

Town of Washington
Town Board
October 14, 2010

The Town Board of the Town of Washington held its regular meeting on October 14, 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 Turletes, Michael Murphy, 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 Ron Galente, Michael Schultz, Kyle Mooney, Karen Mosca, Frank Genova, Joshua Mackey, Howard Schuman, Joan Trombini and County Legislator Mike Kelsey and Rob Dyson.

Supervisor Prisco opened the meeting with the Pledge of Allegiance. Supervisor Prisco asked for a moment of silence in memory of Charlie Devers, a long standing citizen, who served as a councilman for many years. He was a sage and wise man, which mentored those of us following in his wake. Charlie is a gentleman that will be remembered fondly and greatly missed. Supervisor Prisco also for silent thoughts a we are thankful for the safe rescue of all the Chilean miners.

County Legislator Kelsey spoke about some of the issues the legislature is addressing. They voted in favor of the construction of dorms for Dutchess Community College. Leg. Kelsey said he voted against the construction as he preferred to serve the local community and would have preferred the addition of satellite sites around the County. The Legislature had two veto overrides concerning the Dutchess County Jail: housing the inmates out of the area and a bond for security upgrades. Legislator Kelsey voted against the \$3.5 million dollar bond. He said he understands we need to do something, but why spend that kind of money on upgrades when we are uncertain what we will be doing for a jail facility. He said that local crime is on the rise including alcohol related cases and domestic violence. Councilman Audia said that he reads that other county jails are empty. Legislator Kelsey said that we can't send our prisoners to Ulster County. Other jails can pick choose the type of prisoners they will accept in their facility and where they come from. Mr. Schultz asked if there is any data on the number of inmates that are US citizens vs. non-citizens.

Legislator Kelsey said that the legislature is also reviewing the Resource Recovery Agency and will hiring an independent consultant for more information. Two directors from the RRA have resigned and there will be a changeover in staff. A bond and contract are due in 2014 and a second bond expires in 2027. The RRA is not solvent and the county tax payer foots the bill for the gap. Flow control measures and user fees are being discussed. Mr. Kelsey said that user fees are not tax deductible and he would prefer it be part of the budget so it can be deducted. The facility was never designed to accept all of the garbage generated in the county.

The Towns should have all received a copy of the 57 page report on the DC Board of Elections which includes cost saving measures and other observations. A Citizens Advisory Committee has been formed to address Domestic Violence concerns. One suggestion is GPS tracking rather than electronic monitoring.

The Legislature hasn't seen the 2011 budget. They are hearing about consolidation of departments and upper level staff. The budget is expected to be bare bones and charter oriented. The County is in tough shape and all expenses will be reviewed. Mr. Schuman asked how the DC Farm and Home Center will be affected. Mr. Kelsey said that some agencies there are contract agencies and are concerned about funding.

Highway Superintendent Brownell said the bid openings for Highway materials were on Wednesday. There were less bids were received this year than last year, but overall the vendors held their prices. The bid prices for salt, which are bid through NYS, were down \$3.00 per ton from last year to \$64.11.

On a motion made by Councilman Audia and seconded by Councilman W. Murphy, based on the recommendation of Highway Superintendent Brownell the following bids were accepted for highway material for the period of November 1, 2010 – October 31, 2011:

Number 2 Fuel Oil, Diesel truck fuel and unleaded gasoline: Jeff Daley and Sons
Liquid Calcium: James Reed Sales
Road Oils: Peckham Materials
Blacktop: Dutchess Quarry
Crushed Stone: Dutchess Quarry
Sand and Gravel: Red Wing and Darling based upon availability and length of haul

All ayes were recorded.

Supervisor Prisco thanked the Highway Department for their assistance with the removal of trees at the town park and their work at the ball field. She appreciates their help. Supervisor Prisco will be meeting with Dan Weller, Tom Fiore and Matthew Rollins to determine the type of landscaping that should be placed along the driveway and by the pool. Supervisor Prisco said she is requesting donations for landscaping at the park and would welcome any and all donations from the community.

Councilman M. Murphy discussed the wetlands legislation. He requested that the Board continue to keep the public hearing open. There has been some new materials presented and issues raised, and he would like the committee to review the information. He will try to have a workshop meeting of the committee in early November, and another Public Hearing can be scheduled after that. The full Town Board was in agreement. Mr. Dyson said the Board should be in no hurry to adopt this. Mr. Schuman said he has submitted statistics to the town with regard to the wetlands ordinance. He said the number one item on the comprehensive plan survey was to protect the water and aquifers. Mr. Schuman submitted a copy of an online

survey signed by 160 residents urging the Town to adopt the wetlands ordinance. Mr. Schuman also expressed his concern that the vernal pools are not being included on the map.

On a motion made by Councilman Audia and seconded by Councilman W. Murphy the Town Board opened the Public Hearing on the Local Law to extend the Moratorium for an additional year. All ayes were recorded.

At 7:55 PM, on a motion made by Councilman Turletes and seconded by Councilman Audia the Board moved into Executive Session to discuss a personnel matter. All ayes were recorded. At 8:10 PM, on a motion made by Councilman Audia and seconded by Councilman W. Murphy the regular meeting resumed. All ayes were recorded.

On a motion made by Councilman M. Murphy and seconded by Councilman Audia the Board appointed Paul Schwartz to the Planning Board to fill the unexpired term of Robert Alley with the term ending 12/31/2012. All ayes were recorded.

On a motion made by Councilman Turletes and seconded by Councilman M. Murphy the Board appointed Lisa Schwartz to the Planning Board to fill the unexpired term of Thomas Beaumont with the term ending 12/31/2011. All ayes were recorded.

Mrs. Mosca brought the Town Board up to date on the Comprehensive Plan Committee. The committee will be establishing their monthly meeting as either the first Monday or the 2nd Wednesday of the month. Their committee meetings will be held from 6:00 PM – 8:00 PM. The next committee meeting date is November 1, 2010, at the Town Hall beginning at 6:00 PM. They will try to establish their agenda and have it placed on the website, along with more information on the website. They have scheduled a community meeting for December 11th from 9:00 am – 12 noon at the Millbrook Fire House. Their goal is to have a draft of the final Visioning Statement by the end of the meeting. Ms. Farrell has offered to work on the advertisements of meetings with emails, posters and notices sent from school. Mrs. Alex said that she has received complaints from people that were on the Town email list; because it was not a blind copy and other people were sending responses or comments to all recipients. She is working on that issue with the computer consultant. She continues to recommend to residents that they sign up for the town e-news subscription to ensure they receive all notices, as that is the preferred method of notification. Mrs. Mosca said that a lot has been accomplished in a short amount of time. Mr. Schuman said that the new committee is off to a good start. He commented that the December 11th date was not good with holiday events and requested that the committee move it to January.

Supervisor Prisco appointed the following residents to the Farmland Protection Resource Committee: Diane Parker, Tim Marshall, Harry Baldwin, Dawn Hew, Stephen Hew and Councilman Bob Audia. The charge to the committee is to thoroughly investigate the scope of the Farmland Protection grant and what it means to the Town if we accept the \$25,000.00, and a possible recommendation to the town on how to proceed.

Supervisor Prisco said that she has been receiving resumes for the Special Prosecutor position. The Board had a discussion on how the interviews will be conducted, and it was decided that Supervisor Prisco and Councilman M. Murphy, along with either Mr. Gifford or Ms. Valk will conduct the interviews. The letters of interest are due later this month.

On a motion made by Councilman Turletes and seconded by Councilman Audia the Town Board will hold a Public Hearing on Thursday, November 4th, 2010, at 7:00 PM, at the Town Hall, to hear any and all comments regarding the renewal of the franchise agreement with Cablevision. All ayes were recorded.

The Board had a brief discussion on the new dog legislation moving the licensing of dogs from the NYS Division of Ag and Markets to a solely local administration. They also discussed the enumeration of dogs in the community. Councilman M. Murphy suggested a campaign with the local vets.

Mrs. Hurley, Bookkeeper to the Supervisor, presented the Town Board with monthly bank balances, revenue and expense reports, and information on mortgage tax revenues. Mrs. Hurley advised that the town has received its CHiPs reimbursement.

Supervisor Prisco asked if there were any comments on the moratorium. No comments were offered.

RESOLUTION

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

WHEREAS, a local law was introduced entitled A LOCAL LAW OF THE TOWN OF WASHINGTON, DUTCHESS COUNTY, NEW YORK TO EXTEND LOCAL LAW #4 OF THE YEAR 2007 "A LOCAL LAW OF THE TOWN OF WASHINGTON, DUTCHESS COUNTY, NEW YORK TO AMEND THE ZONING CODE OF THE TOWN OF WASHINGTON TO ADD A NEW SECTION 395 ENTITLED 'REGULATION FOR AN INTERIM PERIOD OF DEVELOPMENT AND USE OF LANDS AND BUILDINGS' " FOR AN ADDITIONAL YEAR; and

WHEREAS, a public hearing in relation to said local law was held on October 14, 2010 at 7:00 p.m., Prevailing Time; and

WHEREAS, notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

WHEREAS, said local law has been on the desks of the members of the Town Board of the Town of Washington for at least seven (7) days, exclusive of Sunday;

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

TOWN OF WASHINGTON LOCAL LAW NO. 2 OF THE YEAR 2010

Section 1. PURPOSE

The Interim Development Law, adopted as Local Law No. 4 of 2007, became effective upon filing with the New York State Department of State on November 16, 2007. By its express terms the Interim Development Law was due to expire one (1) year from the date of filing, or November 16, 2008.

Subsequently, the Town Board adopted Local Laws in both 2008 and 2009, extending the term of the moratorium for one (1) additional year, to November 16, 2009 and then to November 16, 2010.

The Town Board, the Comprehensive Master Plan Review Committee and all sub-committees, along with the Town's consultants all continue to study, review and consider the content of the Town's future master plan. During the last year, the Comprehensive Master Plan Review Committee and all of its sub-committees conducted extensive research, met on a regular basis to discuss, evaluate and debate the research gathered, and public "visioning" sessions were held to allow for community input.

Upon completion of the proposed master plan, the document will be reviewed pursuant to the State Environmental Quality Review Act and, upon adoption of the new master plan document, necessary companion updates, if any, to the Town Zoning Code will be prepared.

Inasmuch as the Comprehensive Master Plan Review Committee, the Town Board and the Town's consultants will require some additional time to finalize a draft master plan proposal, undertake SEQRA review, set a date(s) for public comment, and adopt the new master plan document and any necessary companion updates to the Town Zoning Code as recommended by the Comprehensive Master Plan Review Committee, much of which will take place after November 16, 2010, the Board deems it prudent to extend the expiration date of the Interim Development Law for an additional one (1) year period to provide the Board

sufficient time in which to consider the new Master Plan and obtain public comment. This extension to Local Law No. 4 of 2007 is specifically determined to be necessary in order to maintain the *status quo* pending continued work on the preparation and enactment of a new Master Plan and any necessary companion updates to the Town Zoning Code.

Section 2. AUTHORITY

This extension of Local Law #4 of 2007 is enacted by the Town Board of the Town of Washington pursuant to its authority to adopt local laws under the New York State Constitution Article IX and Municipal Home Rule Law Section 10.

Section 3. ENACTMENT OF EXTENSION TO THE TEMPORARY
MORATORIUM

The expiration date of LOCAL LAW #4 OF 2007, ENTITLED "A LOCAL LAW OF THE TOWN OF WASHINGTON, DUTCHESS COUNTY, NEW YORK TO AMEND THE ZONING CODE OF THE TOWN OF WASHIGNTON TO ADD A NEW SECTION 395 ENTITLED 'REGULATION FOR AN INTERIM PERIOD OF DEVELOPMENT AND USE OF LANDS AND BUILDINGS'", which was previously extended until November 16, 2010, is hereby further extended for a period of one (1) year beginning November 16, 2010, after which date Local Law #4 of 2007 shall lapse and be without further force and effect unless further extended by action of the Town Board.

Section 4. This Local Law shall be filed immediately with the Secretary of State as provided by law and shall be effective as of November 16, 2010.

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	Aye
Councilman Audia	Aye
Councilman W. Murphy	Aye

DATED: Millbrook, New York
October 14, 2010

MARY ALEX, Town Clerk

Councilman Turletes reported that the Recreation Commission has been contacted by the Millbrook School District to see if the Recreation Commission will sponsor a ski club for Middle School aged children. The Commission is discussing it and will make a decision this month. The Recreation Commission will attend the November Town Board meeting to discuss their budget.

Councilman Murphy reported that the Planning Board is reviewing an application for the Romeo property on Verbank Road, to allow for the conversion of a barn to living space. They also had a discussion with a person renting the Eggleston property in Mabbettsville regarding antique sales and whether it is a commercial business or a home occupation.

The Emergency management Committee will be meeting in November. Two committee members are currently reviewing the local plans. Town Clerk Alex said it was suggested by a committee member to include in the fire contract a memorandum of understanding about the distinct duties of the town supervisor and fire chief in the event of an emergency. This information was relayed to Attorney Gifford.

Councilman Audia said he has met with three contractors to replace the gutters on the town hall. They all have the same specifications and should be providing him with prices. This should fix the problem of water leaking into the basement.

Councilman W. Murphy said that at the Town Park, the field has grass growing on it. Clearwater Construction will be required to fill some of the low spots with topsoil and reseed those areas. If the spots hold water in the spring, they can be painted and then they will come back and fix them. Mr. Murphy said that with contracts B and D as-built surveys are required because the Town is receiving CDBG funding for those projects. On contract E, an as built will be completed if the town requests it. Councilman Murphy said that Mr. Schott of Clearwater has asked if they can switch their bond to a maintenance bond.

On contract D, Landworks of Hudson Valley, work is progressing, but there are concerns about the path having eroded with a portion of the path and topsoil being washed away. Councilman Murphy said work should have been finished on one section before moving to another, and perhaps some of the problems could have been avoided. Supervisor Prisco suggested that the Town purchase additional topsoil, which will cost approximately \$1,200.00 and the highway department, will haul it to the site. The Town will not pay any additional labor costs. Landworks will be responsible for finishing the project to specification. Councilman Audia said he does not want to deviate from the original plan. If the project has been engineered and designed a certain way then we should proceed with the design. Councilman Murphy said he will be in touch with Landworks because he wants them to be working on this immediately. Supervisor Prisco alerted the Board that Landworks has to submit paperwork to Dutchess County Planning in order for the town to be reimbursed for the payment made to Landworks. Supervisor Prisco will speak to Mr. Kent to advise him full payment will not be made to him until the paperwork is completed and the work is being completed to the Board's satisfaction.

On Contract B, the Town considers the project complete and final payment will be issued to Darlind.

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

Gen Fund A	\$49,473.36
Gen Fund B	\$1,704.92
Highway Fund DB	\$57,730.90
Other Fund	\$45,766.00

All ayes were recorded.

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

Mary Alex, Town Clerk