee Per Lot **\$4,000.00**

Preliminary Approval

Major Subdivision 5+ Lots

Application Fee	\$850.00
Fee Per New Lot	\$250.00

Final Approval

Application Fee	\$850.00 *
Fee Per Lot	\$200.00 *
Recreation Fee Per Lot	\$4,000.00

*To be paid whether or not the Planning Board waives the requirements for Final Approval

Lot Line Change

Application Fee Up to 5.9 acres	\$600.00
Application fee 6 to 15.9 acres	\$900.00
Application Fee 16 acres or more	\$1,200.00

Site Plan	\$600.00
Special Use Permit	\$600.00
Wetlands Permit	\$400.00

All applications require an Escrow to be established. \$750.00 minimum

ZONING BOARD OF APPEALS

Use Variance	\$400.00
Establish Escrow of \$500.00	

Setback Variance	\$400.00
For each additional setback	\$125.00
Establish Escrow of \$500.00	

Interpretation	\$500.00
Establish Escrow of \$750.00	

BUILDING & ZONING

Inspections for Compliance	\$100.00 per hour, 1 hour minimum
Site Inspection: (Rentals, Air BnB, etc.)	\$100.00 per hour, 1 hour minimum
Stop Work Order/Cease & Desist	\$150.00 per hour, 1 hour minimum

DOG LICENSES

Late Fee	\$10.00 per month
DCSPCA Boarding & Vaccination Fees	
Boarding per day beginning when admitted	\$45.00
Dangerous Dog Seizure Fee	\$150.00 plus \$45.00 per day
Vaccinations :	
Rabies, Distemper, Bordatella	\$60.00
Emergency Vet Care	Customary Fees for Veterinarian

The vote was as follows:

Supervisor Ciferri	Aye
Councilman Turletes	Aye
Councilman Audia	Aye
Councilman De Bonis	Aye
Councilman Murphy	Aye

On a motion made by Councilman De Bonis and seconded by Councilman Audia, the following claims were accepted as presented:

Gen Fund A: \$80,125.88

Gen Fund B: \$499.80

Highway Fund DB: \$45,655.50

The vote was as follows:

Supervisor Ciferri	Aye
Councilman Turletes	Aye
Councilman Audia	Aye
Councilman De Bonis	Aye
Councilman Murphy	Aye

There being no other business, on a motion made by Councilman Turletes and seconded by Councilman Murphy, the meeting was closed at 9:45 PM.

The vote was as follows:

Supervisor Ciferri	Aye
Councilman Turletes	Aye
Councilman Audia	Aye
Councilman De Bonis	Aye
Councilman Murphy	Aye

Mary Alex, Town Clerk
