

Town of Washington  
Town Board  
Feb 14, 2019

The Town Board of the Town of Washington held their regular meeting on Thursday, February 14, 2019, at the Town Hall, 10 Reservoir Dr., Millbrook. Supervisor Gary Ciferri opened the meeting at 7:00 PM with the following present: Councilmen Stephen Turletes, Robert Audia and Michael Murphy Town Clerk Mary Alex, Highway Superintendent Joseph Spagnola, Bookkeeper Lois Petrone and Attorney for the Town Jeff Battistoni.

Judith Balfe and Howard Schuman were also present.

Supervisor Ciferri opened the meeting with the Pledge of Allegiance.

On a motion made by Councilman Turletes and seconded by Councilman Audia the Board moved to open the Public Hearing on Local Law 1 of 2019 which extends deadline to renew senior citizen exemptions. The vote was as follows:

Supervisor Ciferri: Aye  
Councilman Turletes: Aye  
Councilman Audia: Aye  
Councilman Murphy: Aye  
Councilman De Bonis: Absent

On a motion made by Councilman Turletes and seconded by Councilman Audia, the Board determined that Local Law 1 of 2019 is considered a Type 2 Action under SEQR. The vote was as follows:

Supervisor Ciferri: Aye  
Councilman Turletes: Aye  
Councilman Audia: Aye  
Councilman Murphy: Aye  
Councilman De Bonis: Absent

On a motion made by Councilman Turletes and seconded by Councilman Murphy the following resolution was adopted:

CERTIFICATE OF RESOLUTION FOR MVP

The undersigned authorized representative of Town of Washington (the Employer) hereby certifies that the following resolutions were duly adopted by the governing body of the

Employer on February 14, 2019, and that such resolutions have not been modified or rescinded as of the date hereof:

RESOLVED, that the form of amended and restated Welfare Benefit Plan, effective December 01, 2018, presented to this meeting (and a copy of which is attached hereto) is hereby approved and adopted, and that the proper agents of the Employer are hereby authorized and directed to execute and deliver to the Administrator of said Plan one or more counterparts of the Plan.

RESOLVED, that the Administrator shall be instructed to take such actions that the Administrator deems necessary and proper in order to implement the Plan, and to set up adequate accounting and administrative procedures for the provision of benefits under the Plan.

RESOLVED, that the proper agents of the Employer shall act as soon as possible to notify the employees of the Employer of the adoption of the Plan and to deliver to each employee a copy of the Summary Plan Description of the Plan, which Summary Plan Description is attached hereto and is hereby approved.

The undersigned further certifies that attached hereto as Exhibits, are true copies of Town of Washington's Benefit Plan Document and Summary Plan Description approved and adopted at this meeting.

The vote was as follows:

Supervisor Ciferri     AYE  
Councilman Turletes   AYE  
Councilman Audia     AYE  
Councilman De Bonis   ABSENT  
Councilman Murphy    AYE

On a motion made by Councilman Audia and seconded by Councilman Turletes, the Board moved to reappoint Dianne Mc Neil to a five-year term on the Board of Assessment Review. The vote was as follows:

Supervisor Ciferri:    Aye  
Councilman Turletes:   Aye  
Councilman Audia:     Aye  
Councilman Murphy:    Aye  
Councilman De Bonis:  Absent

On a motion made by Councilman Audia and seconded by Councilman Turletes, the Board approved the request by Town Justices Shequine and Feigelson to have an audit of the Justice Court books. The vote was as follows:

Supervisor Ciferri: Aye

Councilman Turletes: Aye

Councilman Audia: Aye

Councilman Murphy: Aye

Councilman De Bonis: Absent

Highway Superintendent Spagnola provided the Highway Department report. He advised that the current storm has been all ice last for the past 7 – 8 hours. The crew went out prior to the ice and set the road with a mix which gave it a base. The dirt roads are in decent shape, tomorrow the temperature will warm up and it will rain and the roads will get muddy. Killlearn and Tower Hill are holding up great. He attributed it to a lot of ditch work on Tower Hill. He is Putting a plan together to seriously do ditch work, with the assistance of Dig Safe NY. It makes a big difference.

Councilman Murphy asked how are the conditions of the paved roads? Highway Superintendent Spagnola said we're buying quick plug and putting it in the pot holes. There are areas with some splits where there has been contraction and expansion. There's an issue is with a road collapse on South Rd, where the waterfall is. The pipe, a 3-foot culvert, is split and will need to be removed, as it is completely separated. We can remove it. The department has dug down, filled it and put black top over it. The box culvert seems to be ok. A complete fix will take place as soon as the weather allows.

Highway Superintendent Spagnola said he is not sure if we will be blacktopping two roads this year It depends upon budget. He plans to replace the guide rails on Stanford Road and by the pond on Milewood. He is currently getting prices through the State or County bid. There will be permits involved because the road is right on a class A stream. If it is just the road, they may not need permits because the work above it.

Highway Superintendent Spagnola advised that there has been a Fence issue. A post and rail fence has been hit by a plow truck. He has spoken with council at the Association of Town because the fence is 10 inches from the road. The fence is in the right of way, and it is not our plan to pay for the fence. Highway Superintendent Spagnola would like clear direction in our zoning regulations, similar to Section 331 of the New York State Highway Law, defining the right of way. Trees, stone walls, fences are all in the right of way. Our local law does not

address the distance back from the road these items should be placed. He reiterated let's get it in our Zoning Law.

Highway Superintendent Spagnola noted a few trucks are down for varying issues. They are in the shop and will be ready for Sunday. He said he has learned that wholesalers don't tell you, about state pricing unless you ask. The department was able to purchase plow blades for \$1600.00 less than previously purchased. He is working with the Village to better determine the amount of salt being used by the village. We've needed to fill the shed several times now, and based on calculations of the truck beds, the calculations of amounts being used are not adding up correctly.

Bookkeeper Lois Petrone provided the Board with the monthly report. Mrs. Petrone has requested from the Office of the State Comptroller an Extension for the Annual Financial Report. The Town was approved for a one-month extension. She has had training with Karen McLaughlin, everything has been entered that she can do. Waiting for RBT to have a meeting, to have her review the balance sheets, which she hasn't been able to resolve since coming on board. There is supposed to have a list of capital assets, which she doesn't see it from last year. Mrs. Petrone is working forward with the Highway's inventory and will use the insurance list as well. Every month is a new learning curve.

One of the topics that should be changed is the funding of the medical account. At times, the account has been overdrawn because the Town does not know when employees have used medical services and when money will be withdrawn from the account. She suggested funding the account as budgeted, rather than in bits and pieces. The Board concurred.

Town Clerk Alex provided the Board with a resolution to extend the Tax payment period for individuals that were affected by the government shut down. New York State allows towns to opt-in to the extension by way of a resolution.

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

#### **Temporary Extension of Real Property Tax Payment Deadline**

**WHEREAS**, Real Property Tax Law § 925-e authorizes local governments to, by resolution, provide a 90 day extension from the close of the federal government shutdown to pay real property taxes without penalty for property taxpayers impacted by the federal government shutdown, and

**WHEREAS**, the Town Board has reviewed the legislation, and

**WHEREAS**, the Town has considered the difficulties furloughed and designated non-pay federal employees face in light of the shutdown, and

**NOW, THEREFORE, BE IT RESOLVED:**

Section 1.

The Town Board of the Town of Washington hereby temporarily extends the penalty-free period to pay all real property taxes that became due during the federal shutdown, including installment payments, to 90 days from the close of the federal shutdown. Any taxpayer seeking an extension must provide the collecting officer with *documentation-pay stub* or any other such documents that demonstrate that the taxpayer and / or the taxpayer's spouse or domestic partner is / was furloughed or has been designated non-pay as a result of the federal government shutdown. Such documents must be submitted to the collecting officer no later than the thirtieth day following the last day to pay taxes interest free.

Section 2. That this resolution shall take effect immediately.

The vote was as follows:

Supervisor Ciferri     AYE  
Councilman Turletes   AYE  
Councilman Audia     AYE  
Councilman De Bonis   ABSENT  
Councilman Murphy    AYE

Town Clerk Alex advised:

- Tax payments totaling \$1,551,205.84 have been processed and payment to the Town has been initiated.
- Monthly reports have been filed by the Justice Court, the Building and Zoning departments, Recreation and Town Clerk.
- Minutes for January 11, 2019 have been distributed to the Town Board.
- A BAN payment for a highway vehicle is due on February 28<sup>th</sup>. A request for an interest rate has been sent to three local banks. The due date for a response is February 20<sup>th</sup>. The Board will schedule a special meeting to accept the rate after Board members have a chance to coordinate a meeting date.

Councilman Steve Turletes provided a Recreation update:

- Mon – 8 – 9 pm: Adult 3 on 3 basketball
- Tuesday: Adult coed soccer, 12 – 15 people

- Wednesday: Kindergarten basketball clinic, month long program 16 – 20 participants
- Thursday: Adult indoor volley ball good numbers
- Saturday: co ed basketball 110 children
- Family open gym: 6 – 7:30 at the high school March 19<sup>th</sup> start date.
- Lacrosse practice and games at park field. April – June
- Taconic Baseball and LaGrange baseball available to children who play baseball
- Pickleball – Sunday for 5 hours, new program
- Rec Commission – reviewing basketball teams, happy with adult programs, happy with pickleball attendance
- Triathlon training with summer camp, during camp cycle, but later in the day
- Fall soccer changing format of 5<sup>th</sup> and 6<sup>th</sup> grade teams
- Yoga – spring program, 4 – 6-week program, yoga night at the park. Evolving program

Councilman Murphy said he spoke with Recreation Director Edson and life guard numbers are good. Paul Iannucci is considering running the snack bar for the 2019 season. He requested the Town send a letter to retiring Millbrook High School Football Coach Sean Keenan thanking him for his service at Millbrook High School and having a positive influence on the many young people that were involved in the football program. The Board concurred.

Councilman Murphy advised that there was a Solar Committee meeting in January to address the issue of commercial solar farms on agricultural land, as requested by several residents during the Public Hearing. The committee has requested that Attorney Battistoni research whether the Town can amend the master plan to include some solar in the plan. Is there a way to allow solar farms on farm land only? He is researching and will get back to the town. One of the major tenants in the master plan is preserving farmland. Councilman Audia asked can you allow it for farmers and not another class of land owner. Councilman Murphy said solar placement is precipitated by where the tie in to electric is. We would like to work with people and try to preserve their farms

A resolution was offered by Councilman Murphy and seconded by Councilman Turletes to close the public hearing on Local Law # 1 of 2019. The vote was as follows:

Supervisor Ciferri: Aye  
 Councilman Turletes: Aye  
 Councilman Audia: Aye  
 Councilman Murphy: Aye  
 Councilman De Bonis: Absent

Mr. Schuman asked what is the status of Green Briar? Are they going to stop people from coming from anywhere? Councilman Murphy said having met with Mrs. Berenyi and her attorney, Allan Rappleyea, the Town was advised that they are reviewing their screening process. Mr Schuman said, as a concerned neighbor, they are taking people who are younger than 62. Councilman Murphy said that the average age and mean age both are within the ages of a senior citizen. Mr. Schuman asked are they limiting the new clientele? Supervisor Ciferri said Mrs. Berenyi was very cooperative and she is sympathetic to our cause. She does not want individuals residing on the property that are detrimental to the community and her business. If there are problems, she wants them addressed and wants people to know they can call Greenbriar to report problems. The Town will continue to have ongoing discussions with Mrs. Berenyi and her attorney. Mr. Schuman said, in his opinion, it is an issue that they are not following the town zoning. Supervisor Ciferri asked Town Clerk Alex to follow up with Mr. Rappleyea to see if he has reached out to Ms. LaCasse about her concerns.

#### RESOLUTION OF ADOPTION

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

WHEREAS, a local law was introduced entitled A LOCAL LAW OF THE TOWN OF WASHINGTON, DUTCHESS COUNTY, NEW YORK, to authorize the Assessor to accept applications for renewals of senior citizen tax exemptions pursuant to RPTL §467(8) on or before the date for the hearing of complaints and to amend Local Law No. 2 of 2008 to increase the amount of the "Maximum Income" to \$29,000.00;

WHEREAS, a public hearing in relation to said local law was held on February 14, 2019, 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 and BE IT ENACTED by the Town Board of the Town of Washington as follows:

##### TOWN OF WASHINGTON LOCAL LAW NO. 1 OF THE YEAR 2019

Section 1. Pursuant to the provisions of NY Real Property Tax Law §467(8), the Assessor is hereby authorized to accept applications for renewal of exemptions pursuant to RPTL §467 on or before the date for the hearing on complaints. This authorization shall only apply to an owner or owners who have received such an exemption on the immediately preceding assessment roll and who are seeking to renew that exemption.

Section 2. Local Law No. 2 of the Year 2008 is hereby amended so that the reference in Section 2(a) thereof to "\$27,000 ("Maximum Income")" is changed and increased to "29,000 ("Maximum Income")" as permitted by RPTL §467(3)(a).

Section 3. The remainder of Local Law No. 2 of the Year 2008 remains the same.

Section 4. This local law shall take effect immediately upon filing with this state's Secretary of State.

BE IT FURTHER 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. 3 The foregoing resolution was duly put to a vote which resulted as follows:

Supervisor Ciferri: Aye  
Councilman Turletes: Aye  
Councilman Audia: Aye  
Councilman Murphy: Aye  
Councilman De Bonis: Absent

DATED: Millbrook, New York February 14, 2019, MARY ALEX, Town Clerk

On a motion made by Councilman Audia and seconded by Councilman Murphy the Board moved to pay the claims as presented. The vote was as follows:

Supervisor Ciferri: Aye  
Councilman Turletes: Aye  
Councilman Audia: Aye  
Councilman Murphy: Absent  
Councilman De Bonis: Absent

There being no other business, on a motion made by Councilman Turletes and seconded by Councilman Audia the meeting was closed at 9:30 PM. to close.

The vote was as follows:

Supervisor Ciferri: Aye  
Councilman Turletes: Aye  
Councilman Audia: Aye  
Councilman Murphy: Aye  
Councilman De Bonis: Absent

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Mary Alex, Town Clerk