

TOWN OF WASHINGTON
TOWN BOARD
January 10, 2008

The Town Board of the Town of Washington held its regular meeting on Thursday, January 10, 2008. The meeting was called to order at 7:05 PM by Supervisor Florence Prisco with the following present: Councilmen Stephen Turletes, Allan Rappleyea, Michael Murphy and Robert Audia, Town Clerk Mary Alex, Highway Superintendent James Brownell, Bookkeeper to the Supervisor Laura Hurley, Assessor Jim Tyger, Building Inspector Jack Neubauer, Attorney for the Town John Gifford and Associate Attorney Rebecca Valk.

Also present were Mitch Trinka, Jerry Baker, Frank Genova, Howard Schuman, Stan Morse, Tim Marshall, Kate Farrell, Jennifer Cavanaugh and Tom Beaumont.

The meeting was opened with the Pledge of Allegiance.

Monthly reports were received from the Town Clerk, Court Clerk and Zoning Administrator.

Supervisor Prisco noted that Legislator Fettes was on the agenda at the Supervisor's request. Mrs. Prisco has asked that Legislator Fettes provide the Town Board with monthly updates on the status of the infirmary project. Mrs. Fettes was not present to give an update.

Attorney Gifford administered the Oath of Office to Stephen Turletes, as Deputy Supervisor. Supervisor Prisco advised that the appointment is for a two year term of office.

Supervisor Prisco said that the Public Hearings for the local law for Stormwater Regulations and for Illicit Discharge are still open. Mrs. Prisco had invited Jennifer Cavanaugh to speak with the Board, as she had written some comments that were of interest to the board. Tim Marshall was instrumental in contacting her for comments on the laws.

Ms. Cavanaugh commended the Board for their interest in passing this type of legislation. It is important and can be beneficial to the town and the environment. The Town of Washington is not an MS 4 community and not regulated as such. One of her strongest recommendations is for the Board to read the regulation and ensure that the town will be able to enforce what it is regulating. As written, it will require a lot of time and know how by the staff, which may translate into a lot of money. Ms. Cavanaugh also suggested that all references to the town being an MS 4 community be removed.

Ms. Cavanaugh offered that discharge be defined as anything but stormwater, rainwater and snowmelt. She also said that the town might want to use an option offered by the DEC to regulate underground septic systems. Ms. Cavanaugh pointed out that the model language says that it is required to inspect all septic systems annually, as well as avoiding the excessive use of chemicals. Both of these items are hard to enforce.

In the portion pertaining to construction, the language states that all sites greater than one acre are to be inspected four times. The town should consider the cost for the staff to do this or the cost to hire a consultant. Ms. Cavanaugh suggested that the Town review what the current problems are and what the future problems might be. Ms. Cavanaugh said that the DEC initiated the regulations in 2003 and they are set to run out in January 2008. It is possible that the next set

of regulations will expand the towns that are permitted communities, or changes in their requirements. The Board might wish to wait until the new regulations are introduced.

Didi Barrett entered the meeting.

Ms. Cavanaugh said that the Towns of Pleasant Valley, East Fishkill and LaGrange have all just enacted local legislation. Washington might wish to wait and see how their regulations work and cull the best parts of their laws.

Supervisor Prisco thought that the Town might wish to fold this into part of the Master Plan review. Mr. Marshall suggested that the town fix the proposed documents or to design new ones. Ms. Cavanaugh said that the community needs to decide what issues they want to see addressed. Ms. Valk said that a local consultant named Walter Artus was instrumental in drafting Pleasant Valley, La Grange and East Fishkill's regulations. The Board might wish to bring him in as a consultant.

Mr. Neubauer advised the Board that when he was asked to comment on the regulations, he was looking at it from a new construction stand point. After taking a closer look, he thought it would be intensely time consuming to enforce. As CEO, he is limited in his knowledge and would depend on professionals. He suggests that the town start by taking small steps, such as areas relative to new subdivisions. If we begin with small parts at a time, the town might have a better handle on everything.

Mr. Genova said that as written this is impossible to administer. He suggested forming a committee similar to the wetlands committee to come forward with a feasible and reasonable law.

Mr. Baker thought the town might want to contact non-regulated towns and work together to develop a model ordinance and fund a consultant. This way the cost would be shared and the Dutchess County communities would have similar workable legislation.

Councilman Audia asked how the law works for MS4 communities. The DEC allows them three years to be in compliance with the legislation. Councilman Murphy said that this might be something the town wishes to include in its annual zoning review. Anything the Town Board can do to address problems is a benefit to the Planning Board and Zoning Administrator.

Supervisor Prisco asked the Board where they wished to go with the proposed legislation. Councilman Rappleyea suggested they close the Public Hearings and vote on the laws. It seems that much of the legislation is unclear, uncontested and hard to enforce. The Town Board should look at land clearing activities and subdivisions. He said the town shouldn't be so forward thinking that we adopt something we are unsure of. He added that the town should be able to look at land clearing over a certain area, and direct the resident to the building inspector. The Planning Board can handle subdivisions. Supervisor Prisco stated that the message from Ms. Cavanaugh is one that the CAC has been trying to bring forward.

Mr. Beaumont said that he like's Allan's ideas. He also agrees with Frank to review, as a committee, and to make a document the town can understand and enforce. It is synergistic with what the Master Plan committee is doing, and it appears that it can be done in a less complicated matter.

On a motion made by Councilman Rappleyea and seconded by Councilman Murphy the Board closed the Public Hearing on the Local Laws for Stormwater Regulations and for the Illicit Discharge regulations. All ayes were recorded.

Supervisor Prisco said that she would like to charge the Planning Board and CAC with bringing back ideas as to what the Town should be looking at, and what the town is trying to protect.

Supervisor Prisco thanked Ms. Cavanaugh for taking the time to meet with the Town Board, as well as offering her written comments. They were very helpful in the Board's decision making.

Jack Neubauer presented the Town Board with revised building permit fee increases. There was a discussion at the reorganization meeting to include a fee for agricultural specific buildings that meet certain requirements. The Board reviewed the proposed fees. On a motion made by Councilman Rappleyea and seconded by Councilman Audia the following building permit fees were accepted as presented:

- All new residential and commercial construction \$0.40 per square foot.
- Garages, carports, sheds, barns, contractor trailers, sales trailers \$0.25 per square foot.
- Wood burning stoves, fire places, swimming pools (above ground and underground), demolition permit \$100.00 flat fee
- Minimum building permit fee \$75.00
- Renewal of permits for residential and commercial construction \$100.00
- Renewal of all other permits \$25.00
- Municipal Search \$75.00
- Fire Inspections \$50.00 - \$100.00

All ayes were recorded. These fees are effective immediately.

Mrs. Hurley presented the Board with bank balances and a revenue compilation for the year summarized by department. The mortgage tax revenue was \$68,589.00 over the budgeted amount for 2007. County sales tax revenue was strong at \$52,551.00 over the budgeted amount. The recreation department had an \$8,000.00 deficit in its operation.

Each fund had not expended the original budgetary amounts. The breakdown is as follows:

| | |
|---------|-------------|
| A Fund | \$14,000.00 |
| B Fund | \$27,000.00 |
| DB Fund | \$52,000.00 |

The W-2's have been run for all employees. This year the town had 113 employees, with 32 being on the regular payroll and the remainder as part time recreation employees.

Mrs. Hurley advised the Board that Mayor Ciferri had signed a contract with Alamo Ambulance to provide coverage for Monday through Friday from 5:00 am – 5:00 pm. The remainder of the time will be covered by the Millbrook Rescue Squad. The contracted price is within the \$150,000.00 that had been budgeted by the village. The contract is for one year, and the village has the option of increasing coverage hours if the rescue squad has difficulty maintaining coverage. Mrs. Hurley encouraged everyone to consider attending the Fire Co. Gala, which is the kickoff of the 100th Anniversary of the Millbrook Fire Department.

In other business, the Mrs. Hurley requested permission to purchase a new computer from Dell for the Assessor's office. It was the recommendation of the IT consultant to replace the main computer in the Assessor's office, and the funds had been budgeted for this expense. On a motion made by Councilman Audia and seconded by Councilman Rappleyea the Board approved the purchase of a computer for the Assessor's office, through Dell Computer at the State contracted rate, at a cost not to exceed \$1,500.00. All ayes were recorded.

Mrs. Hurley presented to the Board information on the Cold War Veterans' exemption. The exemption would provide for tax relief for members of the armed forces who served on active duty between the periods of September 2, 1945 through December 26, 1991. Dutchess County has recently adopted the exemption, and towns may do so as well. While the Board was in favor of moving forward with this exemption, they were advised by Attorney Valk that this particular exemption requires that the town adopt a local law to provide that the qualifying residential real property shall be exempt from taxation. Additional information will be given to Supervisor Prisco.

The Board was also presented with information on the disability exemptions, such as which communities currently offer the exemption. It is a generous exemption of up to 50%. Applicants need to meet income and eligibility criteria. The Board did not move on the exemption at this time.

Mr. Tyger presented the board with three stipulations of settlements that he along with Attorney David Hagstrom, recommend the Board approve.

The following resolution was offered by Councilman Murphy and seconded by Councilman Audia:

RESOLUTION

IT IS HEREBY RESOLVED that Van de Water & Van de Water, LLP, David D. Hagstrom, Esq., of counsel, is authorized to enter into a Consent Judgment reducing the tax assessment for Bradley C. Reifler and Nancy Reifler from \$10,100,000.00 to \$9,300,000.00 on the 2007 assessment roll as stated in the proposed Consent Judgment which is attached hereto, without costs to either party, and David D. Hagstrom and James Tyger are authorized to sign such papers and documents as are necessary to effectuate this settlement.

All ayes were recorded.

The following resolution was offered by Councilman Murphy and seconded by Councilman Turletes:

RESOLUTION

IT IS HEREBY RESOLVED that Van De Water & Van De Water, LLP, David D. Hagstrom, Esq., of counsel, is authorized to enter into a Consent Judgment reducing the tax assessment for Parcel One (Grid. No. 6966-00-932523-0000) (Gallagher) from \$3,605,000.00 total assessment to \$3,300,000.00 total assessment, prior to the application of any real property tax exemptions, if any and reducing the tax assessment on Parcel Two (Grid No. 6966-00-843423-0000) whereby the assessment will be reduced from \$269,400 total assessment to \$77,000 as stated in the attached proposed Consent Judgment and whereby the tax certiorari proceeding instituted in 2007 against the Town of Washington shall be discontinued without costs

as to either party and any refunds will be without interest if paid within sixty (60) days after service of the Consent Judgment (order) with Notice of Entry, and David D. Hagstrom and James Tyger are authorized to sign such papers and documents as necessary to effectuate this settlement.

All ayes were recorded.

The following resolution was offered by Councilman Rappleyea and seconded by Councilman Audia:

RESOLUTION

IT IS HEREBY RESOLVED, that Van De Water & Van De Water, LLP, David D. Hagstrom, Esq. of counsel, is authorized to enter into a Consent Judgment reducing the tax assessment for JNPJC Brusco Associates as follows:

112.56 acre parcel with residence (Grid No. 6763-00-261695) (175 Oak Summit Road)

| Assessment Roll | Assessed Valuation | Reduced Assessment | Amount of Reduction | Forestry Exemption | Agricultural Exemption |
|------------------------|---------------------------|---------------------------|----------------------------|---------------------------|-------------------------------|
| 2006 | \$1,800,000 | \$1,681,980 | \$118,020 | \$229,980 | \$248,166 |
| 2007 | \$1,854,000 | \$1,734,000 | \$120,000 | \$237,731 | \$255,962 |

292.26 vacant parcel (6763-00-638665) (244 Oak Summit Road)

| | | | | | |
|------|-------------|-------------|-----------|-------------|--------|
| 2006 | \$4,360,000 | \$3,685,399 | \$674,601 | \$2,411,033 | \$0.00 |
| 2007 | \$4,490,800 | \$3,799,380 | \$691,420 | \$2,485,600 | \$0.00 |

together with the appropriate forestry and agricultural exemptions, and David D. Hagstrom, is authorized to sign such other papers and documents as are necessary to effectuate this settlement.

All ayes were recorded.

Village Trustee Morse appeared before the Town Board to advise them of the status of the Village of Millbrook Cable TV station, Channel 22. He was pleased to announce that Kate Farrell has been designated by the Village Board to assist in the administration of the channel. Channel 22 is part of an effort being made by the Village Board of Trustees to open communication to there residents. Trustee Morse and Ms. Farrell have been working with Brian Devincenzi, a teacher at the Millbrook High School, to expand the High School curriculum to allow for students to participate in the information being presented on the channel. High School Principal Jeff Matteson has been extremely helpful, as well. The Channel is owned and operated by the Village of Millbrook, as part of the village contract with Cablevision. Currently screens are on the channel, providing for up to date information regarding village business. Trustee Morse is inviting the Town to provide information to be presented on the channel. Supervisor Prisco asked Town Clerk Alex to be the liaison between the Town and the Village.

Ms. Farrell is working on live productions. Currently the Village does not have advanced cameras or editing capabilities. Junior class students will begin to transition into the project in March, so there will not be a gap over the summer break.

Nick Galente, and associates, from AXA Advisors appeared before the Town Board to offer the services of their company to town employees for a deferred compensation plan. AXA offers financial planning needs for employees, and would offer town employees a local representative that they can meet with to discuss their financial investment needs. There is a set up fee of \$100.00 for Lord Abbott to institute a 457 Plan. The Town Board will review the information presented and make a decision at the February meeting.

On the recommendation of Recreation Director McMillan, on a motion made by Councilman Rappleyea and seconded by Councilman Audia, the Board appointed James Outwater to a seven year term on the Town Recreation Commission. All ayes were recorded. Mrs. Barrett asked why it was a seven year term. Supervisor Prisco responded that the term is based on the number of members of the committee.

The Town Board was invited to the Senior Citizen luncheon being offered as part of the town recreation program. The luncheon is being held on January 19th at the Fire House, and is open to all Senior Citizens.

On a motion made by Councilman Audia and seconded by Councilman Murphy, the Town Board named the Millbrook Round Table or the Poughkeepsie Journal as the Official Town Newspaper, dependent upon publication date and rates for publishing. All ayes were recorded.

Town Clerk Alex had provided the Town Board with copies of a letter from Rudy Macak, of the office of the Dutchess County Department of Emergency Response, regarding the naming of a private drive for E-911 purposes. The private drive intersects with Fraleigh Hill Rd., and is owned by Bradley Reifler. The proposed name is Sky Blue Lane.

The following resolution was offered by Councilman Rappleyea and seconded by Councilman Audia:

RESOLUTION

WHEREAS, the 911 Addressing staff has identified the need for a private drive in order to properly address multiple buildings on a common drive at Sky Blue Farm, parcel 6967-00-001214. The private drive will intersect with Fraleigh Hill Road. Mr. Bradley Reifler, owner of the farm, has been asked to propose a name for the drive. The proposed name is "Sky Blue Lane"; and

WHEREAS, the Emergency Response Dispatch and Addressing staffs have reviewed the name to insure there are no fire district or postal district conflicts; and

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Washington does hereby recognize Sky Blue Lane, as the private drive name for property owned by Bradley Reifler, parcel number 6967-00-001214, intersecting with Fraleigh Hill Road, in the Town of Washington.

All ayes were recorded.

On a motion made by Councilman Rappleyea and seconded by Councilman Audia, the Board accepted the minutes of December 6, 2007 as presented. All ayes were recorded.

Councilman Rappleyea said that he has met with Ellen Epstein of the Chazen Companies to discuss the ball field development. He has invited Ms. Epstein to attend the next Town Board meeting for the Board to have an opportunity to review the plans and determine how the town will move forward.

Councilman Audia reported that Superior Telephone will be installing the new telephone system when the scheduling can be coordinated with the Town Clerk. Mike Kohut will begin painting the foyer next week.

Supervisor Prisco advised that the following meetings are scheduled:

| | | | |
|--------------------------|----------------------------|------------|---------|
| January 14 th | Wetlands Public Hearing | 7:00 PM | |
| January 31, 2008 | Comprehensive Master Plan | Fire House | 7:30 PM |
| February 7 | Regular Town Board meeting | 7:00 PM | |

Deputy Highway Superintendent Ed Wheeler presented the monthly highway report. On behalf of Highway Superintendent Brownell, an extension was requested for the advertisement of sales of surplus equipment. The Board concurred.

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

2007 Claims

| | |
|-----------------|-------------|
| Gen Fund A | \$24,993.95 |
| Gen Fund B | \$4,058.92 |
| Youth Rec. | \$376.71 |
| Highway Fund DB | \$32,967.81 |
| Fund DA | \$16,491.99 |
| TOTAL | \$78,889.38 |

2008 Claims

| | |
|-----------------|--------------|
| Gen Fund A | \$54,706.22 |
| Gen Fund B | \$1,000.00 |
| Highway Fund DB | \$56,449.60 |
| TOTAL | \$112,155.82 |

All ayes were recorded.

There being no other business, on a motion made by Councilman Murphy and seconded by Councilman Audia the meeting was closed at 10:15 PM. All ayes were recorded.

Mary Alex, Town Clerk