

TOWN OF WASHINGTON
TOWN BOARD
November, 13, 2008

The Town Board of the Town of Washington held its regular meeting on Thursday, November 13, 2008, at the Town Hall, 10 Reservoir Drive, Millbrook, NY. The meeting was called to order at 7:00 PM by Supervisor Florence Prisco with the following present: Councilmen Stephen Turlletes, Allan B. Rappleyea and Robert Audia, Town Clerk Mary Alex, Highway Superintendent James Brownell, Bookkeeper to the Supervisor Laura Hurley, Attorney for the Town John Gifford and Associate Attorney Rebecca Valk. Councilman Murphy was absent.

Others present were Mayor Andrew Ciferri, Howard Schuman, Frank Genova, Louise Moore, William Murphy, Janine Stankus and Joan Trombini.

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

Supervisor Prisco opened the meeting with the Pledge of Allegiance.

Supervisor Prisco announced that Councilman Rappleyea has submitted a letter of resignation, which will be effective at the end of 2008. She stated that she was sad to have read the letter, but understands completely the time it takes to do the job. It is not just nights at the meeting, but it is a constant commitment. Mr. Rappleyea has served the community for 12 years and he will be missed.

To fill the unexpired term, Supervisor Prisco will be accepting letters of interest through December 2nd. Interviews will be held on December 8th, beginning at 7:15 PM.

The Town also has a vacancy on the Board of Assessment Review. Bud Marona has requested that he not be reappointed for an additional five year term. Supervisor Prisco will be accepting letters of interest for that position as well. Supv. Prisco publicly thanked Mr. Marona for his many years of service on the BAR.

In other business, the town has received a letter from the Chazen Companies, updating the work to be done for the Park expansion project. Mrs. Hurley had prepared an updated spreadsheet for the Board concerning project cost, which detailed funds available for the continued work. On a motion made by Councilman Rappleyea and seconded by Councilman Audia the Board authorized Supervisor Prisco to notify the Chazen Companies to continue work on the park expansion project as detailed in the November 10, 2008 letter from the Chazen Companies. All ayes were recorded.

Legislator Fettes was not present to issue a report.

Town Clerk Alex advised the Board that she had attended, on behalf of Supervisor Prisco, an emergency meeting of the Dutchess County Supervisors and Mayors Association. The meeting was specific to the costs that County Executive Steinhaus has in his 2009 budget to be paid for by the local municipalities, which include Election costs (\$1,300,000.) and road patrols by the Sheriff's department (\$4,700,000.). The general consensus was that the pass thru of these costs at this time in the municipal budget process is unacceptable. Most towns have already had a public hearing on their 2009 budgets. Representatives from the Dutchess County Legislature and the Sheriff's department attended the meeting and understand the concerns voiced by the

municipal officials. Town of Lagrange Supervisor, Jon Wagner, prepared a letter to be sent to the Legislature and Executive Steinhaus voicing the concerns of the Association. It was requested that each municipality pass a resolution voicing dissatisfaction with the proposed county budget.

Supervisor Prisco advised the Town Board that she had contacted the NY State Police regarding 911 coverage for the Town of Washington. She had spoken with a captain that said with the town's proximity to Troop K, the State Police will more than likely be able to continue to provide 911 coverage, as the town has always received.

On a motion made by Councilman Rappleyea and seconded by Councilman Audia, the Public Hearing on the Local Law No. ____, on the Interim Period of Development was opened. All ayes were recorded.

On a motion made by Councilman Rappleyea and seconded by Councilman Turletes, the Public Hearing on Local Law No. ____, a Local Law for Senior and Disability Exemptions was opened. All ayes were recorded.

The Public Hearing on the 2009 Budget was continued from the November 6, 2008 meeting. Mrs. Hurley presented an overview of the budget for those not present at the original public hearing.

For the 2009 budget, the overall appropriations were reduced by \$90,643. this equates to a 2.7% reduction in appropriations. Due to a projected decrease in mortgage tax revenues and the corresponding reduction in the available fund balance, the focus of the Town Board was to tighten the A fund spending while maximizing revenue. The A fund appropriations were reduced by \$129,328. The anticipated revenue is down \$78,405 and fund balance use is down by \$105,000. The overall A fund tax levy is up \$54,010. The A fund is paid by both Town and Village residents.

B fund appropriations are down \$5,346 even with a comprehensive plan budget line of \$50,000. revenues are also predicted to be down \$25,900 and fund balance use is up \$64,711 to cover the comprehensive plan costs. There is no tax levy being raised in the B fund. This fund is a town only fund.

The DB or highway fund is also a town only fund. Appropriations increased by \$41,231 largely driven by fuel and salt cost increases. Revenue here is also down with the B fund directing less to the DB fund while fund balance use is up \$45,000 to keep the tax levy increase at only \$26,231.

Both Village and Town residents pay the library tax which remains at \$100,000 and saw no increase in tax rate. It remains at .06 cents per thousand. The SF Fund (fire District) is up only \$2,810. thanks to our volunteers. This fund also saw no increase in tax rate and remains at 28 cents per thousand for town residents.

The overall tax levy is increasing by \$38,961 which equates to an increase of 2.1%. Tax rates are determined by dividing the amount needed to be raised in taxes by assessments. Usually there is a slight increase in assessments but this year both the town and village saw reductions in assessed value. When future trends in assessment take place, it may be that overall assessments go down by a significant percentage. This will increase the tax rate but since property values will have also decrease there may not be an increase in the tax bill. This year with little or no change in assessments it's appropriate to compare rate changes to last year. The Town tax rate will

increase .03cents to \$1.01 per thousand, which equates to a 3% increase. The village tax rate will increase .04 cents to 35 cents which equates to a 13% increase.

A town resident with a \$400,000 assessment would see an annual increase of \$12.00 in their town taxes to \$404.00. A village resident with a \$400,000 assessment would see an annual increase of \$16.00 to \$140.00.

Some areas of note are in recreation, whereby non-residents will have an increase in program fees. The Pool will see reduced evening swimming hours and will close the last two weeks in August. The Town Board will also continue to monitor revenue and expenses at the Transfer Station to determine if changes need to be made. Mrs. Hurley said that the Town Board has worked extremely hard over the last several months to produce a budget that has the lowest cost to the community, and advised that the 2010 budget will be difficult as well.

Supervisor Prisco thanked Mrs. Hurley for the outstanding job she did on this budget. She also praised Jim Brownell and the town employees for thinking innovatively and making suggestions for ways to save money.

There weren't any comments from the public on the budget.

Mrs. Hurley presented the Board with the monthly report that included revenue and expense reports, as well as bank balances. Mrs. Hurley requested that the Board authorize several inter department transfers, as detailed in her report.

On a motion made by Councilman Turletes and seconded by Councilman Rappleyea the following budget transfers were made:

A 1355 0401 C \$400.00	and		
A 1355 0410 C \$540.00		to A 1354 0200 D	\$940.00
A 1460 0200 D \$279.07		to A 1460 0111 C	\$279.07
A 1460 0100 D \$16.97		to A 1460 0800 C	\$16.97
A 7110 0110 D \$1,979.17		to A 7110 0110 C	\$1,979.17
B 9020 0400 C \$330.60		to B 8020 0410 C	\$330.60

All ayes were recorded.

On a motion made by Councilman Rappleyea and seconded by Councilman Audia a resolution was made to transfer \$10,000.00 from the Highway New Equipment Reserve Fund to the Highway Equipment Line. All ayes were recorded.

On a motion made by Councilman Audia and seconded by Councilman Rappleyea the Board authorized Supervisor Prisco to sign the contract with River Street Planning and Development, LLC dated November 13, 2008 for the update of the Comprehensive Plan. All ayes were recorded.

Mayor Ciferri appeared before the Board to introduce Laurie Rumpf and Dave Tooker of the Hudson Valley Technology Development Center to discuss the possibility of a shared services grant between the Village and the Town. Ms. Rumpf said that the HVTDC is a non-profit

organization that helps business utilize their resources more efficiently. She proposed that the Village and Town might wish to take advantage of a Local Government Efficiency Grant Program for a shared services grant for a feasibility study to determine whether there are ways for the municipalities to reduce costs and share services. The maximum grant to apply for is \$25,000, and there is a required local match of 10%. The application deadline is January 14, 2009. After a brief discussion, the Town Board determined that January would not be a realistic time frame for the town.

In other business, Mayor Ciferri advised the Board that the Village, in an effort to save expenses, is considering moving the Village elections from March to November. The Village is having a public hearing on this matter. They are also considering, which will be determined by permissive referendum, the expansion of the Mayoral and Trustee terms from two years to four years.

On a motion made by Councilman Rappleyea and seconded by Councilman Turletes the Board scheduled a Public Hearing for the fire contract with the Village of Millbrook for December 11, 2008 at 7:00 PM. All ayes were recorded.

The Board had a discussion with Mayor Ciferri regarding the section of the Fire Contract that speaks to providing Transfer Station permits to the LOSAP qualified fire and rescue volunteers. The contract, as written, includes that benefit. Mayor Ciferri said that the Rescue Squad has requested that they be reimbursed for mileage for duties associated with providing rescue services. At this time, the contract remains as written, and the public hearing will determine whether or not to make a change.

On a motion made by Councilman Rappleyea and seconded by Councilman Audia, the Board scheduled the Reorganization meeting for Monday, January 5, 2009 at 7:00 PM. All ayes were recorded.

Supervisor Prisco requested that the Town Board review the proposed Wetland's ordinance so at the January meeting a Public Hearing may be scheduled.

As there was no public input, on a motion made by Councilman Turletes and seconded by Councilman Audia, the Public Hearing on the proposed 2009 Budget was closed.

On a motion made by Councilman Audia and seconded by Councilman Turletes a resolution was made to adopt the 2009 Budget as presented. All ayes were recorded.

As there wasn't any public input, on a motion made by Councilman Rappleyea and seconded by Councilman Turletes the Public Hearing to extend the Interim Period of Development was closed. All ayes were recorded.

RESOLUTION

Councilman Rappleyea offered the following resolution, which was seconded by Councilman Audia, who moved its adoption:

WHEREAS, a local law was introduced 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; and

WHEREAS, a public hearing in relation to said local law was held on November 13, 2008 at 7:00 p.m., Prevailing Time; and

WHEREAS, notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

WHEREAS, said local law has been on the desks of the members of the Town Board of the Town of Washington for at least seven (7) days, exclusive of Sunday;

NOW, THEREFORE, BE IT RESOLVED that the following local law is hereby enacted:

TOWN OF WASHINGTON LOCAL LAW NO. OF THE YEAR 2008

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.

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 will be retaining a consultant to assist with conducting a survey of the community, gathering the work of

the various sub-committees to date and utilizing that work to draft the master plan document. Subsequently, the proposed master plan 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 draft the proposed master plan, 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, 2008, 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'", is hereby extended for a period of one (1) year beginning November 16, 2008, 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, 2008.

RESOLVED that the Town Clerk shall file a certified original of this local law in the office of the Town Clerk and one (1) certified copy in the Office of the Secretary of State, State of New York, such certified copy to have attached thereto a certificate executed by the attorney for the Town of Washington that it contains the correct text and that all proper proceedings have been had or taken for the enactment of this local law.

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

Supervisor Prisco	Aye
Councilman Turletes	Aye
Councilman Rappleyea	Aye
Councilman Murphy	Absent
Councilman Audia	Aye

DATED: Millbrook, New York
November 13, 2008
MARY ALEX, Town Clerk

There being no public input on Local Law 2 of the year 2008, a local law to offer disability and low income senior exemptions, on a motion made by Councilman Rappleyea and seconded by Councilman Turletes, the Public Hearing was closed. All ayes were recorded.

RESOLUTION

Councilman Rappleyea offered the following resolution, which was seconded by Councilman Audia, who moved its adoption:

WHEREAS, a local law was introduced entitled A LOCAL LAW OF THE TOWN OF WASHINGTON, DUTCHESS COUNTY, NEW YORK ADOPTING THE EXEMPTION FOR PERSONS WITH DISABILITIES AND LIMITED INCOMES PURSUANT TO REAL

PROPERTY TAX LAW SECTION 459-c AND INCREASING THE AMOUNT OF THE EXEMPTION FOR SENIOR CITIZENS PURSUANT TO REAL PROPERTY TAX LAW SECTION 467; and

WHEREAS, a public hearing in relation to said local law was held on November 13, 2008 at 7:00 p.m., Prevailing Time; and

WHEREAS, notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

WHEREAS, said local law has been on the desks of the members of the Town Board of the Town of Washington for at least seven (7) days, exclusive of Sunday;

NOW, THEREFORE, BE IT RESOLVED that the following local law is hereby enacted:

TOWN OF WASHINGTON LOCAL LAW NO. 2 OF THE YEAR 2008

Section 1. The Town of Washington Town Board hereby adopts the exemption for Exemption for Persons with disabilities and limited incomes to read in its entirety as follows:

Tax Exemptions for Persons with disabilities and limited incomes

A. Statutory authority

Tax exemptions under this article are provided pursuant to the authority granted under Real Property Tax Law Section 459-c and are subject to all the terms and provisions of that section.

B. Exemption stated

Subject to the terms of this local law, real property owned by one (1) or more persons with disabilities, or real property owned by husband, wife, or both, or by siblings, at least one of whom has a disability, or real property owned by one or more persons, some of whom qualify under this section and the others of whom qualify under for the Senior Citizen's Exemption under RPTL Section 467, and whose income is limited by reason of such disability, shall be exempt from taxation by the Town of Washington to the extent of fifty per centum of the assessed valuation thereof.

C. Income limit

1. No owner or owners of real property shall be entitled to the exemption provided in this article if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds \$27,000 ("Maximum Income") except as provided in Paragraph "2" below.
2. An owner or owners of real property with income in excess of the Maximum Income ("M") set forth in (C)(1) above shall be entitled to exemptions in accordance with the following schedule:

ANNUAL INCOME	PERCENTAGE ASSESSED VALUATION EXEMPT FROM VALUATION
More than Maximum Income ("M") but less than (M + \$1,000)	45 per centum
(M + \$1,000) or more but less than (M + \$2,000)	40 per centum
(M + \$2,000) or more but less than (M + \$3,000)	35 per centum
(M + \$3,000) or more but less than (M + \$3,900)	30 per centum
(M + \$3,900) or more but less than (M + \$4,800)	25 per centum
(M + \$4,800) or more but less than (M + \$5,700)	20 per centum
(M + \$5,700) or more but less than (M + \$6,600)	15 per centum
(M + \$6,600) or more but less than (M + \$7,500)	10 per centum
(M + \$7,500) or more but less than (M + \$8,400)	5 per centum

Section 2. The Town of Washington Town Board hereby elects to amend and increase the maximum income eligibility level for the granting of the partial exemption from municipal taxation to person sixty-five (65) years of age or over pursuant to the authority of Paragraph (a) of subdivision 3 of Section 467 of the Real Property Tax Law as follows:

a. No owner or owners of real property shall be entitled to the exemption provided in Real Property Law Section 467 if the income of the owner or combined owners of the property for the income tax year immediately preceding the date of making application for the exemption exceeds \$27,000 ("Maximum income") except as provided in subsection B, below.

b. An owner or owners of real property with income in excess of the maximum income set forth in Subsection A above shall be entitled to exemptions in accordance with the following schedule:

ANNUAL INCOME	PERCENTAGE ASSESSED VALUATION EXEMPT FROM VALUATION
More than Maximum Income ("M") but less than (M + \$1,000)	45 per centum
(M + \$1,000) or more but less than (M + \$2,000)	40 per centum
(M + \$2,000) or more but less than (M + \$3,000)	35 per centum
(M + \$3,000) or more but less than (M + \$3,900)	30 per centum
(M + \$3,900) or more but less than (M + \$4,800)	25 per centum
(M + \$4,800) or more but less than (M + \$5,700)	20 per centum
(M + \$5,700) or more but less than (M + \$6,600)	15 per centum
(M + \$6,600) or more but less than (M + \$7,500)	10 per centum

(M + \$7,500) or more
but less than (M + \$8,400)

5 per centum

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

RESOLVED that the Town Clerk shall file a certified original of this local law in the office of the Town Clerk and one (1) certified copy in the Office of the Secretary of State, State of New York, such certified copy to have attached thereto a certificate executed by the attorney for the Town of Washington that it contains the correct text and that all proper proceedings have been had or taken for the enactment of this local law.

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

Supervisor Prisco	Aye
Councilman Turletes	Aye
Councilman Rappleyea	Aye
Councilman Murphy	Absent
Councilman Audia	Aye

DATED: Millbrook, New York
November 13, 2008
Mary Alex, Town Clerk

On a motion made by Councilman Audia and seconded by Councilman Turletes, the Board reappointed David Greenwood as Chairman of the Conservation Advisor Commission. All ayes were recorded. This reappointment was necessary as Mr. Greenwood did not complete his Oath of Office within thirty days of reappointment.

On a motion made by Councilman Rappleyea and seconded by Councilman Turletes, the Board accepted the minutes of October 9, 2008 as presented. All ayes were recorded.

Councilman Audia advised that Lou Spagnola will be replacing the smoke pipe from the chimney and to clean the bottom of the chimney in the basement of the Town Hall. The estimated cost is \$685.00. The Board concurred that this is a necessary job.

Councilman Audia presented the Board with estimates to replace the outside staircase on the east side of the Town Hall. The following proposals were presented:

Chuck Andrews	\$5,995.80
Michael R. Lang	\$4,800.00

On a motion made by Councilman Turletes and seconded by Councilman Rappleyea, the Board accepted the bid from Michael Lang at a cost of \$4,800.00 to replace the outside staircase entrance. All ayes were recorded.

Councilman Audia explained that regarding the soffets work, Barnes Construction will detail out an estimate for all companies to bid out the same work and same materials.

Supervisor Prisco asked the Board their opinion on the ATV legislation. Ms. Valk presented a list of questions based upon the feedback previously submitted. After a brief discussion, it was determined that the law as written excludes all recreational use of ATV's, dirt bikes, etc. Mr. Murphy said his children would be unable to enjoy the use of their ATV's, and he felt that was wrong. A question about noise meters was also raised. Mrs. Alex said that there are many families in the town that have invested in recreational vehicles, which use them responsibly, and would no longer be allowed that privilege. Supervisor Prisco decided not to move forward with the proposed legislation. An application has been filed with the ZBA on behalf of a property owner who was issued a cease and desist order. The Board will see how that evolves.

Mr. Genova informed the Board that he has been attending meetings as a CAC member and signs in representing the Town of Washington. He has recently attended the Wappinger Creek Intermunicipal Council. The watershed covers 50% of the town. A survey is being done to see what changes, legislation, etc are required to protect the stream.

Mr. Genova attended the opening of the Dutchess County services building in the Town of Washington. The services that are being offered are impressive. Mr. Genova has concerns with three historical buildings on the site.

Another meeting he attended was hosted by the Dutchess County Planning Department specific to sustainable living communities for the senior population. It was mentioned that Millbrook is a top ideal community for senior living. For all of these events Mr. Genova signed in as "CAC, Town of Washington."

Mr. Genova complimented Ms. Stankus on the recent article she had written for the Millbrook Round Table.

He also asked that the town read the letter from the Cornell University Cooperative Extension regarding cuts to their budget. If appropriate, people might wish to contact county representatives on restoring funds to the Cooperative Extension budget.

Supervisor Prisco thanked Mr. Genova for his contributions and for representing the towns at so many important meetings.

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

General Fund A	\$45,645.56
General Fund B	\$20,957.89
Youth Rec Fund A	\$5,161.61
Highway Fund DB	\$35,328.33
Other Funds: Parkland	\$1,515.38
Highway Reserve	\$3,895.00
Planning Bd. Escrow	\$1,035.00

TA Emma	\$3,000.00
Justice Grant	\$67.97

All ayes were recorded.

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

Mary Alex, Town Clerk