

REGULAR TOWN BOARD MEETING

MAY 11, 2016

The Pleasant Valley Town Board held their regularly scheduled Town Board Meeting on Wednesday, May 11, 2016 at 7:00PM at Town Hall, 1554 Main Street, Pleasant Valley.

<u>PRESENT:</u>	Steve Albrecht	Councilman
	Janet Gross	Councilwoman
	Jon Nicholson	Councilman
	Mark Figliozi	Supervisor

PRESIDING OFFICER: Mark Figliozi, Supervisor

RECORDING SECRETARY: Margaret Hart, Town Clerk

<u>MINUTES:</u>	of	02/09/2016	Special Town Board Meeting
		02/10/2016	Regular Town Board Meeting
		02/29/2016	Special Town Board Meeting
		03/02/2016	Workshop Meeting
		03/29/2016	Special Town Board Meeting
		04/06/2016	Workshop Meeting

Motion by Councilman Albrecht, seconded by Councilwoman Gross 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 Monthly Report
4. Assessor's Monthly Report
5. Recreation Monthly Report
6. Monthly Trial Balance Report
7. Above Ground Storage Tank Monthly Report

CORRESPONDENCE:

All Correspondence is on file in the Town Clerk's Office.

TOWN BOARD COMMITTEE REPORTS:

Public Safety Committee Report – Councilman Nicholson stated that Central Hudson has moved the poles along Creek Road back, but there are now double poles the Town is waiting for Time Warner and Verizon to come and move their lines.

Councilman Albrecht stated that there is a problem with the sidewalk in front of Town Hall. He will get a quote to have it repaired.

Refuse/Highway Committee Report- Supervisor Figliozi noted that the Town held Earth Day on April 30 and 122 bags of garbage were collected. Supervisor Figliozi noted that bid for the Salt Shed Building and the Site Work is on the agenda and it will be awarded at tonight's meeting.

Recreation Committee Report – Supervisor Figliozi noted that he is working with Cricket Valley regarding the refurbishing of Field 2 (South Ave.) after their proposed power lines are complete. It was noted that Town Engineer, Greg Bolner will draw up on RFP for the replacement of the storage shed for the Recreation Department located at Hibernia Road.

Technology Committee Report- Supervisor Figliozi stated that the Town is waiting for Windows 10 upgrade. Supervisor Figliozi noted that he is looking into grants to offset the cost of the upgrade.

ORAL/COMMITTEE REPORTS:

County Legislator, Don Sagliano spoke about the shared services grant program which in front of Legislatures for approval. Legislator Sagliano noted that May is Tick month in Dutchess County.

OPEN THE MEETING TO THE PUBLIC FOR AGENDA ITEMS ONLY:

Motion by Councilman Albrecht, seconded by Councilwoman Gross 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 Nicholson the Town Board closed the meeting to the public, carried.

NEW BUSINESS:

Item # 1A – Awarding the Contract for the Highway Salt Shed Building:

Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 94/2016

RE: AWARDING CONTRACT FOR HIGHWAY SALT SHED BUILDING

WHEREAS, on April 4, 2016 sealed bids for the Highway Salt Shed Building were publicly opened

and read aloud pursuant to General Municipal Law § 103; and

WHEREAS, one (1) bid was received and opened by the Town; and

WHEREAS, that the Town Board respectfully rejected the one (1) bid received which was submitted in response to the prior request for bids; and

WHEREAS, the Town Board then authorized the Town Clerk to re-advertise for request for bids; and

WHEREAS, on April 25, 2016 sealed bids for the Highway Salt Shed Building were publicly opened and read aloud pursuant to General Municipal Law § 103; and

WHEREAS, three (3) bids were received and opened by the Town; and

WHEREAS, that Town Engineer, Clark Patterson Lee has reviewed the proposals and has determined that the lowest responsible bidder for the construction of the Highway Salt Shed Building is Shirk Pole Buildings Inc.; and

WHEREAS, Clark Patterson Lee, Town Engineer by letter dated May 4, 2016, has recommended award of the base bid; now, therefore, be it

RESOLVED, that the Town Board of the Town of Pleasant Valley does hereby award the Highway Salt Shed Building contract to Shirk Pole Buildings Inc., located at 807 Reading Rd, East Earl, PA 17519 for a cost not to exceed \$189,000 pursuant to their bid dated April 25, 2016; and be it further

RESOLVED, that the Town Supervisor is authorized and directed to execute the contract between the Town and the contractor and the Town Engineer is authorized to issue a written notice to proceed as soon as practicable thereafter simultaneously with the award of the bid for the site improvements as contemplated by Resolution No. 95/2016 entitled "Awarding Contract For Highway Salt Shed Building Site Work"; and be it further

RESOLVED, that the award of the bid and execution of the contract by the Town Supervisor is wholly, entirely and unequivocally conditioned upon the conditions set by the Town of Pleasant Valley Town Board Resolution No. 84/2016 entitled "Authorizing the Town Board of the Town of Pleasant Valley, Dutchess County, New York to Expend up to \$500,000 of Funds From the "Infrastructure

Reserve Fund of the Town of Pleasant Valley," Dutchess County, New York".

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilwoman Gross

DATED: May 11, 2016

ROLL CALL:	<u>AYE</u>	<u>NAY</u>
Councilman Albrecht	X	
Councilwoman Gross	X	
Councilman Nicholson	X	
Supervisor Figliozi	X	

Carried.

Item # 1B – Awarding Contract for Highway Salt Shed Building Site Work:
Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD
TOWN BOARD RESOLUTION NO.: 95/2016

RE: AWARDING CONTRACT FOR HIGHWAY SALT SHED BUILDING SITE WORK

WHEREAS, on April 12, 2016 sealed bids for the Highway Department site work building were publicly opened and read aloud pursuant to General Municipal Law § 103; and

WHEREAS, three (3) bids were received and opened by the Town; and

WHEREAS, the Town Engineer, Clark Patterson Lee has reviewed the proposals and has determined that the lowest responsible bidder for the Highway Salt Shed Site Work is Thomas Gleason, Inc.; and

WHEREAS, that Clark Patterson Lee, Town Engineer by letter dated May 4, 2016, has recommended award of the base bid to Thomas Gleason, Inc.; now, therefore, be it

RESOLVED, that the Town Board of the Town of Pleasant Valley does hereby award the Highway Salt Shed Building site work contract to Thomas Gleason, Inc., located at 501 Salt Point Turnpike, Poughkeepsie, NY 12601 for a cost not to exceed \$75,386 pursuant to their bid proposal dated April 12; and be it further

RESOLVED, that the Town Supervisor is authorized and directed to execute the contract between the Town and the contractor and the Town Engineer is authorized to issue a written notice to proceed as soon as practicable thereafter simultaneously with the award of the bid for the salt shed as contemplated by Resolution No. 94/2016 entitled "Awarding Contract for Highway Salt Shed Building"; and be it further

RESOLVED, that the award of the bid and execution of the contract by the Town Supervisor is wholly, entirely and unequivocally conditioned upon the conditions set by the Town of Pleasant Valley Town Board Resolution No. 84/2016 entitled "Authorizing the Town Board of the Town of Pleasant Valley, Dutchess County, New York to Expend \$500,000 of Funds From the "Infrastructure Reserve Fund of the Town of Pleasant Valley," Dutchess County, New York".

MOTIONED BY: Councilwoman Gross

SECONDED BY: Councilman Nicholson

DATED: May 11, 2016

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

Councilman Nicholson X

Supervisor Figliozzi X

Carried.

Item # 2 – Unsafe Structure 194 Davis Road:

Supervisor Figliozzi stated that there is nothing new to report.

Item # 3A – Appointment of 2016 Town of Pleasant Valley Summer Camp Staff:

Supervisor Figliozzi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 96/2016

RE: APPOINTMENT OF 2016 TOWN OF PLEASANT VALLEY SUMMER CAMP STAFF

WHEREAS, the Town of Pleasant Valley intends to operate various summer camp programs open to its residents and members of the public; and

WHEREAS, there are vacancies on the Town of Pleasant Valley 2016 summer camp staff for the positions of Day Camp Director and Assistant Day Camp Director; and

WHEREAS, Stephanie Brockway has expressed interest in being appointed as Day Camp Director and Lynn Connors has expressed interest in being appointed as Assistant Day Camp Director; now, therefore, be it

RESOLVED, that the Town Board of the Town of Pleasant Valley does hereby designate and appoint Stephanie Brockway as Day Camp Director and Lynn Connors as Assistant Day Camp Director for the 2016 Town of Pleasant Valley summer camp at the rates established by Resolution No. 15/2016 and the 2016 adopted Town budget.

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilwoman Gross

DATED: May 11, 2016

ROLL CALL:	<u>AYE</u>	<u>NAY</u>
Councilman Albrecht	X	
Councilwoman Gross	X	
Councilman Nicholson	X	
Supervisor Figliozi	X	

Carried

Item # 3B – Establishing Petty Cash for the Recreation Department:
Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 97/2016

RE: ESTABLISHING PETTY CASH FUNDS FOR THE RECREATION DEPARTMENT

WHEREAS, pursuant to Town Law Section 64(1-a), the Town Board is authorized to establish petty cash funds for any Town officer, head of department or office in the Town, for payment, in advance of audit, of a properly itemized or certified bill for materials, supplies or services furnished to the Town for the conduct of its affairs and also may be used for the purpose of making change in the performance of official duties and upon such terms as set forth in Section 64(1-a); now, therefore, be it

RESOLVED, that the Recreation Department is hereby authorized and directed to establish a petty cash fund, in a sum not to exceed Twenty Dollars (\$20.00) as authorized by Town Law Section 64(1-a); and be it further

RESOLVED, that notwithstanding any provisions of Town Law § 64(1-a) to the contrary to allow the use of the petty cash fund and that the petty cash funds shall be used for, and

exclusively limited to, the purpose of making change, and thereby maintaining the aforesaid sums at all times.

MOTIONED BY: Councilman Nicholson

SECONDED BY: Councilwoman Gross

DATED: May 11, 2016

ROLL CALL:	<u>AYE</u>	<u>NAY</u>
Councilman Albrecht	X	
Councilwoman Gross	X	
Councilman Nicholson	X	
Supervisor Figliozi	X	

Carried.

Item # 3C – Authorizing the Recreation Department to Charge an Administration Fee for Late Registration:

Supervisor Figliozi read the following resolution:

**TOWN OF PLEASANT VALLEY TOWN BOARD
TOWN BOARD RESOLUTION NO.: 98/2016**

RE: AUTHORIZING THE RECREATION DEPARTMENT TO CHARGE AN ADMINISTRATIVE FEE FOR LATE REGISTRATION

WHEREAS, the Town of Pleasant Valley Recreation Department a fall soccer and winter basketball programs to its residents; and

WHEREAS, the fall soccer and winter basketball programs offered by the Recreation Department

have deadlines that must be complied with to sign up to participate; and

WHEREAS, in an effort to accommodate participants the Town of Pleasant Valley Recreation Department wishes to add people to the fall soccer and winter basketball programs if space permits after the deadline; and

WHEREAS, to allow participants into the fall soccer and winter basketball programs if space permits after the deadline the Town of Pleasant Valley Recreation Department needs to impose a \$20 administrative fee; now, therefore, be it

RESOLVED, that the Town Board hereby approves the implementation of a \$20 administrative fee to allow participants entry to the Town of Pleasant Valley Recreation Department fall soccer and winter basketball programs after the deadline if space permits.

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilwoman Gross

DATED: May 11, 2016

ROLL CALL:	<u>AYE</u>	<u>NAY</u>
Councilman Albrecht	X	
Councilwoman Gross	X	
Councilman Nicholson	X	
Supervisor Figliozi	X	

Carried.

Item # 4 – Accept the 2016 Annual Report:
Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 99/2016

RE: 2016 ANNUAL MS4 REPORT

WHEREAS, the Town of Pleasant Valley is required to file an annual MS4 Report; and

WHEREAS, the Town of Pleasant Valley has retained the services of Stormwater Management Consultants, Inc., for the purposes of assisting the Town in preparation of this annual report; and

WHEREAS, the Town of Pleasant Valley conducted a public meeting on May 4th and May 11, 2016 to consider the report prepared by Stormwater Management Consultants, Inc., for the period ending March 9, 2016; now, therefore, be it

RESOLVED, that the Town Supervisor be and hereby is authorized and directed to execute the certification for the MS4 Report for the period ending March 9, 2016; and, be it further

RESOLVED, that the Town Supervisor and Stormwater Management Consultants, Inc. are hereby directed to file the report with the New York State Department of Environmental Conservation; and, be it further

RESOLVED, that a copy of the report shall be filed in the Town Clerk's office where it shall be available for public inspection and that an electronic copy of the report shall be posted on the Town of Pleasant Valley website.

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilwoman Gross

DATED: May 11, 2016

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

Councilman Nicholson X

Supervisor Figliozi X

Carried.

Item # 5 – Award of Quote for Sidewalk Repair Work:
Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 100/2016

RE: AWARD OF QUOTE FOR SIDEWALK REPAIR WORK

WHEREAS, the Town Board of the Town of Pleasant Valley has the need to have the sidewalk at Town Hall repaired for safety reasons; and

WHEREAS, the Town Supervisor solicited a quote for the repair work from a qualified contractor; and

WHEREAS, the Town Supervisor received a quote from Dreamscapes Landscapes & Construction for repairs to the sidewalk at Town Hall; and

WHEREAS, pursuant to the 2016 Town's adopted Procurement Policy, public works purchases less than \$3,000 do not require competitive bids or request for proposals and may be solicited and accepted at the discretion of the purchaser, to wit, the Town Board; now, therefore, be it

RESOLVED, that the Town Board of the Town of Pleasant Valley hereby awards Dreamscapes Landscape & Construction the contract for repairs to the sidewalk at Town Hall in accordance with their quote dated May 5, 2016 in the 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 quote dated May 5, 2016.

MOTIONED BY: Councilwoman Gross

SECONDED BY: Councilman Albrecht

DATED: May 11, 2016

ROLL CALL:	<u>AYE</u>	<u>NAY</u>
Councilman Albrecht	X	
Councilwoman Gross	X	
Councilman Nicholson	X	
Supervisor Figliozi	X	

Carried.

Item # 6 – Discuss Town Hall Vandalism:

Supervisor Figliozi stated that he is waiting to receive two (2) more quotes for the repairs to Town Hall.

Item # 7 – Adopting Local Law No. 1 of 2016, Imposing a Temporary Town-Wide Moratorium on the Installation of Freestanding or Ground-Mounted Solar Energy Systems:

Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 101/2016

RE: ADOPTING LOCAL LAW NO. 1 OF THE YEAR 2016, IMPOSING A TEMPORARY TOWN-WIDE MORATORIUM ON THE INSTALLATION OF FREESTANDING OR GROUND-MOUNTED SOLAR ENERGY SYSTEMS

WHEREAS, the Town Board of the Town of Pleasant Valley duly adopted a resolution introducing a proposed Local Law entitled “Local Law No. 1 of the Year 2016, Imposing a

Temporary Town-Wide Moratorium on the Installation of Freestanding or Ground-Mounted Solar Energy Systems”; and

WHEREAS, the Public Hearing was duly advertised in the Poughkeepsie Journal, the official newspaper of the Town; and

WHEREAS, the Public Hearing was held on April 13, 2016, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law or any part thereof; and

WHEREAS, the Proposed Action is a Type II Action not subject to environmental review pursuant to 6 N.Y.C.R.R. §617.5 (c)(30); and

WHEREAS, the proposed Local Law was referred to the Town of Pleasant Valley Planning Board for comment which by resolution dated April 21, 2016 returned a positive recommendation; and

WHEREAS, the proposed Local Law was referred to Dutchess County Planning for comment which by memo dated April 13, 2016 made a determination that it was a matter of local concern with comments; and

WHEREAS, the Town Board of the Town of Pleasant Valley after due deliberation finds that it is in the best interest of the Town to adopt said Local Law; and

WHEREAS, said Local Law has been on the desks of the members of the Town Board of the Town of Pleasant Valley for at least seven (7) days exclusive of Sunday prior to the adoption of this Resolution; now, therefore, be it

RESOLVED, that the Town Board of the Town of Pleasant Valley hereby adopts Local Law No. 1 of the Year 2016 entitled “Local Law No. 1 of the Year 2016, Imposing a Temporary

Town-Wide Moratorium on the Installation of Freestanding or Ground-Mounted Solar Energy Systems”, a copy of which is attached hereto and made part of this Resolution; and be it further

RESOLVED, that the Town Clerk is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book for the Town of Pleasant Valley and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilwoman Gross

DATED: May 11, 2016

ROLL CALL:	<u>AYE</u>	<u>NAY</u>
Councilman Albrecht	X	
Councilwoman Gross	X	
Councilman Nicholson	X	
Supervisor Figliozi	X	

Carried.

LOCAL LAW NO. 1 OF THE YEAR 2016

A Local Law entitled Local Law No. 1 of the Year 2016, imposing a Temporary Town-Wide Moratorium on the Installation of Freestanding or Ground-Mounted Solar Energy Systems.

BE IT ENACTED by the Town Board of the Town of Pleasant Valley as follows:

Section-I: TITLE.

This Local Law shall be known and cited as Town of Pleasant Valley Local Law No. 1 of 2016 entitled “A Temporary Town-Wide Moratorium the Installation of Freestanding or Ground-Mounted Solar Energy Systems.”

Section-II: PURPOSE AND INTENT.

- A. It is the intention of the Town Board of the Town of Pleasant Valley in enacting this Local Law to temporarily suspend the installation of Freestanding or Ground-Mounted Solar Energy Systems, as defined in Section IV herein, by the imposition of a temporary moratorium on the issuance of permits and approvals for such installations for a period of 180 days from the effective date of this Local Law. Provision is made in this Local Law to allow for extension of the 180 day moratorium if necessary.
- B. The purpose of this temporary moratorium is to enable the Town of Pleasant Valley to temporarily halt the installation of Freestanding or Ground-Mounted Solar Energy Systems, for a reasonable period of time to enable the Town to adopt appropriate regulations of ground mounted solar panels which are not currently regulated in the Town of Pleasant Valley Zoning Code.
- C. In recent years, the installation of solar energy systems on commercial and residential properties has become wide spread due to various tax incentives and leasing and provider options. Solar panels are promoted by New York State and the Federal Government as sustainable energy sources that reduce dependence on fossil fuels.
- D. Solar panels have become, or will become, typical accessory uses for residential and commercial properties but they are not specifically regulated by the Town Code.
- E. The Town of Pleasant Valley recognizes that solar panels have many benefits for the property owner and the community in general but wise regulation regarding the placement of ground mounted panels are required.
- F. The temporary moratorium is being limited to Freestanding or Ground-Mounted Solar Energy Systems, because solar energy systems that are mounted on rooftops or existing

buildings can be visually integrated into the existing structure and are subject to building code requirements.

- G. During the period of this temporary moratorium, the Town Board intends to suspend land use regulations in the Town Code which conflict with the effect and intent of this Local Law.

Section-III: LEGISLATIVE FINDINGS OF FACT.

- A. The Town Board hereby finds that, pending the completion of the necessary studies, meetings, hearings, environmental review and other actions necessary and incident to proper consideration and adoption of a Local Law regulating the installation of Freestanding or Ground-Mounted Solar Energy Systems, and any revisions and amendments of the land use regulations of the Town, reasonable measures must be taken to maintain the status quo in order to protect the public interest and ensure that future solar energy system installations will be .
- B. The Town Board finds that it is in the long term interest of the public and its welfare to prevent the premature and inappropriate installation of Freestanding or Ground-Mounted Solar Energy Systems that would cause impacts to properties in the Town of Pleasant Valley.
- C. The Town Board finds that the temporary moratorium should be limited to Freestanding or Ground-Mounted Solar Energy Systems, because solar energy systems that are mounted on rooftops or existing buildings require less tree clearing and site preparation and can be visually integrated into the existing structure more readily.

Section-IV: DEFINITIONS.

A. FREESTANDING OR GROUND-MOUNTED SOLAR ENERGY SYSTEM.

A solar energy system that is directly installed in or on the ground and is not attached or affixed to an existing structure.

Section-V: SCOPE OF CONTROLS.

- A. During the effective period of this Local Law, the Town Board, the Planning Board, the Zoning Board of Appeals, the Building Department and the Zoning Administrator shall not permit, accept, process, interpret, deliberate upon, decide or approve any application for the installation of Freestanding or Ground-Mounted Solar Energy Systems except as set forth in Sections VI below.

- B. This moratorium shall apply to all currently pending and future application for the installation of Freestanding or Ground-Mounted Solar Energy Systems.

Section-VI: HARDSHIP.

- A. Should any owner of property affected by this Local Law suffer any unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Town Board of the Town of Pleasant Valley in writing for a waiver from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a special permit, site plan, subdivision, variance or other permit during the period of the moratorium imposed by this Local Law.

- B. **Procedure.**
 - 1. Upon submission of a written application to the Town Clerk by the property owner seeking a waiver from this Local Law, the Town Board shall, within thirty (30) days of receipt of said application, schedule a Public Hearing on said application upon five (5) days written notice in the official newspaper of the Town. Notice of said public hearing by regular mail, shall be provided to abutting property owners at the address shown on the tax rolls.

 - 2. At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Town Board shall, within fifteen (15) days of the close of said

Public Hearing, render its decision either granting or denying the application for variation from the strict requirements of this Local Law.

3. If the Town Board determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Town Board shall waive the application to this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

Section-VII: PENALTIES FOR OFFENSES.

Any person, firm, entity or corporation that shall construct, erect, enlarge or alter any building or structure, in violation of the provisions of this Local Law or shall otherwise violate any of the provisions of this Local Law shall be guilty of a violation and subject to a fine of not less than \$350.00 nor more than \$1,000.00. Each day that the violation continues shall be a separate offense.

Section-VIII: CONFLICTING LAWS SUPERSEDED.

All local laws, ordinances, or parts of local laws and ordinances, of the Town of Pleasant Valley that are in conflict with the provisions of this Local Law are hereby suspended to the extent necessary to give this Local Law full force and effect during the effective period of the moratorium.

Section-IX: SUPERSESION OF THE TOWN LAW.

This Local Law is hereby adopted pursuant to Municipal Home Rules Law §10(1)(i) and §10(1)(ii)(a)(14) and Statute of Local Governments §10(6) of the State of New York. It is the intent of the Town Board, pursuant to Municipal Home Rules Law §10(1)(ii)(d)(3) to supersede the following provisions of the New York State Town Law, Chapter 16 relating to time limits in connection with zoning and planning determinations:

- A. Town Law §267-a (5) (Time for ZBA to act on variance);
- B. Town Law §274-a (8) (Public Hearing on Site Plan);

- C. Town Law §274-a (10) (SEQRA requirements for Site Plan);
- D. Town Law §274-b (6) (Public Hearing on Special Permit);
- E. Town Law §274-b (8) (SEQRA requirements for Special Permit);

Section-X: SEVERABILITY.

- A. If a court of competent jurisdiction finds any provision(s) of this law invalid, in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid, and all other provisions of the law shall continue to be separately and fully effective.
- B. If a court of competent jurisdiction finds the application of any provision of this law to any building, other structure or tract of land to be invalid, in whole or in part, the effect of such decisions shall be limited to the person, property or situation involved in the controversy, and the application of any such provision to any other person, property or situation shall not be affected.
- C. The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability, shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent of the Town Board of the Town of Pleasant Valley that this Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part thereof is held inapplicable had been specifically exempt therefrom.

Section-XI: TERM.

This Local Law shall remain in force for a period of 180 days from its effective date. This local law is subject to review and renewal by the Town Board of the Town of Pleasant Valley for two (2) additional 90 day extensions by Town Board Resolution.

Section-XII: EFFECTIVE DATE.

This Local Law shall take effect upon its adoption and filing with the Secretary of State in accordance with the provisions of Section 27 of the Municipal Home Rule Law.

Item # 8 – Septic Quotes:

Tabled at this time.

Item # 9A – Appointment of Planning and Zoning Board of Appeals Legal Services:

Supervisor Figliozzi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 102/2016

RE: EMPLOYING PLANNING BOARD AND ZONING BOARD OF APPEALS

LEGAL SERVICES

BE IT RESOLVED, that upon the recommendation of the Planning Board dated April 20, 2016 and the Zoning Board of Appeals dated April 27, 2016 that James E. Nelson, Esq. of Van DeWater & Van DeWater, is hereby appointed to the office of Planning Board and Zoning Board of Appeals Attorney for the Town of Pleasant Valley, in accordance with the proposal dated January 4, 2016 to be paid from available escrow funds only with any non-escrow work to be authorized in advance by the Town Board upon recommendation of the Planning Board and/or Zoning Board of Appeals; and

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized to execute the engagement agreement with the respective provider of legal services accordingly as referenced herein.

MOTIONED BY: Councilwoman Gross

SECONDED BY: Councilman Nicholson

DATED: May 11, 2016

ROLL CALL:	<u>AYE</u>	<u>NAY</u>
Councilman Albrecht	X	
Councilwoman Gross	X	
Councilman Nicholson	X	
Supervisor Figliozi	X	

Carried.

Item # 9B – Appointing Planning Board Engineer:
Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD
TOWN BOARD RESOLUTION NO.: 103/2016

RE: EMPLOYING PLANNING BOARD ENGINEERING SERVICES

BE IT RESOLVED, that upon the recommendation of the Planning Board dated April 20, 2016 that Pete Setaro, of Morris Associates Engineering and Surveying Consultants, PLLC, is hereby appointed as Engineers for the Planning Board of the Town of Pleasant Valley for 2016 in accordance with the proposal dated December 8, 2015 to be paid from available escrow funds only with any non-escrow work to be authorized in advance by the Town Board upon recommendation of the Planning Board; and

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized to execute the engagement agreement accordingly as referenced herein.

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilwoman Gross

DATED: May 11, 2016

ROLL CALL:	<u>AYE</u>	<u>NAY</u>
Councilman Albrecht	X	
Councilwoman Gross	X	
Councilman Nicholson	X	
Supervisor Figliozi	X	

Carried.

Item # 10A – Quattro Rezoning/Introducing Local Law No. X of 2016 Amending the Town’s Zoning Map for the Purpose of Re-zoning a Property to the Mixed Use Commercial (MC) District:

Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 104/2016

RE: INTRODUCING LOCAL LAW NO. X OF 2016 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 Carmella Quattrociochi, Marie Potenza and Salvatore Quattrociochi dated January 27, 2016 is considering the adoption of Local Law No. X of 2016 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 2016 and hereby schedules a public hearing regarding proposed Local Law at 7:00 p.m. on the 13th day of July, 2016 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 2016, 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 Nicholson

SECONDED BY: Councilwoman Gross

DATED: May 11, 2016

ROLL CALL:	<u>AYE</u>	<u>NAY</u>
Councilman Albrecht	X	
Councilwoman Gross	X	
Councilman Nicholson	X	
Supervisor Figliozi	X	

Carried.

Item # 10B – Introducing Amendments to the Town’s Comprehensive Plan in Connection with Rezoning a Property to the Mixed Use Commercial (MC) District:

Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 105/2016

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 2397 Route 44 in the Town of Pleasant Valley and is designated as parcel #134400-6564-01-434864 on the Town's tax maps (the "Subject Property"); and

WHEREAS, the subject property is currently in the Rural Agricultural (RA) zoning district and the Town is considering a proposed amendment to the Zoning Map and Comprehensive Plan changing the designation of property from the Rural Agricultural (RA) to the Mixed Use Commercial (MC) zoning district; 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 Rural Agricultural (RA) to Mixed Use Commercial (MC); and

WHEREAS, the language in the Comprehensive Plan defines Rural Agricultural (RA) as follows: "This category of land is primarily designated for activities compatible with farming or farm-related business, and lower density residential and accessory uses. Recreation, low-impact resort uses, camps, golf courses, and fish and game preserves or clubs are also appropriate. A lower density residential designation, by itself, will not protect farm properties or rural qualities but lower densities allow for more creative land siting decisions and conservation techniques. Where development at higher densities will significantly alter large tracts of land, conservation subdivision development from a lower overall density allows growth to be carefully placed off good farms soils or within the wood line. Conservation density development and other greenspace preservation techniques should be strongly encouraged in this district and on other large, undeveloped parcels"; 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, the Subject Property is currently in the Rural Agricultural (RA) zoning district abutting the Taconic State Parkway and directly across route 44 from other Mixed Use Commercial (MC) zoned property. Since the language in the Comprehensive Plan defines Mixed Use Commercial (MC) properties to include “several parcels along the south side of Route 44 just east of the Taconic State Parkway” a specific text amendment should be added to include this parcel which is along the north side of Route 44 just east of the Taconic State Parkway such that the language would state that this category “includes the Route 44 corridor in an area between Mill Lane and Rossway Road, a parcel on the north side of Route 44 just east of the Taconic State Parkway and several parcels along the south side of Route 44 just east of the Taconic State Parkway,.....”; 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 13th of July, 2016 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 2016, 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: Councilwoman Gross

SECONDED BY: Councilman Albrecht

DATED: May 11, 2016

ROLL CALL:	<u>AYE</u>	<u>NAY</u>
Councilman Albrecht	X	
Councilwoman Gross	X	
Councilman Nicholson	X	
Supervisor Figliozi	X	

Carried.

Item # 11 – Amending the 2016 Adopted Budget:
Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD
TOWN BOARD RESOLUTION NO.: 106/2016

RE: AMENDING THE 2016 ADOPTED TOWN BUDGET

WHEREAS, the Town Board of the Town of Pleasant Valley has expenditures for the 2016 Adopted Budget Line items that will exceed the amount available in such Budget lines;
and

WHEREAS, it is necessary to amend the 2016 Adopted Budget to meet these expenses;
and

WHEREAS, the Town of Pleasant Valley had 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 2016 Adopted Budget as follows:

Appropriations:

Increase

Account	Department	Amount
A1420.451	Daniel Duthie	\$3,575.00
A.7020.200	Rec. Admin. Equipment-paper cutter	\$ 79.99
Total		\$3,654.99

Decrease

Account	Department	Amount
A.7020.401	Rec. Admin. Misc.	\$ 79.99
Total		\$ 79.99

Revenue

Increase

Account	Department	Amount
A.3089	State Aid-transmission lines	\$3,575.00
Total		\$3,575.00

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilwoman Gross

DATED: May 11, 2016

ROLL CALL:	<u>AYE</u>	<u>NAY</u>
Councilman Albrecht	X	
Councilwoman Gross	X	
Councilman Nicholson	X	
Supervisor Figliozi	X	

Carried.

Item # 12 – Authorizing Payment of Abstract No. 5 of 2016:
Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD
TOWN BOARD RESOLUTION NO.: 107/2016

RE: AUTHORIZING PAYMENT OF ABSTRACT NO. 5 OF 2016

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 5 of 2016	General Fund Claims	\$ 59,028.72
2. Abstract 5 of 2016	Highway Fund Claims	\$ 44,308.29
3. Abstract 5 of 2016	Con Light	\$ 3,251.44

MOTION BY: Councilman Albrecht

SECONDED BY: Councilwoman Gross

DATED: May 11, 2016

ROLL CALL:	<u>AYE</u>	<u>NAY</u>
Councilman Albrecht	X	
Councilwoman Gross	X	
Councilman Nicholson	X	
Supervisor Figliozi	X	

Carried.

Item # 13 – Employing Legal Services – Alternate Special Prosecutor:

Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 108/2016

RE: EMPLOYING LEGAL SERVICES – ALTERNATE SPECIAL PROSECUTOR

WHEREAS, the Town Board of the Town of Pleasant Valley has designated and appointed Lisa Hartley, Esq. to serve as Special Prosecutor for Vehicle and Traffic offenses in the Town of Pleasant Valley Justice Court in accordance with the proposal dated December 8, 2015 for the term of January 1, 2016 through December 31, 2016 by Resolution 17/2016; and

WHEREAS, there are times that an alternate Special Prosecutor may be necessary due to the unavailability of a Special Prosecutor or due to conflicts that the Special Prosecutor may have; now, therefore, be it

RESOLVED, that the Town Board of the Town of Pleasant Valley does hereby designate and appoint Scott L. Volkman, Esq., James P. Horan, Esq. and Ian C. Lindars, Esq. of Stenger, Roberts, Davis & Diamond, LLP to serve as the alternate Special Prosecutor for Vehicle and Traffic offenses in the Town of

Pleasant Valley Justice Court in accordance with the proposal dated June 9, 2015, effective upon confirmation of appointment by the Dutchess County District Attorney's office through December 31, 2016, to act as the Special Prosecutor when the Special Prosecutor is unavailable or when conflicts arise; and

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized to execute the engagement agreement with each respective provider of legal services accordingly as referenced herein pursuant upon the same terms and conditions as the Special Prosecutor as set forth by Resolution 17/2015.

MOTIONED BY: Councilwoman Gross

SECONDED BY: Councilman Albrecht

DATED: May 11, 2016

ROLL CALL:	<u>AYE</u>	<u>NAY</u>
Councilman Albrecht	X	
Councilwoman Gross	X	
Councilman Nicholson	X	
Supervisor Figliozi	X	

Carried.

Item # 14 – Authorizing the Town Clerk to Advertise for Bids for a Truck for Use by the Town Highway Department:

Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 109/2016

RE: AUTHORIZING THE TOWN CLERK TO ADVERTISE FOR BIDS FOR A TRUCK FOR USE BY THE TOWN HIGHWAY DEPARTMENT

WHEREAS, the Town Board, at the request of the Town Highway Superintendent, is considering replacing an existing Ford F-250 pick-up truck being used by the Town of Pleasant Valley Highway Superintendent; and

WHEREAS, the Town Board is considering specifications proposed with the assistance of the Highway Superintendent; and

WHEREAS, the bid request shall include a 2016 Ford F-250 or equivalent subject to the specifications; now, therefore, be it

RESOLVED, that the Town Clerk is hereby authorized to solicit bids for a truck needed by the Town of Pleasant Valley Highway Superintendent with responses due by May 31, 2016 at 12:00 p.m.

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilwoman Gross

DATED: May 11, 2016

ROLL CALL:	<u>AYE</u>	<u>NAY</u>
Councilman Albrecht	X	
Councilwoman Gross	X	
Councilman Nicholson	X	
Supervisor Figliozi	X	

Carried.

DISCUSSION:

Councilwoman Gross asked how old is the vehicle that is being replaced.

Supervisor Figliozi stated that the vehicle is 10 years old.

Councilwoman Gross asked why the highway vehicles aren't replaced every three (3) years. We owe it to our Highway men to try and replace the trucks every three (3) years.

Highway Superintendent, Butch Gardner stated that the trucks are changed out every ten (10) years. The truck that is being replaced is fifteen (15) years old.

OPEN THE MEETING TO THE PUBLIC:

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

Pauline Herr, Pleasant Valley Library Trustee – thanked the Town Board for the payment for the Library. Pauline gave a report to the Town Board on what is happening at the Library and thanked the Town Board for their continued support.

Nick Becker – Traver Road – asked if it is a rule that the highway trucks have to be replaced every ten (10) years.

Supervisor Figliozi stated that some trucks have been replaced this year.

Steve Kish – Cary Road - stated that the Town has the moratorium on ground mount solar what about the free standing solar.

Supervisor Figliozi stated that a ruling is coming down from the State and the Fire Advisory Board is also looking into this.

Rolando Ghedni – Arbor Hill Drive – stated that is in favor of the moratorium but suggest it shouldn't be in place for a long period of time.

Carol Campbell – Marshall Road – thanked County Legislator, Don Sagliano for the extra grant money. Carol stated that she has spoken about the Town's fund balance, but sees that the County has a fund balance management policy.

County Legislator, Sagliano stated that the fund balance management policy has not been adopted, it is being worked on. Mr. Sagliano spoke more about the policy.

Carol Campbell spoke about the Quattro re-zoning not in favor of spot zoning. Zoning should be re-done as a whole.

Highway Superintendent, Butch Gardner gave his monthly report (filed with the minutes).

Steve Kish – Cary Road – asked if the Town Board will put a committee together to review the re-zoning in the Town.

Supervisor Figliozi noted that the Town Board will be working on putting a committee together.

CLOSE THE MEETING TO THE PUBLIC:

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

SUPERVISOR'S COMMENTS:

Supervisor Figliozi noted that he and Councilman Albrecht attended a meeting regarding clearing the sediments out of the creek and there is a grant money available to help offset the cost.

Supervisor Figliozi noted that the Transfer Station received an excellent review from the DEC no violation were found and it is in compliance. Congratulations to the Highway Department.

ADJOURN:

Motion by Councilman Albrecht, seconded by Councilwoman Gross the Town Board adjourned the meeting at 8:00PM, carried.

Respectfully Submitted,

Margaret Hart

Margaret Hart, Town Clerk

