

**PUBLIC HEARING**

**REGULAR TOWN BOARD MEETING**

**AUGUST 12, 2015**

The Pleasant Valley Town Board held a Public Hearing and their regularly scheduled meeting on Wednesday, August 12, 2015 at 7:00PM at Town Hall, 1554 Main Street, Pleasant Valley.

<b><u>PRESENT:</u></b>	Steve Albrecht	Councilman
	Mark Figliozzi	Councilman
	Steve Latino	Councilman
	Lisa Milicaj	Councilwoman
	Carol Campbell	Supervisor

**PUBLIC HEARING:**

**PURPOSE:** Amending Chapter 98 of the Code of the Town of Pleasant Valley entitled "Zoning, Article IV Supplementary Regulations, Section 98-46 Signs":

Supervisor Campbell noted that she is in receipt of the Affidavit of Publication from the Poughkeepsie Journal dated July 24, 2015 and the Affidavit of Posting by the Town Clerk dated July 21, 2015.

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

Town Attorney, Scott Volkman noted that the Town Board would need additional information on this local law. Mr. Volkman suggests that the Town Board adjourn the Public Hearing to another date. Mr. Volkman did note that the Town Board has received the recommendation from Dutchess County Planning and their recommendation is filed with the minutes. It was also noted that the Town Board is waiting to hear back from the Town's Planning Board.

Zoning Administrator, Mike White explained the sign ordinance and mentioned that there is two (2) new sign types that need to be added to the ordinance. One would be lite open signs for business and the other being gas station price signs.

Councilman Albrecht spoke about the signs and banners for churches.

Janet Gross – Creek Road – feels that the cost of the sign permits are too high and that the Town should make it affordable for the residents in Pleasant Valley.

Rolando Ghedini – Abor Hill Drive – feels that the Town should make the law more reasonable.

Councilwoman Milicaj feels that the comprehensive plan should also be updated along with the updates to the code.

Motion by Councilman Albrecht, seconded by Councilman Latino the Town Board adjourned the Public Hearing until October 14, 2015, carried.

### **PUBLIC HEARING:**

**PURPOSE:** Amending the code of the Town of Pleasant Valley entitled “Chapter 17 Officers and Employees, Article 1, Defense and Indemnification”.

Supervisor Campbell noted that she is in receipt of the Affidavit of Publication from the Poughkeepsie Journal dated July 24, 2015 and the Affidavit of Posting by the Town Clerk dated July 21, 2015.

Motion by Councilman Figliozzi, seconded by Councilman Albrecht the Town Board opened the Public Hearing to the public, carried.

Councilman Latino asked the Town Attorney when the Local Law can be tabled before or after public comment.

Town Attorney, Scott Volkman explained the procedure the Town Board would take to table the Local Law, the Town Board could close the Public Hearing, it is than an agenda item and it can be tabled at that time.

Don Sagliano asked what this local law is about.

Councilman Latino explained what the local law was and explained that our insurance carrier has asked us to inspect the Town’s playgrounds on a bi-weekly basis. The role of the employee would be to inspect the playground equipment but they don’t want to be held liable if a piece of equipment breaks after their inspection. Councilman Latino noted that before he adopts this local law he would like to speak to other Towns to see how their law works.

Councilwoman Milicaj stated that she is uncomfortable with this law. Councilwoman Milicaj noted that if the employee is not sure about the check list she can sit down with them to explain the procedure and what the insurance carrier is looking for.

Councilman Latino noted that if an employee chooses not to perform the duties asked of them is insubordination. Councilman Latino also noted that this is not uncommon for employees of municipalities and school districts to cover their employees.

Town Attorney, Scott Volkman stated that this law mirrors the language authorized by New York State Public Officers Law allows this to be offered by Local Law. Mr. Volkman did note that a previous Town Board had passed a Local Law on the defense portion.

Councilman Latino asked the Town Attorney to clarify the difference between the two.

Town Attorney, Scott Volkman did explain the difference between Defense and Indemnification to the Town Board.

Councilwoman Milicaj stated why duplicate the law have NYMIR handle this there is no emergency to provide the language of the law.

Bill Kern – Masten Road – asked if this local law would apply to the Highway Department especially the union workers.

Councilman Latino explained how it effects the employees and there is nothing in the union contract not to defend them.

All residents having had ample time to speak the Town Board closed the meeting to the public. Motion by Councilwoman Milicaj, seconded by Councilman Figliozi, carried.

### **REGULAR TOWN BOARD MEETING**

<b><u>MINUTES:</u></b>	of	05/06/2015	Workshop Meeting
		05/13/2015	Regular Town Board Meeting
		06/03/2015	Workshop Meeting

Were approved on motion by Councilman Albrecht, seconded by Councilman Figliozi the Town Board approved the above minutes, carried.

### **MONTHLY REPORTS:**

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

### **TOWN BOARD COMMITTEE REPORTS:**

Public Safety Committee Report – Councilman Albrecht stated that wood chips have been placed at the playground at Cady Park to bring it up to code.

Personnel Committee Report- Councilman Latino noted that they are working on setting up meetings to meet with the union representatives.

Supervisor Campbell stated that she will call interested residents who might want to be on various committees.

Highway Committee Report – Councilman Figliozi read the Highway Report (filed with the minutes).

Buildings Committee Report- Councilman Albrecht noted that the roof on the gazebo needs to be repaired.

Recreation Committee Report – Supervisor Campbell read the recreation report (filed with the minutes). Supervisor Campbell has noted that the stone and plaque are set for the playground dedication at Bower Park.

Technology Committee Report- Councilman Figliozzi noted that the Time Warner cable was replaced on the outside of Town Hall and the computers are running good.

Councilman Figliozzi stated that the virus software is about to expire.

Insurance Committee Report- Councilwoman Milicaj asked if the automobile insurance has been increased and also increase the value of the vehicles.

Time Warner Cable Report – Councilman Figliozzi noted that he has received the maps of where the lines run last week, but Time Warner still owes several items to the Town.

Zoning Code Review – Councilman Figliozzi stated that he and Councilwoman Milicaj are making progress.

### **ORAL/COMMITTEE REPORTS:**

County Legislature, Don Sagliano stated that he was glad that the senior picnic was back in Pleasant Valley. Don went over with the Town Board items that were passed at the County Legislator’s meeting on Monday. Don noted that the County is using grant money to make repairs to the County Airport, the County passed a resolution for more support for inmates at the County jail who suffer from a mental disability.

Don also noted that the mortgage tax is a little low for Pleasant Valley.

Councilwoman Milicaj asked how the budget is so far for sales tax.

Legislature Sagliano stated that the County is right on schedule.

### **CORRESPONDENCE:**

Supervisor Campbell noted that all correspondence is on file in the Town Clerk’s Office.

### **OPEN THE MEETING TO THE PUBLIC FOR AGENDA ITEMS ONLY:**

Motion by Councilman Albrecht, seconded by Councilman Figliozzi the Town Board opened the meeting to the public for agenda items only, carried.

No comments heard.

### **CLOSE THE MEETING TO THE PUBLIC:**

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

### **NEW BUSINESS:**

Item # 1 – Amending Local Law for Defense and Indemnification of Employees:

Motion by Councilman Latino, seconded by Councilman Figliozzi the Town Board tabled this time, carried.

Item # 2 – Amending the 2015 Adopted Town Budget:  
Supervisor Campbell read the following resolution:

**TOWN OF PLEASANT VALLEY TOWN BOARD**

**TOWN BOARD RESOLUTION NO.: 143/2015**

**RE: AMENDING THE 2015 ADOPTED TOWN BUDGET**

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

WHEREAS, the Town of Pleasant Valley has funds available in other lines and needs to transfer such funds to provide for such expenditures; 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 Budget as follows:

**Appropriations:**

**Increase**

<b>Account</b>		<b>Amount</b>
A.1420.451	Intervenor Funding	\$14,404.40
A.1620.421	Phone Change to Time Warner	\$ 1,500.00
A.3620.200	Building Insp. Stapler	\$ 22.00
<b>Total</b>		<b>\$15,926.40</b>

**Decrease**

<b>Account</b>		<b>Amount</b>
A.1620.499	Phone Change to Time Warner	\$ 1,500.00
A.3630.412	Building Insp. Books	\$ 22.00
<b>Total</b>		<b>\$ 1,522.00</b>

**Revenue:**

**Increase**

<b>Account</b>		<b>Amount</b>
A.3089	State Aid	\$14,404.40
<b>Total</b>		<b>\$14,404.40</b>

MOTIONED BY: Councilman Figliozi

SECONDED BY: Councilman Latino

DATED: August 12, 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 – Authorizing Payment of Abstract No. 8 of 2015:

Supervisor Campbell read the following resolution:

**TOWN OF PLEASANT VALLEY TOWN BOARD**

**TOWN BOARD RESOLUTION NO.: 144/2015**

**RE: AUTHORIZING PAYMENT OF ABSTRACT NO. 8 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 8 of 2015	General Fund Claims	\$ 68,639.76
2. Abstract 8 of 2015	Highway Fund Claims	\$105,575.76
3. Abstract 8 of 2015	Consolidated Light	\$ 6,150.23
4. Abstract 8 of 2015	Ambulance	\$ 16,320.00

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilman Latino

DATED: August 12, 2015

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

Carried.

Item # 4 – Authorizing Additional Funding for Services Pertaining to Cricket Valley Proceedings & Amending Resolution No. 103/2015:

Supervisor Campbell read the following resolution:

**TOWN OF PLEASANT VALLEY TOWN BOARD**

**TOWN BOARD RESOLUTION NO.: 145/2015**

**RE: AUTHORIZING ADDITIONAL FUNDING FOR SERVICES PERTAINING TO THE CRICKET VALLEY PROCEEDING AND AMENDING RESOLUTION NO. 103/2015**

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 in 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 which was fully expended; and

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

WHEREAS, the Town had agreed 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 has retained 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 equally towards this joint representation; and

WHEREAS, additional funds are again necessary to continue with the proceeding, with the Town of Pleasant Valley share not to exceed an additional \$2,500; and

WHEREAS, the Town Board wishes to amend Resolution No. 103/2015 to increase the Town of Pleasant Valley's contribution to an amount not to exceed \$7,500; 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 the Town Board of the Town of Pleasant Valley hereby authorizes the increase in funds for the retention of the services of Gary S. Bowitch, Esq. as part of a cooperative engagement agreement in an amount not to exceed \$7,500 from funds from the judgement and claims line of the 2015 adopted Town budget and such funds are appropriated therefore; and be it further

RESOLVED, that terms of the engagement agreement dated May 8, 2015 that was authorized by

Resolution No. 109/2015 shall continue to remain in full force and effect.

MOTIONED BY: Councilman Figliozi

SECONDED BY: Councilman Latino

DATED: August 12, 2015

<b>ROLL CALL:</b>	<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 Latino, seconded by Councilman Figliozi the Town Board opened the meeting to the public, carried.

Steve Kish – Cary Road – asked how who will be patrolling the park during Pleasant Valley weekend.

Bill Kern – Masten Road – noted that the Pleasant Valley Weekend committee will be hiring people to patrol the grounds after hours.

Chris Whitson – Traver Road- asked the Town Board as why no one from Pleasant Valley was at the Public Service Commission’s meeting in the Town of Poughkeepsie, the meeting was publicized for two months.

Supervisor Campbell apologized for the Town Board not going to the meeting.

**CLOSE THE MEETING TO THE PUBLIC:**

Motion by Councilwoman Milicaj, seconded by Councilman Latino the Town Board closed the meeting to the public, carried.

**SUPERVISOR’S COMMENTS:**

Supervisor Campbell thanked the Pleasant Valley Company's fire police in helping with the traffic at the power line meeting held at Town Hall.

Supervisor Campbell thanked the Republican Committee for their donation of two cakes for the senior picnic and the Rotary Club was also thanked for their donation to offset the cost of the picnic.

**ADJOURN:**

Motion by Councilman Figliozi, seconded by Councilman Latino the Town Board adjourned the meeting at 8:24, carried.

Respectfully Submitted,

*Margaret Hart*

Margaret Hart, Town Clerk