

**PUBLIC HEARING**  
**REGULAR TOWN BOARD MEETING**  
**SEPTEMBER 14, 2016**

The Pleasant Valley Town Board held a Public Hearing and their regularly scheduled Town Board Meeting on September 14, 2016 at 7:00PM at Town Hall, 1554 Main Street, Pleasant Valley.

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

**PRESIDING OFFICER:** Mark Figliozi, Supervisor

**RECORDING SECRETARU:** Margaret Hart, Town Clerk

**PUBLIC HEARING**

**OPEN THE MEETING TO THE PUBLIC:**

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

Supervisor Figliozi noted that he was in receipt of the Affidavit of Publication from the Poughkeepsie Journal dated September 1, 2016 and the Affidavit of Posting by the Town Clerk dated August 30, 2016.

Supervisor Figliozi noted that the Town of Pleasant Valley is applying for a CDBG in the amount of \$100,000.00 and it is required that the Town hold a Public Hearing regarding the grant. The grant money will be used for repairing the parking lot at Cady Field Park by installing curvaceous pavers which will stop the run off from going into the creek, the run off would run into the ground instead of the creek which will be helpful for the Wappingers Creek Watershed, DEC and EPA.

All residents having had ample time to speak on motion by Councilman Albrecht, seconded by Councilwoman Gross the Town Board closed the public hearing, carried.

**REGULAR TOWN BOARD MEETING**

<b><u>MINUTES:</u></b>	of	08/03/2016	Workshop Meeting
		08/10/2016	Regular Town Board Meeting

Motion by Councilman Becker, seconded by Councilman Nicholson 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. Recreation Monthly Report
5. Above Ground Storage Tank Monthly Report
6. Trial Balance Monthly Report

**CORRESPONDENCE:**

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

**TOWN BOARD COMMITTEE REPORTS:**

Public Safety Committee Report – Councilman Albrecht asked about putting a stop for pedestrian's sign in the middle of the crosswalk on Main Street by the post office. People are not stopping to allow residents to cross the street.

Councilman Albrecht also spoke about the traffic light on South Ave., the arrow light is not working. Supervisor Figliozi stated that Niagara Road will be closed during Pleasant Valley Weekend. The Town Board will approve this under New Business during tonight's meeting.

Personnel Committee Report – Councilman Nicholson stated that he and Councilwoman Gross met with candidates on August 26<sup>th</sup> to interview for the open alternate position on the ZBA. The Town Board will appoint the alternate to the ZBA under New Business during tonight's meeting.

Refuse/Highway Committee Report – Supervisor Figliozi noted that the end of Sherow Road will be closed during the bridge work that is being done on the intersection of North Ave. and Sherow Road. The compactor and highway garage will be opened during the road work.

Supervisor Figliozi stated that he has been asked if there could a temporary traffic light at the intersection of West Road and Salt Point Turnpike during the road construction on North Ave. and Sherow Road.

Supervisor Figliozi also noted that the electric work has started on the new Salt Shed.

Recreation Committee Report- Councilman Albrecht stated that the new basketball camp that was held during the summer was a big success enrollment had increased, soccer is up and running and the Festival of Lights committee will be holding a meeting on September 26<sup>th</sup>.

Technology Committee Report – Supervisor Figliozi stated that he has talked with Sullivan Data regarding windows 10 and there are still problems with the program so they will not be pushing for the Town to upgrade to windows 10 until all the issues are resolved.

Insurance Committee Report – Supervisor Figliozi noted that he will be meeting with the Town's insurance agent to review the Town's policies.

**ORAL/COMMITTEE REPORTS:**

Supervisor Figliozi noted that County Legislator, Don Sagliano was unable to make tonight's meeting and the only thing that Legislator Sagliano was going to report on was the road construction on North Ave. and Sherow Road.

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

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

No comments heard.

**CLOSE THE MEETING TO THE PUBLIC FOR AGENDA ITEMS ONLY:**

Motion by Councilman Nicholson, seconded by Councilwoman Gross the Town Board closed the meeting to agenda items only, carried.

**NEW BUSINESS:**

Item # 1 – Authorizing Amendment to Fox Run/Steeplechase Subdivision Road Improvement Agreement:

Supervisor Figliozi read the following resolution:

**TOWN OF PLEASANT VALLEY TOWN BOARD**

**TOWN BOARD RESOLUTION NO.: 142/2016**

RE:     **AUTHORIZING AMENDMENT TO FOX RUN/STEEPLECHASE ACRES LCC SUBDIVISION ROAD IMPROVEMENT AGREEMENT**

**WHEREAS**, the Town of Pleasant Valley Planning Board granted final subdivision approval for the subdivision known as Fox Run Subdivision to Peter G. Capell on or about November 13, 2007; and

**WHEREAS**, said approval allows for the construction of a private roadway and a common driveway and the Town of Pleasant Valley Town Board authorized the construction of a private roadway pursuant by Town Law Section 280-a by an open development area by resolution on/or about August 23, 2006; and

**WHEREAS**, in furtherance of the approvals Peter G. Capell executed a Road Improvement Agreement on March 11, 2008 , as amended on August 31, 2010; a Performance Bond on March 11, 2008, as amended on August 31,2010; and a Hold Harmless Agreement on June 19, 2008 (referred to as the “Agreements”); and

**WHEREAS**, the Road Improvement Agreement authorized the Agreements to be assigned by Capell to another party on consent of the Town Board, which consent would not be unreasonably withheld; and

**WHEREAS**, an assignment of the Road Bond Agreement, Performance Bond, and Hold Harmless Agreement was tendered by Peter G. Capell seeking to assign the aforementioned Agreements to Steeplechase Acres, LLC, a New York State limited liability Company, which was formed by Peter G. Capell and Kirchhoff Properties, LLC, to jointly undertake the development of the Fox Run Residential Subdivision; and

**WHEREAS**, the Town Board consented to the assignment by Resolution on or about February 2008; and

**WHEREAS**, as security for the Performance Bond, Steeplechase Acres, LLC, posted an Irrevocable Letter of Credit No. SB9127340001 issued by M&T Bank; and

**WHEREAS**, the Developer executed an amended Performance Bond dated September 12, 2012 and September 27, 2014 and a second amendment to the Road Improvement Agreement dated September 12, 2012 and a third amendment to the Road Improvement Agreement dated

September 17, 2014 agreeing to complete the improvements by September 24, 2016; and

**WHEREAS**, notwithstanding the Agreements the developer did commence but did not complete construction as anticipated therein; and

**WHEREAS**, the developer has requested an extension from the Town to complete performance; now, therefore, be it

**RESOLVED**, that the Town Board hereby consents to the extension of the current Agreement with the developer to complete construction by September 24, 2018; and be it further

**RESOLVED**, that the Town Supervisor is authorized to execute the amended Road Improvement Agreement dated September 12, 2016.

MOTIONED BY: Councilman Nicholson

SECONDED BY: Councilman Becker

DATED: September 14, 2016

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

Carried.

\*Councilwoman Gross noted that she was previously employed by Joe Kirchhoff of Kirchhoff Construction and she has no interest in the Fox Run Subdivision which is owned by Kirchhoff Properties.

Town Attorney, Scott Volkman stated that he and Councilwoman Gross discussed this before the meeting and it was determined that there was conflict of interest and there was need for Councilwoman Gross to abstain from voting.

Item # 2 – Accept Dedication of Road Frontage/Luzzi:  
Supervisor Figliozi read the following resolution:

**TOWN OF PLEASANT VALLEY TOWN BOARD**

**TOWN BOARD RESOLUTION NO.: 143/2016**

STATE OF NEW YORK: TOWN OF PLEASANT VALLEY  
COUNTY OF DUTCHESS

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In the Matter of Offer of Dedication by  
Thomas M. Luzzi, as Executor of the  
Last Will and Testament of Marie-Louise Luzzi  
of a Portion of Lands for Highway Purposes along  
122 Rossway Road in the Town of Pleasant Valley,  
Dutchess County, New York

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**ACCEPTANCE OF  
OFFER DEDICATION  
AND CONSENT TO  
HIGHWAY  
SUPERINTENDENT  
LAYING OUT  
PUBLIC WAY**

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**TOWN BOARD CONSENT**

Upon reading the Offer of Cession, dated the 27<sup>th</sup> day of July, 2016, from Thomas M. Luzzi, as Executor of the Last Will and Testament of Marie-Louise Luzzi, and the Deed dated \_\_\_\_ day of August, 2016 of Thomas M. Luzzi, as Executor of the Last Will and Testament of Marie-Louise Luzzi wherein they release the lands described herein to the Town of Pleasant Valley and to its Highway Superintendent for highway purposes;

NOW THEREFORE, BE IT RESOLVED, that such offer and dedication is hereby accepted by the Town of Pleasant Valley and consent be and the same hereby is given to the Town Superintendent of Highways of the Town of Pleasant Valley to make any subsequent Order for the lands described in said Deed of Dedication and Release, for highway purposes, in accordance with the provisions of the Highway Law of the State of New York and other statutes applicable thereto with respect to the parcel described in Schedule "A" of the Offer of Dedication as well as the Deed; and be it further

RESOLVED, that the Attorney to the Town, and the Town Clerk or designee are hereby empowered and directed to record the Deed of Dedication and Release and file the supporting papers in the office of the Town Clerk and the office of the County Clerk of Dutchess County in accordance with the provisions of § 171 of Highway Law and Article 9 of the Real Property Law.

MOTIONED BY: COUNCILMAN ALBRECHT

SECONDED BY: COUNCILWOMAN GROSS

DATED: September 14, 2016

**ROLL CALL:**


AYE

NAY

  
Councilman Albrecht


X

\_\_\_\_\_

  
Councilman Becker


X

\_\_\_\_\_

  
Councilwoman Gross

X

\_\_\_\_\_

  
Councilman Nicholson

X

\_\_\_\_\_

  
Supervisor Figliozi

X

\_\_\_\_\_

**CARRIED.**

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Item # 3 – Authorizing an Application to the Community Development Block Grant Program:  
Supervisor Figliozi read the following resolution:

**TOWN OF PLEASANT VALLEY TOWN BOARD**

**TOWN BOARD RESOLUTION NO.: 144/2016**

**RE: AUTHORIZING AN APPLICATION TO THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

WHEREAS, the Town of Pleasant Valley is a participant in the Dutchess County Urban Consortium for the Community Development Block Grant program for fiscal year 2017; and

WHEREAS, the Town Board held a Public Hearing on September 14, 2016 to obtain input from

citizens groups pertaining to a possible Community Development Block Grant program application which requests \$150,000 for the development of a central water system and \$100,000 for the development of a pervious parking lot to contain drainage at the Cady Field parking lot for said purpose; now, therefore, be it

RESOLVED, that the Town Board hereby approves an application to the Community Development Block Grant for the purpose of \$100,000 for the development of a pervious parking lot to contain drainage at the Cady Field parking lot.

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilman Becker

DATED: September 14, 2016

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

Carried.

Item # 4 – Authorizing the Establishment of a Loss Incident Review Committee:  
Supervisor Figliozi read the following resolution:

**TOWN OF PLEASANT VALLEY TOWN BOARD**  
**TOWN BOARD RESOLUTION NO.: 145/2016**

**RE: AUTHORIZING THE ESTABLISHMENT OF A LOSS INCIDENT REVIEW COMMITTEE**

WHEREAS, the Town of Pleasant Valley is insured through New York Municipal Insurance Reciprocal (“NYMIR”) for liability purposes; and

WHEREAS, the Town of Pleasant Valley is a subscribing member of NYMIR and it is imperative the proper time and attention be devoted to providing a safe environment for officials, employees and others who use or visit the Town’s facilities including giving careful consideration to methods of preventing or minimizing losses and accidents which could result in bodily injury or property damage; and

WHEREAS, NYMIR has performed an underwriting survey of the Town of Pleasant Valley; and

WHEREAS, NYMIR has recommended that the Town of Pleasant Valley create a “Loss Incident Review Committee” to investigate and review incidents to determine if all corrective actions are being

taken to prevent future occurrences; now, therefore, be it

RESOLVED, that the Town Board of the Town of Pleasant Valley hereby creates a Loss Incident Review Committee which consists of two members, one of which shall be a Town Board member and one of which shall be a Town Employee, to serve at the pleasure of the Town Board; and be it further

RESOLVED, that the Town Board does hereby constitute a Loss Incident Review Committee consisting of Janet Gross, Councilperson and Jeffrey Renihan, Fire Inspector, effective immediately.

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilman Nicholson

DATED: September 14, 2016

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

Carried.

Item # 5 – Appointment to the Zoning Board of Appeals/Alternate:  
Supervisor Figliozi read the following resolution:

**TOWN OF PLEASANT VALLEY TOWN BOARD**

**TOWN BOARD RESOLUTION NO.: 146/2016**

**RE: APPOINTMENT TO THE ZONING BOARD OF APPEALS**

WHEREAS, there exists a vacancy on the Zoning Board of Appeals for the position of an “alternate”; now, therefore, be it

RESOLVED, that the Town Board of the Town of Pleasant Valley, does designate and appoint Charles J. Forzano, as alternate, to the Town of Pleasant Valley Zoning Board of Appeals for the term to expire on December 31, 2017.

MOTIONED BY: Councilman Nicholson

SECONDED BY: Councilman Becker



DATED: September 14, 2016

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

Carried.

Item # 6 – Authorize a Request for Proposal for a Storage Shed/Helen Aldrich Park:  
Supervisor Figliozi read the following resolution:

**TOWN OF PLEASANT VALLEY TOWN BOARD**  
**TOWN BOARD RESOLUTION NO.: 147/2016**

**RE: AUTHORIZING A REQUEST FOR PROPOSAL FOR A STORAGE SHED AT HELEN ALDRICH PARK**

WHEREAS, the Recreation Director has recommended to the Town Board that storage shed is needed at Helen Aldrich Park; and

WHEREAS, in accordance with the Town’s procurement policy the Recreation Director has suggested that the cost is likely to exceed the bid threshold and that formal request for proposals should be solicited; and

WHEREAS, the Town Engineer has prepared specifications for the storage shed to be considered; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Town Clerk to solicit proposals for the storage shed at Helen Aldrich Park in accordance with the request for proposal prepared by the Town Engineer, with such proposals to be returned to the Town Clerk no later than September 30, 2016 at 12:00 PM.

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilwoman Gross

DATED: September 14, 2016

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

Supervisor Figliozzi	X
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NAY

Councilman Albrecht	X
Councilman Becker	X
Councilwoman Gross	X
Councilman Nicholson	X
Supervisor Figliozi	X

Carried.

**Discussion:**

Councilman Albrecht asked if there was a time frame as to when the fence had to be up by.

Supervisor Figliozi noted that the work would begin after Pleasant Valley Weekend.

Item # 8 – Award Quote for Fencing Repair at Helen Aldrich Park”

Supervisor Figliozi read the following resolution:

**TOWN OF PLEASANT VALLEY TOWN BOARD**

**TOWN BOARD RESOLUTION NO.: 149/2016**

**RE: AWARD OF QUOTE FOR FENCING REPAIR AT HELEN ALDRIDGE PARK**

WHEREAS, repairs are necessary to a chain link fence at Helen Aldridge Park; 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 Ketcham Fencing, Inc. for the repairs to the fencing at Helen Aldridge Park; and

WHEREAS, pursuant to the 2016 Town’s adopted Procurement Policy, public works contracts 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 Ketcham Fencing, Inc. the contract for repairs to the fencing at Helen Aldridge Park in accordance with their quote dated August 25, 2016 in the amount of \$1,690; 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 August 25, 2016.

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilman Nicholson

DATED: September 14, 2016

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

Carried.

Item # 9 – Amendment to the Town Board Meeting Schedule:  
Supervisor Figliozi read the following resolution:

**TOWN OF PLEASANT VALLEY TOWN BOARD**  
**TOWN BOARD RESOLUTION NO.: 150/2016**

**RE:     AMENDMENT TO THE TOWN BOARD MEETING SCHEDULE**

WHEREAS,       at the Town Board meeting held on January 1, 2016 the Town Board adopted Resolution No. 1 of 2016 designating the dates and times of all regular and workshop meetings for the year 2016; now, therefore, be it

RESOLVED, that the Pleasant Valley regular meeting previously scheduled for October 12, 2016 will now be held on October 19, 2016 at the regular location at **6:00 PM** in the main meeting room of the Town Hall, 1554 Main Street, Pleasant Valley, New York and all other previously scheduled meetings remain unchanged.

MOTIONED BY: Councilman Nicholson

SECONDED BY: Councilwoman Gross

DATED: September 14, 2016

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

Councilwoman Gross	X
Councilman Nicholson	X
Supervisor Figliozi	X

Carried.

Item # 10A – Amending the 2016 Highway Adopted Budget:  
Supervisor Figliozi read the following resolution:

**TOWN OF PLEASANT VALLEY TOWN BOARD**  
**TOWN BOARD RESOLUTION NO.: 151/2016**

**RE: AMENDING THE 2016 ADOPTED HIGHWAY 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
DA.5110.446	Blacktop	\$28,220.95
<b>Total</b>		<b>\$28,220.95</b>

**Decrease**

Account	Department	Amount
DA.5110.477	Street Sweeping	\$28,220.95
<b>Total</b>		<b>\$28,220.95</b>

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilwoman Gross

DATED: September 14, 2016

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

Carried.

Item # 10B – Amending the 2016 Adopted Budget:  
Supervisor Figliozi read the following resolution:

**TOWN OF PLEASANT VALLEY TOWN BOARD**  
**TOWN BOARD RESOLUTION NO.: 152/2016**

**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
A.1420.451	Attorney	\$2,090.00

A.7140.466	Summer Camps	\$2,408.68
<b>Total</b>		<b>\$4,498.68</b>

**Decrease**

Account	Department	Amount
A.7110.401	Field Materials	\$2,408.68
A.8010.456	Zoning Attorney	\$2,090.00
<b>Total</b>		<b>\$4,498.68</b>

MOTIONED BY: Councilwoman Gross

SECONDED BY: Councilman Nicholson

DATED: September 14, 2016

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

Carried.

Item # 10C – Amending the 2016 Adopted Town Budget:  
Supervisor Figlioizzi read the following resolution:

**TOWN OF PLEASANT VALLEY TOWN BOARD**  
**TOWN BOARD RESOLUTION NO.: 153/2016**

**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 for debt service; 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
DA.9730.700	Debt Service Interest	\$7,303.00
<b>Total</b>		<b>\$7,303.00</b>

**Decrease**

Account	Department	Amount
A.1990.400	Contingent Account	\$7,303.00
<b>Total</b>		<b>\$7,303.00</b>

MOTIONED BY: Councilman Becker

SECONDED BY: Councilman Albrecht

DATED: September 14, 2016

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

Carried.

Item # 11 – Set Public Hearing to Override the Tax Levy Limit for the Fiscal Year 2017:  
Supervisor Figliozi read the following resolution:

**TOWN OF PLEASANT VALLEY TOWN BOARD**



**TOWN BOARD RESOLUTION NO.: 154/2016**

**RE:     A LOCAL LAW OF THE TOWN OF PLEASANT VALLEY, NEW YORK, TO OVERRIDE THE TAX  
LEVY LIMIT FOR FISCAL YEAR 2017 ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-c**

WHEREAS, by this Resolution the Town Board introduces the proposed Local Law to be known as Local Law No.   X   of 2016, to override the limit on the amount of real property taxes that may be levied by the Town of Pleasant Valley and to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c; now, therefore be it

RESOLVED, that the Town Board schedules a Public Hearing on the proposed Local Law No.   X   of 2016 for October 19, 2016 at 6:00 p.m. and directs the Town Clerk to provide notice thereof, in the official newspaper of the Town and to post the Notice of Public Hearing accordingly.

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilwoman Gross

DATED: September 14, 2016

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

Carried.

Item # 12 – Authorize the Closure of Niagara Road During Pleasant Valley Weekend:  
Supervisor Figliozi read the following resolution:

**TOWN OF PLEASANT VALLEY**  
**TOWN BOARD RESOLUTION NO.: 155/2016**

**RE:     AUTHORIZING CLOSURE OF NIAGARA ROAD FOR PLEASANT VALLEY WEEKEND**

WHEREAS, the Town of Pleasant Valley will be hosting Pleasant Valley Weekend from September 16, 2016 through September 18, 2016; and

WHEREAS, the Pleasant Valley Weekend Committee has requested the closure of Niagara Road during the time of its event with the concurrence of the Highway Superintendent and Fire Advisory Board for public safety reasons; and

WHEREAS, the Town Board of the Town of Pleasant Valley has the authority to close highways in the Town of Pleasant Valley to allow for public assembly pursuant to Vehicle & Traffic Law § 1660(6); now, therefore, be it

RESOLVED, that pursuant to Vehicle & Traffic Law § 1660(6), the Town Board of the Town of Pleasant Valley hereby directs that Niagara Road shall be closed except to Niagara Road residents and there should be no on street parking from 12:00 p.m. on Friday, September 16, 2016 through 11:00 p.m. on Sunday, September 18, 2016 for Pleasant Valley Weekend; and be it further

RESOLVED that a copy of this resolution be sent to the Pleasant Valley Weekend Committee, the Pleasant Valley Fire District, the Dutchess County Sherriff’s office, the New York State Police and the Superintendent of Highways.

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilwoman Gross

DATED: September 14, 2016

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

Carried.

Item # 13 – Authorizing Payment of Abstract No. 9 of 2016:  
Supervisor Figlioizzi read the following resolution:

**TOWN OF PLEASANT VALLEY TOWN BOARD**  
**TOWN BOARD RESOLUTION NO.: 156/2016**

**RE: AUTHORIZING PAYMENT OF ABSTRACT NO. 9 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 9 of 2016	General Fund Claims	\$ 68,673.34
2. Abstract 9 of 2016	Highway Fund Claims	\$163,791.02
3. Abstract 9 of 2016	Capital Reserve/Salt Shed	\$105,533.29
4. Abstract 9 of 2016	Con Light	\$ 3,377.06
5. Abstract 9 of 2016	Ambulance District	\$ 8,568.00

MOTIONED BY: Councilwoman Gross

SECONDED BY: Councilman Becker

DATED: September 14, 2016

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

Carried.

Item # 14 – Amendment to Section 905 of the Town of Pleasant Valley Employee Handbook:  
Supervisor Figliozi read the following resolution:

**TOWN OF PLEASANT VALLEY TOWN BOARD**  
**TOWN BOARD RESOLUTION NO.: 157/2016**

**RE: AMENDMENT OF SECTION 905 OF THE TOWN OF PLEASANT VALLEY EMPLOYEE HANDBOOK**

WHEREAS, Section 905 of the Town of Pleasant Valley Employee Handbook sets forth the Town’s policy with respect to “Violence in the Workplace” as adopted on April 11, 2007; and

WHEREAS, the Town Board of the Town of Pleasant Valley wishes to amend the “Violence in the Workplace” policy in Section 905 to comply with New York State Labor Law § 27-b; now, therefore, be it

RESOLVED, that the Town of Pleasant Valley Employee Handbook Section 905 “Violence in the Workplace” shall be amended to read as follows:

**Policy Statement** – The Town of Pleasant Valley considers the safety of its employees, vendors, suppliers, visitors, and the general public to be of paramount importance. The Town has zero tolerance for any employee or individual on Town property who threatens, intimidates, or infers violence against any person or property associated with the Town. The Town considers any threat of violence or potential violence as legitimate, and takes immediate appropriate action, including the involvement of law enforcement.

The Town of Pleasant Valley is committed to the safety and security of our employees. Workplace violence presents an occupational safety hazard to our agency, staff and clients.

Workplace Violence is defined as any physical assault or aggression occurring where a public employee performs work related duties in the course of his or her employment including but not limited to an attempt or threat to inflict physical injury upon an employee; any inference of bodily harm; any intentional display of physical force; intentional and wrongful physical contact with a person without his or her consent that entails some injury, or stalking an employee with the intent of causing physical harm.

Acts of violence against any Town employee where work related duties are performed will be investigated and appropriate action will be taken as warranted. All employers are responsible to help create and maintain an environment of mutual respect, following all policies, procedures and practices and for assisting in maintaining a safe and secure work environment.

The policy is designed to meet the requirement of NYS Labor Law Act 2-27-b and highlights some of the elements found within our Workplace Violence Prevention Program. The process involved in complying with this law includes a workplace Evaluation designed to identify the risks of workplace violence to which our employees could be exposed. Authorized Employee Representatives will, at a minimum, be involved in:

- Evaluating the physical environment;
- Developing the Workplace Violence Prevention Program; and
- Reviewing workplace violence incident reports at least annually to identify trends in the types of incidents reported, if any, and reviewing the effectiveness of the mitigation actions taken.

All employees will participate in an annual Workplace Violence Prevention Program. The goal is to promote safety and well-being of all people in our workplace. All incidents will be responded to immediately upon notification.

**Notification of Threatening Behavior** – ~~An employee who is subject to, witnesses, or becomes aware of any threats or acts of violence should inform the employee's supervisor immediately.~~ All employees are responsible for contacting the person designated below of any incident upon themselves or witnessed or have been told that another person has witnessed or received. Likewise, any suspicious individuals or activity must be reported immediately.

Designated Contact Person: Town Supervisor

Phone: (845) 635-3598

E-Mail: [pvs@pleasantvalley-ny.gov](mailto:pvs@pleasantvalley-ny.gov)

Or

Designated Contact Person: Deputy Town Supervisor

Phone: (845) 635-3274

E-Mail: \_\_\_\_\_

**Prohibited Conduct** – Provoking a fight or fighting are prohibited at all times while on Town property or at any location while representing the Town.

**Firearms and Weapons** – Employees are prohibited from possessing firearms or weapons of any kind while on Town premises; in Town vehicles while conducting business for the Town; or at work sites, or any other location during working hours or while representing the Town, regardless of whether the person is licensed to carry the weapon. The only exceptions are law enforcement personnel and security personnel. If any employee has knowledge of another employee's possession of a weapon, that knowledge should be reported to a supervisor or Department Head as soon as possible.

**Policy Violations** – Violation of this policy will result in immediate disciplinary action, up to and including termination and/or legal action.

; and be it further

RESOLVED, that the Town Board hereby approves and adopts the attached "Workplace Violence Incident Report" form to ensure that all workplace violence matters are reported in writing; and be it further

RESOLVED, that this resolution shall take effect immediately; and be it further

RESOLVED, that a copy of this resolution shall be added and included in the Town of Pleasant Valley Employee Handbook, adopted April 11, 2007, as amended and a copy of this resolution shall be distributed to Town employees and elected officials.

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilwoman Gross

DATED: September 14, 2016

**ROLL CALL:**

AYE

NAY

Councilman Albrecht	X
Councilman Becker	X
Councilwoman Gross	X
Councilman Nicholson	X
Supervisor Figliozi	X

Carried.

Addition

~~Deletion~~

**Town of Pleasant Valley**  
**Workplace Violence Incident Report**

1. Date of Incident \_\_\_\_\_
2. Time of day/shift when the incident occurred \_\_\_\_\_
3. Workplace location where incident occurred \_\_\_\_\_
4. Provide a detailed description of the incident including the events leading up to the incident and how the incident ended, names and job title of involved employee(s), name of other identifier of other individuals involved, nature and extent of injuries arising from the incident and name of witnesses.

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Note: Refer to 12 NYCRR Part 800.6 Section (i)(3)(ii) for special instruction on privacy concern cases.

Approved by Town Board on September 14, 2016

**Discussion:**

Councilman Nicholson has a concern about section regarding firearms and weapons. Councilman Nicholson asked does an elected official fall under employee.

Town Attorney, Scott Volkman stated under this law an elected official does fall under as employee, but Councilman Nicholson would be exempt.

Item # 15 – Authorizing Interconnection Application with Central Hudson Gas & Electric for Possible Solar Installation on Town Properties:

Motion by Councilman Becker, seconded by Councilman Nicholson the Town Board authorized to take Resolution #134/2016 off the table, carried.

**Discussion:**

Councilman Albrecht asked about the application fee.

Supervisor Figliozi noted that SALT Energy will be paying the application fee.

Councilman Nicholson stated that the Town should resolve the moratorium on solar before any more solar projects are done.

Supervisor Figliozi read the following resolution:

**TOWN OF PLEASANT VALLEY TOWN BOARD**

**TOWN BOARD RESOLUTION NO.: 134/2016**

**RE: AUTHORIZING INTERCONNECTION APPLICATION WITH CENTRAL HUDSON GAS & ELECTRIC CORPORATION FOR POSSIBLE SOLAR PANEL INSTALLATION ON TOWN PROPERTIES**

WHEREAS, the Town of Pleasant Valley is contemplating soliciting proposals for the lease of Town properties for purposes of the installation of one to two megawatt ground mounted solar panels with the intent to enter into a remote net metering credit purchase agreement whereby the Town would have the right to an assignment of a portion of the remote net metering credits produced by such a facility with a potential right to purchase additional remote net metering credits and with the intent to consider proposals whereby taxpaying residents living the in the Town of Pleasant Valley could receive an option to have the right of first refusal to purchase or subscribe to such a facility subject to certain credit requirements; and

WHEREAS, in order to determine the feasibility of such a program and without any obligation or offer to enter into any lease with any particular provider, or any provider at all, the Town Board is desirous of allowing SALT Energy Group LLC the opportunity to apply for an interconnection agreement with Central Hudson Gas & Electric for purposes of determining the feasibility of such a program which would be a prerequisite to installing, operating and maintaining a solar panel facility; now, therefore, be it

RESOLVED, that SALT Energy Group LLC shall have the non-exclusive right to and permission to apply for an interconnection for the premises located at West Road, Grid #6363-01-253721 and 25 South Avenue, Grid # 6363-04-795463 and SALT Energy Group LLC shall direct, apply and pay for such interconnection application at no cost and expense to the Town of Pleasant Valley and Salt Energy

Group LLC shall provide results of the interconnection application to Central Hudson Gas & Electric Corporation to the Town of Pleasant Valley without any obligation to enter into any lease with SALT Energy Group LLC or any other potential provider of a solar power generation facility.

MOTIONED BY: Councilman Nicholson

SECONDED BY: Councilman Albrecht

DATED: September 14, 2016

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

Carried.

**Discussion:**

Councilman Albrecht asked where on West Road would they be looking to place the solar panels.

Supervisor Figliozi noted that it would be on a portion of Redl Park.

The Town Board Discussed dates for Budget Meeting for 2017 budget.

Wednesday, September 21, 2016	<b>Cancelled</b>
Wednesday, September 28, 2016	Budget Meeting 6:30PM
Wednesday, October 5, 2016	Workshop Meeting 6:00PM /Budget meeting to follow
Wednesday, October 19, 2016	Regular Town Board Meeting 6:00PM/Budget Meeting to follow
Wednesday, October 26, 2016	Budget Meeting 6:30PM

Supervisor Figliozi stated that New York State Department Transportation will be installing new warnings signs at all aggregate crossings on the Taconic Parkway.

Supervisor noted that Pleasant Valley Weekend will be held this weekend September 16<sup>th</sup>, 17<sup>th</sup> and 18<sup>th</sup>.

**OPEN THE MEETING TO THE PUBLIC:**

Motion by Councilman Albrecht, seconded by Councilman Nicholson the Town Board opened the meeting to the public, 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.

**EXECUTIVE SESSION:**

Motion by Councilman Nicholson, seconded by Councilman Becker the Town Board entered into Executive Session at 8:14PM under Public Officers Law section 105.1B pending litigation, carried.



No action taken

Motion by Councilman Albrecht, seconded by Councilwoman Gross the Town Board came out of Executive Session at 9:21PM, carried.

**ADJOURN:**

Motion by Councilman Albrecht, seconded by Supervisor Figliozi the Town Board adjourned the meeting at 9:22PM, carried.

Respectfully Submitted,

Margaret Hart, Town Clerk

