

TOWN OF WASHINGTON  
TOWN BOARD  
December 10, 2009

The Town Board of the Town of Washington held its regular meeting on Thursday, December 10, 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, Bookkeeper to the Supervisor Laura Hurley, Attorney John Gifford and Associate Attorney Rebecca Valk.

Also present were Joan Trombini, Howard Schuman, Tom Aldrich of the Darlind Group, Bill Reim and Steve Alex of The Chazen Companies, Assessor Jim Tyger, Debbie Wright, County Legislator-Elect Michael Kelsey, ZBA Chairman Jerry Baker and Amy Belotti.

Supervisor Prisco opened the meeting with the Pledge of Allegiance.

Councilman W. Murphy reported to the Board about the status of the Park Expansion. Mr. Wiltse has worked for several days and the cut and fill is 50 – 60% complete. The entrance cut is complete and ready for blacktop in the spring. The bridge was set in place earlier today, with that project being about 75% complete. The town will continue to work on the cut and fill through the winter, and erosion control measures will be put in place as required.

Bill Reim, an Engineer with the Chazen Companies, was present to discuss the park project. Mr. Reim presented photographs of the timber bridge that was installed earlier in the day at the park. The installation went very well and looks good. He appeared before the Board to discuss the town's plans as to construction or site improvements through the winter months. The original project timeline was for work to be completed in December and the site to be shut down at that time. Earlier in the month Supervisor Prisco received and signed a change order to increase the budget in the amount of \$6,000.00 to cover the balance of construction related work associated with bridge construction and the winter close out of the project. If the town chooses to keep the site open and continue work on the field, weekly SWPP inspections at a cost of about \$400.00 per inspection. The town can also choose to shut the site down for the winter, which entails stabilization of the site, notification to the DEC and monthly SWPP inspections at the site. It was the decision of the Board to continue working at the site unless the weather does not allow for it.

Tom Aldrich, of the Darlind Group, said that as stated, the bridge was set today. If the weather permits, his employees will be working over the next couple of days to install the rails and curbs on the abutment walls. There is stone and topsoil to be moved, and plantings to be established. They also need to complete the grading work on both sides of the bridge, which will take about 2 -4 days of work.

Mr. Aldrich said that he felt the contract documents were inconsistent regarding the add/deduct for the bridge pilings, and that he would like consideration from the formula in the contract. Rather than using the formula, which would give the town a credit of \$15,600.00, he is proposing to offer a credit of \$3,330, as his costs were \$16,670.00. Supervisor Prisco said that at the site inspection, prior to bidding, contractors had the ability to ask questions and get clarification, and that was the time to ask the questions. The topic was discussed and all parties were aware of the uncertainty of the depth. Councilman Audia said that the same information was provided to all contractors, and it is unfair to the other bidders to make such a change. The Town Board took his request under advisement.

Legislator Fettes was unable to attend the meeting due to illness.

On a motion made by Councilman Audia and seconded by Councilman M. Murphy the Town Board opened the Public Hearing on the 2010 Fire Contract with the Village of Millbrook. All ayes were recorded.

On a motion made by Councilman M. Murphy and seconded by Councilman Turletes the Board opened the Public Hearing on Local Law No. 1 of 2009 to Extend the Moratorium for a period of one year. All ayes were recorded.

Mayor Ciferri had a comment on the Fire Contract. He would like a change to the language on page two that specifies that the "volunteers provide the service" because Trans Care might be providing the service or a mutual aid company might be providing the service. Attorney Gifford said that they can provide the language that the Mayor would like. For the purpose of the Public Hearing the Board can authorize the resolution to sign the contract subject to minor changes discussed this evening.

On a motion made by Councilman M. Murphy and seconded by Councilman Audia the Board appointed Joshua Mackey as Chairman of the Planning Board. All ayes were recorded.

Supervisor Prisco will be appointing a committee to include two Town Board members, two Planning Board members and one ZBA member to fill the vacancy left by R. Stephen Lynch.

The Board was advised by Supervisor Prisco that an RFP is being prepared for park building updates, as well as a cleaning service for the Town Hall. They will be sent to Ms. Valk for review.

The Town Board scheduled the annual Organizational meeting for Monday, January 4, 2010, beginning at 7:00 PM.

The Comprehensive Sub- Committees will be meeting on Monday December 14<sup>th</sup> at 3:00 PM, at the Town Hall. Supervisor Prisco said that the Committee was successful in securing a grant in the amount of \$30,000.00 from the Dyson Foundation to assist with expenses related to the Comprehensive Plan.

Councilman M. Murphy said that he felt the Friday night meeting was well run by River Street. It was interesting that a significant segment of the population did not respond. Can we get more input from different generations? Mr. Schuman asked is there an effort to get a certain section or group to respond or the entire town? Councilman Murphy said that people at the meeting were saying a certain population is not present in the survey results. Mr. Baker said that one sub-committee member analyzed how the answers were responded to by different age groups. Some groups did not have any responders and the question was raised as to how to get their input.

Mrs. Hurley presented the monthly bookkeepers report. The town has received the final mortgage payment for the year and the town has received \$29,000.00 over the anticipated revenue. Bank balances for the month were also presented to the Board. Mrs. Hurley said that the town has had a strong close to the end of the year with over anticipated revenues, and with watchful spending \$435,000. 00 being under expended.

Mrs. Hurley notified the Board that for salaried employees there will 27 pay periods rather than 26. This might result in a decrease in the bi-weekly take home pay of employees. Mrs. Hurley has notified the employees of this.

There being no additional comments on the 2010 Fire and Emergency Services Contract with the Village of Millbrook, a motion was made by Councilman Audia and seconded by Councilman M. Murphy to close the Public Hearing. All ayes were recorded.

On a motion made by Councilman Turletes and seconded by Councilman M. Murphy the Board authorized Supervisor Prisco to sign the contract with the Village of Millbrook for Fire and Emergency Services with the small adjustment to the language. All ayes were recorded.

There being no comments on Local law # 1 of 2009, on a motion made by Councilman Audia and seconded by Councilman M. Murphy the Public Hearing to extend the moratorium was closed. All ayes were recorded. Attorney Valk said that this being a Type 2 Action, SEQR is not required.

### **RESOLUTION**

Councilman M. Murphy offered the following resolution, which was seconded by Councilman Turletes, 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 December 10, 2009 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; and

WHEREAS, the adoption of a moratorium on land development and construction is a Type II action under State Environmental Quality Review Act ("SEQRA") 6 NYCRR §617.5(c)(30), therefore, this local law is not subject to environmental review.

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

**TOWN OF WASHINGTON LOCAL LAW NO. 1 OF THE YEAR 2009**

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.

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 M. Murphy	Aye
Councilman Audia	Aye
Councilman W. Murphy	Aye

Assessor Tyger notified the Town Board that the Assessor's have met with Roger Akely to discuss a proposal whereby the Dutchess County Resource Recovery Agency will be funded by tipping fee and an assessment made to all properties that have dwellings or commercial buildings on them. Current wholly exempt properties such as schools and governments will now be charged a fee. The proposal removes this funding from county tax bills. The Assessors had questions and comments on the proposal, pointing out some of the flaws. This plan has not been passed by the County Legislature.

Highway Superintendent Brownell reported that the new truck is in. It will be used on the Valley Farm and Bangall Roads run. Mark Chadwell, the new highway employee has started and appears to be working well. Mrs. Hurley noted that there will be a new bill for salt delivery, which is in excess of the .1 line item, therefore there will be an adjustment required within that line.

Mayor Ciferri thanked Highway Superintendent Brownell and his crew for their recent assistance to the village in work at the Village hall and during leaf cleanup. Supervisor Prisco agreed that it was a good coordination of services.

On a motion made by Councilman M. Murphy and seconded by Councilman W. Murphy the Board approved the minutes of October 8, 2010 as presented. All ayes were recorded.

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

Town Clerk Alex advised the Board that the Dutchess County Community Block Grant in the amount of \$100,000.00 is progressing forward. The Town's application has been listed as a fundable project in the Public hearing notice. The public hearing will last through January 11, 2010 and will then be forwarded to HUD for further review.

Councilman M. Murphy said that the Water Resources legislation is under review by the attorney with a portion being prepared for legal review. The insight of the consultant has been much appreciated by the committee

Dr. Klemens had a presentation of the results of the Vernal Pool Study at the IES. It was a mid-day forum making it difficult for some to attend. Mr. Schuman said there were about 75 people in attendance. One of the unique results for this portion of Dutchess County is that there is a lot of continuous land and pool formations in town, without much segmentation. It was suggested that Dr. Klemens might wish to hold an evening discussion.

Councilman M. Murphy said that the Emergency Preparedness Committee has been editing and reviewing the organizational chart for the administration of an event. Memorandums of understanding, such as using the Elm Drive School as a location to house individuals, are currently being reviewed as well.

Councilman M. Murphy said that there is a slight increase in activities before the Planning Board. Mr. Baker reported that the ZBA has been quiet, with some applications for setbacks issues.

Councilman Audia said that he is expecting two bids to repair the door and update the portico area at the Town Hall.

Councilman Turletes reported on the Recreation programs, and by all accounts Santa night was a success. The basketball program is off and running with it being very busy on weekends.

On a motion made by Councilman Turletes and seconded by Councilman Audia, at 9:00 PM, the Board moved into Executive Session to discuss a specific personnel matter. All ayes were recorded. At 9:30 PM, on a motion made by Councilman M. Murphy and seconded by Councilman W. Murphy the regular meeting resumed at 9:30 PM. All ayes were recorded.

On a motion made by Councilman M. Murphy and seconded by Councilman Turletes the Board approved the following claims as presented:

Gen Fund A	\$30,809.04
Gen Fund B	\$9,078.16
Highway Fund DB	\$15,102.68
Capital projects H	\$42,095.00
Total	\$97,084.88

All ayes were recorded.

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

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Mary Alex, Town Clerk