

TOWN OF WASHINGTON

TOWN BOARD

November 12, 2009

The Town of Washington Town Board held their regular meeting on Thursday, November 12, 2009, at the Town Hall, 10 Reservoir Drive, Millbrook. The meeting was called to order at 7:00 PM by Supervisor Florence Prisco with the following present: Councilmen Stephen Turletes, Michael Murphy, Robert Audia and William Murphy, Town Clerk Mary Alex, Highway Superintendent James Brownell and Bookkeeper to the Supervisor Laura Hurley.

Also present were Dutchess County Legislator Margaret Fettes, Frank Genova, Joan Tombini, Howard Schuman, Jerry Baker, Robert Tompkins, David and Nan Greenwood, Debbie Wright and Dutchess County Legislator Elect Michael Kelsey.

Supervisor Prisco opened the meeting with Pledge of Allegiance.

Supervisor Prisco advised the Board that she received a letter from Thomas Beaumont tendering his resignation as Planning Board Chairman effective December 31, 2009. He wrote that he appreciated the support of the Town Board, all the help provided by Nikki Caul, the counsel of Neil Wilson and the assistance of Mary Alex and Irene Wing. He said that it has been a privilege to serve as the chair and he hopes that his successor receives the same support that he has received. Supervisor Prisco said that it is with sadness but with understanding that she accepts Tom's resignation. He has served since Michele West passed away with great responsibility and stewardship. She added that the people owe Tom a vote of thanks. If it is the pleasure of the Board, Tom has requested to continue to serve on the Planning Board as a member.

On October 30<sup>th</sup> Supervisor Prisco received a letter from R. Stephen Lynch requesting that at the expiration of his term, to not be considered as a candidate for reappointment to the Planning Board. He said due to an increased work load it is best for all concerned to have someone else serve. Supervisor Prisco said it is a sad loss, as Steve has served with a great deal of enthusiasm, and it is with deep regret that she has to accept his resignation.

Mike Spross sent a letter to Supervisor Prisco thanking her for the honor of being able to visually represent our historic Town of Washington in the Walkway over the Hudson celebration. Mr. Spross has donated the town emblem that was used in the celebration to the Town, with the request that it be permanently displayed. He also donated 5 banners made by members of the community for the opening celebration to be kept on display. He wrote that he was a proud community member. Supervisor Prisco said she wished he could be here personally to thank him for all that he did in pulling it altogether for the Town and the Village. There was a lot of collaboration on his part, and our community was proud to have been represented by Mr. Spross. Mr. Greenwood said that these items are a wonderful edition to the town collection. Mike rose to the challenge and our community was well represented.

On a motion made by Councilman Audia and Councilman W. Murphy the Board reappointed Dennis Hawkins to an additional 5 year term on the Board of Assessment Review. All eyes were recorded.

On a motion made by Councilman M. Murphy and seconded by Councilman Turletes the Board appointed Ronald Galente to the Conservation Advisory Commission. All ayes were recorded. Supervisor Prisco said that she was happy that Ron graciously accepted the appointment and he was enthusiastic about joining the CAC.

#### RESOLUTION

Councilman M. Murphy, seconded by Councilman Turletes, introduced the following proposed local law, to be known as Local Law No. \_\_\_\_ of 2009, entitled A LOCAL LAW OF THE TOWN OF WASHINGTON, DUTCHESS COUNTY, NEW YORK TO EXTEND LOCAL LAW #4 OF THE YEAR 2007 "A LOCAL LAW OF THE TOWN OF WASHINGTON, DUTCHESS COUNTY, NEW YORK TO AMEND THE ZONING CODE OF THE TOWN OF WASHINGTON TO ADD A NEW SECTION 395 ENTITLED 'REGULATION FOR AN INTERIM PERIOD OF DEVELOPMENT AND USE OF LANDS AND BUILDINGS'" FOR AN ADDITIONAL YEAR.

BE IT ENACTED by the Town Board of the Town of Washington that the Town Code is amended to read as follows:

#### Section 1. PURPOSE

The Interim Development Law, adopted as Local Law No. 4 of 2007, became effective upon filing with the New York State Department of State on November 16, 2007. By its express terms the Interim Development Law was due to expire one (1) year from the date of filing, or November 16, 2008.

Subsequently, the Town Board adopted Local Law #3 of 2008, extending the term of the moratorium for one (1) additional year, or November 16, 2009.

The Town Board, the Comprehensive Master Plan Review Committee and all sub-committees, along with the Town's consultants all continue to study, review and consider the content of the Town's future master plan. During the last year, the Comprehensive Master Plan Review Committee and all of its sub-committees conducted extensive research and met on a regular basis to discuss, evaluate and

debate the research gathered. In addition, the Town has hired a consultant, River Street Planning, who has provided assistance and guidance with regards to a survey of the community conducted during the last year. The Committee and River Street Planning have gathered results of the survey and such results are now available to the public for review. In addition, on Wednesday, October 28, 2009, the Town held a "Visioning Workshop," which provided an opportunity for the public to provide verbal input and to discuss their visions for the town, including land planning, housing, agriculture, economics, transportation and infrastructure. Another "Visioning Workshop" is scheduled for November 13, 2009.

Upon completion of the proposed master plan, the document will be reviewed pursuant to the State Environmental Quality Review Act and, upon adoption of the new master plan document, necessary companion updates, if any, to the Town Zoning Code will be prepared.

Inasmuch as the Comprehensive Master Plan Review Committee, the Town Board and the Town's consultants will require some additional time to finalize a draft master plan proposal, undertake SEQRA review, set a date(s) for public comment, and adopt the new master plan document and any necessary companion updates to the Town Zoning Code as recommended by the Comprehensive Master Plan Review Committee, much of which will take place after November 16, 2009, the Board deems it prudent to extend the expiration date of the Interim Development Law for an additional one (1) year period to provide the Board sufficient time in which to consider the new Master Plan and obtain public comment. This extension to Local Law No. 4 of 2007 is specifically determined to be necessary in order to maintain the *status quo* pending continued work on the preparation and enactment of a new Master Plan and any necessary companion updates to the Town Zoning Code.

Section 2.      AUTHORITY

This extension of Local Law #4 of 2007 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 Section 10.

Section 3. ENACTMENT OF EXTENSION TO THE TEMPORARY MORATORIUM

The expiration date of LOCAL LAW #4 OF 2007, ENTITLED "A LOCAL LAW OF THE TOWN OF WASHINGTON, DUTCHESS COUNTY, NEW YORK TO AMEND THE ZONING CODE OF THE TOWN OF WASHIGNTON TO ADD A NEW SECTION 395 ENTITLED 'REGULATION FOR AN INTERIM PERIOD OF DEVELOPMENT AND USE OF LANDS AND BUILDINGS'", which was previously extended by Local Law #3 of 2008 until November 16, 2008, is hereby further extended for a period of one (1) year beginning November 16, 2009, after which date Local Law #4 of 2007 shall lapse and be without further force and effect unless further extended by action of the Town Board.

Section 4. This Local Law shall be filed immediately with the Secretary of State as provided by law and shall be effective as of November 16, 2009.

Councilman M. Murphy 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 local law. Councilman M. Murphy offered the following resolution which was seconded by Councilman Audia, who moved its adoption:

WHEREAS, on M. Murphy, Councilman Turletes has introduced this local law for the Town of Washington, to be known as "Town of Washington Local Law No. \_\_\_ of the Year 2009, a local law of the Town of Washington, Dutchess County, New York, to extend Local Law #4 of the Year 2007 "A local law of the Town of Washington, Dutchess County, New York to amend the Zoning Code of the Town of Washington to add a new section 395 entitled 'Regulation for an Interim Period of Development and Use of Lands and Buildings'" for an additional year.

RESOLVED, that a public hearing be held in relation to the proposed changes 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 Dec. 10, 2009 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 December 10, 2009 at 7:00 o'clock, p.m., on Local Law No. \_\_\_ of the Year 2009, to extend Local Law #4 of the Year 2007 "A local law of the Town of Washington, Dutchess County, New York to amend the Zoning Code of the Town of Washington to add a new section 395 entitled 'Regulation for an Interim Period of Development and Use of Lands and Buildings'" for an additional year.

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 persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: Millbrook, New York

November 13, 2009

MARY ALEX, TOWN CLERK

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

Supervisor Prisco	AYE
Councilman Turletes	AYE
Councilman M. Murphy	AYE
Councilman Audia	AYE
Councilman W. Murphy	AYE

This resolution was duly adopted.

Supervisor Prisco advised that it is time to renew the fire and rescue squad service contract with the Village of Millbrook. The contracted price for 2010 is \$418,000.00 which shall be paid on or before March 15<sup>th</sup>. It was noted that the town is very fortunate to have dedicated rescue squad volunteers that provide coverage to our community, thereby helping keep our costs down. We are thankful to the fire fighters and rescue squad members that serve us so well.

Whereas, Supervisor Prisco has introduced the proposed Fire and Rescue Contract with the Village of Millbrook, Councilman Audia noted that a Public Hearing on the Contract must be held. On a motion made by Councilman Audia and seconded by Councilman Murphy the following resolution was offered:

RESOLVED, that a public hearing be held in relation to the proposed contract 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 Dec. 10, 2009 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:

**TOWN OF WASHINGTON**

**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 December 10, 2009 at 7:00 o'clock, p.m., on the proposed 2010 Fire Contract with the Village of Millbrook for fire protection and rescue services.

TAKE FURTHER NOTICE, that copies of the aforesaid proposed contract 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 persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

By the Order of the Town Board

Dated: November 18, 2009

Mary Alex, Town Clerk

All ayes were recorded.

Supervisor Prisco said that last month there were suggested changes to the Town Zoning Code. ZBA Chair Baker and Planning Board Chair Beaumont are currently working with Zoning Administrator Neubauer on some proposed changes. They will be contacting Ms. Valk for input. If a special meeting is required one will be scheduled.

The Annual Reorganization Meeting has been scheduled for January 4, 2010 to begin at 7:00 PM.

Legislator Fettes thanked everyone for their support over the years. It was with great pleasure that she represented the residents of Washington, Union Vale, Pleasant Valley and Amenia for 26 years. She will certainly miss it. Supervisor Prisco told Legislator Fettes that she appreciated her always being a part of the community, not just as a legislator but as a friend and someone that could be counted on in happy and not so happy times. Thank you from all.

Robert Tompkins, a resident on College Lane, said he wished to speak with the Board about the deteriorating condition at the top of College Lane. There were two recent robberies where the items from the thefts ended up on his property. He has been in contact with the State Police about this problem and the cars and drug activities that are occurring in the cul-de-sac. He is not speculating he has heard this from the police. He has also cleaned up the remnants of two cases of beer. He met recently with Supervisor Prisco and she invited him to address the Board. He would like the town to consider having street lights placed in the cul-de-sac to improve safety. He has spoken with neighbors Mrs. Pasqua and Mr. Hummel and they are both in favor of lights. He has met with representatives from Central Hudson about the placement of lights and the cost would be about \$30.00 per month. Central Hudson recommends two lights. They would not be in the way of highway activities.

Councilman M. Murphy said he supports Mr. Tompkins suggestions, and further recommends that the Town send a letter to the State Police requesting an increase in patrols to the area. If we have more of a police presence, better lighting and more community awareness it might reduce the problems.

Mrs. Hurley presented the Board with the monthly reports and the bank balances. She advised that CD's had come due and the funds were put in the A fund and the DB fund. The Town is expecting a mortgage tax disbursement check in the amount of \$108,222, which is \$29,000. Over what the town had budgeted in revenue. All A fund revenues have been reached for 2009, and the B fund needs about \$10,000.00 which will be reached when the sales tax revenue is received. On the expense side there aren't any major expenses or problems.

The Town held a Public hearing on the 2010 proposed Budget last week. The 2010 Budget represents a 2.1% increase over 2009. There is a revenue shortage of about \$60,000.00 with a cut in appropriations of \$50,000.00. An average \$350,000.00 property will see an increase of about \$12.00 in their town tax and a \$1,000,000. Farm will see an increase of about \$58.00 in their town tax. The Tentative Rates per thousand are as follows:

	2010	2009
Town	1.066	1.007
Village	.367	.35
Library	.06666	.06469
Fire	.0284	.284

An important note on the Fire Tax is that it was anticipated that the town would be paying for 7 days of paid rescue squad service; however we are fortunate to have enough volunteers that we are only paying for 5 days of coverage. Supervisor Prisco said we owe the volunteers much gratitude, as they have saved the taxpayers \$40,000.00. Supervisor Prisco thanked Mrs. Hurley and congratulated the Board on a well managed budget. Other towns are seeing dramatic tax increases. The town is in a positive situation, by being responsive three years ago to declining revenues. For the past three years

the town has managed to cut appropriations with all departments working to keep expenses down. Supervisor Prisco said there is an increase in the highway budget of \$27,000.00 for increased slat costs and additional dirt for the roads. Mrs. Hurley said that the new MTA tax will cost the town about \$3,800.00 per year.

On a motion made by Councilman Turletes and seconded by Councilman Audia the 2010 Budget was adopted as presented. All ayes were recorded.

Highway Superintendent Brownell reported that next week he will take delivery of the new highway truck. Tom Coy is expected to return to work on December 1, and Mark Chadwell begins working on the same day.

Town Clerk Alex said that monthly reports have been received and filed by the Town Clerk, Court Clerk, Transfer Station Clerk, Building Inspector and Zoning Administrator.

On a motion made by Councilman M. Murphy and seconded by Councilman Audia the Board accepted the September minutes as presented. All ayes were recorded.

Councilman M. Murphy said that the Water Resources Committee has met twice with the consultant. They have addressed the sections that were of concern and expect to be able to move it to the attorneys for review shortly.

Councilman M. Murphy said that the Emergency Preparedness Committee is putting a draft document together, and are working on letters of agreement in order to access facilities or use contractors if the need arises. The Committee is also moving forward with public education. Councilman Murphy hopes that the final report will be complete in January.

Councilman M. Murphy said that the Planning Board has an application before them for a private stable and paddock on South Road. There is no activity to report for the Zoning Board of Appeals.

The Board and Public were reminded that the second Visioning Meeting is scheduled for Friday, November 13<sup>th</sup>, at the Millbrook Fire House. The meeting will begin at 7:00 PM.

Councilman W. Murphy spoke about the Park expansion project. The Darlind Group is delayed in the delivery of the bridge. They reported that they had a delay in the wood for the bridge. The Town expects the bridge to be complete by early December. Excavation work will continue by the town if the weather cooperates. Engineer Bill Reim sent an update to the town expressing that there is additional silt fence to be installed prior to winter and that the entrance should be stabilized for winter.

Councilman Audia said that he is working on receiving estimates for the portico entrance. The gutters need to be redirected or something to deflect the splash of water against the brick.

Councilman Turlletes, the liaison to the Recreation Department, reminded everyone that Santa night is the first Friday in December and that the Gingerbread House night is December 11<sup>th</sup>. The Recreation Department has ongoing registration for basketball. They are finishing up a successful Dodge ball and Soccer season. He said that the town still has tickets available to the Radio City Christmas Show on December 8<sup>th</sup>.

Supervisor Prisco said that she has the plans for the improvements to the camp building. She will review them with Councilman W. Murphy and Recreation Director McMillan prior to advertising for bid.

The Board discussed the request made by Mr. Tompkins regarding new street lights. The Board was in favor of contacting Central Hudson and if appropriate moving forward with his request. Attorney Gifford suggested that the Town check with the other neighbors before making a final decision.

Mr. Genova had the following observations. He complimented the use of Water Resources Committee, as the legislation is about the water, not just wetlands. He said 60% of the town uses well water. He said that the Transfer Station is run beautifully. He asked if there has been a replacement selected for Planning Board Chair. He knows Tom recommended Josh Mackey and his observation is that he is a top notch gentleman and scholar dedicated to service. Mr. Genova would like the Recreation program to encompass a Farm and Home Center Program which is a stream stabilization program.

Christine Bates, a reporter from the Millerton News introduced herself and left complimentary copies of their paper.

The Dedication of the Restored Monument in South Millbrook was mentioned by David Greenwood. The Rotary, along with private benefactors had the eagle refounded and it is beautiful. The service was attended by 50 people.

At 8:40 PM, on a motion made by Councilman M. Murphy and seconded by Councilman Turlletes, the Board moved into Executive Session for a matter of Attorney – Client privilege. All ayes were recorded. On a motion made by Councilman M. Murphy and seconded by Councilman Audia the regular meeting resumed at 9:15 PM. All ayes were recorded.

The Board authorized Supervisor Prisco to prepare an RFP for a professional cleaning service for the Town Hall for the upcoming year.

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

General Fund A	\$54,122.08
General Fund B	\$9,686.22
Highway Fund DB	#25,416.54

Fund H Cap Project	\$46,624.15
TOTAL	\$135,848.99

All ayes were recorded.

There being no other business, on a motion made by Councilman M. Murphy and seconded by Councilman W. Murphy, the meeting was closed at 10:20 PM. All ayes were recorded.

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Mary Alex, Town Clerk