

REGULAR TOWN BOARD MEETING

APRIL 8, 2015

The Pleasant Valley Town Board held their regularly scheduled Town Board Meeting on Wednesday, April 8, 2015 at Town Hall, 1554 Main Street, Pleasant Valley.

PRESENT: Steve Albrecht Councilman
 Mark Figliozzi Councilman
 Steve Latino Councilman
 Lisa Milicaj Councilwoman
 Carol Campbell Supervisor

PRESIDING OFFICER: Carol Campbell, Supervisor

RECORDING SECRETARY: Margaret Hart, Town Clerk

MINUTES: of 12/10/2014 Regular Town Board Meeting
 01/07/2015 Organizational Meeting/Workshop Meeting
 01/14/2015 Regular Town Board Meeting
 01/21/2015 Public Hearing/Special Town Board Meeting
 02/04/2015 Workshop Meeting
 03/30/2015 Bid Opening/Lawn Care

MONTHLY REPORTS:

1. Town Clerk Monthly Report
2. Refuse Monthly Report
3. Building, Zoning, Planning and Fire Monthly Report
4. Assessor's Monthly Report
5. Recreation Monthly Report
6. Aboveground Storage Monthly Report
7. Monthly Trial Balance Report

TOWN BOARD COMMITTEE REPORTS:

1. Refuse/Highway Report- Councilman Figliozzi read the Highway Superintendent highway report (filed with the minutes).
2. Buildings Report – Councilwoman Milicaj has concerns regarding the sidewalk in front of Town Hall there is a lip and someone could trip and get hurt. Supervisor Campbell noted that the front door area needs to be redone.

3. Legislative Report- Councilman Latino spoke about the New York State Budget and the funding that will be given to the school districts. Councilman Latino also spoke about the standards that are now being set for teachers throughout New York State.
4. Recreation Report – Supervisor Campbell read the recreation report (filed with the minutes). Supervisor Campbell also noted that Huck Finn Days will be April 25th and April 26th at Pleasant Valley Trout and Game Club. Councilman Latino did note that the Town has also received several donations toward the funding of Huck Finn Days.
5. Technology Report – Councilman Figliozzi spoke about the upgrade of the phones and how the upgrade will help the Town saved money. Supervisor Campbell noted that the municity program is moving forward and training is still on going.
6. Insurance Report- Councilwoman Milicaj noted that she is working on legal service insurance for the RFP's. Councilwoman Milicaj also reviewed with the Town Board some insurance updates and she will set up a meeting with the Town's insurance agent to review the updates in better detail.
7. Time Warner Report – Councilman Figliozzi noted that he is reviewing the comments gathered from the informational meeting regarding Time Warner's Franchise Agreement.
8. Zoning Code Report – Councilman Figliozzi noted that he is setting up the disk from General Code to use as a guide.

OPEN THE MEETING TO THE PUBLIC (AGENDA ITEMS ONLY):

Motion by Councilman Steve Albrecht, seconded by Councilwoman Milicaj the Town Board opened the meeting to the public, carried.

Rolando Ghedini – Arbor Hill Drive – thanked the Highway Department for the good job they are doing on the roads.

Chris Hart – Smith Road – asked what the intervenor funding is covering, and stated with all the construction that is taking place at the sub-station last couple of years why hasn't the Public Service Commission come down and assessed the property.

Supervisor Campbell noted that was a good question.

Chris Hart – would like to know why the Public Service Commission hasn't been invited down to take a look at the property and present the information to the Town.

Councilman Figliozzi stated that he has been told that they are doing maintenance at the sub-station.

Chris Hart – stated that if it is maintenance being done to the plant than the Public Service Commission should still come down and give a presentation to the Town Board and there should be a proper assessment done to the upgrades.

Councilman Figliozzi noted that he has talked to the Assessor and the Public Service Commission is due to come this year and assess the sub-station.

Chris Hart – asked if the Public Service Commission has been asked to come and give a presentation and if not will they be asked to come and give the Town a presentation.

Supervisor Campbell stated that she has spoken with the Planning Board Chair to see if the upgrades are part of a sight plan approval.

Chris Hart – asked if the Town Board would be open to have the Public Service Commission come and give a presentation.

Supervisor Campbell stated yes the Board would be willing to have them come.

Town Attorney, Scott Volkman did note that the Assessor has for a request and has received an advisory appraisal this year based upon last years evaluation so there is some updated information available.

Chris Hart – fencing and the expensive playground that was put up at Bower Park. The playground was put up with community development grant's funding by Dutchess County there was supposed to be a plaque recognizing former County Executive Bill Steinhaus. Chris asked why the plaque has not been put up.

Supervisor Campbell noted that she does have the paper work on it and has spoken with Rich Canero, Pleasant Valley Sign Shop and the plaque should be done by next month.

Chris Hart – also spoke about the fencing and stated the reasoning that money was allocated for the playground at Bower Park was because the playground at Cady Park was to be abandoned because of the flooding. It was also agreed that the fencing wasn't going to be replaced at Cady Park. The fencing was to be replaced with cement barriers to keep the cars off the field. Chris asked if the Town Board have any ideas about addressing the fencing.

Supervisor Campbell stated that the Town Board has discussed it and she was unaware that the playground at Cady Park was to be abandoned. Supervisor Campbell did note that the Town Board has discussed it at great lengths about how much money they want to put into the playground. Supervisor Campbell noted that the Town Board has opted not to put fencing down there.

Chris Hart – stated why the previous Town Board chose not to replace the fencing at Cady Park was due to the fact that it holds back the debris when it floods.

Councilman Albrecht noted that there was talk about moving the swing sets.

Chris Hart – also spoke about receiving grant money to upgrade the bathrooms in Town Hall.

Supervisor Campbell will look into the abandonment of the playground.

Butch Gardner, Highway Superintendent – stated that with the first flood he had asked the Town Board when replacing the fencing at Cady Park to put up a fence that would lift up and lock so the debris wouldn't get caught in the fence. Butch did note that the Town did receive FEMA money to replace the fence.

Carl Tomik – Hibernia Road – there was money allocated for the bathrooms but the money was going to be pulled by the County because of the flooding unless the Town Board could use in another area that is when that additional money was used for the playground at Bower Park.

CLOSE THE MEETING TO THE PUBLIC:

Motion by Councilman Albrecht, Councilman Figliozzi the Town Board closed the meeting to the public, carried.

NEW BUSINESS:

Item # 1A – Introducing Amendments to the Town’s Comprehensive Plan in Connection with Re-zoning a Property to the Mixed Use Commercial (MC) District:

Supervisor Campbell read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 100/2015

RE: INTRODUCING AMENDMENTS TO THE TOWN’S COMPREHENSIVE PLAN IN CONNECTION WITH REZONING A PROPERTY TO THE MIXED USE COMMERCIAL (MC) DISTRICT

WHEREAS, the subject property is located at Route 44 in the Town of Pleasant Valley and is designated as parcel #134400-6564-02-605917 on the Town’s tax maps (the “Subject Property”); and

WHEREAS, the Town Board is also considering the following analogous amendments to the Town’s Comprehensive Plan: The Town of Pleasant Valley 2009 Comprehensive Plan designated as “graphic #2- district maps”, and it proposed to be amended so as to change the designation of the Subject Property from the Hamlet Residential (HR) to Mixed Use Commercial (MC); and

WHEREAS, the Subject Property is currently on the dividing line between the HR and MC zoning districts however there is no need for any specific language amendments as it pertains to the Comprehensive Plan so to allow the use of the Subject Property for Mixed Use Commercial purposes considering its neighboring Mixed Use Commercial uses; and

WHEREAS, the language in the Comprehensive Plan defines “Mixed Use Commercial” as follows: “this category includes the Route 44 corridor in an area between Mill Lane and Rossway Road and several parcels along the south side of Route 44 just east of the Taconic State Parkway, all of which are currently part of the Neighborhood Commercial District. The purpose of this category is to allow for a variety of mixed uses, but in a contained area that eliminates the possibility of contiguous strip development. Development and redevelopment in these areas will involve improved site design,

landscaping, and architecture, in an effort to “retrofit the strip” (as recommended in the Greenway Guides)”; and

WHEREAS, for the purpose of Article 8 of the Environmental Conservation Law, Part 617 NYCRR (commonly known as “SEQRA”) and pursuant to Chapter 98 of the Town Code, the proposed action is adoption of the proposed Local Law, the adoption of a resolution amending the Town’s Comprehensive Plan is subject to SEQRA and is an Unlisted Action pursuant to SEQRA; now, therefore, be it

RESOLVED, that the Town Board of the Town of Pleasant Valley hereby introduces for consideration the Comprehensive Plan amendment specified above; and be it further

RESOLVED, that at 7:00 p.m. on the 10th of June, 2015 the Town Board intends to hold a Public Hearing in regards to the proposed amendment to the Town of Pleasant Valley Comprehensive Plan and the Town Clerk is hereby directed to publish the notice of public hearing; and be it further

RESOLVED, that the Town Board hereby directs the Town Clerk to circulate this resolution, proposed Local Law No. X of 2015, supporting documentation and the public hearing notice to the Town Clerk of each abutting municipality, the Town of Pleasant Valley Planning Board for review and recommendation pursuant to Section 98-101 of the Zoning Law, the Dutchess County Department of Planning and Development for advisory review in accordance with Section 239 of General Municipal Law and the New York State Department of Transportation.

MOTIONED BY: Councilman Latino

SECONDED BY: Councilman Figliozi

DATED: April 8, 2015

ROLL CALL:	<u>AYE</u>	<u>NAY</u>
Councilman Albrecht	X	
Councilman Figliozi	X	

Councilman Latino	X
Councilwoman Milicaj	X
Supervisor Campbell	X

Carried.

Item # 1B – Introducing Local Law No. X of 2015 Amending the Town’s Zoning Map for the Purpose of Re-Zoning a Property to the Mixed Use Commercial (MC) District:

Supervisor Campbell read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 101/2015

RE: INTRODUCING LOCAL LAW NO. X OF 2015 AMENDING THE TOWN’S ZONING MAP FOR THE PURPOSE OF REZONING A PROPERTY TO THE MIXED USE COMMERCIAL (MC) DISTRICT

WHEREAS, the Town Board of the Town of Pleasant Valley pursuant to a petition submitted by Reardon Briggs Company, Inc. dated February 20, 2015 is considering the adoption of Local Law No. X of 2015 to amend the Town zoning map for the purpose of rezoning a property to the Mixed Use Commercial (MC) zoning district; and

WHEREAS, for the purpose of Article 8 of the Environmental Conservation Law, Part 617 NYCRR (commonly known as “SEQRA”) and pursuant to Chapter 98 of the Town Code, the proposed action is adoption of the proposed Local Law, the adoption of a resolution amending the Town’s Comprehensive Plan is subject to SEQRA and is an Unlisted Action pursuant to SEQRA; now, therefore, be it

RESOLVED, that the Town Board of the Town of Pleasant Valley hereby introduces for consideration of its adoption proposed Local Law No. X of 2015 and hereby schedules a public hearing regarding proposed Local Law at 7:00 p.m. on the 10th of June, 2015 and the Town Clerk is hereby directed to post and publish as required by law; and be it further

RESOLVED, that the Town Board hereby directs the Town Clerk to circulate this resolution, proposed Local Law No. X of 2015, supporting documentation and the public hearing notice to the Town Clerk of each abutting municipality, the Town of Pleasant Valley Planning Board for review and recommendation pursuant to Section 98-101 of the Zoning Law, the Dutchess County Department of

Planning and Development for advisory review in accordance with Section 239 of General Municipal Law and the New York State Department of Transportation.

MOTIONED BY: Councilman Latino

SECONDED BY: Councilman Albrecht

DATED: April 8, 2015

ROLL CALL:	<u>AYE</u>	<u>NAY</u>
Councilman Albrecht	X	
Councilman Figliozzi	X	
Councilman Latino	X	
Councilwoman Milicaj	X	
Supervisor Campbell	X	

Carried.

Item # 2 – Authorizing the Acceptance of Second Round of Intervenor Funding and Execution of Contract with the New York State Department of Public Service for Intervenor Funding Award AC Transmission Line Comparative Proceeding:

Supervisor Campbell read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 89/2015

RE: AUTHORIZING THE ACCEPTANCE OF SECOND ROUND OF INTERVENOR FUNDING AND EXECUTION OF CONTRACT WITH THE NEW YORK STATE DEPARTMENT OF PUBLIC

SERVICE FOR INTERVENOR FUNDS AWARD – AC TRANSMISSION LINE COMPARATIVE PROCEEDING

WHEREAS, there is pending before the New York State Department of Public Service a comparative proceeding regarding Alternating Current Transmission upgrades which is now proceeding pursuant to the terms of an order issued by the Public Service Commission on December 16, 2014; and

WHEREAS, pursuant to Public Service Law § 125(5), a fund for intervenor funding has been established for the proceeding. The purpose of the intervenor funding is to allow parties to contribute to the development of the complete record leading to an informed Public Service Commission decision, and to foster broad public participation in the proceeding; and

WHEREAS, the Town has been notified that it has been awarded additional intervenor funding in an amount not to exceed \$9,285 pursuant to the ruling on February 2015 Intervenor Funding Application issued on March 9, 2015, subject to the Town of Pleasant Valley entering into a contract with the New York State Department of Public Service; and

WHEREAS, the Town Board of the Town of Pleasant Valley is desirous of entering into this contract with the New York State Department of Public Service; now, therefore be it

RESOLVED, that the Town Board hereby accepts the award of intervenor funding; and be it further

RESOLVED, that the Town Supervisor be and hereby is authorized and directed to execute such contract upon final approval by the New York State Department of Public Service and the Attorney to the Town.

MOTIONED BY: Councilman Figliozi

SECONDED BY: Councilman Latino

DATED: April 8, 2015

ROLL CALL:	<u>AYE</u>	<u>NAY</u>
Councilman Albrecht	X	
Councilman Figliozi	X	
Councilman Latino	X	
Councilwoman Milicaj	X	
Supervisor Campbell	X	

CARRIED.

Item # 3 – Fencing for Bower Park:

Councilman Figliozi noted that he and the Highway Superintendent went and looked at the fence at Bower Park and he feels that the fence doesn't need to be replaced it just needs to be repaired.

Item # 4 – Maintenance At Mill Site:

Supervisor Campbell read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 88/2015

RE: AUTHORIZING CONTRACT FOR LANDSCAPING MAINTENANCE SERVICES AT THE TOWN OF PLEASANT VALLEY MILL SITE

WHEREAS, the Town Supervisor of the Town of Pleasant Valley solicited and received a proposal from qualified landscaping maintenance service contractor for the Town of Pleasant Valley Mill Site in accordance with the Town's adopted procurement polcity; and

WHEREAS, the Town Board received 2 sealed proposals; and

WHEREAS, Lehmkuhl Landscaping, Pleasant Valley, New York submitted a proposal #751 for services in the amount \$1,950; and

WHEREAS, the Town Board of the Town of Pleasant Valley has duly recommended the award of the contract for spring clean up to the Town of Pleasant Valley Mill Site to Lehmkuhl Landscaping of Pleasant Valley, New York; now, therefore, be it

RESOLVED, that the Town Board of the Town of Pleasant Valley hereby awards a contract for landscaping and maintenance services for the Town of Pleasant Valley Mill Site as specified in the request for proposal and the response dated April 4, 2015 to Lehmkuhl Landscaping of Pleasant Valley, New York For \$1,950; and, be it further

RESOLVED, that the Town Supervisor be and hereby is authorized and directed to execute a purchase order in accordance with proposal #751 dated April 4, 2015.

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilman Latino

DATED: April 8, 2015

ROLL CALL:

AYE

NAY

Councilman Albrecht

X

Councilman Figliozzi

X

Councilman Latino

X

Councilwoman Milicaj

X

Supervisor Campbell

X

Carried.

Item# 5 – Lawn Mowing Contract:

Supervisor Campbell gave a little background on this matter. Supervisor Campbell noted that an RFP went out for the 2015 Lawn Care and 2 bids were received. Supervisor Campbell asked if any Town Board member had any comments.

Motion by Councilwoman Milicaj, seconded by Councilman Albrecht the Town Board opened the floor for Mr. Chris Daley to address the Town Board regarding his bid for the 2015 lawn mowing, carried.

Chris Daley – Pine Hill Road- Thanked the Town Board for letting him speak at the Board meeting. Mr. Daley noted that he is cloudy about the issues from 2011. Mr. Daley reviewed with the Town Board what he was asked to do when he was issued the lawn mowing contract in 2011. Mr. Daley noted that after 2 weeks of mowing he received a letter from former Supervisor McNair terminating their services.

Mr. Daley did note that he can give the Town Board references from several business.

Councilman Figliozzi asked if he could get the references to the Town Clerk for the Town Board to review them.

Motion by Councilman Figliozzi, seconded by Councilwoman Milicaj the Town Board closed this portion to Mr. Chris Daley regarding lawn mowing contract, carried.

Item #6 - Authorizing Contract for Fireworks Display for Pleasant Valley Weekend:

Supervisor Campbell read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 91/2015

**RE: AUTHORIZING CONTRACT FOR FIREWORKS DISPLAY FOR
PLEASANT VALLEY WEEKEND**

WHEREAS, the Town Supervisor of the Town of Pleasant Valley solicited and received proposals from qualified contractors for fireworks for the Town of Pleasant Valley Community Day at the end of Pleasant Valley Weekend; and

WHEREAS, the Town Board received three (3) proposals; and

WHEREAS, Young Explosives Corporation, Rochester, New York, submitted a proposal dated March 17, 2015 in response to the request for proposals; and

WHEREAS, Young Explosives Corporation submitted a proposal in the amount of \$3,000.00; and

WHEREAS, the Town Board of the Town of Pleasant Valley is desirous of awarding the contract to Young Explosives Corporation; now, therefore be it

RESOLVED, that the Town Board of the Town of Pleasant Valley hereby intends to award a contract for the fireworks for the Town of Pleasant Valley Community Day on September 13, 2015 to Young Explosives Corporation, Rochester, New York; and, be it further

RESOLVED, that the Town Supervisor be and hereby is authorized and directed to execute a contract in accordance with the proposal dated March 17, 2015.

MOTIONED BY: Councilman Figliozzi

SECONDED BY: Councilman Albrecht

DATED: April 8, 2015

ROLL CALL:
Councilman Albrecht

AYE
X

NAY

Councilman Figliozzi	X
Councilman Latino	X
Councilwoman Milicaj	X
Supervisor Campbell	X

Carried.

Item # 7 – Authorizing Contract for Tent Rental for Pleasant Valley Weekend:
Supervisor Campbell read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD
TOWN BOARD RESOLUTION NO.: 92/2015

RE: AUTHORIZING CONTRACT FOR TENT RENTAL FOR PLEASANT VALLEY WEEKEND

WHEREAS, the Town Board of the Town of Pleasant Valley solicited and received proposals from qualified contractors for the rental of tents and other necessary items for the Town of Pleasant Valley Weekend; and

WHEREAS, the Town Board received three (3) proposals; and

WHEREAS, Matt Cantele Tent Rentals Inc., submitted a proposal under purchase order 5638-2 in response to the Town Board request for proposals; and

WHEREAS, Matt Cantele Tent Rentals Inc. submitted a proposal in the amount of \$4,475.00; and

WHEREAS, the Town Board of the Town of Pleasant Valley is desirous of awarding the contract to Matt Cantele Tent Rentals Inc.; now, therefore be it

RESOLVED, that the Town Board of the Town of Pleasant Valley hereby intends to award a contract for the rental of tents and other necessary items for the Town of Pleasant Valley Weekend on September 11, 2015 through September 13, 2015 to Matt Cantele Tent Rentals Inc.; and, be it further

RESOLVED, that the Town Supervisor be and hereby is authorized and directed to execute a contract in accordance with the purchase order 5638-2.

MOTIONED BY: Councilwoman Milicaj

SECONDED BY: Councilman Albrecht

DATED: April 8, 2015

ROLL CALL:	<u>AYE</u>	<u>NAY</u>
Councilman Albrecht	X	
Councilman Figliozi	X	
Councilman Latino	X	
Councilwoman Milicaj	X	
Supervisor Campbell	X	

CARRIED.

Item # 8 – Authorizing Release of Williams Lumber and Supply Maintenance Bond:
Supervisor Campbell read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 93/2015

RE: AUTHORIZING RELEASE OF WILLIAMS LUMBER AND SUPPLY MAINTENANCE BOND

WHEREAS, as a condition of final Site Plan approval Williams posted a maintenance bond as required by Town Code § 98-42(N) secured by a cash deposit in the amount of \$30,740.00 as a condition of Site Plan approval; and

WHEREAS, following a request by the developer, as per a memorandum dated March 31, 2015, the Zoning Administrator has reviewed the site and determined that the Town Code requirements have been met and has recommended to the Town Board the release of the bond and cash security; now, therefore be it

RESOLVED, that the Town Board of the Town of Pleasant Valley does hereby authorize the Town Supervisor, Attorney for the Town and Town Bookkeeper to take any and all action necessary to release the maintenance bond and cash security in the amount of \$30,740.00 to Williams Lumber upon final payment of any outstanding invoices which may be due to the Town of Pleasant Valley.

MOTIONED BY: Councilwoman Milicaj

SECONDED BY: Councilman Albrecht

DATED: April 8, 2015

ROLL CALL:

AYE

NAY

Councilman Albrecht	X
Councilman Figliozzi	X
Councilman Latino	X
Councilwoman Milicaj	X
Supervisor Campbell	X

Carried.

Item # Authorizing the Amendment to the Collective Bargaining Agreement Between Local 456, I.B.T. and the Town of Pleasant Valley:

Supervisor Campbell read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 94/2015

RE: AUTHORIZING THE AMENDMENT TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN LOCAL 456, I.B.T. AND THE TOWN OF PLEASANT VALLEY

WHEREAS, the Town of Pleasant Valley and Local 456, I.B.T. on behalf of the Town of Pleasant Valley Highway Department are parties to a Collective Bargaining Agreement effective April 14, 2010 until December 31, 2015, as amended; and

WHEREAS, notwithstanding the provisions of Article XII Health Insurance, of the CBA, due to circumstances beyond the Town's control the Town had to obtain a substitute health insurance plan; and

WHEREAS, with a reservation of rights, all members of the Union registered for the new plan which is identified as a MVP Gold2 Medical Plan with EyeMed Vision Plan; and

WHEREAS, on or about December 27, 2014 the Union filed a grievance with the Town Highway Superintendent following which the Union agreed to toll the time limits of the contractual grievance procedure pending negotiations concerning the change of the health insurance plan; and

WHEREAS, the parties are desirous of amending Article XII entitled "Health Insurance", Sections 1 and 3 in accordance with the Memorandum of Agreement as the Union agreed on March 11, 2015 subject to ratification by the Union membership which occurred on March 27, 2015; and

WHEREAS, as part of the Memorandum of Agreement the Union has agreed to withdraw its grievance filed on or about December 27, 2014; now, therefore, be it

RESOLVED, that Article XII entitled "Health Insurance" Sections 1 and 3 are amended in accordance with the Memorandum of Agreement as annexed hereto; and be it further

RESOLVED, that Town Board of the Town of Pleasant Valley hereby authorize the Supervisor to execute such Memorandum of Agreement.

MOTIONED BY: Councilman Figliozi

SECONDED BY: Councilwoman Miliaj

DATED: April 8, 2015

ROLL CALL:	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Councilman Albrecht			X
Councilman Figliozi	X		
Councilman Latino	X		
Councilwoman Milicaj	X		
Supervisor Campbell	X		

CARRIED.

Item # 10 – Authorizing Participation in Dutchess County Joint Government Efficiency Plan:
Supervisor Campbell read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 95/2015

RE: AUTHORIZING PARTICIPATION IN DUTCHESS COUNTY JOINT GOVERNMENT EFFICIENCY PLAN

WHEREAS, in order to adhere to the New York State Tax Freeze Credit Law certain taxpayers will be eligible for rebate checks that reside in taxing jurisdictions that stay within the tax cap and develop a Government Efficiency Plan (GEP) that is determined to be compliance by the New York State Division of Budget; and

WHEREAS, Dutchess County has offered an opportunity for local municipalities that meet the criteria for eligibility of the New York State Tax Freeze Credit Law to participate in a joint county-coordinated Government Efficiency Plan submission in lieu of making a individual GEP; and

WHEREAS, the New York State Tax Freeze Credit Law encourages local governments to generate long term tax relief for taxpayers by sharing services, consolidating or merging and implementing operational efficiencies; and

WHEREAS, eligibility is determined by staying within the tax cap for the fiscal year 2015 in the first instance and staying within the tax cap for fiscal year 2016, while developing and implementing a Government Efficiency Plan that is determined to be compliant by the New York State Division of Budget; and

WHEREAS, in order to participate in the Dutchess County GEP, Dutchess County municipalities must agree to pre-established due dates and criteria including opting in by April 6, 2015 and providing a draft submission to the County by May 1, 2015 to meet a 1% levy savings for each of the years 2015 – 2017.; and

WHEREAS, if such a deadline is not met, or a submission is not compliant, the Town will not be able to participate in the joint GEP; and

WHEREAS, due to the deadline to submit the opt in/out form to the County by April 6, there was a consensus given by a majority of the Town Board at the workshop meeting held on April 1, 2015 authorizing the Supervisor to execute the opt in/out form in favor of opting in subject to ratification by the Town Board by formal vote as established by this resolution at the regular Town Board meeting

being held on April 8, 2015; now, therefore, be it

RESOLVED, the Town Board of the Town of Pleasant Valley hereby authorizes the Supervisor to execute the Dutchess County Joint Government Efficiency Plan Municipality Opt In Form as ratified in substantially the same form as annexed hereto.

MOTIONED BY: Councilman Figliozi

SECONDED BY: Councilman Latino

DATED: April 8, 2015

ROLL CALL:	<u>AYE</u>	<u>NAY</u>
Councilman Albrecht	X	
Councilman Figliozi	X	
Councilman Latino	X	
Councilwoman Milicaj		X
Supervisor Campbell	X	

Carried.

Item # 11 – Authorizing the Use of Dutchess County GIS Assessment Photographs for the Dutchess county Municipal Consolidation and Shared Services Cloud Based Permitting (Municipality) Project:
Supervisor Campbell read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 96/2015

RE: AUTHORIZING THE USE OF DUTCHESS COUNTY GIS ASSESSMENT PHOTOGRAPHS FOR THE DUTCHESS COUNTY MUNICIPAL CONSOLIDATION AND SHARED SERVICES CLOUD BASED PERMITTING (MUNICIPITY) PROJECT

WHEREAS, during the pendency of the Inter-Municipal Agreement (IMA) for the Muncity project officials have expressed a desire to include assessment photographs which are now included in the Dutchess County GIS database for the Muncity project; and

WHEREAS, Dutchess County has agreed to provide those photos for use in the Muncity project under certain terms and conditions as outlined in a letter agreement dated March 26, 2015 from the Town of Hyde Park, as lead agency on the Muncity project; and

WHEREAS, the Town Board of the Town of Pleasant Valley believes that using the photos from the County GIS would be beneficial; now, therefore, be it

RESOLVED, the Town Board of the Town of Pleasant Valley hereby requests Dutchess County OCIS to release the photographs for use in the Muncity project in accordance with the terms and conditions as set forth in the March 26, 2015 letter; and be it further

RESOLVED, that the Town Supervisor be and hereby is authorized to execute the March 26, 2015 letter agreement with the Town of Hyde Park in substantially the same form as annexed hereto.

MOTIONED BY: Councilman Figliozi

SECONDED BY: Councilman Latino

DATED: April 8, 2015

ROLL CALL:	<u>AYE</u>	<u>NAY</u>
Councilman Albrecht	X	
Councilman Figliozi	X	
Councilman Latino	X	
Councilwoman Milicaj		X
Supervisor Campbell	X	

Carried.

Item # 12 – Authorizing an Amendment to the 2015 Adopted Town Budget for the Valley Dale Sewer District Inter-Fund Loan and Further Authorizing Repayment to the General Fund:

Supervisor Campbell read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 97/2015

RE: AUTHORIZING AN AMENDMENT TO THE 2015 ADOPTED TOWN BUDGET FOR THE VALLEY DALE SEWER DISTRICT INTER-FUND LOAN AND FURTHER AUTHORIZING REPAYMENT TO THE GENERAL FUND

WHEREAS, by Resolution No. 155/2014 the Town Board of the Town of Pleasant Valley authorizes a temporary advance of funds pursuant to General Municipal Law § 9-a to the Valley Dale Sewer District fund in the amount of \$14,116.61 to pay a portion of the balance due to JP Morgan Chase Bank on a 2013 Bond Anticipation Renewal Note; and

WHEREAS, the Town of Pleasant Valley has collected revenue from the Valley Dale Sewer District from the 2015 levy to refund the Town General Fund; and

WHEREAS, the actual amounts apply to expenditures for 2014 Budget and as such the 2015 Budget needs to be amended and reclassified to the appropriated fund balance account; and

WHEREAS, pursuant to General Municipal Law the Valley Dale Sewer District is obligated to reimburse the General Fund the principal plus reasonable interest comparable to that which would have been earned in the event the inter-fund loan had not been made; and

WHEREAS, the Town Board has determined that the advance which was authorized on November 12, 2014, through April 10, 2015 reasonably would have earned the Town of Pleasant Valley \$58.01; now, therefore, be it

RESOLVED, that the Town Board hereby amends and transfers from and to the attached budget lines for the general 2015 adopted budget as follows:

Appropriations:

Increase

Account	Department	Amount
SS.9000	Appropriated Fund Balance	\$13,184.00
Total		\$13,184.00

Decrease

Account	Department	Amount
SS.9730.600	Sewer BAN Principal	\$12,684.00
SS.9730.600	Sewer BAN Interest	\$ 500.00
Total		\$13,184.00

; and be it further

RESOLVED, that the Town Board of the Town of Pleasant Valley authorizes the Supervisor and Bookkeeper to transfer \$14,174.62 to General Fund A.391 borrowed from the general fund to pay off the sewer BAN.

MOTIONED BY: Councilman Latino

SECONDED BY: Councilman Albrecht

DATED: April 8, 2015

ROLL CALL:	<u>AYE</u>	<u>NAY</u>
Councilman Albrecht	X	
Councilman Figliozzi	X	
Councilman Latino	X	
Councilwoman Milicaj	X	
Supervisor Campbell	X	

Carried.

Item # 3 – Authorizing Payment of Abstract No. 4 of 2015:
Supervisor Campbell read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 98/2015

RE: AUTHORIZING PAYMENT OF ABSTRACT NO. 4 OF 2015

WHEREAS, the Town of Pleasant Valley Town Board has audited the bills presented by the Town Clerk, and an abstract has been compiled; now therefore be it

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to pay all claims as follows:

1. Abstract 4 of 2015	General Fund Claims	\$ 349,645.01
2. Abstract 4 of 2015	Highway Fund Claims	\$ 95,506.06
3. Abstract 4 of 2015	Consolidated Light	\$ 3,691.64

MOTIONED BY: Councilwoman Milicaj

SECONDED BY: Councilman Figliozi

DATED: April 8, 2015

ROLL CALL:	<u>AYE</u>	<u>NAY</u>
Councilman Albrecht	X	
Councilman Figliozi	X	
Councilman Latino	X	
Councilwoman Milicaj	X	
Supervisor Campbell	X	

Carried.

Item # 14 – Amending the 2015 Adopted Highway Budget:
Supervisor Campbell read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 99/2015

RE: AMENDING THE 2015 ADOPTED HIGHWAY BUDGET

WHEREAS, the Town Board of the Town of Pleasant Valley has expenditures for the 2015 Adopted Highway Budget line items that will exceed the amount available in such Budget lines; and

WHEREAS, the Town of Pleasant Valley has received revenues from insurance recoveries for a loss on March 27, 2015 and needs to increase the equipment repair expense line to incorporate such funds to provide for such increases; and

WHEREAS, it is necessary to amend the 2015 Adopted Highway Budget to meet these expenses to reflect additional revenue; now, therefore, be it

RESOLVED, that the Town Board of the Town of Pleasant Valley hereby authorizes, empowers and directs the Town Supervisor to amend the 2015 Adopted Highway Budget as follows:

Revenue:

Increase

Account	Department	Amount
DA.2680	Insurance Recoveries	\$7,422.33
Total		\$7,422.33

Appropriations:

Increase

Account	Department	Amount
DA.5130.483	Equipment Repairs	\$7,422.33

Total

\$7,422.33

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilman Latino

DATED: April 8, 2015

ROLL CALL:

AYE

NAY

Councilman Albrecht

X

Councilman Figliozzi

X

Councilman Latino

X

Councilwoman Milicaj

X

Supervisor Campbell

X

Carried.

Item # 15 – Authorizing Contract for Maintenance and Repairs to Fountain and Sidewalk at the Town of Pleasant Valley Mill Site:

Supervisor Campbell read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 102/2015

**RE: AUTHORIZING CONTRACT FOR MAINTENANCE AND REPAIRS TO FOUNTAIN AND
SIDEWALK AT THE TOWN OF PLEASANT VALLEY MILL SITE**

WHEREAS, the Town Supervisor of the Town of Pleasant Valley solicited and received a proposal from a qualified contractor for repairs to the Town of Pleasant Valley Mill Site fountain in accordance with the Towns adopted procurement policy; and

WHEREAS, Dreamscapes Landscape and Construction of Pleasant Valley, New York submitted a proposal to repair the fountain for a new planter application with solar lantern for the price of \$800 and to prepare a concrete sidewalk at the park entrance for a price of \$600; and

WHEREAS, the Town Board of the Town of Pleasant Valley has duly recommended the award of the contract to Dreamscapes Landscape and Construction of Pleasant Valley, New York for items #2 and #3 of the proposal received on April 7, 2015 in the amount of \$1,400 which is below the threshold for request for proposals in the Town of Pleasant Valley; now, therefore, be it

RESOLVED, that the Town Board of the Town of Pleasant Valley hereby awards a contract for the repair to the fountain for a new planter application with solar lantern and to prepare a concrete sidewalk at the park entrance at Town of Pleasant Valley Mill Site as specified as items #2 and #3 in the proposal we received on April 7, 2015 Dreamscapes Landscape and Construction of Pleasant Valley, New York for a total amount of \$1,400; and, be it further

RESOLVED, that the Town Supervisor be and hereby is authorized and directed to execute a contract in accordance with the proposal received on April 7, 2015.

MOTIONED BY: Councilman Figliozzi

SECONDED BY: Councilman Latino

DATED: April 8, 2015

ROLL CALL:

AYE

NAY

Councilman Albrecht	X
Councilman Figliozi	X
Councilman Latino	X
Councilwoman Milicaj	X
Supervisor Campbell	X

Carried.

Councilman Figliozi asked if a letter was ever sent to Pleasant Valley Agency regarding refunding the Town insurance money on buildings the Town did not own and was charged for.

Supervisor Campbell noted that she has spoken to Pleasant Valley Agency and was told that there is no money to be refunded.

Councilwoman Milicaj suggested that the Board contact the insurance carrier and that they should provide them with the date range that the buildings were being covered.

Supervisor Campbell and Councilman Figliozi had discussion regarding the additional funding for the Cricket Valley lines.

Item # 16 – Authorizing Additional Funding for Services Pertaining to the Cricket Valley Proceeding:
Supervisor Campbell read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 103/2015

RE: AUTHORIZING ADDITIONAL FUNDING FOR SERVICES PERTAINING TO THE CRICKET VALLEY PROCEEDING

WHEREAS, Cricket Valley Energy Center, LLC has filed an application pursuant to Public Service Law Article VII for authorization to construct and operate a new approximately 14.6 mile 345-kilovolt transmission line to connect the Cricket Valley Energy Center, LLC generation facility in the Town of

Dover, New York to the Pleasant Valley substation owned by Consolidated Edison Company of New York, Inc. in the Town of Pleasant Valley, New York; and

WHEREAS, pursuant to Public Service Law § 125(5), a fund the amount of \$50,000 for intervenor funding had been established for the proceeding. The purpose of the intervenor funding is to allow parties to contribute to the development of the complete record leading to an informed Public Service Commission decision, and to foster broad public participation in the proceeding; and

WHEREAS, the Town was awarded intervenor funding in an amount not to exceed \$6,500 pursuant to the ruling issued on September 26, 2014; and

WHEREAS, the Town retained the services of Daniel Duthie, Esq. to represent the Town; and

WHEREAS, no additional intervenor funding is or will be made available; and

WHEREAS, the Town Board has considered certain options with respect to being able to continue to proceed and participate in the proceedings recognizing that there are no additional intervenor funds available; and

WHEREAS, the Town has considered an offer to work jointly with the Town of LaGrange and the Town of LaGrange Special Counsel with respect to this matter; and

WHEREAS, the Town believes it in the best interests of the Town to continue to be able to participate even in a limited manner in these proceedings; and

WHEREAS, the Town is desirous of retaining the services of Gary S. Bowitch, Esq., Bowitch & Coffey, LLC, Albany, New York to jointly proceed with the Town of LaGrange with the Town of Pleasant Valley's contribution not to exceed \$5,000; and

WHEREAS, the Town of LaGrange has agreed to contribute \$10,000 towards this joint representation; and

WHEREAS, there are sufficient funds available in the judgment and claims line of the 2015 adopted Town budget; now, therefore, be it

RESOLVED, that contingent upon the Town of LaGrange taking such action the Town Board agrees to jointly retain Gary S. Bowitch, Esq.; and be it further

RESOLVED, that the Town shall authorize an engagement agreement directly with Gary Bowitch, Esq. on a pro rata cost sharing basis with the Town of LaGrange; and be it further

RESOLVED, that the Town Board of the Town of Pleasant Valley hereby authorizes the retention of the services of Gary S. Bowitch, Esq. subject to an cooperative engagement agreement and scope of services to be performed and a billing methodology between the Towns, in an amount not to exceed \$5,000 from the judgement and claims line of the 2015 adopted Town budget and such funds be appropriated therefore, subject to final review and approval by the Town Supervisor and the Attorney to the Town.

MOTIONED BY: Councilman Figliozi

SECONDED BY: Councilman Latino

DATED: April 8, 2015

ROLL CALL:	<u>AYE</u>	<u>NAY</u>
Councilman Albrecht	X	
Councilman Figliozi	X	
Councilman Latino	X	
Councilwoman Milicaj		X
Supervisor Campbell	X	

Carried.

OPEN THE MEETING TO THE PUBLIC:

Motion by Councilman Figliozi, seconded by Councilman Latino the Town Board opened the meeting to the public, carried.

Tom Vasti – Patricia Drive – noted that a letter should be sent to Pleasant Valley Agency since the Town used them for over 40 years.

Tom also asked about the intervener funding and how it works.

Councilman Latino noted that the funding is used to stop and fight the additional lines from going through Pleasant Valley.

Tom Vasti asked if the Public Service Commission is working together with the Town to get the funding.

Councilman Latino noted that each Town has to apply for their own funding.

Councilman Figliozzi explained how the funding is spent.

Town Attorney, Scott Volkman explained how the Town was awarded the funding and what the specific needs are for the Town.

Tom Vasti asked if there is a citizens group to fight the lines to Dover.

Supervisor Campbell spoke about Cricket Valley and also noted that there is a group of concerned citizens working on the High Tension wires coming from the North and they are also working on the wires going out to Dover.

Chris Hart – Smith Road – asked how much intervenor funding did the Town receive.

Town Attorney, Scott Volkman noted that the Town applied for \$109,000.00 but only received \$49,000.00.

Chris Hart – asked if there has been an engineer study done at the plant.

Supervisor Campbell noted that one has not been done at this time.

Chris Daley- Pine Hill Road – asked if the maintenance work that was done at the Mill Site was put out for bid.

Supervisor Campbell stated that it was not put out for bid.

Town Attorney, Scott Volkman explained that it did not need to go out to bid since it was within the Town's procurement policy.

CLOSE THE MEETING TO THE PUBLIC:

Motion by Councilman Steve Albrecht, seconded by Councilman Latino the Town Board closed the meeting to the public, carried.

ADJOURN:

Motion by Councilman Figliozzi, seconded by Councilman Albrecht the Town Board adjourned the meeting at 9:30PM, carried.

Respectfully Submitted,

Margaret Hart

Margaret Hart, Town Clerk