

TOWN OF WASHINGTON
TOWN BOARD
March 15, 2007

The Town Board of the Town of Washington held its regular meeting on Thursday, March 15, 2007, at the Town Hall, Reservoir Drive, Millbrook. The meeting was called to order at 7:00 PM by Deputy Supervisor Stephen Turletes with the following present: Councilmen Allan Rappleyea, Michael Murphy, Robert Audia, Town Clerk Mary Alex, Highway Superintendent James Brownell, Attorney for the Town John Gifford, Bookkeeper to the Supervisor Laura Hurley and Recreation Director Warren McMillan.

Also present were Karen Scantlebury, Cheryl Bruzugul, Linda Bruzugul, Frank Genova, Brad Roeller, Mitch Trinka, Tim Marshall, Christina Wong, Howard Schuman, Jerry Baker, Renee Fuller and William Fuller.

Dep. Supv. Turletes opened the meeting with the Pledge of Allegiance.

Dep. Supv. Turletes said that Ms. Scantlebury was before the Board to discuss a concern of hers regarding her dog, Roxie, that had run away in a snow storm on February 15, 2007. Mrs. Scantlebury said that her dog had run away on 2/15, and she had attempted to locate Roxie, but due to the weather, she was unable to leave her yard to track her, which her grandson was able to do later in the day. They were unable to find the dog. In the next several days, she had placed fliers in Dover Plains hoping someone had found her dog. On Feb. 21, she contacted Ed Adams, the Town Dog Control Officer regarding her dog. Mr. Adams informed her that the dog had been adopted out earlier that day. Several days later, Ms. Scantlebury heard from her neighbors, Christina Wong and Alfred Kaiser, that they saw her lost dog flier and that they had turned the dog over to DCO Adams on February 16. Ms. Scantlebury stated that Mr. Adams should not have adopted Roxie out, as the required 5 day holding period had not been completed. Ms. Scantlebury read a statement about her recent hardships and her relationship with her pet, and asked for assistance from the town to have her dog returned.

Dep. Supervisor Turletes advised Ms. Scantlebury that the Town is very sorry about the situation, as well as her recent history. The Town understands that this has been very difficult, but he asked that she please realize that many people have been working to get her dog back. At this time the town does not have any good information on how to help.

Councilman Rappleyea said that he had called the possessor of the dog. Although he was unable to articulate Ms. Scantlebury's tragedies, he was able to relay that the dog was important to her family. The man was polite, but said he had expenses that he had incurred, and said it was his understanding that the dog would have been euthanized and by adopting the dog he had saved the dog. He was unreceptive to being reimbursed for his financial expenses.

After some discussion, Ms. Scantlebury requested that the Town commence proceedings to get her dog back. Attorney Gifford said that if the town commences legal proceedings this would be a court proceeding. There are time factors and cost factors associated with litigation. Dep. Supv. Turletes advised that the Town Board will talk about this matter in Executive Session, and will advise Ms. Scantlebury of their decision.

Rec. Director McMillan appeared before the Board to discuss several matters. The first was to enter into a concession stand lease with the gentleman that had the lease last year. On a motion made by Councilman Audia and seconded by Councilman Murphy the Board moved to enter into a concession stand lease with Steven Estremera. All ayes were recorded.

Mr. McMillan reported that he had recently spoken with representatives of the Department of Health and that they were happy with the circulation at the pool last year. They are not requiring any additional updates this year. The summer brochure is out and registration will begin shortly. Two Egg Hunts are scheduled for April, and he is looking forward to good weather.

Mrs. Hurley advised the Board that they all been provided with copies of monthly reports including bank balances. The accountants have been in and she is working diligently with them to complete the annual report.

The Board moved onto to a discussion regarding Local Law No. 1 of the Year 2007 amending the Zoning Code of the Town of Washington, by adding a new Section 111, Greenway Connections.

The Town had kept the Public Hearing open, while awaiting input from the Planning Board. The Town has a letter dated March 6, 2007, from the Planning Board stating the following:

“The Town Board maintains what they feel are compelling reasons, to one degree or another, for joining the Greenway Compact. The Planning Board recognizes and respects this.

The Planning Board supports the concept of the Greenway Compact; however, we have sufficient reservations about joining. We have strong convictions that we can serve the best interests of the Town of Washington by maintaining complete autonomy.

Nevertheless, we strongly convey our assurance that we will support the Town Board in their decision regarding this matter. Hopefully, membership in the Compact will have a positive effect.

We would suggest however, that if the Board decides to join the Greenway Compact, that the Town’s membership be reviewed in two years.”

The letter was signed by all members of the Planning Board as follows: Don Hanson, Matthew Rochfort, Robert Alley, Ric Steller, Thomas Beaumont and James Shequine.

A resolution was offered by Councilman Rappleyea and seconded by Councilman Murphy that Local Law No. 1 is an unlisted action and will not have a negative impact under SEQR, and further authorized Dep. Supervisor Turletes to sign the Short Environmental Assessment Form for Unlisted Actions on behalf of the Town.

The vote was as follows:

Supv. Prisco	Absent
Dep. Supv. Turletes	Aye
Councilman Rappleyea	Aye
Councilman Murphy	Aye
Councilman Audia	Aye

Dep. Supv. Turletes asked if there was any further input.

Mr. Genova said that he had written a letter to the Town, that although the consensus of the CAC was to join Greenway, he is opposed to the compact.

Jane Geisler, a resident of Union Vale, but a taxpayer in Washington said if the Village of Millbrook is a member it would behoove the town to join as there are interesting projects that they could do together.

Dep. Supv. Turletes said that the Board had Supervisor's Prisco's blessing to adopt the Greenway Compact.

On a motion made by Councilman Audia and seconded by Councilman Murphy the Board moved to close the Public Hearing on Local Law No. 1 of the Year 2007.

The vote was as follows:

Supv. Prisco	Absent
Dep. Supv. Turletes	Aye
Councilman Rappleyea	Aye
Councilman Murphy	Aye
Councilman Audia	Aye

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

WHEREAS, a local law was offered for adoption on November 9, 2006, entitled "Town of Washington Local Law No. 3 of the year 2006. A Local Law of the Town of Washington, Dutchess County, New York, adopting Greenway Connections in the Town of Washington": and

WHEREAS, a public hearing in relation to said local was held on December 14, 2006, at 7:00 PM, 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 Public Hearing was held open and continued on February 8, 2007 and March 15, 2007; and

WHEREAS, due to the fact that said public hearing was continued and held open into the year 2007, the adoption of said local law is now taking place in the year 2007. Therefore this local law will now be entitled “Town of Washington Local Law No. 1 of the Year 2007. A Local Law of the Town of Washington. Dutchess County, New York, adopting Greenway Connections in the Town of Washington”; 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. 1 OF THE YEAR 2007. A LOCAL LAW AMENDING THE ZONING CODE OF THE TOWN OF WASHINGTON, DUTCHESS COUNTY, NEW YORK, BY ADDING A NEW SECTION 111, GREENWAY CONNECTIONS.

Section 1. Adoption of Greenway Connections

1. Pursuant to the provisions of Section 44-0119 of the Environmental Conservation Law of the State of New York, the Town of Washington hereby adopts the statement of land use policies, principles and guides entitled “*Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities*” (hereinafter referred to as Greenway Connections) by which action the Town of Washington becomes a participating community in the Greenway Compact.
2. Proposal to amend Greenway Connections may from time to time be made by the Hudson Valley Greenway Communities Council (hereinafter referred to as “Greenway Council”) in response to requests from participating communities. Within ninety (90) days of receipt of any such proposal from the Greenway Council, the Town Board of the Town of Washington shall determine by resolution whether to accept or to reject such proposed amendment. Any proposed amendment so accepted shall be considered an amendment of Greenway Connections as adopted by the Town of Washington. Any proposed amendment rejected by the Town Board will not be considered to be an amendment to Greenway Connections for the Town of Washington, and notice of such rejection shall promptly be provided to Greenway Council.
3. It is the stated policy of the Town of Washington that, to the extent the Town amends its current , or enacts new, land use laws and resolutions, such new or amended laws and regulations, were appropriate, should be designed to be consistent with Greenway Connections.

Section 2. Amendment of Zoning Code

To implement Greenway Connections in the Town of Washington, the Zoning Code of the Town of Washington is hereby amended by the addition of the following provision as a new Section 111 to the Zoning Code:

Section 111. Greenway Connections. By Local Law No 1 of the Year 2007, the Town of Washington has adopted Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities, as amended from time to time, as a statement of land use policies, principles and guides to supplement other established land use policies in the Town. In its discretionary actions under this Zoning Code, the reviewing agency should take into consideration said statement of policies, principles and guides as appropriate.

Section 3. Home Rule

Nothing in this Local Law adopting Greenway Connections, or in becoming a participating community in the Greenway Compact is intended or shall be construed (a) to limit the home rule authority of the Town under State Law to make local land use and zoning decisions, (b) to authorize any other entity to supersede the Town's land use law and regulations to impose any requirements on the Town, or (c) to prevent the Town in its sole discretion from adopting a local law at a later date for the purpose of withdrawing from the Greenway Compact or Greenway Connections.

Section 4. Separability

In any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part of provision or application directly involved in the controversy in which judgment shall have rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town of Washington hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 5. Effective Date

This Local Law shall take effect immediately upon filing in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

And it is further

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 or the enactment of this Local Law.

The foregoing resolution was voted upon with all councilmen voting as follows:

Supervisor Prisco	Absent
Dep. Supv. Turletes	Aye
Councilman Rappleyea	Aye
Councilman Murphy	Aye
Councilman Audia	Aye

This resolution was duly adopted this 15th day of March, 2007.

Dep. Supv. Turletes said that the Town Board has had before them a proposed contract from The Chazen Companies regarding the monitoring of wells at the transfer station. The NYSDEC has amended its testing guidelines. There are some front end costs as the amended work plan is being completed, but it may cut down on the future sampling that is required.

On a motion made by Councilman Rappleyea and seconded by Councilman Audia the Board authorized Dep. Supv. Turletes to sign the contract with The Chazen Companies. All ayes were recorded from those present.

On a motion made by Councilman Rappleyea and seconded by Councilman Murphy the Board accepted the minutes of the February 8, 2007 meeting as presented. All ayes were recorded from those present.

At 8:25 PM, on a motion made by Councilman Murphy and seconded by Councilman Audia the Board moved into Executive Session to discuss with the Town Attorney the request made by Mrs. Scantlebury earlier this evening. All ayes were recorded by those present.

At 9:00 PM, on a motion made by Councilman Murphy and seconded by Councilman Rappleyea to return from Executive Session to the regular meeting. All ayes were recorded by those present.

On a motion made by Councilman Rappleyea and seconded by Councilman Audia a resolution was offered authorizing John Gifford to send a letter to the current possessor of the dog in question, along with statement prepared by Mrs. Scantlebury requesting that the dog be returned, and in the absence of a response to commence a proceeding requesting the dog be returned to Mrs. Scantlebury. All ayes were recorded.

In conjunction with adopting the Greenway Connections an amendment is required to the Town Subdivision Regulations. The following resolution was offered by Councilman Murphy and seconded by Councilman Rappleyea:

**RESOLUTION APPROVING AMENDMENT TO THE
TOWN OF WASHINGTON SUBDIVISION REGULATIONS**

WHEREAS, the Town of Washington (the “Town”) has adopted an amendment to its Zoning Law which adopts the statement of land use policies, principles and guides entitled “Greenway Connections: Greenway Compact Program and Guide for Dutchess County Communities” (the “Greenway Connections”); and

WHEREAS, Greenway Connections also calls for an amendment to the Town’s Subdivision Regulations to make them consistent with the Zoning Law amendment.

NOW THEREFORE, pursuant to the provisions of Article 16 of the Town Law, it is hereby

RESOLVED that the following amendment to the Town’s Subdivision Regulations is hereby approved and referred to the Planning Board for its review, approval or disapproval:

Section 15. Greenway Connections. By Local Law No. 1 of the Year 2007, the Town of Washington has adopted Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities, as amended from time to time, as a statement of land use policies, principles and guides to supplement other established land use policies on the Town. In its discretionary actions under these Subdivision Regulations, the reviewing agency should take into consideration said statement, policies, principles and guides as appropriate.

The foregoing resolution was voted upon with all councilmen voting as follows:

Supervisor Prisco:	Absent
Dep. Supv. Turletes	Aye
Councilman Turletes	Aye
Councilman Rappleyea	Aye
Councilman Audia	Aye

This resolution was duly adopted.

On a motion made by Councilman Murphy and seconded by Councilman Rappleyea the claims were accepted as presented. 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 10:10 PM. All ayes were recorded.

Mary Alex, Town Clerk