

TOWN OF WASHINGTON
TOWN BOARD
January 11, 2007

The Town Board of the Town of Washington held its regular meeting on Thursday, January 11, 2007, at the Town Hall, Reservoir Drive, Millbrook. The meeting was called to order at 7:00 PM by Supervisor Florence Prisco with the following present: Councilmen Stephen Turletes, Allan Rappleyea, Michael E. Murphy and Robert Audia, Town Clerk Mary Alex, Highway Superintendent James Brownell, Bookkeeper to the Supervisor Laura Hurley and Attorney for the Town John Gifford.

Also present were Recreation Director Warren McMillan, Deputy Highway Superintendent Edward Wheeler, Jerry Baker, Elizabeth Baravalle, Louis M. Prisco, Howard Schuman and Jody Cross.

Supervisor Prisco opened the meeting with the Pledge of Allegiance.

Monthly reports were received from the Town Clerk, the Court Clerk, the Bookkeeper to the Supervisor, the Zoning Administrator and the Building Inspector.

Supervisor Prisco announced that the Town had received a letter of resignation from Pauline Powell as Court Clerk and Transfer Station Clerk effective February 2, 2007. Supervisor Prisco reported that Mrs. Powell has worked for the town for 18 years and it is with deep regrets that the town accepts her resignation. Mrs. Prisco appointed a committee consisting of herself Judge Shequine and Town Clerk Alex to find a replacement for Mrs. Powell.

Recreation Director McMillan spoke to the Board regarding rates for the Town Park for the 2007 season. He suggested an increase of \$10.00 across the board for all family passes. Non-residents passes incur the family pass fee plus a non-resident fee. He advised that pavilion rentals were down in 2006; however the problems that they have encountered in the past were down as well. Mr. McMillan wanted to reiterate that minors are not allowed to drink alcohol at pavilion parties. If it happens in the future the party will be shut down.

On a motion made by Councilman Rappleyea and seconded by Councilman Audia the following rates were accepted for the 2007 Park Season:

Family up to 5 members	\$95.00
6-7 family members	\$100.00
8 or more family members	\$105.00

All ayes were recorded.

Mrs. Hurley presented to the Town Board the Revenue and Expense reports through December 31, 2006, which includes the adjustments made at the reorganization meeting. There are a few outstanding vouchers that are still to be charged to 2006. The

books shall be closed at the end of February. Mrs. Hurley has several meetings scheduled with the Town auditors for January and February.

Mrs. Hurley advised the Board that there were several capital projects that she would like them to concentrate on.

The first is the purchase of land from Alexipharmic Enterprise. The total donations and BAN for the project was \$595,000.00. The expenses for the project equaled \$579,000. There is a balance of \$15,890.55 for this purchase.

The town sold a portion of the land to Everest Polo Stables for \$83,873.36, and also received a donation of \$156,511.00 for the acquisition or development of land. After a brief discussion, on a motion made by Councilman Rappleyea and seconded by Councilman Murphy the Board authorized paying down the BAN with the money received from Everest Polo Stables, rather than carrying interest on the full amount of the BAN. All ayes were recorded.

Mrs. Hurley noted that the cost to the taxpayers will be \$265,000, thanks to the generous donation of Mr. Guy Wildenstein.

The Board was advised that over the years the town has received donations for building façade improvements and the development of recreational land. Mrs. Hurley suggested that the town establish a capital account for each of those funds. On a motion made by Councilman Murphy and seconded by Councilman Audia the Town Board established a capital account for building façade improvements and a capital account for the development of recreational land. All ayes were recorded.

Another project that was completed in 2006 was the Camp Office Building. Revenue for the building included a donation of \$125,000.00 from the Tribute Garden Foundation and \$20,000.00 from Recreation funds. The overall cost of the project was \$160,000.00 with a deficit of \$15,135.00.

On a motion made by Councilman Rappleyea and seconded by Councilman Murphy the Board moved to allocate \$15,135.00 from the fund balance to the Camp Office project. All ayes were recorded.

The third project was the pool flow project. The town originally put \$20,000.00 in the budget with the knowledge that they probably would have to tap into the fund balance. The total cost of the project was \$33,730.69.

On a motion made by Councilman Rappleyea and seconded by Councilman Murphy the Board moved to allocate \$13,730.69 from the fund balance to the pool flow project. All ayes were recorded.

The Board was presented with information on Senior Exemptions and Veteran's Exemptions. Supervisor Prisco asked that the Board review the information and be ready

to make a decision at the February meeting if they wish to raise the income levels for senior exemptions and whether or not to offer a Veteran's Exemption.

Supervisor Prisco advised that the Board of Assessment Review has a vacancy due to Robert Alley's appointment on the Planning Board. Dennis Fegan has volunteered to serve on this Board. On a motion made by Councilman Turletes and seconded by Councilman Rappleyea the Board appointed Dennis Fegan to serve on the Board of Assessment Review. His term will expire on September 30, 2010. All ayes were recorded.

Supervisor Prisco stated that there will be a joint meeting between the Town Board and the Village Board on January 25th at 7:00 PM at the Town Hall to further discuss future Rescue Squad services. The Supervisor and Mayor have met with the Supervisor of Pawling who was very instrumental in the formulation of the South Eastern Dutchess Ambulance Contract. She has offered to assist the Town and Village.

In other business, the Board was advised that Fred Shequine will be in the Town Hall later this month to install the Server, and the Town continues to work on the development of its website.

Jody Cross appeared before the Town Board on behalf of her client, Marshall Field. Ms. Cross said that they believe they have proposed an ordinance that would be good for her client and good for the Town. Attorney Gifford said that he interprets the map to mean that one is willing to give 25 percent of the land as perpetual open space. Ms. Cross confirmed that. Attorney Gifford advised that the proposed amendment has been circulated to the Planning Board, the Conservation Advisory Commission and other interested parties for comments. A special Town Board meeting was scheduled to discuss the proposed zoning amendment with all interested parties. The meeting will be February 26, 2007 at 7:00 PM, at the Town Hall.

Highway Superintendent Brownell advised the Board that a bid opening was held for the Highway Trucks. The dump truck was not bid on by two companies due to incorrect wordage in the bid. Mr. Brownell suggested to the Board that they reject all bids received and rebid both trucks. On a motion made by Councilman Murphy and seconded by Councilman Turletes the Board moved to reject all bids and to request new bids for a pickup truck and dump truck. All ayes were recorded.

Highway Superintendent Brownell advised the Board that due to the mild winter we had last year and continuing again this year, the Town may be required to pay a storage fee for the salt ordered for the year. The town is required to place an order for salt one year in advance, which it makes it difficult to predict the amount that may be used in a year.

On a motion made by Councilman Murphy and seconded by Councilman Rappleyea the minutes of the December 6, 2006 and December 14, 2006 were accepted as presented. Councilman Audia abstained. All other ayes were recorded.

Based on the recommendation made by Town Clerk Alex, on a motion made by Councilman Rappleyea and seconded by Councilman Audia the following Public Access to records was adopted:

**PUBLIC ACCESS TO RECORDS OF
THE TOWN OF WASHINGTON**

1. Purpose and Scope
2. Designation of records access officer
3. Location
4. Hours for public inspection
5. Requests for public access to records
6. Subject matter list
7. Denial of access to records
8. Fees
9. Public notice
10. Severability

Section 1 Purpose and Scope

(a) The people's right to know the process of government decision making and the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy and confidentiality.

(b) These regulations provide information concerning the procedures by which records may be obtained.

(c) Personnel shall furnish to the public the information and records required by the Freedom of Information Law as well as records otherwise available by law.

(d) Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

Section 2 Designation of Records Access Officer

(a) The Town Board of the Town of Washington is responsible for insuring compliance with the regulations herein, and designates the following person as the records access officer:

Town of Washington Town Clerk
10 Reservoir Drive
P O Box 667
Millbrook, NY 12545
townclerk@washingtonny.org
845-677-3419

(b) The records access officer is responsible for insuring appropriate agency response to public requests for access to records. The designation of a records access officer shall not be construed to prohibit officials who have in the past been authorized to make records available to the public from continuing to do so.

The records access officer shall insure that agency personnel:

(1) Maintain an up to date subject matter list.

(2) Assist persons seeking records to identify the records sought, if necessary, and when appropriate, indicate the manner in which the records are filed, retrieved or generated to assist persons in reasonably describing records.

(3) Contact persons seeking records when a request is voluminous or when locating the records involves substantial effort, so that personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volumes of records requested.

(4) Upon locating the records, take one of the following actions:

(i) Make records available for inspection; or,

(ii) Deny access to the records in whole or in part and explain in writing the reasons therefore.

(5) Upon request for copies of records:

(i) Make a copy available upon payment or offer to pay established fees, if any, in accordance with Section 8; or,

(ii) Permit the requestor to copy those records on site.

(6) Upon request, certify that a record is a true copy; and

(7) Upon failure to locate records, certify that:

(i) The Town of Washington is not the custodian for such records, or

(ii) The records of which the Town of Washington is a custodian cannot be found after diligent search.

Section 3 Location

Records shall be available for public inspection and copying at:

The Town Hall of the Town of Washington
10 Reservoir Drive
Millbrook, NY 12545

Section 4 Hours for public inspection

Requests for public access to records shall be accepted and records produced during all hours regularly open for business.

These hours are: Monday – Friday 9:00 am – 12:30 pm and 1:30 pm – 3:00 pm, excluding hours that the Town Clerk’s office may be closed for holidays or conferences.

Section 5 Requests for public access to records:

(a) A written request may be required, but oral requests may be accepted when records are readily available.

(b) If records are maintained on the internet, the requester shall be informed that the records are accessible via the internet and in printed form either on paper or other storage medium.

(c) A response shall be given within five business days of a receipt of a request by:

(1) Informing a person requesting records that the request or portion of the request does not reasonably describe the records sought, including direction, to the extent possible, that would enable that person to request records reasonably described:

(2) granting or denying access to records in whole or part;

(3) acknowledging the receipt of a written request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than twenty business days after the date of acknowledgement, or if it is known that circumstances prevent disclosure within twenty business from the date of such acknowledgement, providing a statement in writing indicating the reason for inability to grant the request within the time and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part; or

(4) if the request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within the twenty business days of such acknowledgement, but circumstances prevent disclosure within that time frame, providing a statement in writing within twenty business days of such acknowledgement specifying the reason for the inability to do so and a date certain, within a reasonable

period under the circumstances of the request, when the request will be granted in whole or part.

(d) In determining a reasonable time for granting or denying a request under the circumstances of a request, personnel shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they may be disclosed, the number of requests received by the agency, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.

(e) A failure to comply with the time limitation described herein shall constitute a denial of a request that may be appealed. Such failure shall include situations in which an officer or employee:

(1) fails to grant access to the records sought, deny access in writing or acknowledge the receipt of a request within five business days of the receipt of a request;

(2) acknowledges the receipt of a request within five business days but fails to furnish an approximate date when the request will be granted or denied in whole or part;

(3) furnishes an acknowledgement of the receipt of a request within five business days with an approximate date for granting or denying access in whole or in part that is unreasonable under the circumstances of the request;

(4) fails to respond to a request within a reasonable time after the approximate date given or within twenty business days after the date of the acknowledgement of the receipt of a request;

(5) determines to grant a request in whole or in part within twenty business days of the acknowledgement of the receipt of a request, but fails to do so, unless the agency provides the reason for its inability to do so in writing and a date certain within which the request will be granted in whole or in part;

(6) does not grant a request in whole or in part within twenty business days of the acknowledgement of the receipt of a request and fails to provide the reason in writing explaining the inability to do so and a date certain by which the request will be granted in whole or in part; or

(7) responds to a request, stating that more than twenty business days is needed to grant or deny the request in whole or in part and provides a date certain within which that will be accomplished, but such date is unreasonable under the circumstances of the request.

Section 6 Subject matter list

(a) The records access officer shall maintain a reasonably detailed current list by subject matter of all records in its possession, whether or not records are available pursuant to subdivision two of Section eighty-seven of the Public Officers Law.

Section 7 Denial of access to records

(a) Denial of access to records shall be in writing stating the reason therefore and advising the requester of the right to appeal to the body established to determine appeals, which shall be identified by title, business address, and business phone number.

(b) If requested records are not provided promptly, as required in Section 5 of these regulations, such failure shall also be deemed a denial of access.

(c) The following body shall determine appeals regarding denial of access to records under the Freedom of Information Law:

The Members of the Town of Washington Town Council
10 Reservoir Drive
PO Box 667
Millbrook, NY 12545
845-677-3419

(d) Any person denied access to records may appeal within thirty days of denial.

(e) The time for deciding an appeal by the body designated to determine appeals shall commence upon receipt of a written appeal identifying:

(1) the date and location of requests for records:

(2) a description, to the extent possible, of the records that were denied; and

(3) the name and return address of the person denied access.

(f) A failure to determine an appeal within ten business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.

(g) The body designated to determine appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to:

Committee on Open Government
Department of State
41 State Street
Albany, NY 12231

(h) The body designated to determine appeals shall inform the appellant and the Committee on Open Government of its determination in writing within ten business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner set forth in subdivision (f) of this section.

Section 8 Fees

(a) There shall be no fee charged for:

(1) inspection of records;

(2) search for records; or

(3) any certification pursuant to this part.

(b) Fees for copies may be charged, provided that:

(1) the fee for copying records shall not exceed 25 cents per page for photocopies not exceeding 9 by 14 inches.

(2) the fee for copies of records not covered by paragraphs (1) and (2) of this subdivision, shall not exceed the actual reproduction cost which is the average unit cost for copying a record, excluding fixed costs of the agency.

Section 9 Public Notice

A notice containing the title and business address of the records access officer and appeals body and the location where records can be seen or copied shall be posted in a conspicuous location wherever records are kept.

Section 10 Severability

If any provision of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.

All ayes were recorded.

Mrs. Baravalle wanted the Board to be aware that in her dealings with the Town Clerk's office in regard to Freedom of Information requests, that Mary and Irene have always been accommodating to the public.

Councilman Murphy reported that the Planning Board made site visits over the weekend to several of the locations that had applications before them. One of the locations is a parcel on Route 82 that proposes several two lot parcels with a Town road.

Mr. Baker asked if the Town can take a more active roll to become a participant in the Bennett property proposal. Perhaps a study can be done to see what impacts the development would have on town services. Mr. Gifford advised that no approvals are needed from the town on this project. Councilman Murphy said his own opinion is that it is a village issue. Village residents are addressing the issues. He wasn't sure if it was appropriate for a town government to become involved in this issue. Mr. Baker wondered if the town was impacted enough that a land use consultant would be necessary.

Mrs. Baravalle said that many letters were sent to the Village Planning Board from both Village and Town residents requesting a Positive Declaration in regard to SEQR. The letters were sent by a broad cross section of the community. There was also a petition circulated at the Farmer's Market with over 200 signatures requesting the same. Mrs. Baravalle stated that people do not differentiate between the Town and the Village.

Councilman Rappleyea's opinion was that there is a town government and a village government. Do you want to undermine the people in the village that are charged with making decisions? To potentially put the municipalities at odds is not a benefit to the community. Councilman Murphy concurred that you have to trust that the village entities would make the right decisions.

Mr. Baker thought if someone looks at the proposal on behalf of the Town, if there are problems later on, than the town can say it has looked at the issue. Mr. Schuman said that the SEQR law says municipalities may become involved if they think it may have an impact. Councilman Rappleyea said it is not whether they can but if they should. This Town Board has never done things just because down the road we can say that we did this. Mrs. Baravalle suggested that rather than spending money on a study we can use our own boards to say what they think the impact may be. Councilman Murphy said that it would appear that the Town believes that there are not enough experts on the village side. Councilman Rappleyea said that anyone affiliated with the Town may speak as a citizen, not a Town Board, Planning Board or CAC member. Mr. Schuman thought it was important that the Town Board to weigh in on the SEQR process, with a project that may have great impacts on the Town. Supervisor Prisco said that this has been a very thoughtful conversation, and she appreciated the input.

At 9:15 PM, on a motion made by Councilman Turlates and seconded by Councilman Audia the Board moved into Executive Session to discuss a particular personnel matter. All ayes were recorded. At 10:15 PM, on a motion made by

Councilman Murphy and seconded by Councilman Rappleyea the regular meeting resumed. All ayes were recorded.

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

For 2006

Gen. Fund A	\$45,385.04
Gen Fund B	\$3,794.71
Fund CR	\$3,097.94
Highway Fund DB	\$9,452.66
Fund T	\$1,567.50
Total	\$63,297.85

For 2007

Gen Fund A	\$85,000.96
Gen Fund B	\$41.13
Highway Fund DB	\$54,411.05
Fund T	\$1,976.25

All ayes were recorded.

There being no other business, on a motion made by Councilman Audia and seconded by Councilman Turletes the meeting was closed at 11:10 PM. All ayes were recorded.

Mary Alex, Town Clerk