

**TOWN BOARD  
TOWN WASHINGTON**

September 13, 2007

The Town Board of the Town of Washington held its regular meeting on Thursday, September 13, 2007, at the Town Hall, Reservoir Drive, Millbrook. Supervisor Florence Prisco called the meeting to order at 7:00 PM with the following present: Councilmen Allan Rappleyea, Michael Murphy and Robert Audia, Town Clerk Mary Alex, Bookkeeper to the Supervisor Laura Hurley, Assessor W. James Tyger, Highway Superintendent James Brownell, Recreation Director Warren McMillan. Attorneys Rebecca Valk and Janice Gomez-Anderson from Van de Water and Van de Water. Councilman Turletes was absent.

Also present were Planning Board members Tom Beaumont, Jim Shequine, Bob Alley, Don Hanson and Matthew Rochfort, Town Historian David Greenwood, ZBA member Jerry Baker, Kate Farrell, Scott Tumblety, Howard Schuman, Elizabeth Logan-Baravalle and Ilana Nilsen.

Supervisor Prisco opened the meeting with the Pledge of Allegiance. Following the Pledge, she asked for a moment of silence in honor of the victims of September 11<sup>th</sup>.

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

Mrs. Hurley, Bookkeeper to the Supervisor, advised the Board that she had met with Mark Kopilak of Accounting Associates, and they have completed the cash allocation and separation program. She has completed KVS updates in the bookkeeping software, as well. The revenue and expense reports were presented to the Town Board. The revenue report shows that the Town has received almost 100% of its projected revenue, and the expenses are as expected. To date, the town has received one mortgage check.

The budgetary process has started. Mrs. Hurley has met with several department heads regarding their budgets. The tentative budget is due to the Town Clerk by September 30. The Town Board scheduled a special meeting on Monday, October 1, at 7:00 PM to review the preliminary budget.

Supervisor Prisco said that the Town Board has 5 public hearings on the agenda this evening. There should have been six; however one of the laws was not publicized completely.

The Board scheduled a Public Hearing for October 11, 2007, at 7:00 PM at the Town Hall, for TOWN OF WASHINGTON LOCAL LAW NO. \_\_\_ OF THE YEAR 2007, A LOCAL LAW TO AMEND THE ZONING LAW OF THE TOWN OF WASHINGTON.

On a motion made by Councilman Rappleyea and seconded by Councilman Audia, the town Board opened the Public Hearing for Local Law \_\_\_ of the Year 2007, A LOCAL LAW ESTABLISHING A FIRE AND PREVENTION AND BUILDING CODE OF THE TOWN. All ayes were recorded.

As the companion law will be fully noticed for the October meeting, on a motion made by Councilman Audia and seconded by Councilman Rappleyea the Board moved to adjourn the Public Hearing until October 11, 2007. All ayes were recorded.

On a motion made by Councilman Rappleyea and seconded by Councilman Audia the Town Board moved to open the Public Hearing for Local Law \_\_\_ of the Year 2007, A LOCAL LAW ADOPTING LAND SUBDIVISION REGULATIONS FOR THE TOWN OF WASHINGTON. All ayes were recorded.

Ms. Valk explained that the only significant change to the law pertains to Section 32.8 regarding driveways. Driveways will now be required to have any area large enough to turn around and not back out onto a public highway. The reason for the adoption of a local law for the subdivision regulations is that the NYS Legislature requires that subdivision regulations now be adopted by local law.

Planning Board Chairman Beaumont requested that in Section 15 the following language be added “appropriate to the Planning Board.” This sparked a discussion as to whether the language changed the original intent of the local law that was adopted. While everyone understood that the Planning Board can use Greenway as a tool, it does not in any way give up the town’s autonomy. The Board will clarify whether adding the language will change the intent of the law and the discussion will continue next month.

Town Clerk Alex said that on page 12, in regard to street names, the town follows guidelines set forth by the Dutchess County Department of Emergency Response. It was agreed that the subdivision regulations should be consistent with local policy. The Planning Board can submit to the Town Board a request for a name. The Town Board, by resolution, approves a name to be submitted to Dutchess County Department of Emergency response. The county reviews the request and will approve or deny the name.

On a motion made by Councilman Audia and seconded by Councilman Murphy the Board moved to adjourn the Public Hearing for a Local Law Adopting Land Subdivision Regulations for the Town of Washington until October 11, 2007. All ayes were recorded.

On a motion made by Councilman Murphy and seconded by Councilman Audia, a motion was made to open the Public Hearing for Local Law \_\_\_ of the Year 2007, A LOCAL LAW AMENDING THE ZONING CODE OF THE TOWN OF WASHINGTON, DUTCHESS COUNTY, NEW YORK, TO DELETE SECTION 327A “PRIVATE CEMETERIES OR BURIAL PLOTS” AND TO DELETE ALL REFERENCES TO SECTION 327A. All ayes were recorded.

Ms. Valk said that while cemeteries and burial plots were allowable in some zones, they will no longer be permitted in any zones.

Chairman Beaumont said that in making the recommendation to the Town Board, the Planning Board considered that some cemeteries and burial grounds have fallen into disrepair. With poor record keeping it is unknown who the responsible party is to maintain the area. There may be health concerns, as well as water issues. If areas are let to fall, the town may be required to be responsible for the maintenance of a cemetery. He added that this law does not pertain to cremations.

Mr. Tumblety stated that he doesn't agree that health problems come into play. He always has believed that what dies in a forest ends up there. He stated that this is taking away the rights of a property owner, and locks a person into the expense of a funeral. He added that from a historical point of view, it is historically significant to allow an ancestor to be buried on family land.

On a motion made by Councilman Rappleyea and seconded by Councilman Audia the Board adjourned the Public Hearing until October 11, 2007, deleting cemeteries from the code. All ayes were recorded.

On a motion made by Councilman Rappleyea and seconded by Councilman Audia the Board opened the Public Hearing for Local Law\_\_\_of the Year 2007, A LOCAL LAW OF THE TOWN OF WASHINGTON, DUTCHESS COUNTY, NEW YORK "ILLCIT DISCHARGES TO STORM SEWERS." All ayes were recorded.

Ms. Valk explained that the Town of Washington is not an MS4 community under the Department of Environmental Conservation. The Planning Board believes that in the next several years the town will be required to adopt similar regulations. The proposal before the Board covers the full gamut and the town can decide if they wish to adopt in whole or in part.

Bigger towns are seeing a development boom, and have adopted similar regulations previous to DEC requirements. This proposal speaks to:  
Illicit discharge – prohibits pollutants and hazardous materials  
Illicit connections – drains and sinks  
Failing septic systems – pollute their properties and neighbors  
Activities contaminating storm water – pet waste, commercial and industrial uses, construction and maintenance plans.

Councilman Rappleyea inquired about the threshold. Ms. Valk advised that it is wholly or partly in urbanized areas.

Chairman Beaumont gave the example that this would be important in a subdivision bordering the Wappinger Creek. He believes this will also go hand in hand with the Comprehensive Plan.

Ms. Farrell asked who would enforce this. Ms. Valk said many towns appoint a storm water management enforcement person. It is usually a town engineer or zoning administrator.

Mr. Schuman asked that the town consider closely adopting these regulations. The law puts a layer of protection between the town and a violator.

The Planning Board would like the town to adopt this prior to being required to adopt the regulations. The DEC has delays in responding due to staffing shortages.

Mrs. Nilsen asked would disturbance of land for a long blacktopped driveway be subject to the regulations. Ms. Valk said that activities involving SPDES permits, or the disturbance of land greater than one acre would fall within the threshold of regulations. In the above instance, a storm water pollution discharge system would be required to be submitted with a site plan application.

On a motion made by Councilman Audia and seconded by Councilman Rappleyea the Board moved to adjourn the Public Hearing for Illicit Discharges to Storm Sewers to the October 11, 2007 meeting. All ayes were recorded.

On a motion made by Councilman Murphy and seconded by Councilman Rappleyea the Board moved to open the Public Hearing on A LOCAL LAW OF THE TOWN OF WASHINGTON, DUTCHESS COUNTY, NEW YORK "STORMWATER MANAGEMENT AND EROSION & SEDIMENT CONTROL." All ayes were recorded.

Ms. Valk explained that this legislation would pertain to all new construction activities or land development of a particular threshold to control erosion. The DEC requirement is for lands over 1 acre. Other towns have adopted regulations for disturbance over a half an acre. Exemptions are for:

Single family homes not part of a subdivision

Repairs to storm water management facility as a repair for a Town of Washington  
Land Development activities for plans previously approved.

This law provides for detailed inspections during and after construction and maintenance inspections. This may be a lot of work administratively. There are two provisions that have been added to the legislation for local protection. One is to indemnify the town if the DEC fines the town, and the second is to establish an escrow account where the consulting expenses are at the burden of the applicant.

Councilman Rappleyea asked if we could communicate with other municipalities to see where they have had difficulties, so we can try to avoid some of the same problems.

Mr. Tumblety said that erosion can get out of hand with heavy machinery. Ms. Valk said that there are steps to be taken during a construction project to mitigate for erosion control. Councilman Murphy said that is part of the Planning Board review process.

Mrs. Barrett said that the monitoring can get overwhelming.

That is something that the Board has to consider if they wish to adopt this type of legislation. The enforcement piece must be considered during the budgetary process.

Mr. Baker said that there have been two large construction projects in the community that has had retention areas for water: The high school and the infirmary. At the high school the contractor has had to correct several deficiencies.

Councilman Audia said that the Zoning Board of Appeals has put restrictions on variances, and it was policed by the ZBA.

Mrs. Baravalle said that there was a property owner on Chestnut Ridge Road that had clear cut trees from his property. This created ecological damage to another property owner. Would this legislation help the town from this type of thing happening. Ms. Valk replied that activities that include clearing, grading and excavating would fall under the threshold of the proposed legislation.

On a motion made by Councilman Rappleyea and seconded by Councilman Murphy the Board moved to adjourn until October 11, 2007, the Public Hearing for Storm water management and erosion and sediment control. All ayes were recorded.

Supervisor Prisco advised that while all the Public Hearings have been adjourned to next month, they may be adjourned further if required. The Town should have by October any responses that might be forthcoming from Dutchess County Planning.

Supervisor Prisco said that the Planning Board has made a request that the Town Board consider a Moratorium of one year on subdivisions creating more than 4 lots. (5 lots and above.) Having a moratorium will be helpful as they move forward with a Comprehensive Plan. It may be enacted for one year and be extended if the town shows progress on the comprehensive plan. The Planning Board currently has a subdivision application before them, the Bancroft subdivision, with 4 lots, so it would not fall within the moratorium. It was noted that if the Board decided to introduce a moratorium for greater than 3 lots the Planning Board advised that they believed that the Bancroft subdivision application has vested rights, due to the application being approved and accepted by the Planning Board. After a brief discussion it was decided that Ms. Valk will prepare Town proposed legislation for the Board's review at their Sept. 24<sup>th</sup> special meeting.

Supervisor Prisco advised that the meeting scheduled for September 24, will begin at 6:00 PM. The purpose of the meeting is to meet with Michael Haggerty, a local

man that is a grant writer. He was successful in grant applications for the Town of Amenia, and would like to talk to the town about his service.

Councilman Murphy said that the Wetlands Committee will be meeting the first week in October, for review of the document with Attorney Gifford.

Supervisor Prisco requested that Councilmen Murphy and Rappleyea contact The Chazen Cos. to move forward with the plans and designs for the parkland. Councilman Murphy agreed. The Board discussed the increase in the number of children participating in the soccer program. Mr. McMillan said that the program is now land strapped. Using the Millbrook Central School fields has not been a good option, as we are competing with their programs for space. The lacrosse program in town has increased, and will have a need for fields. Councilman Rappleyea said he will follow through on this.

Mr. McMillan presented the Board with an end of season park and pool report. Revenue is up from 2006, even with a decrease in non resident passes. Total pass revenue was \$22,360.00. Some of the highlights of the report are:

Tom Fiore continues to do an outstanding job. He is in his 11<sup>th</sup> season.

Circulation system worked well throughout the season.

The break policy, removing everyone from the pool has helped decrease lost children.

Pavilion rentals were up.

Cara Whalen, as head life guard, was extremely responsible.

Snack bar concerns were addressed in a positive way. (menu choices/prices)

Mr. McMillan has received a quote from Steve Estremera, owner of Total Ceramic Tile and Marble, to tile the men's and women's bathrooms at a total cost of \$2,000.00. Mr. Estremera has done tile work in the town hall, as well as the kitchen at the park. His cost is mostly for the material and the labor is a donation of services.

On a motion made by Councilman Murphy and seconded by Councilman Audia, the Town Board accepted the bid of \$2,000.00 from Total Ceramic Tile and Marble for tiling the bathroom floors at the park. All ayes were recorded.

On a motion made by Councilman Rappleyea and seconded by Councilman Audia the Board appointed W. James Tyger as Sole Assessor for the period of October 1, 2007 through September 30, 2013. All ayes were recorded. Supervisor Prisco thanked Jim and Laura for all of the work they have done and the time they have put in. It doesn't look like a part time job.

Highway Superintendent Brownell requested permission to seek bids for highway materials. He would also like to seek bids for two surplus dump trucks. He would have a minimum bid on the trucks. On a motion made by Councilman Rappleyea and seconded by Councilman Murphy the Board approved Mr. Brownell's request to seek bids for highway material and to sell surplus equipment. All ayes were recorded.

Hwy. Sup't. Brownell reported to the Board that he has received \$46,000.00 in multi-modal funds for road repair projects. The town will also be receiving from FEMA approximately \$75,000.00 to cover the expenses the town has laid out due to the state of emergency earlier in the year.

Councilman Audia said that he is beginning to receive prices for painting the town hall versus a vinyl siding. The bids for painting are rather high. He hopes to have samples of the vinyl materials at the next meeting. He is also requesting prices for gutter repair above the portico. Tom Fiore will be contacted to provide an estimate for the repair of the structure over the outside stairwell.

As Historian, Mr. Greenwood asked that if the town were to use a vinyl covering that the wood underneath be in good repair. Also, the town might want to consider a vinyl similar to what is currently on the building. Councilman Rappleyea said that in the Board's decision making they have to consider that painting will have to be done several times over the years. Vinyl would have a very low impact to the community.

Before making any decisions on the phone system, the town is waiting on information from a company called Update Technology. The town has information from two companies, one being an OGS contract, therefore if the town chooses to go with them, bidding is not a requirement.

On a motion made by Councilman Audia and seconded by Councilman Murphy the minutes of August 30, 2007 and April 30, 2007 were approved as presented. All ayes were recorded.

Town Clerk Alex reported that Cub Scout Pack 31 has offered to yard clean up at the Town Hall as part of their community service program. They will be working on the afternoon of Saturday, October 13<sup>th</sup>.

Historian Greenwood announced the History Harvest at the Poughkeepsie Congressional Church and the Quaker Meeting House in Poughquag. He will be participating in both events, which are specific to the Underground Railroad.

Supervisor Prisco advised every one of several other meetings that they should be aware of:

Sept. 19 – Public Informational meeting regarding the County Infirmary Property

The meeting will be held at the Millbrook Fire House at 7:00 PM

Sept. 27 – Comprehensive Master Plan Committee Meeting 7:30 PM, Town Hall

Mr. Schuman asked whether the Mabbettsville Gas Station should be allowed to reopen or if their special use permit has expired. In his opinion, the safety and well being of the village drinking supply and other wells in the area should be taken into consideration. Water in the area has been contaminated by that property. Mr. Burnett, the owner of the station, has appeared before the Planning Board. Ms. Valk said that her office had been asked for an opinion, which they have provided to the Planning Board.

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

Gen Fund A	\$101,707.05
Gen Fund B	\$1,191.71
Youth Rec Fund CR	\$10,326.08
Highway Fund DB	\$144,333.72
Fund TF	\$805.00
Justice Grant	\$233.00
TOTAL	\$258,524.56

All ayes were recorded.

There being no other business, on a motion made by Councilman Murphy and seconded by Councilman Rappleyea, the meeting was closed at 10:55 PM. All ayes were recorded.

---

Mary Alex, Town Clerk