

TOWN BOARD
Minutes
JULY 14, 2022

The Town Board of the Town of Washington held their regular meeting on Thursday, July 14, 2022, at the Town of Washington Town Hall, 10 Reservoir Drive, Millbrook, NY. The meeting was called to order at 6:00 PM by Supervisor Gary Ciferri with the following present: Councilpersons Robert Audia, Michael Murphy, Joseph Rochfort and Leslie Heaney, Highway Superintendent Joseph Spagnola, Town Clerk Mary Alex, Bookkeeper Lois Petrone and Building Inspector James Finley.

Also present were Comprehensive Plan Review Committee member Margaret Schneible, Dutchess County Legislator Deirdre Houston, Howard Schuman and Judith Balfe. Several people attended via Zoom.

Supervisor Ciferri opened the meeting with the Pledge of Allegiance.

On a motion made by Councilman Murphy and seconded by Councilman Audia the Town Board approved the request from Michael Sedgwick for a refund for Transfer Station Permit # 22139 in the amount of \$50.00. The vote was as follows:

Supervisor Ciferri: AYE
Councilman Audia: AYE
Councilman Murphy: AYE
Councilman Rochfort: AYE
Councilwoman Heaney: AYE

On a motion made by Councilman Murphy and seconded by Councilman Rochfort, the following resolution was accepted as presented:

RESOLUTION TO ENTER INTO A CONSENT ORDER AND JUDGMENT
SETTLING THE TAX CERTIOARI PROCEEDINGS BROUGHT BY DOUBLE D RANCH
AND LAND COMPANY LLC

IT IS HEREBY RESOLVED that Van Dewater & van Dewater, LLP, Kyle W. Barnett, Esq., of counsel, is authorized to enter into a Consent Order and Judgment in the form attached, settling the tax certiorari proceedings brought by Double D Ranch and Land Company, LLC, against the Town of Washington for the tax year 2021 and to sign such other and further papers as are necessary to effectuate the said settlement.

Dated: Millbrook, New York
July 14, 2022

The vote was as follows:

Supervisor Ciferri: AYE
Councilman Audia: AYE
Councilman Murphy: AYE
Councilman Rochfort: AYE
Councilwoman Heaney: AYE

On the recommendation by Bookkeeper Petrone, a motion was offered by Councilwoman Heaney and seconded by Councilperson Murphy to accept the following budget transfers:

Account	Description	Amount
A.1010.0400.0500	Town Board CE - ARPA	1,224.17
A.7020.0400.0500	Recreation CE - ARPA	1,224.17
A.0000.4089.0500	Federal Aid-ARPA	2,448.34
B.8010.0400.0500	ZBA CE - ARPA	1,224.16
B.8020.0400.0500	PB CE - ARPA	1,224.16
B.8020.0402.0500	CAC CE - ARPA	1,224.16
B.0000.4089.0500	Federal Aid - ARPA	3,672.49
H.8020.0405.0500	Comprehensive Plan CE - ARPA	1,224.17
H.8020.4089.0500	Federal Aid - ARPA	1,224.17

Note: Amendment to the budget recognizing the ARPA funds as income and as expenses as ARPA Funds have been used.

Account	Description	Amount
B.0000.2115.0000	Planning Board Fee - Revenue	4,019.50
B.8020.0410.0000	Planning Board Attorney's Fees - Expense	4,019.50
B.0000.2110.0000	Zoning Board of Appeals Fees - Revenue	5,139.15
B.8010.0410.0000	Zoning Board of Appeals Attorney's Fees - Expense	5,139.15

Note: Amendment to the budget increasing the Revenue and Expense lines by the Escrow monies depleted on behalf of the "projects" through 6/30/22.

The vote was as follows:

Supervisor Ciferri: AYE
Councilman Audia: AYE
Councilman Murphy: AYE
Councilman Rochfort: AYE
Councilwoman Heaney: AYE

Bookkeeper Petrone discussed transfer Station invoicing. There are several people who have not paid past invoices or responded to a to respond to pay notice. Several individuals have responded to the notice. Bookkeeper Petrone recommends that those that have not responded, for the Town to begin collection proceedings against them in the Justice Court. The collective amount owed is under \$1,000.00. The Town Board authorized her to proceed.

Bookkeeper Petrone reported the following activities. She has recorded the monthly revenue from the Justice Court, Building Inspector and Town Clerk. As there aren't any employees interested or participating in AFLAC, Bookkeeper Petrone has closed the AFLAC account. Bookkeeper Petrone noted that the Town Board will see in the Revenue Report, the Town has received its second ARPA payment in the amount of \$163,000.00. In addition, the Town has received an annual donation from the Millbrook School in the amount of \$10,000.00. Federal and State payroll tax returns were submitted. The Town is claiming the ARPA funds we have used as revenue for video equipment. A couple of Planning Board applicants owe money to the Town. Bookkeeper Petrone will work with Planning Board Secretary on these matters. The Park and Pool line is over expended. This must be worked through with the Recreation Director.

Highway Superintendent Spagnola provided a Monthly Report. Highway Superintendent Spagnola spoke last Tuesday with Colliers Engineering about their progress on Killlearn Rd. They are continuing with the drainage study. After which, they will have two site visits before they begin the boring tests to determine the subsurface under the road and how deep it is. After that, they will begin marking up the power lines, cable lines and phone lines to better understand where additional drainage can be located. They will be addressing the Board in the fall with early conclusions. May need to have more than 15 -20 borings. Supervisor Ciferri asked will they look at drainage coming off property? Yes, they say there should only rainwater in the road.

The Highway Department is continuing covering millings on Tower Hill Rd and it is in good shape. They are resurfacing the road with gravel as our law allows. They expect to be finished next week if the weather cooperates.

Highway Superintendent Spagnola said the Highway Department needs to replace the current trailer, which is 30 + years old. The large one can only be driven by one of our employees. Highway Superintendent Spagnola will get 3 prices. There is a suitable one on state bid which is \$14,000.00.

Highway Superintendent Spagnola said Chip Sealing will take place on August 1, 2 3 in the town and village. Bangall Rd will be repaired, at no cost to the Town. Overlook Road, Nine Partners Lane, Linden Ct will all be done. The schedule may change due to rain. and their schedule.

Highway Superintendent Spagnola advised that he is looking at blacktopping School Road. Highway Superintendent Spagnola had the DEC involved due to pipes under the road. We might have a different way of navigating the project with the DEC involvement. They are exploring lining the pipes, like the village has done with sewer lines. He will keep the Board

updated as he receives more information. It is anticipated the project might be done in 2023. There are four pipes under the road which are very large and need attention. He is hoping to do South Road and Stanford in the next several years.

Due to several Zoom bombers, the Zoom link was turned off at this point of the meeting.

Town Clerk Alex provided a monthly report. Monthly reports were received from Assessor Lisa Evangelista, Bookkeeper Lois Petrone, Building Inspector James Finley, Justice Clerk Kristen DiFiore and Town Clerk/Tax Collector Mary Alex.

Town Clerk Alex said after a problem with one deposit, taxes have been finalized with Dutchess County. The Town Clerk's office has been busy with Transfer Station renewals and FOIL requests. DEC Hunting license sales will begin on August 1st.

Town Clerk Alex advised that the Generator Bids have been completed and a legal notice was published. The list of prospective bidders was all provided the information. Bids are due on August 10, 2022, at 12 noon.

Sarah Wilson, an attorney with Van de Water & Van de Water has completed the review of the Zoning revisions done by General Code. Attorney Wilson has sent her findings to General Code and we await the revisions to be incorporated into the Town Code. Another positive activity is that Video Ventures has started to upload the Zoom meetings to the website, via a YouTube platform. There is a link on the homepage for access to the videos.

Due to prior vacation scheduling, the Town Clerk's Office will be closed beginning at 12 noon on August 3 through 3 pm August 5 (Wed afternoon – Friday).

Councilman Audia expressed his thanks to the highway crew for doing a great job on the upkeep of the Town Hall grounds. In addition, he noted the handicap ramp on the front of the Town Hall is currently unusable. There's a failure at the corner of the ramp, which can be repaired.

Councilman Murphy provided an update on Recreation Programs. There are 130 + children signed up for summer camp. He was able to observe procedures including a waterfront drill, lifeguard competition, morning procedures and the counselor of the week. The waterfront staff is working well. Several Town officials were able to attend the Senior Citizen picnic. He noted the community is beginning to age and it is sad to know that some of the community has passed on since the last luncheon. The Town used the opportunity of the picnic to recognize Councilman Steve Turletes, and were happy to dedicate the camp building as the "Steve Turletes Building". A sign will be placed above the front door in recognition of Councilman Turletes and all the years he dedicated to the Recreation department and programs.

Councilman Murphy said budget adjustments will have to be made for the park bathrooms. The lifeguards discovered pressure for the bathroom not up to standards, cracked during the cold weather causing problems during a pavilion rental. An emergency plumber was called in and had to replace 6 toilets. The toilets that were installed two seasons ago were

bladder toilets, which didn't hold up during the winter. The bladders froze creating hairlike fissures, therefore the pressure wasn't holding. Old style toilets were installed. They will need to be drained and have other maintenance at the end of the season.

Councilman Murphy said the Recreation Director did not provide a monthly report and requested Town Clerk Alex follow up with her.

Councilman Murphy said since the park maintenance person transitioned out Town Councilmen, the lifeguards and other people have been stepping in to help. The physical needs on the property need to be maintained.

A motion was made by Councilman Murphy and seconded by Councilman Rochfort to appoint Ted Ialongo to the seasonal position of Park Caretaker effective August 8, 2022 at a rate of \$20.00 per hour. The vote was as follows:

Supervisor Ciferri:	ABSTAIN due to Mr. Ialongo being a cousin.
Councilman Audia:	AYE
Councilman Murphy:	AYE
Councilman Rochfort:	AYE
Councilwoman Heaney:	AYE

Councilman Audia suggested the Town may have to hire a second person to work on the mowing. Ted would be able to keep up on regular maintenance, but not new projects. He said he envisions the Recreation Director responsible for programs and someone else overseeing grounds.

Councilman Murphy said there will be a Park & Pool Facility Assessment, as the property is aging. We are putting together a committee of professional tradespeople in the community to do an entire walk through to see what needs to be done. Stanfordville has a community-based initiative and are trying to raise a million dollars. We'll have an idea for new opportunities such as pickleball. Will do a complete assessment and provide a written assessment.

Councilman Murphy said the Board of Ethics has made an update to the Code of Ethics and completed their recommendations. The document has been reviewed by Attorney Battistoni. The Town Board will receive a copy and the committee will present the Code of Ethics and answer questions at the August Town Board meeting. If there are changes to be made, they will be done and then it will be introduced as a local law, there will be a public hearing and it will be ready to be adopted.

Councilman Murphy has continued to gather information on Short Term Zoning Code Rentals. New York State is hosting a meeting at Roosevelt property in Hyde Park. He will be attending with Attorney Battistoni.

Councilman Rochfort reported on the Comprehensive Plan Review Committee Update. Councilman Rochfort said the long-awaited report is done. It has been distributed to the Town Board and it is on the town website for public review. Councilman Rochfort said it is a very

good report and extremely thorough. He advised that last June, the Town Board gave the Comprehensive Plan Review Committee the charge. Councilman Rochfort said he wants to thank each and every one of the committee members for their outstanding work to make this happen. In addition, Nan Stolzenburg was thanked for her work administering the project.

The document specifically answers all of the questions in the charge. The report provides very specific recommendations as to how the Town can move forward to amend the 2015 Comprehensive Report and enact Zoning changes.

The Board had a discussion on how they should proceed from here. It was decided that Committee Chair Tim Mayhew and Consultant Stolzenburg would be invited to a meeting in September to review the recommendations and answer any Town Board questions. They will discuss how to proceed with Phase 2.

Councilwoman Heaney thanked Councilman Rochfort for his efforts in keeping the committee on task and completing a succinct and clear report with backup data. Councilwoman Heaney said in regard to the action plan steps, there are a couple of pieces, such as mapping, that we would want to take on.

Councilman Rochfort agreed that there are environmental pieces and communication with the Village of Millbrook which should be initiated. Councilman Rochfort said throughout the year, the process allowed for a good public interaction and discussions. He mentioned that the benefactors were given a copy of the report. Mr. Thorne was pleased with the report and sent a letter to the committee.

Councilwoman Heaney said the report is extremely timely and helpful to move forward with a NYS Consolidated Funding Grant for Comprehensive Plan and Zoning updates. We expect to make an application for \$200,000.00 for both updates. Councilwoman Heaney submitted questions to the state, based on the conversations with the grant team. We'll have to demonstrate our expenses by getting fees from Nan and the legal team. The other piece is the mapping components.

Committee member Schneible said Nan's team is prepared to assist with Phase 2. They have expressed their ability to do a Q & A for the town. Mrs. Schneible presented Town Clerk Alex with a complete report and backup documentation for the Town records. Town Clerk Alex expressed her appreciation to Margaret Schneible, as she was instrumental in all of the record keeping, website updates and providing survey packets to the town. Her work has not gone unnoticed.

Councilman Audia said he agrees with everything that has been said. He was disappointed with the low percentage of people who responded to the survey. He said I feel bad about that. Councilman Rochfort said considering that all areas of the town were represented, and not heavily in one part of town or another, the town should feel good about the responses. Mrs. Schneible said the consultants had the largest response in all the surveys she has done. The results were thirty people more than the 2015 respondents. In addition, there were a list of questionable addresses identified by the consultant, which were not included.

Councilman Rochfort stated he would follow up with Ms. Stolzenburg and Mr. Mayhew for a meeting with the Town Board.

Building Inspector Finley asked the Town Board for direction on the Taylor cement truck situation, which is not remedied. The owners have been dragging their feet. How do we want to address this? Mr. Finley said the next step would be serve a cease-and-desist order. It's prepared and ready to go. He is waiting for the declaration from the Zoning Board. They ordered an oral decision. It has been recommended by Town Counsel to have a written decision, which was formalized on June 22. Taylor was going to file an application to make it a legal business and they were moving to remove items from the property. He speaks with them weekly. Mr. Finley said he has conversations which are friendly but not productive.

On a motion made by Councilman Audia and seconded by Councilman Heaney, the Town Board authorized Mr. Finley to issue a cease-and-desist order to Taylor and to notify the Town Attorney of the issuance. The vote was as follows:

Supervisor Ciferri:	AYE
Councilman Audia:	AYE
Councilman Murphy:	AYE
Councilman Rochfort:	AYE
Councilwoman Heaney:	AYE

Councilwoman Heaney advised that the Zoning Board of Appeals met on June 21, 2022. There were two applications. The Thompson family on Halls Corners Road has a non-conforming lot, and requested variances for the side lots. The ZBA complimented them on how well they prepared their application. The ZBA received a written statement from their neighbor in favor of the application. The Thompson's are waiting approval from Dutchess County for the well. The ZBA concluded there aren't any other places to build, and there are no impacts on environment. This was classified as a Type 2 action under SEQR. They were granted a 50 foot side yard setback and a 20 foot side yard setback.

In regard to the matter of George M. Taylor & Sons appeal from a Notice of Apparent Violation issued on 6/21/2021 by the Code Enforcement Officer wherein the applicant uses the property for the operation of a concrete business without a special permit or a use variance, the ZBA determined the applicant failed to prove that the Code Enforcement Officer's decision to issue the Notice of Apparent Violation was incorrect and affirms the CEO's issuance of the Notice of Apparent Violation of Town Code Section 391.

The ZBA does not have a meeting scheduled for August.

The Planning Board met on July 5, 2022 and Nicole Drury served as chair. The first order of business was a Public Hearing for the Bontecou 3 subdivision of land on the Shunpike. Mrs. Bontecou will be retaining 47 acres of land, and the remainder, along with land totaling 1300 acres will be gifted to the Dutchess Land Conservancy. Surveyor Brian Houston, representing Mrs. Bontecou has no specific plan at this time for the land. A negative declaration was declared for SEQR. The subdivision was approved.

Mrs. Heaney reported that coming out of Pace Training, the Planning Board has adopted a new practice of allowing a workshop period during their meeting for people who have questions about the process or potential applications. They had 2 workshop questions at this meeting.

The first was regarding a lot line change between Palinkas and Hathaway. Mr. Palinkas operates a sawmill business on his property on Route 44. The lot line change and property swap are to make it a clean line between the properties. This was a workshop because there is a question regarding a violation issued from the building department.

The second was regarding the property owned by Wendy Wolf and Michael Clark on Verbank Road. There are wetlands on the property. They would like to double the size of the house, but it is close to the wetland buffer. Steve Marino made recommendations to add the buffer to the survey as well as the Sediment Erosion Control Plan. Mr. Marino had other suggestions including landscaping and water runoff. A Public Hearing will not be scheduled until all the information is submitted and reviewed,

A Planning Board member brought up the subject of the Johnson Estate, located on Andrew Haight Road, and their discussion about possibly coming in with one subdivision project due to the Moratorium and potentially another subdivision in the future. The Planning Board is opposed to that. A question was asked as to the state of the Moratorium. It expires on September 27, 2022. After a brief conversation the Board said they will probably not continue it for another six-month period.

Councilwoman Heaney reported that Planning Board member Susan Meaney has completed her work on the Planning Board application checklist. She will work with Kristen Di Fiore to have it posted on the website.

Councilwoman Heaney said the Conservation Advisory Commission met on July 6, 2022. They discussed Climate Smart Communities and are compiling background information. Chairwoman Schneible mentioned CPRC report was submitted and is available on the website. CAC member Schuman gave a report on the Planning Board and Zoning Board of Appeals. Councilwoman Heaney advised that the CAC is interested in helping with the Natural Resource mapping suggested by the CPRC. They believe there needs to be a more in depth one based on CPRC discovery. Before the Comprehensive Plan amendments are made, the CAC would like to make sure the Natural Resource report is complete. There may be grant funding available for this work.

Councilwoman Heaney advised that Tiffany and Jessica from Pace University are making recommendations for the next steps the Town should complete as a result of the training. Ms. Zezula recommended the CAC look at DEC grants for Climate Smart Communities.

Councilwoman Heaney advised that the CFA grant is due July 29. She is working collaboratively with Town Clerk Alex. Legislator Houston and Mayor Collopy were asked for letters of support.

Councilwoman Heaney has been in touch with Attorney Wilson regarding Records Retention and posting to the town website. Her advice is when in doubt, post everything to do with an application to the town website. A recommendation was made that a record retention schedule, binder and cheat sheet should be made for each department. The Town does follow the state plan.

County Legislator Houston said the Town of Amenia Recreation Commission are slightly ahead of the Town in respect to reviewing their facilities. They have hired an outside consultant to assist the town.

She mentioned she is on a ton of Boards that use the waiting room feature for Zoom.

Legislator Houston attended the County meeting on Monday night. Budget prep coming up. The last Learn, Play Create Grants and Millbrook organizations were successful in receiving funding. The county is launching another micro grant \$5,000 - \$15,000 for VFW and American Legion organizations. She would like help to make people aware of it. Next week the paperwork will be available.

Based on recent recommendations the County provided funding for three new projects to receive funding for Farmland Agricultural protection,

The County will be holding a meeting on July 27 at the Pleasant Valley Town Hall regarding Camp Nooteeming. County Executive Molinaro will host the Town Hall at 5 pm. The County will be putting 1000 kids in camp this summer. She advised that the August Legislative meeting will be held at the County fairgrounds. Legislator Houston said she is here to help.

Mayor Collopy reported that the retaining wall project on Harts Village Road is finished. The Tennis Court resurfacing is complete and the Courts will be open on Tuesday. A road pavement project on North Ave. is scheduled in August. The Fire Department requested an electronic sign to replace the sign in front of the fire house. A replica of the sign will be available to view for people to give opinions on whether it should be allowed. Mayor Collopy said he filed a PSC complaint against Verizon. Residents have had difficulty with dropped calls, lack of service and other problems. Verizon has not answered any requests to him for information. There are many intermittent problems and we need a response. Councilman Murphy said there have been many problems on the Horseshoe. He stopped in their corporate office and they had no response. He recommends consumers file a complaint with the Public Service Commission.

Supervisor Ciferri asked Mayor Collopy if there is anything new with Northern Dutchess Ambulance. Mayor Collopy said they left where they were and moved to Mabbettsville. They are not allowed in Mabbettsville due to the Town's zoning. Ed Murray, owner of NDP said he has it under control. They are still at deli in Mabbettsville. It is difficult sometimes for the ambulance to get out on Route 44 due to traffic. The Town would like to see this situation remedied.

The Town Board offered their thanks to the members of the Millbrook Fire Department for their parade and successful block party. It was a great community event.

Stan and Mary Morse said they were at the meeting as interested citizens. Mr. Morse said the hospitality report is solid. They would like to see the town take any action to protect the village water source. They would like to see that emphasized all over the place. It is very critical to the village. Currently, the water is adequate and it is a major resource for the village.

On a motion made by Councilman Audia and seconded by Councilwoman Heaney the Board moved into Executive Session to discuss a matter of potential litigation. The vote was as follows:

Supervisor Ciferri: AYE
Councilman Audia: AYE
Councilman Murphy: AYE
Councilman Rochfort: AYE
Councilwoman Heaney: AYE

On a motion made by Councilman Rochfort and seconded by Councilwoman Heaney, the Board returned to the regular session at 8:10 PM. The vote was as follows:

Supervisor Ciferri: AYE
Councilman Audia: AYE
Councilman Murphy: AYE
Councilman Rochfort: AYE
Councilwoman Heaney: AYE

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

Gen Fund A	\$46,874.56
Gen Fund B	\$7,532.27
Highway Fund DB	\$40,741.79
Fund H	\$6,342.59
TOTAL	\$101,491.21

The vote was as follows:

Supervisor Ciferri: AYE
Councilman Audia: AYE
Councilman Murphy: AYE
Councilman Rochfort: AYE
Councilwoman Heaney: AYE

There being no other business, on a motion made by Councilman Rochfort and seconded by Councilman Murphy, the meeting was closed at 9:00 PM. The vote was as follows:

Supervisor Ciferri: AYE
Councilman Audia: AYE
Councilman Murphy: AYE

Councilman Rochfort: AYE
Councilwoman Heaney: AYE

Mary Alex, Town Clerk