

Town of Washington  
Town Board  
August 12, 2010

The Town Board of the Town of Washington held its regular meeting on Thursday, August 12, 2010, 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 Turlletes, Robert Audia and William Murphy, Town Clerk Mary Alex, Highway Superintendent James Brownell, Bookkeeper to the Supervisor Laura Hurley and Attorney John Gifford.

Also present were Howard Schuman, Joan Trombini, Frank Genova and David Conklin.

Supervisor Prisco opened the meeting with the Pledge of Allegiance. She asked for a Moment of Silence in memory of Terry Bartel, a longtime community member who directed the senior programs in our community. At her funeral service she was likened to a Greek warrior that carried a large sword, but had a heart of gold. Supervisor Prisco said that a bright star in our community has dimmed.

Supervisor Prisco said that she is very appreciative of the two recent donations made to the Town by the Tribute Garden Foundation. They provided \$50,000.00 for the park development project and a \$5,000.00 donation for bus transportation to the park.

Supervisor Prisco said that the Town has received a grant in the amount of \$25,000.00, from the NYS Ag and markets department, to provide farmland protection in the town. Supervisor Prisco advised the Board that she is working on the formation of a committee. It will be kept on the agenda and she will keep the Board informed of her progress.

The Board was made aware of the storm damage that occurred at the Town Park on July 16<sup>th</sup>. Several trees were blown over and other trees had large limbs broken off, which damaged one of the fences. Supervisor Prisco thanked the highway crew for the swift cleanup of the area. The town has submitted an insurance claim and has received reimbursement for the fence repair and the highway department labor and equipment use. Supervisor Prisco said that there were people at the park at the time of the storm and we were fortunate no one was driving through the entrance road where the trees fell. There are two additional trees that will be removed.

Supervisor Prisco acknowledged a request from Mayor Hurley about the Village being able to request assistance from the Conservation Advisory Commission. Mayor Hurley said that the Village does not have a CAC and the Town has an experienced CAC. In the event that the Village planning Board or ZBA required assistance, they would like to be able to call on the CAC for their knowledge. Mayor Hurley said this would be another avenue of cooperation between the town and village. Mr. Genova said he thought this was a wonderful approach and that 3

members of the CAC are village residents. On a motion made by Councilman Audia and seconded by Councilman Turletes the Board authorized the Conservation Advisory Commission to assist the Village of Millbrook, the Village Planning Board or the Village Zoning Board of Appeals, when requested. All ayes were recorded.

Supervisor Prisco advised that the Public hearing for the local law to add alternate members to the Zoning Board of Appeals and the Planning Board remains open. She asked if there were additional comments and none were made. On a motion made by Councilman W. Murphy and seconded by Councilman Turletes the Public Hearing was closed. All ayes were recorded.

### **RESOLUTION**

Councilman Audia 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 AMEND THE ZONING CODE TO: (a) ADD A NEW SECTION 421 "ALTERNATE MEMBERS TO THE ZONING BOARD OF APPEALS"; AND (b) ADD A NEW SECTION 431 "ALTERNATE MEMBERS TO THE PLANNING BOARD"; and

WHEREAS, a public hearing in relation to said local law was opened on July 8, 2010 at 7:00 p.m., Prevailing Time and continued until August 12, 2010, on which date the public hearing was closed; 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;

WHEREAS, this action is a Type II action under the State Environmental Quality Review Act, 6 NYCRR 671.5(c)(20).

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

**TOWN OF WASHINGTON LOCAL LAW NO. 1 OF THE YEAR 2010**

Section 1. The Zoning Code of the Town of Washington is amended to add a new section 421, which shall read as follows:

**SECTION 421. ALTERNATE MEMBERS TO THE ZONING BOARD OF APPEALS**

The Town Board may appoint up to two (2) alternate members to the Zoning Board of Appeals, with each such position having a term of one (1) year, for purposes of substituting for a member(s) in the event such member(s) is absent or unable to participate because of a conflict of interest. All provisions relating to members of the Zoning Board of Appeals, including training, continuing education, attendance and compensation apply to alternate members.

The Chairman shall determine when an alternate member shall substitute for a member on any particular application or matter before the Board. Once designated, the alternate member shall possess all the powers and responsibilities of the member being substituted. The minutes of the Zoning Board of Appeals shall reflect the meeting at which the substitution is made.

Section 2. The Zoning Code of the Town of Washington is amended to add a new section 431, which shall read as follows:

**SECTION 431. ALTERNATE MEMBERS TO THE PLANNING BOARD.**

The Town Board may appoint up to two (2) alternate members to the Planning Board, with each such position having a term of one (1) year, for purposes of substituting for a

member(s) in the event such member(s) is absent or unable to participate because of a conflict of interest. All provisions relating to members of planning boards, including training, continuing education, attendance and compensation apply to alternate members.

The Chairman shall determine when an alternate member shall substitute for a member on any particular application or matter before the Board. Once designated, the alternate member shall possess all the powers and responsibilities of the member being substituted. The minutes of the Planning Board shall reflect the meeting at which the substitution is made.

Section 3. Supercession.

Pursuant to §22 of this state's Municipal Home Rule Law, the provisions of this law are intended to supercede any inconsistent provisions of state or local law, including those of the following sections of New York State Town Law governing Zoning Boards of Appeal and Planning Boards: Town Law §§267 and 271.

Section 4. 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 M. Murphy	Absent
Councilman Audia	Aye
Councilman W. Murphy	Aye

Supervisor Prisco said that the Public Hearing for Local Law No. \_\_, regarding Wetlands and Watercourses is still open. The Public Hearing will be continued on Thursday, September 23, 2010, at the Millbrook Fire House, beginning at 7:00 PM.

Mr. Conklin said that there is public interest in the subject and asked does it justify a mailing to the community. He suggested that the town put forth a summary mailing, as it is significant and far reaching with a complex series of steps to change land usage. Supervisor Prisco said that she will relay his comments to Councilman M. Murphy.

Supervisor Prisco asked the Board if they wished to pursue additional funding through the Community Development Block program. The application is due in October, and the town is obliged to hold a Public Hearing if they choose to make an application. Supv. Prisco suggested they could apply for funding for walking path at the park. On a motion made by Councilman Audia and seconded by Councilman Turletes the Board scheduled a Public hearing for Thursday, September 9, 2010, to hear any suggestions from the public for CDBG funding. All ayes were recorded.

Supervisor Prisco advised the Board that Legislator Kelsey called her before he went on vacation to advise her that the Legislature has voted for the proposed charge backs to the towns for costs related to elections. The estimated cost to the town is \$9,500.00. He did not have any information on other charge backs such as the Sheriff's department or garbage costs.

Mayor Hurley invited the Town Board members to attend the August 24<sup>th</sup> meeting of the Village Board to discuss matters of mutual concern. The meeting will begin at 7:00 PM.

Bookkeeper Hurley presented the Town Board with the monthly bank balances and revenue and expense reports. Budget preparation memos will be sent to each department within the next few weeks. There is an increase in retirement expenses in 2011 and the general insurance rates are also showing as an increase. The Board scheduled the first budget meeting for Monday, September 20th at 7:00 PM.

Town Clerk Alex noted that the Town Board has all received a copy of the Bond Resolution for the Highway Department grader. The bond is in the amount of \$59,000.00. The Notice of Estoppel will be published in the Poughkeepsie Journal by Town Clerk Alex.

The following resolution was offered by Councilman Audia , who moved its adoption, and seconded by Councilman Turletes, to wit:

BOND RESOLUTION DATED AUGUST 12, 2010

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$59,000 SERIAL BONDS OF THE TOWN OF WASHINGTON, DUTCHESS COUNTY, NEW YORK, TO PAY A PORTION OF THE COST OF THE PURCHASE OF A VEHICLE AND RELATED EQUIPMENT AND APPURTENANCES FOR THE HIGHWAY DEPARTMENT

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Washington, Dutchess County, New York, as follows:

Section 1. The purchase of a John Deere 670 motor grader and related equipment and appurtenances for the Highway Department of the Town of Washington, at a maximum estimated cost of \$159,000, being a class of objects or purposes having a period of probable usefulness of fifteen years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law, is hereby authorized.

Section 2. The total maximum estimated cost of the aforesaid objects or purposes is \$159,000 and the plan for the financing thereof is by the issuance of not to exceed \$59,000 bonds of said Town hereby authorized to be issued therefor pursuant to the Local Finance Law. Of the balance of such maximum estimated cost, \$85,000 will be paid from the Town's capital equipment reserve fund and \$15,000 will be credited by trade in allowance.

Section 3. It is hereby further determined that the maximum maturity of the bonds herein authorized will not exceed five years with respect to the object or purpose described in Section 1 above.

Section 4 The faith and credit of said Town of Washington, Dutchess County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law, and shall be signed by the Supervisor pursuant to section 61:00 (a) of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town and shall be signed by the Supervisor pursuant to section 61:00 (a) of the Local Finance Law. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7 The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9 This resolution, which shall take effect immediately, shall be published in summary form in The Poughkeepsie Journal, which is hereby designated as the official newspaper for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Supervisor Prisco	Aye		
Councilman Audia	Aye		
Councilman Turletes	Aye		
Councilman W. Murphy	Aye	Councilman M. Murphy	Absent.

Highway Superintendent Brownell reported to the Board that Valley Farm Road has been paved. They put down 3600 tons of material in two days. There were 22 trucks on the road, and he appreciates the assistance of the other towns enabling them to complete the job so quickly. He said that North Tower Hill Rd. was seal coated on Monday. Mr. Brownell said that the new employee, Wayne Gruntler, is working out well.

Mr. Conklin said he was surprised to learn that the town had 30 miles of dirt roads. He has lived on one for 26 years and he has seen the worst of them. Major improvements have been made in the last 10 – 15 years. He is surprised by the level of disrespect for dirt roads by the people driving on them. He said he was concerned that with the more improvements to the dirt roads, the faster people speed. The faster the people speed, the faster the deterioration and safety of the road. There should be guidelines for good citizenship of drivers on dirt roads. Residents should also consider the effects of multiple delivery trucks and service vehicles such as a lawn mowing crew with a trailer of equipment. This all affects the road including the environmental issues such as dust. He raised the issue of established speed limits. Councilman Audia said he is the chair of the Roads Committee, along with Highway Superintendent Brownell and Councilman Murphy. He said these are valid issues and they will incorporate the comments in their study.

On a motion made by Councilman Audia and seconded by Councilman Turletes the minutes of June 10 and July 8 were accepted as presented. All ayes were recorded.

Town Clerk Alex advised that the monthly reports were received and filed by the Town Clerk, Court Clerk, Landfill Clerk, Building and Zoning Departments and the Recreation Department.

Town Clerk Alex has provided the Town board members with changes being made in dog licensing requirements. New York State will no longer be the central location for licensing, and all local municipalities will be required to pass a local law by January to continue to issue dog licenses. The Town will be required to establish fees, provide tags and maintain its own database. The Board will need to determine the fees they wish to charge. Licensing fees are to be used for costs associated with dog control, including the expenses associated with the dog control officer, administration of licensing and related expenses.

Councilman Turletes reiterated that Terry Bartel will be missed by the recreation department. She was a valued volunteer and he knows that Warren appreciated all her efforts through the years. The camp program has finished for the season, and with 175 campers it was a very manageable camp. The recreation commission will use the number 175 campers during their budgeting process. The bus lease saved the town about \$2,000.00, and Warren would look to continue this arrangement as long as he is employed by the town. They used the bus to take two trips and it worked well. The summer soccer and basketball clinics were successful, as was the tennis program. The recreation department has a special thank you to Joe and Kay Coogan for all that they do to allow us to have a very successful tennis program. The pool will close on August 22<sup>nd</sup>, and at this time the recreation department is not advocating to extend the pool hours. He said the pool pass sales were up this year. Pool pass fees have not been raised in four years, and they will look at increasing fees in the upcoming year.

Supervisor Prisco read the following statement from Tom Beaumont, Co-Chair of the Comprehensive Plan Committee: "The Comprehensive Plan Update process continues. We have modified the web site to hopefully make it more "user" friendly. The sub-committees are now engaged in the process of adding to the Action/Goals of the May 22, 2010 meeting. Our consulting firm, River

Street, has begun to write the Action/Goals narrative, which will include input from the sub-committee as stated above. The resulting document will be available for public comment.

Please include your letter to the newspapers and this letter in the Town Board's meeting minutes." Councilman Audia noted that by plan, there weren't any meetings scheduled for July or August.

Councilman Audia has received a quote for painting the building and is seeking quotes for replacing the side door. Hopefully, they will all be available for the September meeting.

Regarding the Road Committee, he expects that by the end of September they will have met, and in October establish a plan of action.

Councilman W. Murphy reported on the park expansion progress. Landworks of Hudson Valley has seeded the bank, and has put in temporary retention ponds to alleviate some of the runoff. Clearwater has screened all of the topsoil and has started to spread it on the field. We should begin to see grass in September.

Supervisor Prisco requested that the Board read the memo regarding the Cablevision contract prior to the next meeting.

On a motion made by Councilman Turletes and seconded by Councilman Audia the Board moved into Executive Session to discuss a legal matter. All ayes were recorded. On a motion made by Councilman Audia and seconded by Councilman Turletes the regular meeting resumed. All ayes were recorded.

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

- Gen Fund A
- Gen Fund B
- Highway Fund DB
- Other Fund
- Other Fund

All ayes were recorded.

There being no other business, on a motion made by Councilman Audia and seconded by Councilman Turletes the meeting was closed at 10:45 PM. All ayes were recorded.

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Mary Alex, Town Clerk