

PUBLIC HEARING
REGULAR TOWN BOARD MEETING

OCTOBER 19, 2016

The Pleasant Valley Town Board held a Public Hearing and its regularly scheduled meeting on Wednesday, October 19, 2016 at 6:00PM at Town Hall, 1554 Main Street, Pleasant Valley.

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

PRESIDING OFFICER: Mark Figliozi, Supervisor

RECORDING SECRETARY: Margaret Hart, Town Clerk

MINUTES: of 09/07/2016 Workshop Meeting
09/14/2016 Public Hearing/Regular Town Board Meeting
Were approved on motion by Councilman Albrecht, seconded by Councilwoman Gross the Town Board approved the above minutes, carried.

PUBLIC HEARING:

PURPOSE: Local Law to Override the Tax Cap Levy for Fiscal Year 2017.

Supervisor Figliozi noted that he is in receipt of Affidavit of Posting by the Town Clerk dated October 12, 2016 and the Affidavit of Publication by the Poughkeepsie Journal dated October 14, 2016.

Supervisor Figliozi stated that this Public Hearing is a formality that the Town Board has to hold a Public Hearing in case the Town would have to go over the tax cap. Supervisor Figliozi stated that the Town is just below the tax cap and does not for see any changes.

OPEN THE PUBLIC HEARING:

Motion by Councilman Albrecht, seconded by Councilwoman Gross the Town Board opened the Public Hearing, carried.

No comments heard.

All residents having had ample time to speak on motion by Councilman Albrecht, seconded by Councilman Becker the Town Board closed the Public Hearing, carried.

REGULAR TOWN BOARD MEETING:

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 Monthly Report
6. Monthly Trial Balance Report

CORRESPONDENCE:

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

TOWN BOARD COMMITTEE REPORTS:

Public Safety Committee Report – Councilman Albrecht stated that the traffic light at the intersection of Main Street and South Ave is not working properly.

Supervisor Figliozi noted that he has spoken with the traffic division of the New York State DOT and they are going to come out and do a traffic study.

Personnel Committee Report – Councilman Nicholson stated that he and Councilwoman Gross met but nothing to report they went over some housekeeping issues

Refuse/Highway Committee Report – Supervisor Figliozi stated that the Highway Salt Shed is complete and has received the CO and the Highway Department is ready to fill it with salt. Supervisor Figliozi noted that the engineer had the cost of the salt shed in the range of \$600,000.00 - \$650,000.00. It costed the Town has paid out about \$400,000.00 which is a lot less from the cost the engineer had thought. Supervisor Figliozi also noted that 10 years ago the salt shed was quoted to the Town to cost over \$750,000.00 so the Town has saved a significate amount of money on this project.

Councilman Albrecht noted that the old salt shed roof is leaking.

Supervisor Figliozi stated yes the roof is leaking that is why the salt is going into the new building.

Supervisor Figliozi noted that there is ongoing issue with the fans. The Town Engineer is working with the manufacture on which type of fan is suitable for the salt shed, the electrician was able to install one fan for the safety of the highway workers. New fans should be installed by December.

Supervisor Figliozi also noted that the new Highway Truck was delivered today, and an old truck will be sold at auction along with the Town's maintenance department old truck.

Recreation Committee Report – Supervisor Figliozi noted that the Town Board will be approving a basketball coach’s clinic being held by the recreation department. Councilman Albrecht noted that there was a Festival of Lights meeting on Tuesday and they would like to have the residents and businesses to decorate their houses and store fronts for Christmas and judges will name the best decorated house and business, more details to follow in November.

Supervisor Figliozi noted that under new business the Town Board will award the bid for the Helen Aldrich storage shed.

Technology Committee Report – Supervisor Figliozi noted that the Town will not be upgrading to Windows 10 any time soon. It was also noted that a computer at the recreation department is being replaced which was planned.

Insurance Committee Report – Supervisor Figliozi has spoken with the Town’s insurance agent regarding quotes on the Town’s liability coverage.

ORAL/COMMITTEE REPORT:

Supervisor Figliozi spoke about the County increasing the money that is allotted for the tax relief grant in the amount of \$125,000.00. Supervisor Figliozi encouraged the Town Board and residents to call their County Legislators to have them vote yes for the increase.

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.

Rolando Ghedini – Arbor Hill Drive – thanked the Town Board for saving the Town money on the Salt Shed building.

CLOSE THE MEETING TO THE PUBLIC:

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

NEW BUSINESS:

Item # 1 – Introducing a Local Law Amending Chapter 79 of the Town Code:

Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 160/2016

RE: INTRODUCING LOCAL LAW NO. X OF 2016 AMENDING CHAPTER 79 OF THE CODE OF THE TOWN OF PLEASANT VALLEY ENTITLED “STREETS AND SIDEWALKS” BEING LOCAL LAW NO. 16 OF 2001, AS AMENDED

WHEREAS, the Town Board of the Town of Pleasant Valley is considering the adoption of Local Law No. X of 2016 to amend the Code of the Town of Pleasant Valley entitled "Chapter 79 of the Code of the Town of Pleasant Valley entitled "Streets and Sidewalks"; and

WHEREAS, pursuant to Local Law No. 16 of 2001, the Town of Pleasant Valley adopted a Local Law entitled "Streets and Sidewalks"; and

WHEREAS, the Town is desirous of regulating utility poles with the Town Right-of-Way; 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 said proposed Local Law at 7:00 p.m. on the 9th day of November, 2016 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 Nicholson

SECONDED BY: Councilwoman Gross

Discussion: Councilman Nicholson stated that is only pertains to our local roads.

Supervisor Figliozi stated yes the Town has no jurisdiction over State and County Roads.

DATED: October 19, 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 # 2 – Introducing a Local Law Imposing a Temporary Town-Wide Moratorium Re: Permitting and Placement of Donation Bins:

Supervisor Figliozzi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 161/2016

RE: INTRODUCING LOCAL LAW NO. X OF THE YEAR 2016, IMPOSING A TEMPORARY TOWN-WIDE MORATORIUM ON PERMITTING AND PLACEMENT OF DONATION BINS

WHEREAS, the installation of donation bins on commercial and public properties has become wide spread in recent years; and

WHEREAS, the Town Board of the Town of Pleasant Valley recognizes that donation bins may serve a legitimate charitable purpose however the proliferation of such donation bins by commercial enterprises and charities have resulted in the placement of donation bins without an approved site plan on certain properties and they have proven to be unsightly and have created a public nuisance; and

WHEREAS, it is necessary to preserve the status quo in the Town of Pleasant Valley pending the enactment of reasonable regulations for the permitting and placement of donation bins; and

WHEREAS, the Town does have certain police powers and zoning regulations which can be used to address the situation in addition to the provisions available pursuant to New York State General Business Law § 399-bbb in light of certain legal issues presented by cases such as *Planet Aid v. City of St. Johns, Michigan*, (6th Cir. 2015), such regulations must take into account First Amendment issues on protected speech and that such regulations need to be thoughtfully and carefully drafted; and

WHEREAS, the Town Board believes that it is in the best interest of the citizens and property owners of the Town of Pleasant Valley to impose a Temporary Town-wide Moratorium on the permitting and placement of donation bins for a period of 180 days; and

WHEREAS, the Town Board has determined that 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); now, therefore, be it

RESOLVED, the Town Board hereby introduces for consideration of its adoption proposed “Local Law No. X of the Year 2016, Imposing a Temporary Town-Wide Moratorium on the Permitting and Placement of Donation Bins” in the form annexed hereto; and be it further

RESOLVED, that the Town Board hereby schedules a Public Hearing regarding the proposed adoption of the annexed Local Law for 7:00 P.M., on the 9th day of November, 2016, to be held at Town Hall, 1554 Main Street, Pleasant Valley, New York, and the Town Clerk is directed to post a Notice of Public Hearing in the Town’s official newspaper, the Poughkeepsie Journal, and on the sign board maintained by the Town Clerk in Town Hall not less than ten (10) days prior to said public hearing date; and be it further

RESOLVED, that the Town Board hereby directs the Town Clerk to act as follows with respect to the proposed Local Law:

- a. To serve a copy of this resolution, the annexed proposed Local Law, and the Notice of Public Hearing to the municipal clerk of each abutting municipality not less than ten (10) days prior to said Public Hearing; and
- b. To serve a copy of this resolution, the annexed proposed Local Law, and the Notice of Public Hearing to the Dutchess County Department of Planning and

Development for advisory review in accordance with §239 1 & m of the General Municipal Law; and

- c. To distribute a copy of this resolution, the annexed proposed Local Law, and the Notice of Public Hearing to the Town of Pleasant Valley Planning Board for its review and recommendation prior to said public hearing, pursuant to Zoning Code §98-101.
- d. To serve a copy of this resolution, the annexed proposed local law and the Notice of Public Hearing on the New York State Department of Transportation, Region 8.

MOTIONED BY: Councilman Becker

SECONDED BY: Councilwoman Gross

DATED: October 19, 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 # 3 – Establishing a Public Hearing Date for Preliminary Budget:
Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 162/2016

RE: ESTABLISHING A PUBLIC HEARING DATE FOR PRELIMINARY BUDGET

WHEREAS, the Town Supervisor has filed the Tentative 2017 Budget for the Town of Pleasant Valley pursuant to Section 106 of the Town Law on August 31, 2016; and

WHEREAS, the Town Clerk delivered the tentative Budget to the Town Board in accordance with Town Law Section 106 on September 7, 2016; and

WHEREAS, Town Law Section 108, requires the Town to hold a Public Hearing on a Preliminary Budget on or before the Thursday immediately following General Election and to adopt a final Budget by November 20, 2016; now therefore, be it

RESOLVED, that the Town Board hereby establishes Wednesday, November 9, 2016, at 7:00 p.m. as the date and time for a Public Hearing at Town Hall located at 1554 Main Street, Pleasant Valley, New York, for purposes of conducting a Public Hearing on the Preliminary Budget; be it further

RESOLVED, that the Town Clerk is hereby directed and authorized to post and publish notice of the Public Hearing according.

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilwoman Gross

DATED: October 19, 2016

ROLL CALL:

AYE

NAY

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

Carried.

Item # 4A – Amending the 2016 Adopted Town Budget:
Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD
TOWN BOARD RESOLUTION NO.: 163/2016

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 |
|----------------|----------------------|-------------------|
| A.1110.415 | Court Supplies | \$ 300.00 |
| A.1410.415 | Town Clerk Supplies | \$ 150.00 |
| A.7140.466 | Summer Camps | \$ 83.00 |
| A.9040.800 | Workers Compensation | \$ 455.00 |
| A.1620.428 | Software | \$3,000.00 |
| A.1620.431 | Grant Writer | \$2,500.00 |
| Total | | \$6,488.00 |

Decrease

| Account | Department | Amount |
|----------------|--------------------|-------------------|
| A.1110.413 | Court School | \$ 300.00 |
| A.1410.499 | Town Clerk Misc. | \$ 150.00 |
| A.7110.401 | Field Materials | \$ 83.00 |
| A.9060.800 | Medical Insurance | \$ 455.00 |
| A.1620.200 | Equipment | \$3,000.00 |
| A.1620.429 | Repair/Maintenance | \$2,500.00 |
| Total | | \$6,488.00 |

MOTIONED BY: Councilman Nicholson

SECONDED BY: Councilman Albrecht

DATED: October 19, 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 # 4B – Amending the 2016 Adopted Highway Budget:
Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 164/2016

RE: AMENDING THE 2016 ADOPTED TOWN HIGHWAY BUDGET

WHEREAS, the Town Board of the Town of Pleasant Valley has expenditures for the 2016 Adopted Highway 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 Highway 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 Highway Budget as follows:

Appropriations:

Increase

| Account | Department | Amount |
|----------------|-------------------------|---------------------|
| DA.5110.100 | General Repair Salaries | \$105,000.00 |
| DA.5110.483 | Oil and Stone | \$ 8,000.00 |
| DA.5130.485 | Equipment Rental | \$ 3,000.00 |
| DA.9040.800 | Workers Compensation | \$ 1,525.00 |
| DA.5130.200 | Machinery | \$ 11,576.00 |
| Total | | \$129,101.00 |

Decrease

| Account | Department | Amount |
|----------------|--------------------|---------------------|
| DA.5130.100 | Machinery Salaries | \$ 25,000.00 |
| DA.5142.100 | Snow Salaries | \$ 80,000.00 |
| DA.5142.487 | Sand | \$ 11,000.00 |
| DA.9060.800 | Medical Insurance | \$ 1,525.00 |
| DA.5142.486 | Salt | \$ 11,576.00 |
| Total | | \$129,101.00 |

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilman Becker

DATED: October 19, 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 – Award Contract for Storage Shed/Helen Aldrich Park:
Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD
TOWN BOARD RESOLUTION NO.: 165/2016

RE: AWARDING CONTRACT FOR STORAGE SHED AT HELEN ALDRICH PARK

WHEREAS, on September 30, 2016 sealed proposals for a storage shed at Helen Aldrich Park were publicly opened and read aloud pursuant to General Municipal Law § 103; and

WHEREAS, three (3) proposals were received and opened by the Deputy Town Clerk; and

WHEREAS, on October 5, 2016 the Town Board rejected all proposals and authorized a new request for proposals; and

WHEREAS, on October 19, 2016 one sealed proposal for a storage shed at Helen Aldrich Park

was received and publicly opened and read aloud pursuant to General Municipal Law § 103; and

WHEREAS, the Town Engineer, Clark Patterson Lee has reviewed the proposals and has determined that the lowest responsible bidder for the storage shed at Helen Aldrich Park is Shirk Pole Buildings, LLC; and

WHEREAS, that Clark Patterson Lee, Town Engineer by letter dated October 19, 2016, has recommended award of the bid to Shirk Pole Buildings, LLC for \$26,850; now, therefore, be it

RESOLVED, that the Town Board of the Town of Pleasant Valley does hereby award the contract for the storage shed at Helen Aldrich Park to Shirk Pole Buildings, LLC, located 807 Reading Road, East Earl, Pennsylvania 17519 for a cost not to exceed \$26,850 pursuant to their bid proposal dated October 13, 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.

MOTIONED BY: Councilman Becker

SECONDED BY: Councilman Albrecht

DATED: October 19, 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 # 6 – Authorizing Request for Proposals for Lawn Care in Various Locations in the Town of Pleasant Valley:

Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 166/2016

RE: AUTHORIZING REQUEST FOR PROPOSALS FOR LAWN CARE AND MAINTENANCE SERVICES IN VARIOUS LOCATIONS IN THE TOWN OF PLEASANT VALLEY

WHEREAS, the Town of Pleasant Valley annually solicits proposals for lawn care and maintenance services for certain specified locations throughout the Town of Pleasant Valley; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Town Clerk to solicit proposals for qualified lawn care and maintenance contractors to provide lawn care and maintenance services to the Town of Pleasant Valley for 2017, which such proposals are to be returned to the Town Clerk no later than November 30, 2016 at 3:00 p.m.

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilwoman Gross

DATED: October 19, 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 # 7 – Authorizing a Town of Pleasant Valley Basketball Coaching Clinic”

Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 167/2016

RE: AUTHORIZING A TOWN OF PLEASANT VALLEY BASKETBALL COACHING CLINIC

WHEREAS, the Town of Pleasant Valley Basketball League is interested in holding its first annual Basketball Coaching Clinic to be hosted by Coach Brian Laffin and his volunteers on Monday, October 24, 2016 at LaGrange Middle School; and

WHEREAS, Coach Brian Laffin and his volunteers will not be compensated for hosting the Basketball Coaching Clinic; and

WHEREAS, the Basketball Coaching Clinic will be available for free to any Town of Pleasant Valley Basketball League coach, Town of Pleasant Valley Basketball League player’s parent and Town of Pleasant Valley residents; and

WHEREAS, the Basketball Coaching Clinic will also be available for a fee of \$20 (\$25 at the door) for any Non-Town of Pleasant Valley Basketball League Coach and Non-Town of Pleasant Valley Basketball League player parent; and

WHEREAS, all proceeds received from Non-Town of Pleasant Valley participants will go to the Town of Pleasant Valley Recreation Department; now, therefore, be it

RESOLVED, that the Town of Pleasant Valley Recreation Department is hereby authorized to hold a Basketball Coaching Clinic to be hosted by Coach Brian Laffin and his volunteers for no compensation; and be it further

RESOLVED, that the Town of Pleasant Valley Basketball League is authorized to charge a \$20 (\$25 at the door) fee for all Non-Town of Pleasant Valley participants attending the Basketball Coaching Clinic with such proceeds going to the Town of Pleasant Valley Recreation Department; and be it further

RESOLVED, that these rates shall remain in effect until further changed or modified by the Town Board.

MOTIONED BY: Councilman Becker

SECONDED BY: Councilwoman Gross

DATED: October 19, 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 # 8 – Authorizing Payment of Abstract No. 10 of 2016:

Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 168/2016

RE: AUTHORIZING PAYMENT OF ABSTRACT NO. 10 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 10 of 2016 | General Fund Claims | \$102,020.53 |
|------------------------|---------------------|--------------|

| | | |
|------------------------|---------------------------|--------------|
| 2. Abstract 10 of 2016 | Highway Fund Claims | \$122,161.34 |
| 3. Abstract 10 of 2016 | Capital Reserve/Salt Shed | \$ 24,058.41 |
| 4. Abstract 10 of 2016 | Con Light | \$ 3,416.28 |
| 5. Abstract 10 of 2016 | Ambulance District | \$ 17,136.00 |

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilman Nicholson

DATED: October 19, 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 # 9 – Authorizing to Sell Surplus Town Highway Department Equipment:

Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 169/2016

**RE: AUTHORIZATION TO SELL SURPLUS TOWN HIGHWAY DEPARTMENT
EQUIPMENT**

WHEREAS, Highway Superintendent, Kurt Gardner, advised the Town Board of his intent to sell surplus Town Highway Department equipment and vehicles pursuant to New York State Highway Law § 142(5); and

WHEREAS, the Highway Superintendent, Kurt Gardner has proposed to sell the equipment at auction and has proposed a contract with Auction International, Inc., an international online auction service with substantial experience selling surplus municipal vehicles and equipment and which does not charge sellers commission and although no reserve is set, the Town, as seller, has the right to reject all bids; and

WHEREAS, there are two trucks Highway Superintendent identified to sell as surplus equipment as follows:

- 2000 Ford F-450 1 Ton Dump Truck
- 2001 Ford F-350 Pickup Truck

; now, therefore, be it

RESOLVED, that Highway Superintendent Kurt Gardner is authorized to sell the surplus Town Highway Department equipment in accordance with Highway Law § 142(5) with Auctions International, Inc. 11167 Big Tree Road, East Aurora, New York 14052 and to execute the “Online Auction Contract – Agreement for Sale of Government Assets” by Online Auction International, Inc. in substantially the same form as annexed hereto; and be it further

RESOLVED, that the Highway Superintendent and Town Supervisor are hereby authorized to execute any and all documents, including Department of Motor Vehicle forms and Bills of Sale necessary to transfer the above vehicles to the successful bidder.

MOTIONED BY: Councilman Nicholson

SECONDED BY: Councilwoman Gross

DATED: October 19, 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.

OPEN THE MEETING TO THE PUBLIC:

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

Carol Campbell – Marshall Road – asked if the Town Board has heard or has received notice if the New York State Zoning Law has changed on having no unlicensed vehicles on your property.

The Town Board hadn't heard of this change.

Glen Cloyd – Creek Road – asked if the Town Board will be going over the tax cap this year.

Supervisor Figliozi stated no that they would not be going over the tax cap the Local Law is just a formality that the Towns have to follow. Supervisor Figliozi than reviewed the budget procedure.

CLOSE THE MEETING TO THE PUBLIC:

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

SUPERVISOR'S COMMENTS:

Supervisor Figliozi spoke about a financial stress test that was done on the Town's finances and it was noted that the Town has no stress, the Town is pretty healthy.

Supervisor Figliozi spoke about a County Wide Pavement Program that was done on all county roads and the Town of Pleasant Valley roads scored very well.

Supervisor Figliozi noted that there was a 1,000 gallon propane tank that was buried behind Town Hall, he contacted Star Gas who came and made the tank safe to remove. Supervisor Figliozi stated that Star Gas did not charge the Town to remove the tank. Supervisor Figliozi also thanked the Highway Department who were a very big help with this project.

County Legislator, Don Sagliano spoke at the end of the meeting on what happened at the County Legislator's monthly meeting.

Legislator Sagliano noted that the County Legislators are waiting to hear back from the County Executive regarding the 2017 County Budget.

Legislator Sagliano also spoke about the proposed construction at the intersection of Hurley Road and North Ave. and he also spoke about the construction at the intersection of North Ave. and Sherow Road.

EXECUTIVE SESSION:

Motion by Councilman Becker, seconded by Councilwoman Gross the Town Board entered into Executive Session at 6:54PM under Public Officers Law section 105.1F Pending Litigation, carried.

No action taken.

Motion by Councilman Albrecht, seconded by Councilman Becker the Town Board came out of Executive Session at 7:30PM, carried.

ADJOURN:

Motion by Councilman Albrecht, seconded by Councilwoman Gross the Town Board adjourned the meeting at 7:31, carried.

Respectfully Submitted,

Margaret Hart

Margaret Hart, Town Clerk

