

Town of Washington  
Town Board  
April 16, 2009

The Town Board of the Town of Washington held its regular meeting on Thursday, April 16, 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 Howard Schuman, Jim Shequine, Frank Genova, Dutchess County Legislator Margaret Fettes, Janine Stankus, Richard Cantor, Adelaide Camillo, Anthony and Eleanor Sloan, Felice Manzi, Cathy Culkin, Joseph Velletri, Brad Roeller, Nan Greenwood, Catherine Webb, David Dunlop, Kevin Murphy, Tom Barger, Joshua Mackey, Julia Widdowson, Michael Klemens, Matthew Rochfort, Bob Alley, Alec Pandaleon, Steve Van Tassel, Kate Farrell, Scott Tumblety, Jim Tyger and Warren McMillan.

Supervisor Prisco opened the meeting with the Pledge of Allegiance.

Supervisor Prisco advised that the Public Hearing on the proposed Wetlands Ordinance remains open. She asked that people not be repetitive or rude. Councilman Murphy said that this proposition has been in the works for three years. The original draft has been revised and condensed based upon the original public input. This is the fourth public hearing, and he expects that we are towards the end of the process.

Supervisor Prisco has received correspondence from R. W. Ciferri stating that the "State of New York currently has laws of this kind on the books which are enforced by the DEC and other regulatory agencies" and that a "disturbing section of the proposed law is the part referring to vernal pools...." He finished by saying that "I believe the Town of Washington would be better served without this law. Finally, I would urge the Board to keep the Public Hearing open on this subject until all the issue have been thoroughly explored and understood." His letter is on file as part of the public record.

R. Stephen Lynch submitted an email to Supervisor Prisco that said "I am generally in favor of including the kind of Vernal Pool provisions which Mike Murphy is suggesting in the Town's Wetland Ordinance." His email in on file as part of the public record.

A faxed letter was received from Stephen Kaye regarding the Wetlands Law. He said the "problem with the vernal pool is two fold. First, there is uncertainty in people's minds as to how to identify a vernal pool. Second, there is the concern that the protections afforded by the legislation may be overly restrictive in certain circumstances." He went on to say that all vernal pools should be identified and provided a process on how this should be done including a notification to property owners of the

presence of vernal pools and the implications it might have on their property. He suggested that there be some type of appeal process from the findings. Mr. Kaye cited *Lucas v. Coastal Commission of S. Carolina*, a takings case “that found that a line drawn in the sand without any process for airing grievances and without an opportunity to be heard as the where the line was drawn violated Fifth Amendment property protections. If the foregoing procedures are followed, I believe the problems created by drawing a 100 foot line around a vernal pool can be mitigated.” Mr. Kaye’s letter is on file as part of the public record.

Howard Schuman said that due to the increased awareness and concern about vernal pools in the ordinance, an Ad Hoc Committee from Millbrook Matters distributed a petition requesting that the Town Board approve the resolution as recommended by the committee and shown on the website. Mr. Schuman submitted an online petition with over 100 signatures. Mr. Schuman said that he hopes the Board takes action tonight.

Mr. Pandaleon said he didn’t know much about the issue, but he hopes that the town is taking positive steps to support farming. The town has agreed to the purchase of development rights of Mr. Marshall’s farm and he hopes that this law does not limit or hurt farmers.

Councilman Murphy replied that farms have agricultural exemptions and are not subject to unreasonable zoning restrictions.

Ms. Hoppen commended the committee for doing an excellent job. They have done a better than average job and have worked hard to listen. It is important to mention vernal pools in the ordinance; because they are intermittent they are fragile. This would put the brakes on premature action that might happen out of ignorance. The wetlands do good things to protect the environment and vernal pools do too.

Mr. Manzi said that this is another obstructionist movement to restrict what people can do with their property. Supervisor Prisco asked if he meant the whole legislation or specifically vernal pools, and he replied vernal pools.

Mr. Tumblety said that on the definition page, wetlands are described as all geographic areas greater than a quarter of an acre. In his opinion that includes vernal pools. It addresses the unspecific nature of the language. The buffer zone of 100 feet on more than an acre is basic common sense. A wet area for better part of a year, one would not want to encroach in the buffer zone. In regard to Mr. Kaye’s letter he said that the procedure is laid out if it becomes a regulated activity. They have to go the Planning Board and the procedure is already there. There is no need to throw in extra wheels.

Mr. Cantor, an Attorney with Teahan and Constantino, representing Rob Dyson said he is not here to speak against protecting the wetlands or vernal pool. He requested that the Board not act this evening with SEQR on the local law and not to close the Public Hearing. He suggested that the town allow for individuals to have two weeks to submit

written comments. He apologized for being regrettably late; however he was just brought in by his client.

Mrs. Greenwood said that she is a volunteer for the Vernal Pool identification project. There is a misconception that all vernal pools will wreak havoc on property owners. As a volunteer that has accessed the pools, it seems that most are inconsequential. Not all vernal pools are essential. It seems a great concern that property owners are threatened. She has visited 5 properties and the owners have been very open.

Mr. Sloan said he wouldn't mind hearing a brief summary by Mr. Cantor.

Mr. Cantor provided a summary of his thoughts.

- There is a spectrum of vernal pools and wetlands of significance which should be protected.
- The town should create an ability that would distinguish not useful to the important areas.
- When made, the controlled area of 100 feet is arbitrary and inappropriate. Some might need 10 feet and some 1,000.
- The standard for when you get the permit needs to be modified if you're not harming the function of a vernal pool or wetland. The law is now backwards. Would the proposed activity interfere with the functioning of that wetland?
- There should be a built in provision to relocate or move a vernal pool or wetland if it is the only way in or out of a property.
- An aerial photo is not possible to be accurate. You need to have your feet on the ground looking at them to understand the function and identification of a vernal pool.
- You should tailor the law to the reality found in the town.
- Use the SEQR process. The current EAF doesn't contain the impacts of this law until you know where and how the wetlands and vernal pools function. How does the law impact subdivision of land, valuation impact, construction and development, these are real SEQR issues.
- He suggested that the town wait until you find what you have before passing the law. What are the impacts on the town? He said this is an incredibly beautiful town that already has impacts of affordability. Work with more insight and more information.

Dr. Klemens, a Research Conservationist at the Cary Institute of Ecosystem Studies presented a position statement from the Institute. He said that he has met, provided written commentary and discussed the issue with many people, both proponents and those that are skeptical about the ordinance. Dr. Klemens said "that while he commends the Board on its deliberative process – not wishing to take action in haste – there does come a time when the absence of a legislative action is in fact a decision in and of itself." He has put together a series of responses to address some of the concerns heard over the last year. The full text is on file as part of the public record.

**“Why does Washington need this law? Aren’t our wetlands already adequately protected?”**

Waters that are connected to riparian systems...are considered waters of the United States and are regulated by the Army Corp of Engineers. Freshwater wetlands that are 12.4 acres in size or larger are regulated by the NY DEC. ....In the Hudson Valley and southern New York, smaller wetlands are disappearing at an alarming rate....and valuable ecological services are lost. Fortunately, New York State enables local regulation on these smaller wetlands and a growing number of towns in the Hudson Valley are adopting home rule regulatory authority over smaller wetlands. While many towns...have adopted these regulations, they were adopted too late to have significant impact on maintaining the rural character and high property values that are characteristic of ...Dutchess County. While I am concerned about wetlands from an ecological perspective, the presence of wetlands, working landscapes, and other forms of open space so prevalent ...have a collateral benefit of making these communities very desirable places to reside, which in turn keeps property values high.

**Vernal pools are poorly understood systems and therefore the Town is embarking on a dangerous and uncharted pathway by including them in this regulation.**

Vernal pool are wetlands, and they can be defined by a variety of methodologies, as wetlands and ...as a specific wetland type known as vernal pool. There is an extensive amount of peer reviewed scientific literature on vernal pool, their ecology, and how to develop them in an ecologically sensitive and responsible manner....As wetlands, vernal pools are encompassed by home rule wetland ordinances in New York State – in my experience no community has ever opted to eliminate a specific ecological type of wetland from an ordinance.

**Regulating vernal pools would usurp the powers of the Planning Board.**

Nothing in the proposed wetlands ordinance is prohibitive per se, rather the ordinance gives the Washington Planning Board the authority to examine smaller wetlands as part of their deliberation process.....The more tools a planning board has, the more flexible and creative they can be at actually enabling planning, as opposed to just reacting to applications. I therefore view this ordinance more correctly as strengthening the Washington Planning Board’s home rule authority.

**Protecting small wetlands and vernal pools will result in legal challenges.**

As I stated...it has been my experience that most legal challenges to vernal pool protection result in an agency overstepping its regulatory authority. Basically it’s not the laws that are generally defective; it’s the application of those laws by overzealous, protective town officials that often result in legal challenges....The Trumbull Homes Article 78 lawsuit brought forth against the Town several years ago was challenging the

absences of a “hard look “ as required by SEQRA. Vernal pools were only one of the 15 environmental compliance issues that were raised by the plaintiff.

**Let’s wait until the Klemens study is complete before we act.**

I appeared before this Board earlier this year to brief you on the study that the Cary Institute is conducting in partnership with Cornell and over fifty citizen volunteers to assess vernal pool quality in the Town. As the basis of the study, which is now at about fifty vernal pools on private land, we used the “Hudsonia map” that is part of the Town’s natural resource data base. Some of the preliminary data are very interesting – several areas identified as vernal pools were either not pools, but other types of wetlands, or were dry. This is not unusual, and all such resource maps need to be ground truthed, either as part of a larger on the ground study, or by wetland studies that are required as part of any subdivision application.....Using the ongoing study as a reason not to act is unsupported, both by goals and purposes of the study, as well as its lack of comprehensive coverage of the Town.

**Vernal pool protection is part of a conspiracy.**

The Cary Institute provides the science behind environmental solutions. As much as we provide information and guidance that is objective and informed by peer-reviewed research. My role at the Cary Institute is to provide guidance to municipalities who are grappling with how best to foster and protect a healthy environment to the benefit of all species, including our own, while allowing for economic growth and progress. I recognize that advocates on both sides of an issue may interpret what I say, therefore I have taken the time to clearly state in writing my position to the Board.”

Dr. Klemens also said that vernal pools are wetlands and can be identified. A vernal pool is a specialized form of wetland. The buffer is regulated area not a prohibitive area.

Mr. Cantor responded by saying that if as Dr. Klemens said a vernal pool is a wetland than the ordinance does not need to state vernal pool. Also, the definition area has no minimum size – not ¼ acre. The interpretation given is “you can’t build there.” The DEC staff for all practical purposes says you can’t do anything.

Mr. Manzi said this is a big hurdle that will cost property owners a big expense. People won’t be able to afford it.

Mr. Tumblety said he sees vernal pools as a sub-category. He doesn’t get the argument that they’re regulated separately. He said it is up to an individual to do their due diligence.

Mr. Shequine said that in Mr. Beaumont’s absence he is speaking on behalf of the Planning Board. The Town Planning Board is an agency of the Town Board. We are anxious to see a wetlands law. The members are in favor of having regulations with

vernal pools. We do not have the form to regulate them. They're not all identified or classified. Our position is to withhold for a moment for us to do the job we need to do.

Supervisor Prisco asked does he mean to hold up the ordinance until the study is done thoroughly. Mr. Shequine said we should not be wishy washy in regulations. We do not step in boundaries and we do not mitigate.

Councilman Murphy said the applicant or town will hire a professional. The Town Board will go to RFP to hire a consultant. That professional will be hired by the town to work with the Planning Board and Zoning Administrator. They will bring observations back to the Planning Board as part of the process.

Supervisor Prisco said it sounds like some vernal pools will not be looked at in Dr. Klemens study. Mr. Shequine said the Planning Board wants regulations to work with.

Mr. Genova said he is a CAC member, a resident and an agronomist. The professional will be at the applicant's expense. We are all ignorant. He has been on two committees – one with tremendous opposition and one with success. A vernal pool can be a wetland if you want it to be. A soil map shows what is established in the record of hydric soil. This identifies the streams in Dutchess County. This law is nebulous and confusing.

Mr. Van Tassell said that under agricultural law you have to stay away from any wetlands. You wouldn't be likely to plant corn in a hydric soil.

Mr. Genova showed a copy of the "Millbrook Independent" and asked how will we regulate?

Ms. Camillo said that Nan's point is well received. There is lots of fear about regulating. It seems like regulation is going to take back one's land. She was outraged by Mr. Kaye's editorial. It is irrational. It is up to Fussy and the Board to learn more and appreciate that we do not need to fear this. Do you want to protect the water? It does require coming out of oneself and see the benefits for the whole community. She said she wanted to point out an error made by Mr. Ciferri. The DEC does not control these areas.

Supervisor Prisco said she wants to reply to one of Dr. Klemens statements. The town wants to get as much input from everyone. It is not the Board's intent to delay an action. We want to hear from all. The Board has not yet reached a decision.

Ms. Culkin said she has come here concerned and skeptical. She is just becoming aware of Vernal Pools. The people are just beginning to hear about it and understand them. She asked that the town not close the Public Hearing.

Ms. Camillo said there have been well attended public hearings. She is amazed at the support, including farmers and excavators. There are ways to do this positively.

Mr. Van Tassell said that he is an owner and operator of a dairy farm, and at some point in the future he is going to be a developer. He has looked at the overlay map and 40% of his 200 acres has wetland involvement. 50% of that is man made disturbances, including one designed and made in the middle of his dairy farm. This legislation will devalue his property. "It is a form of taking my private property rights. The town will need to re-determine my assessment." He is not speaking against wetlands, but the vernal pools are undefined. He said when he can't farm anymore the property will be developed. He added that Mr. Genova has been sidestepped in committee. He said that the major wetlands are protected. There is no large water issue. The Planning Board is very scrupulous and it is out of hand.

Mr. Schuman said he is glad to hear that the Planning Board is in favor of vernal pools and something to be regulated. He doesn't agree that the study needs to be waited for. If the Klemens study didn't exist the applicant would come to the Planning Board and the issues would be addressed by an individual case.

Supervisor Prisco asked Dr. Klemens when he thought his study would be finished. Dr. Klemens said that he is looking at only about 50 vernal pools, so therefore it is not comprehensive and hard to extrapolate different parts of town. The biological study should be finished by May 1. The project might be finished by the end of the year. The south eastern portion of the town is not represented. He would welcome the ability to access properties. Some people have been difficult to track down. Only two people have said definitely not. They have tried hard to reach those that have not responded.

Mr. Genova said that the first indication of vernal pools in the ordinance is March 4<sup>th</sup> of this year. Councilman Murphy said that is not accurate.

Ms. Farrell responded to Mr. Van Tassell, Mr. Dyson's representative and Mr. Ciferri regarding property values. Are we so certain that homes won't be valuable? We allow for clustered property with open space. There are places with natural resources protected.

Mr. Sloan said it is your responsibility to weigh development vs. open space. If you do develop, as a fiscal impact residential isn't so good.

Supervisor Prisco said she intends to keep the Public Hearing open. She would like the Board to sit and talk about the law. The Town Board scheduled a workshop meeting for Thursday, April 30<sup>th</sup> at 7:00 PM to discuss the proposed Wetland Ordinance. The Public Hearing will continue on May 14<sup>th</sup>.

Mr. Shequine provided a Comprehensive Plan update. They have completed the tentative final written review by the sub-committees and will be embarking on the questionnaires. The strategy at this time will be to first send an introductory statement

that will educate the people that will receive the questionnaire. It will be useful and pleasant to read. The information will be passed out to groups, such as churches, employers, civic groups to get people educated. They will strongly review the questions, as the intent is not to lead them.

Legislator Fettes reported that Dutchess County has gone to bid to replace part of their fleet that needs updating. Bonds have been approved for roadwork and bridges.

Town Clerk Alex advised that she and Mr. McMillan attended a meeting regarding the Community Development funds that the town will be receiving for handicapped accessibility at the park. There are specific steps that are required to be taken in order to access the funds. The town will be soliciting for a project administrator to oversee the project, as suggested by DC Planning.

On a motion made by Councilman Audia and seconded by Councilman Turletes the Public Hearing was opened on the proposed full Environmental Assessment Form for the Town Park Expansion. Both the NYS DOT and DEC have consented to the Town Board acting as lead agency for the project.

Kevin Murphy asked if a baseball field will be built when there isn't a baseball program through recreation. No, the field area will be graded as if there will be a field there in case the need arises in the future.

There being no additional comments, on a motion made by Councilman Audia and seconded by Councilman Turletes the Board moved to close the Public Hearing regarding the negative declaration. All ayes were recorded.

## **TOWN OF WASHINGTON TOWN BOARD**

### **NEGATIVE DECLARATION NOTICE OF DETERMINATION OF NON-SIGNIFICANCE**

#### **Expansion of Park located at 3744 Route 44, Town of Washington, New York**

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

WHEREAS, the Town Board proposes to make improvements to the Town park located at 3744 Route 44, and such improvements include a new multi-use athletic field for soccer, lacrosse and baseball; and

WHEREAS, by resolution adopted on March 12, 2009, the Town of Washington Town Board has determined that this action is a Type I action pursuant to 6 NYCRR Part 617 of the NY State Environmental Quality Review Act (SEQRA) and has declared its intent to act as Lead Agency in this matter; and

WHEREAS, the Town Board has caused the preparation of a Full Environmental Assessment Form; and

WHEREAS, the Town Board has circulated its intent to be lead agency, along with a copy of the Full Environmental Assessment Form, to all involved agencies; and

WHEREAS, all involved agencies have indicated that they do not object to the Town Board acting as lead agency in this matter; and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOW,

A. The Town Board declares itself Lead Agency for review of this action under SEQRA; and

B. The Town Board has reviewed the action and all relevant supporting documentation and has compared the action with 6 NYCRR 617 and has determined that no significant adverse impacts associated with the proposed action have been identified. The Board offers the following information supporting and substantiating this determination:

1. The action will not result in a substantial adverse change in existing air quality, ground or surface water quality, traffic or noise levels; a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems.

2. The action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movements of any resident or

migratory fish or wildlife species; impacts on a significant habitat area; substantial impacts on a threatened or endangered species of animal or plant or the habitat of such a species or other significant adverse impacts to natural resources.

3. The action will not create a material conflict with the community's current plans or goals as officially approved or adopted. The expansion of land available for use by Town residents for recreational activities is in furtherance of the community goals.

4. The action will not result in the impairment of the character or quality of important historical, archeological, architectural or aesthetic resources of the existing community or neighborhood character.

5. The action will not create a hazard to human health.

6. The action will not cause a substantial change in the use or intensity of use of land, including agricultural, open space or recreational resources or in its capacity to support existing uses.

7. The action will not result in the creation of a material demand for other actions that would result in one of the above consequences.

8. The action does not involve changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.

BE IT FURTHER RESOLVED THAT the Town of Washington Town Board acting as Lead Agency has examined the impacts which may be reasonably anticipated to result from the adoption of the proposed local law, and has determined that these actions will not have any significant adverse impact on the environment and that a Draft Environmental Impact Statement need not be prepared.

BE IT FURTHER RESOLVED THAT the Town of Washington Town Board hereby issues a Negative Declaration pursuant to the requirements of the State Environmental Quality Review Act.

BE IT FURTHER RESOLVED THAT the Town of Washington Town Board hereby authorizes the filing of this Negative Declaration pursuant to the requirements of

the State Environmental Quality Review Act as contained in its regulations at 6 NYCRR 617.12.

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

This Negative Declaration is adopted this 16<sup>th</sup> day of April, 2009, and is ordered into the record for the expansion of the Town Park.

Kevin Murphy, Tom Barger and Molly Sager appeared before the Board to discuss the reduced park hours. Mr. Murphy said that by reducing the hours to 6:00 PM it cuts off the use of the pool for working families and senior citizens that like to swim when the pool is not so busy. This year with many families not having the ability to travel the use of the pool will be a benefit to them. Mr. Murphy asked why construct the fields if park use will be restricted. Mr. Murphy asked that the Board reconsider the reduction of park hours. A petition was submitted by Mr. Murphy requesting that the town reconsider the proposal to close the town pool at 6 p.m. Many of us are long time residents who purchase season passes and look forward to swimming during the week after work with our families. There were 49 signatures submitted.

Supervisor Prisco said that the town is facing budgetary constraints this year. Both mortgage tax and sales tax revenues were expected to be decreased. During the budget process the town looked at all areas of operation. Recreation is one of the wonderful parts of our town. The recreation programs and the park have consistently been run in the red, and the town was trying to make the most reasonable changes. Charging more to non-residents for recreation programs and reducing the park hours were ways to close the gap. The Board did not want to reduce the pool hours and it is the hope that things will get better and the hours could be expanded. The numbers have shown that the pool is under utilized during the last two weeks of August, and it is also difficult to have 18 year old life guards at this time of year, as many are back in college. There are also less people using the pool in the evening than any other time of day. The Board understands the balance of bringing in revenue versus the enjoyment of the patrons.

Councilman Turletes asked if they had spoken with Mr. McMillan about this. Mr. Murphy said no, we are here tonight. Mr. Barger asked if the town would consider keeping the pool open until 7:00 PM so working people could have some use of the pool. He said he can't see the expansion of the park because it will be a money pit. Supervisor Prisco replied that to stop the development at this point when we have donated funds is not valid.

Ms. Sager said that Warren does a phenomenal job. She understands the reason to cut back the hours in August. She said that the filtration system makes a big difference in the pool and how clean it is.

Supervisor Prisco said the Board will discuss their request in two weeks at the workshop meeting scheduled for April 30<sup>th</sup>.

On a motion made by Councilman Turletes and seconded by Councilman W. Murphy the Recreation Commission By-Laws were accepted as presented.

**The Town of Washington  
Recreation Commission  
BY-LAWS**

**Mission Statement**

The Town of Washington Recreation Commission is guided by the following principles. Our goal is to provide community-based recreation for all segments of the population without bias to race, income, age, gender, or ability. The community is defined as residents of the Town and /or the Millbrook Central School District. Residents of our community will enjoy activities as participants as well as in volunteer and paid staff positions. Recreation programs are conducted at the lowest reasonable cost to the community. The Commission cannot sponsor any program that will result in profit to any private enterprise.

**Article I**

**Commission Membership**

- Section 1      The Commission shall consist of seven members who are residents of The Town of Washington.
- Section 2      Said members shall be approved by Town Board and shall serve a term of seven years per appointment.

**Article II**

**Commission Officers**

- Section 1      The Commission shall elect at its annual meeting, by majority vote of a quorum of its membership, a President, a Vice-President, a Secretary and a Treasurer.
- Section 2      The officers will comprise the Executive Committee.

- Section 3 The term of office is two years. Elections in even numbers are for President and Treasurer. Elections in odd years are for Vice-President and Secretary.
- Section 4 A majority vote of the Commission Members is necessary to remove a person from office during their term of office.
- Section 5 The President shall preside at all meetings of the Commission and of the Executive Committee. In the absence of the President, the Vice-President presides in his/her place.
- Section 6 The Secretary shall keep the minutes of all meetings and see that said minutes are filed with the Town Clerk of the Town within two weeks of the meeting.
- Section 7 The Treasurer shall report to the Commission at each monthly meeting, the budgeted balances and vouchers to be paid as provided by the Town Bookkeeper, and make recommendations as necessary.

### **Article III**

#### **Executive Committee & Special Meetings**

- Section 1 A special meeting will be called of the entire Commission to act upon a special decision when necessary.
- Section 2 The Executive Committee shall be entrusted with full power of the Commission when a special decision is necessary and a quorum of the Commission cannot be formed.
- Section 3 Upon the lack of a quorum at a special meeting the President can ask the Executive Committee to go into session. A quorum of three officers will be necessary at an Executive Committee meeting to act upon issues.

### **Article IV**

#### **Committee Membership**

- Section 1 Committees will be appointed by the President and consist of at least one member of the Commission. Outside community members may be asked to serve on a sub-committee based on their area(s) of expertise.
- Section 2 The Recreation Director acting as ex-officio to all committees can be authorized to collect and expend moneys as necessary by the President of the Commission.
- Section 3 Duties of the committees shall be defined by the members of the Commission at a regular meeting of the Recreation Commission.
- Section 4 The President shall be an ex-officio member of all committees.
- Section 5 Standing committees shall be as follows Nominating, Scholarship, Long-Range Planning, Budget, and Summer Camp. These committees shall be made up of at least three members appointed by the President.

### **Article V.**

#### **Meeting & Notifications**

- Section 1 Regular scheduled meetings will be the first Thursday of every month. Time and schedule shall be established at annual meeting.

- Section 2 The annual meeting will be the first Thursday of December.
- Section 3 Each member shall be notified by phone of the regular monthly meeting.
- Section 4 A quorum consisting of a majority of Commission members (4 members) will be necessary to conduct a meeting.
- Section 5 Members who miss three consecutive meetings and/or special events will be submitted to the Executive Committee for potential removal or stay with reason.
- Section 6 If a member cannot attend any meeting and/ or special event that member they shall be responsible for providing notification to the President and/or Recreation Director and provide reason for absence.
- Section 7 All meetings are open to the Public and shall be conducted by Roberts Rules of Order. Personnel matters specific to an individual can be discussed in Executive Session. Policies such as summer camp hours etc. are not in Executive Session.

## **Article VI. Fund Accountability**

- Section 1 A Recreation Accounting Procedures policy is filed with the Town Clerk. All written policies shall be followed under the direction of the Recreation Director
- Section 2 All funds received by the Commission and held by committees will be deposited to the credit of the Town of Washington in a depository approved by the Town of Washington.
- Section 3 All funds will be accounted for by the Recreation Director. The Assistant Recreation Director shall submit a detailed report within one month of the close of an event or program.

---

## **Article VII. Recreation Director**

- Section 1 The Commission shall employ a Director whose function is to carry out the goals of the Recreation Commission.

- Section 2 The Director will report to the Commission at its regular meeting, the status of events and upcoming events.
- Section 3 The Director will be an ex-officio member of all committees.
- Section 4 The Commission shall employ an Assistant Recreation Director whose responsibilities are to carry out the direction of the Recreation Director. The Assistant Director will serve as Acting Recreation Director upon the absence of the Director.
- Section 5 Job descriptions and the performances of the Recreation Director and Assistant Recreation Director will be reviewed annually and kept on file with the Town Clerk.

### **Article VIII. Budget Allocation**

- Section 1 Allocation of expenses will be designated by a majority vote of the Commission in the form of a budget submitted at the September meeting. This budget will then be submitted to the Town Board for recommendations and approval. The Town Board has final authority over all financial matters relating to the Town including recreation.
- Section 2 With approval of the President, the Director may spend money as needed to run a function but the expense may not exceed the amount allocated to that function.

### **Article IX. By-Law Amendment**

- Section 1 The by-laws may be amended by a quorum of the Recreation Commission at a regular scheduled meeting as long as the agenda of the publicly announced meeting states that it is an agenda issue.

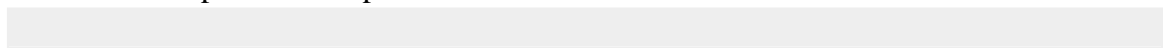
### **Business Policy and Practices**

The following are the business policy and practices of the Town of Washington Recreation Commission of Millbrook, New York. The following practices are the accepted manner by which the Commission will conduct any financial agreements or arrangements. These agreements generally will be between the Town of Washington, as represented by the Recreation Director, and vendors or suppliers for supplying goods and services needed to conduct sponsored activities.

## **Article I**

- Section 1 All payments or authorizations to pay or expend under any recognized activity sponsored by the Recreation commission must follow Article VIII of the Recreation Commission By-Laws.
- Section 2 The defined Policy & Practices shall be reviewed at the June meeting of the Recreation Commission.
- Section 3 Articles within the Business Policy & Practices may be amended at any scheduled announced meeting.
- Section 4 All bills/invoices/orders shall be sent to the business address of the Recreation Commission. The business address of the Recreation Commission shall be:  
Town of Washington Recreation  
PO Box 970  
Millbrook, NY 12545 Phone # 845-677-8278 Fax: 845-677-8278  
E Mail towrecreation@Yahoo.com

## **Article II**

- Section 1 Payment of submitted invoices or bills shall require a signature by either the Treasurer and or the President of the Recreation Commission.
- Section 2 In the absence of the President, the Vice-President may sign.
- Section 3 Only the Recreation Director and or the Assistant Recreation Director may purchase goods and/or services approved by the Recreation Commission.
- Section 4 All invoices and bills will be presented at the regular monthly meeting for Commission member review.
- Section 5 All pricing and /or discount policies must be stated on the registration form for any program or event. Any exceptions to this policy shall be approved by a majority vote of the Commission.
- Section 6 A fee waiver/scholarship program is available to help defray costs of recreational programs for families in financial need. The fee waiver form is attached.
- Section 7 Good faith efforts should be to plan and make purchases for a program or event 45 days prior. This is to adhere to NYS General Municipal Law best policies and practices for disbursements.
- 

These By-Laws were adopted by unanimous vote of Recreation Commission on January 8, 2009.

All ayes were recorded by the Town Board. This resolution and By laws were adopted on April 16, 2009.

On the recommendation of the Recreation Commission and on a motion made by Councilman Turletes and seconded by Councilman Audia the Board appointed Christopher Muscari to the Recreation Commission for a seven year term. All ayes were recorded. Mr. Muscari has been a coach for lacrosse, soccer and basketball, and will be an asset to the recreation program.

Mr. McMillan advised the Board that he has received an anonymous donation of \$1,000.00 towards the scholarship fund. The yoga program will begin on Monday at the Village Hall. The Easter egg hunt was a huge success. Currently there are about 80 children signed up for the summer camp program.

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

#### RESOLVED

IT IS HEREBY RESOLVED that Van De Water and Van De Water, LLP, David D. Hagstrom, Esq., of counsel, is authorized to enter into a Consent Judgment reducing the total tax assessment for Janice Glaser-Silverstone (Grid No. 6664-00-260862) from \$1,925,000 to \$1,825,000 and reduce the improvement assessment from \$1,105,000 to \$955,000 and increase the land assessment from \$820,000 to \$870,000 and the agricultural exemption from \$602,933 to \$702,933, as stated in the attached proposed Consent Judgment whereby refunds will be without interest if paid within sixty (60) days after service of the Consent Judgment (Order) with Notice of Entry, and David D Hagstrom and James Tyger are authorized to sign such papers and documents as are necessary to effectuate this settlement.

All ayes were recorded.

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

#### RESOLUTION

IT IS HEREBY RESOLVED that Van De Water and Van De Water, LLP, David D. Hagstrom, Esq., of counsel and James Tyger, Town Assessor are hereby authorized to enter into the Consent Judgments in regard to the assessment rolls of 2006, 2007 and 2008, copies of which are attached hereto, in regard to the property of Alexandra Marshall and to sign such documents and papers as are needed to effectuate the settlement.

All ayes were recorded.

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

#### RESOLUTION

IT IS HEREBY RESOLVED that Van De Water & Van De Water, LLP, David D. Hagstrom, Esq., of counsel and James Tyger, Town Assessor are hereby authorized to enter into the Consent Judgments in regard to the assessment rolls of 2006, 2007 and 2008, copies of which are attached hereto, in regard to the property of Millbrook Winery, Inc. and to sign such documents and papers as are need to effectuate the settlement.

All ayes were recorded.

Mrs. Hurley presented the Board with bank balances through March, as well as the revenue and expense reports. She highlighted the fact that the town received \$6,000. more in revenue from Cablevision than anticipated.

Mrs. Hurley requested that the town look at upgrading the accounting system. The upgrades that are required for the KVS system would mean that the town would have to upgrade its server. The cost would be about \$5,000. She would like for Mr. Shequine to meet with the Board to go over the specifications.

Mrs. Hurley presented the Board with a copy of the preliminary Village of Millbrook budget. There is an increase to town residents due to the change in rescue services from 5 days to 7 days. The final public hearing on the budget is April 28<sup>th</sup> at the Village hall.

Mr. Brownell reported that the Highway crew has been doing a lot of grading and filling on the roads. They are still rough, but improving every day. Supv. Prisco named a committee to look at the roads and come back with some ideas as to what improvements should be made. The committee consists of Mr. Brownell and Councilmen W. Murphy and Audia.

On a motion made by Councilman Audia and seconded by Councilman Turletes the minutes of March 12, 2009 were accepted as presented.

Town Clerk Alex reported that monthly reports were filed by the Town Clerk, Justice Court, Zoning Administrator and Building Inspector.

Supervisor Prisco reminded everyone that there is an open community forum on Saturday at the fire house called Resources for Recovery. It will feature information and resources for people looking for information during this recession.

Councilman Audia reported that he had met with Mr. Spagnola regarding the state of the furnace. More detailed information will come prior to the budget.

The following claims were accepted as presented:

Gen Fund A	\$97,025.53
Gen Fund B	\$896.87
Youth Rec	\$3,412.78
Highway Fund DB	\$94,408.34

All ayes were recorded.

There being no other business, on a motion made by Councilman Turletes and seconded by Councilman Murphy the meeting was closed at 11:00 PM. All ayes were recorded.

---

Mary Alex, Town Clerk