

TOWN BOARD  
TOWN OF WASHINGTON  
JUNE 14, 2007

The Town Board of the Town of Washington held its regular meeting on Thursday, June 14, 2007, at the Town Hall, Reservoir Drive, Millbrook, NY. The meeting was called to order at 7:00 PM by Supervisor Florence Prisco with the following present: Councilmen Stephen Turletes, Allan Rappleyea, Michael Murphy and Robert Audia, Town Clerk Mary Alex, Highway Superintendent James Brownell and Bookkeeper to the Supervisor Laura Hurley.

Also present were Art Collings, Harry Baldwin, Tim Marshall, Margaret Fettes, Frank Genova, Mitch Trinko, Jay VanAlan, Maris Van Alan, Clark Worswick, Jim Shequine, Elizabeth Shequine, Tim Marshall, Tony Sloan, Scott Tumblety, Judy Bondus, Leslie Tumblety, Howard Schuman, Lex Anderson, Candy Anderson, Zoe Anderson, Julia Widdowson, Don Hanson, Tim Marshall, Debra Coddington, Fletcher Coddington, Gary Ciferri, David Greenwood, Eve Propp, Barbara Ohrbach, Kate Farrell, Nigel Widdowson, Alex Pandaleon, Elizabeth Baravalle, John Askindson and Nan Greenwood.

Supervisor Prisco opened the meeting with the Pledge of Allegiance. She followed with a moment of silence in memory of former Town Councilman and Village Mayor Michael Murphy, and former Village Trustee and lifelong resident Roderick W. Ciferri.

Art Collings, of the Dutchess Land Conservancy and the Farmland Protection Board gave an overview of the request made by the Marshall's, owners of Bos Have Farm for a Purchase of Development Rights on a portion of their property. A Purchase of Development Rights (PDR) pays the landowner to perpetually keep their land as an agricultural use and never to develop the property. Over 5,000 acres of land in the Town of Washington have conservation easements through the voluntary actions of the property owners. With a PDR the property is perpetually restricted, the person continues to own the land and pay taxes on the property. The owner may gift the land over or sell the property. Mr. Collings said that Mr. Marshall submitted an application to the Farmland Protection Board, which was accepted and sent on to New York State Department of Agriculture and Markets. The state accepted the application and is offering \$1,200,000.00 towards the \$1,800,000.00 requested.

Bos Haven Farm is a well respected farm throughout New York State, and it is known as an efficient and productive dairy farm. It has maintained a careful production of crops. The farm is also noted for its large amount of farmland soils. The specific purchase includes 270 acres with 90 acres in the Town of Washington. The cost to the town would be \$70,000 - \$80,000. and payable in fiscal year 2008. The Town has a deadline of responding by July 31 to Dutchess County.

Supervisor Prisco opened the Public Hearing for comments regarding the request from Bos Haven Farm for the town to contribute to a Purchase of Development Rights.

Kate Farrell asked what Union Vale was going to do. The Union Vale Town Clerk had advised that it was on the agenda in Union Vale to be voted upon this evening.

John Asklandson asked what the current zoning is. It is a combination of 5 and 10 acre zones.

Supervisor Prisco asked Tim Marshall to speak about the concerns he has, that he spoke of earlier in the day to her. Mr. Marshall stated that he is going forward with this project with reservations. He originally thought he would start the process and see what happens. This restricts his availability to sell off lots in the future. The Washington section is mostly hilly land with out croppings and not very visible from Route 82. Forty years ago there were 240 farms in Dutchess County and today there are thirty. He has concerns that once this is done it may be hard to keep the farm viable. Living off the interest of \$1.8 million is not viable as a farming operation. His children are not actively involved in managing the farm. He has a gentleman that has his own cows and rents the facility. It must be profitable to the farmer in order to have him stay. Supervisor Prisco said she hopes everyone appreciates Tim's concerns.

Barbara Ohrbach said thank you to Mr. Marshall for wanting to do this. His farm is a magnificent place.

Harry Baldwin stated that a farmer's bank account has been his land. That is his retirement, and the retirement money has to come from the land. You can't eat land.

Alex Pandaleon spoke of a study completed by Ohio State University that talked about the advantages of a PDR. Some of the advantages are that it is a completely voluntary decision, the landowner is not deprived of the full economic value of the property, there are permanent restrictions on the property and the farming land can be passed on to the heirs. The OSU study says a community should consider a PDR because of concerns relating to wildlife habitat, water quality, aesthetic amenities and the future capacity of landowners to provide safe food.

Judy Bondus asked if anyone was opposed to the proposal. Supv. Prisco replied that all written correspondence has been positive. Some verbal questions were raised with people concerned that taxpayer funds were being used for the purchase. Ms. Bondus asked if it would be possible for some type of public access to the property.

Howard Schuman asked if the town will be voting on this tonight. He said that part of the current Master Plan is to preserve rural space and the Board should consider how the public feels. Union Vale is paying a larger share of the money and we are receiving a bigger benefit. This is tax positive, as it would also not increase the child population in the school district. Other communities have paid more than our town is being asked to pay. This is what the people want.

Art Collings said that opening the property to public can be negotiated into a specific easement. It is unlikely that a state funding preservation project would fund this type of easement.

Mr. Askindson stated he is new to the town, moving here from northern Westchester. He has been involved in planning and zoning in his previous community. He believes that sales of farms are what killed Westchester. He said taxes never stabilize. The cost to educate children is between \$10-15,000.00. That is why taxes go up. The more children there are, it costs more than the tax dollars generated by those properties. This PDR would assist in stabilizing taxes and any future increases to the population.

Candy Anderson said that it is a myth that developers aren't looking in the Town of Washington. Developers from Westchester, New Jersey and Florida. What we are doing here is important.

Zoe Anderson asked if the land could occasionally be used for educational purposes. Mr. Marshall responded that he has hosted 5<sup>th</sup> grade field trips for over thirty years. He would be willing to host them again.

Gary Ciferri said that he has known the Marshall family and farm all his life. He hopes that both Towns see this in a positive sense. He did ask if the deal can be undone. Mr. Collings said that the easements are in perpetuity. The easements are written for the purpose of the land being kept viable for agriculture.

Debra Coddington said that she hears Tim's conflict. She said that this is a huge opportunity for our community and hopes that the more people will stand up and be vocal about this.

Supv. Prisco said that this is a huge decision for the Marshall's. They have a long road ahead of them. The towns, county and state have to all sign on and finally the Marshall's will have to make their decision.

Mrs. Coddington presented a petition of community members in favor of the PDR.

Anthony Sloan is concerned that the alternative is not fiscally great for the town. He does have a concern that the easement could one day be undone.

Mr. Askindson said that this is a form of conservation easement, structured with state and county funds. The government is providing the owner a benefit for the benefit of the community. He asked that the Board please vote positively tonight.

Robert Mahar said that we want this now. The cost is miniscule.

Clark Worswick said he is a professional photographer and lives on Oak Summit Rd. We live in one of the nicest valleys in America. This location is unique, and what the Marshall's have done is a treasure.

Margaret Fettes said she has lived and was born on a farm. She is upset that farms are being lost. She is very supportive of PDR's. Recently, the Town of Warwick passed legislation that would allow the town to raise funds to help with funding of these types of projects.

Jesse Bontecou stated that they are not making more land. Get 'er done.

Frank Genova presented a written statement to Supv. Prisco.

Mr. Baldwin said he gets the feeling that people do not want to see development. Lots of land will benefit being preserved. The town might want to consider a bond act, as not all farms will be able to receive funding from New York State.

Art Collings said that this application was a surprise for the town. Future applications require that they indicate that they have local funding committed to the project.

Fletcher Coddington said that the Board has not yet indicated positively that they would like to do this.

Ms. Farrell asked is there a reason they wouldn't vote tonight.

There being no other comments, on a motion made by Councilman Audia and seconded by Councilman Rappleyea the Board closed the Public Hearing on the requested Purchase of Development Rights at Bos Haven Farm.

Mr. Marshall thanked everyone for their overwhelming support. He said you don't see this type of turnout very often. At the beginning of the process he was surprised and pleased that over 5,000 acres have been preserved in the town through conservation easements. The Town has until July 31 to make their decision.

Councilman Murphy said it is an unusual opportunity for a family to ask the town to help them in making a business decision. The town is honored to be a part of the decision making process. He knows it is a difficult and sensitive decision for the Marshall's to make. We should respect whatever future decision the Marshall's shall make.

Councilman Rappleyea said that we are fortunate to have land owners that have been able to preserve their land. The easement shouldn't be an issue legally. The town recently spent \$400,000.00 to purchase land for ball fields. If this occurs it will relieve the Planning Board of some future decisions. This is a no brainer.

Ms. Valk said that the Town Board must go through the Long Form EAF. The long form is required because Bos Haven Farm is located in an agricultural district. The Board reviewed the Long Form EAF, and made several changes to the document.

On a motion made by Councilman Rappleyea and seconded by Councilman Audia the Board determined that participating in the Purchase of Development Rights of Bos Haven Farm, that there would no adverse environmental impacts and authorized Supervisor Prisco to sign the Long Form EAF document. All ayes were recorded.

The following resolution was offered by Councilman Rappleyea and seconded by Councilman Turletes:

WHEREAS, a request has been made by Tim and Carolyn Marshall, owners of Bos Haven Farm, for the Town to participate in a Purchase of Development Rights for a portion of their property located in the Town of Washington; and

WHEREAS, the project encompasses a total of 270 acres, with 180 acres in the Town of Union Vale and 90 acres in the Town of Washington; and

WHEREAS, the total project cost is \$1,821,250.00 with a Grant award from New York State in the amount of \$1,221,250.00 and an In Kind Contribution from the Dutchess Land Conservancy in the amount of \$25,000. The local match request is \$365,000 - \$340,000 from Dutchess County, a local match from Union Vale in the amount of \$210,000. and \$235,000. and a local match from the Town of Washington in the amount of \$70,000 and \$80,000; and

NOW, THEREFORE, BE IT RESOLVED THAT the Town Board of the Town of Washington agrees to enter into the Purchase of Development Rights for ninety acres of Bos Haven Farm, and to spend up to \$80,000. of Town funds in fiscal year 2008.

The vote was as follows:

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

All ayes were recorded.

Mr. Marshall thanked the Town Board for this opportunity.

Supervisor Prisco had asked Dana Lopergalo to come to the meeting this evening and report on developments in the Town Court and Building and Zoning departments. Ms. Lopergalo said that the court schedule has been revised and she is available Monday through Friday from 1:30 PM to 3:00 PM. Court will be in session on Tuesday evenings, exclusive of the first Tuesday of the month. She has worked with NYS Justice Courts System to amend the grant that was recently received for \$3,500., and is working on a grant application for the current year. She continues to organize the files and archive materials according to NYS requirements. Judge Shequine advised everyone that she feels very fortunate to have Dana as the Court Clerk.

In her capacity as Building and Zoning Clerk, Ms. Lopergalo reported that she has concentrated on organizing the filing system for all departments. She has completed and sent out several property search requests, and is continuing to familiarize herself with the Zoning Code.

Mrs. Hurley reported that the Building and Zoning realignment is moving forward. They are awaiting information on the updated phone system proposal. Mr. Neubauer has started the fire inspection proceedings. They are continually working on individual files for each property, and that they are all working well together.

Supervisor Prisco said that she has received a letter of resignation from Tom Fiore, in his position as Building Inspector. He said he was thankful for the opportunity to have been in this position. Supervisor Prisco said that Tom will be missed in this capacity, and she wishes to thank him for all that he has done.

On a motion made by Councilman Audia and seconded by Councilman Murphy the Board appointed W. James Tyger as Building Inspector. All ayes were recorded.

Mrs. Hurley presented the Town Board with the Bookkeepers Report. The bank balances were complete through May 31, with all revenues receipted through the same date. The Town has received 76% of revenues anticipated for the year. There are several expense lines that will require realignment next month.

The Board of Assessment Review has had two meetings. They are expected to have two more meetings, one in June and one in July if there are any corrections to be made.

Supervisor Prisco stated that New York State Department of Transportation is changing the routes through Millbrook. What was known as Rt. 44A, or the Bypass will now be Route 44. The stretch of road, currently known as Rt. 44, from the Route 44A fork to the Bennett traffic light will now be known as Route 82. The Town had not been informed of any of these changes. Residents living along the stretch currently known as Rt. 44 will have an address change. Dutchess County Department of Emergency Response will be responsible for making the address changes. There will also be a change in traffic patterns by the Gatehouse at Hitchcock's. Traffic will flow through on Route 44, and the stop sign will be moved to the top of Franklin Ave. by the florist.

Nan Greenwood wanted to clarify that the traffic is not being removed from the village. The truck traffic is being rerouted from a commercial part of the village to a residential part of the village. Mrs. Greenwood questioned if this type of change was standard for the DOT. Supervisor Prisco said that she had not received prior notice about the changes and has requested to meet with Mayor Ciferri and a representative from the DOT on the matter.

David Greenwood, Town Historian, said that he is working closely with students from Vassar College on the Underground Railroad. He was also pleased to show a document that shows Clement Haight being appointed as Postmaster in 1870. In other matters, Mr. Greenwood said that John Marona will be the first person featured in the "Service above Self" bulletin board.

On a motion made by Councilman Audia and seconded by Councilman Murphy the minutes of May 10, 2007 were accepted as presented. All ayes were recorded.

Mrs. Alex presented the Town Board with the Tax Collector's report. All town funds have been turned over to the Supervisor and the finalization of the roll will take place with Dutchess County in the next several days. The town had a 97% collection of all funds budgeted, with only 70 unpaid parcels. The total amount of money collected for the Town and County was \$5,972,025.90.

Mrs. Alex advised that in her capacity as Village Trustee she recently meet with representatives from Alamo. They are proposing to charge a monthly fee beginning in August, changing to an annual rate in January. We have requested rates from them if the Village provides the ambulance and Alamo provides the personnel. The Village is waiting to hear if that is a viable option. Rates have also been requested from Northern Dutchess Paramedics. A discussion ensued regarding Alamo's promise not to charge any additional fees in the year 2007. Councilman Rappleyea asked Mrs. Baravalle if she could provide the tape of Alamo's statements. It is hoped that the Village will request that Alamo stand by their original statement not to charge any fees more fees for this year.

Supervisor Prisco said now that she is a senior, she has been invited to the Senior Picnic held at the Town Park. This is event t is co-hosted by the Dutchess County Office of the Aging and the Town. There were many opportunities for residents to receive information on items of interest to seniors. It was a wonderful event put together by Warren and the Office of the Aging staff.

Highway Superintendent Brownell reported that the new dump truck has been delivered. He is very pleased with it. This allows him the opportunity to take the older dump off the road and the small pickup truck will go to the park for Tom's use.

Most of the areas damaged by the April rain storm have been repaired. He has been meeting with representatives from FEMA. There is a bit of paperwork involved, but it appears that all of the money expended for this storm will be returned to the town.

Councilman Murphy said that it is business as usual for the ZBA and the Planning Board. One of the items before the ZBA is a portable wind tower at the IES. A variance is needed due to the height of the tower.

In regards to the Wetlands Amendment, the document has been given to a focus group. He anticipates that by mid July he will have their input and will proceed from there.

The Park Development Committee has been formed. The members are Councilmen Murphy and Rappleyea, Warren McMillan, Dan Wilbur, Debra Coddington, David Whalen, Steve Alex, Dirk Jan Rosse and Doug Marr. A meeting will be scheduled for later this month.

Councilman Audia reported that the painting of the fire escape has been completed and the front railing will be scraped and painted in the next few weeks. He has requested information on the soffets and phone systems and hopes to report on them next month. Mrs. Hurley said it was recommended by Mike Kohut to paint or power wash the cement area around the bottom of the building that is stained by rust and other matter.

Mrs. Baravalle asked if the Master Plan committee has been initiated. Supervisor Prisco said that a committee has been suggested by the Planning Board. Our zoning calls for the Planning Board to initiate the Master Plan update. Discussions will take place and the Town Board will make the final determination of the committee. Mr. Schuman said that he was concerned that the committee was not broad based and wants all people to be given an opportunity to be involved. Councilman Rappleyea sited the rescue committee and the recreation/parkland committee as two areas with a diverse group of individuals. He added that the Town wants a committee to be able to function and he would not place someone on a committee that he did not know anything about.

A special meeting is being held on June 26<sup>th</sup> at 7:00 PM to further discuss what zoning amendments the town board would like to move forward on.

At 9:40 PM, on a motion made by Councilman Murphy and seconded by Councilman Turletes the Board moved into Executive Session. At 10:35 PM on a motion made by Councilman Rappleyea and seconded by Councilman Audia the regular meeting resumed.

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

Gen Fund A	\$110,112.48
Gen Fund B	\$514.60
Fund R	\$38,383.00
Highway Fund DB	\$76,310.70
Fund T	\$1,987.50

All ayes were recorded.

There being no other business, on a motion made by Councilman Rappleyea and seconded by Councilman Turletes the meeting was closed at 11:40 PM. All ayes were recorded.

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Mary Alex, Town Clerk