

PUBLIC HEARINGS
REGULAR TOWN BOARD MEETING
NOVEMBER 9, 2016

The Pleasant Valley Town Board held three Public Hearings and held their regularly scheduled Town Board Meeting on Wednesday, November 9, 2016 at 7:00PM at Town Hall, 1554 Main Street, Pleasant Valley.

PRESENT: Steve Albrecht Councilman
 Janet Gross Councilwoman
 Jon Nicholson Councilman
 Mark Figliozi Supervisor

ABSENT: Nick Becker Councilman

PRESIDING OFFICER: Mark Figliozi, Supervisor

RECORDING SECRETARY: Margaret Hart, Town Clerk

PUBLIC HEARING:

PURPOSE: 2017 Preliminary Budget:

Supervisor Figliozi noted that he was in receipt of the Affidavit of Posting by the Town Clerk dated October 31, 2016 and the Affidavit of Publication by the Poughkeepsie Journal dated November 2, 2016.

OPEN THE MEETING TO THE PUBLIC:

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

No comments heard.

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

PUBLIC HEARING:

PURPOSE: Temporary Town-Wide Moratorium on Donation Bins:

Supervisor Figliozi noted that he is in receipt of the Affidavit of Posting by the Town Clerk dated October 24, 2016 and the Affidavit of Publication by the Poughkeepsie Journal dated October 30, 2016.

Supervisor Figliozi stated that this Public Hearing is being held to place a temporary moratorium on donation bins that are placed in various areas thru out Town. There are concerns about the safety, unsightliness and where the bins are placed. Supervisor Figliozi noted that the temporary moratorium will be in effect until the Town can prepare an ordinance to help regulate the donation bins.

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.

Town Attorney, Scott Volkman stated that the Town Board will not be acting on this tonight since it was referred to Dutchess County Planning and the Pleasant Valley Planning Board and there time to respond has not yet passed. Mr. Volkman suggested to the Town Board that they not close the meeting, but adjourn the meeting until December.

No comments heard.

All residents having had ample time to speak on motion by Councilman Albrecht, seconded by Councilman Nicholson the Town Board adjourned the meeting until December 14, 2016 Town Board Meeting, carried.

PUBLIC HEARING:

PURPOSE: Introducing Local Law No. 2 entitled "Utility Poles in the Town Right-of Way":

Supervisor Figliozi noted that he is in receipt of the Affidavit of Posting by the Town Clerk dated October 31, 2016 and the Affidavit of Publication by the Poughkeepsie Journal dated November 2, 2016.

Supervisor Figliozi gave the reason as to why the Town would be adopting the proposed Local Law, as an example new poles were put on Creek Road up because they were a road hazard. Central Hudson moved their wires to the new pole as did Time Warner, Verizon has not removed their wires, so now there are double poles along Creek Road which still causes a road hazard. With this new Local Law the Town will have more power to get these companies to move their lines and remove the poles that have become a hazard. Supervisor Figliozi noted that the Local Law will only cover Town Road since the Town has no jurisdiction on County or State Highway's.

OPEN THE MEETING TO THE PUBLIC:

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

Refuse/Highway Committee Report – Supervisor Figliozi stated that the Highway Department is ready for winter and the salt shed is complete and filled.

Supervisor Figliozi noted that the Town was awarded a \$50,000.00 grant from the County to be used toward the cost of the new salt shed.

Councilman Nicholson would like to thank the Supervisor Figliozi for working hard on obtaining this grant. Councilman Nicholson also noted that there is a meeting scheduled to meet with the Union to discuss the Highway contract, Thursday, November 17, 2016.

Recreation Committee Report – Supervisor Figliozi stated that the recreation storage shed work has begun with the help from the Highway Department.

Technology Committee Report – Supervisor Figliozi noted that a new server at Town Hall has been replaced.

Insurance Committee Report – Supervisor Figliozi stated that he is waiting to hear back from the Town's insurance agent regarding the cost of workmen's compensation, it was also noted that their will be an increase in the Town's flood insurance.

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.

Sandra Larkin – Davis Road – asked if a farmer as committed to be on the farmland committee.

Supervisor Figliozi stated not as of yet.

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 # 1 – Adopt the Annual Town Budget for 2017:

Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 171/2016

RE: ADOPTING ANNUAL TOWN BUDGET FOR 2017

WHEREAS, on August 31, 2016, the Town Supervisor/Budget Officer filed in the Town Clerk's office the 2017 Tentative Budget; and

WHEREAS, the Town Clerk presented the Tentative Budget to the Town Board at a special meeting held on September 7, 2016; and

WHEREAS, the Town Board did modify the Tentative Budget and adopted the Preliminary Budget on October 26, 2016; and

WHEREAS, this Town Board on November 9, 2016, commencing at 7:00 p.m., held a Public Hearing on the Preliminary Budget approved by this Board and filed with the Town Clerk for the fiscal year commencing January 1, 2017, including the Fire District, Street Lighting District, Valley Dale Sewer District and Pleasant Valley Ambulance District, and having heard all persons desiring to be heard in the matter, and the matter of the budget for this Town for the fiscal year having been fully discussed and considered they closed the public hearing; and

WHEREAS, the Town Board has considered certain changes, alterations and revisions to the Preliminary Budget; and

WHEREAS, the Preliminary Budget approved and filed as aforesaid is hereby changed, altered and revised as set forth in the minutes of the proceedings of the Town Board; now, therefore, be it

RESOLVED, pursuant to Town Law Section 109, that said Preliminary Budget [as changed, altered and revised] is hereby adopted and established as the annual budget for this Town for the fiscal year beginning January 1, 2017, and that such annual budget as so adopted is detailed in the minutes of the proceedings of this Town Board; and be it further

RESOLVED, that the 2017 Town tax rate is \$2.88012, per \$1,000.00 of assessed value, with a tax levy imposed at \$2,717,756; and be it further

RESOLVED, that the Town Clerk of this Town shall prepare and certify as provided by law, duplicate copies of the said annual budget as so changed, altered and revised and as

hereby adopted, and deliver one of such copies to the Supervisor of the Town, and that she shall present such copy to the Dutchess County Legislature as required by law.

MOTIONED BY: Councilman Nicholson

SECONDED BY: Councilwoman Gross

DATED: November 9, 2016

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

Carried.

Discussion:

Supervisor Figliozi stated that when they were running the tape for the final budget the Town did come under the tax cap by \$1.00, but since the state doesn't use decimal's they had the Town at \$0 dollars. Supervisor Figliozi stated that he would like to add a \$1.00 to the interest earned line, which is currently at \$750.00 adding the \$1.00 would bring it to \$751.00. Supervisor Figliozi stated by doing this it makes sure theTown stays under the tax cap.

Item # 2 – Hurley Road Easement:

Town Attorney, Scott Volkman noted that he is waiting to receive the revised map. Mr. Volkman noted that the County will be doing the construction work and the Town will hold easement.

Item # 3 – Tax Cap Override:

Town Attorney, Scott Volkman stated that the Town Board will not be acting on this since the Town is not exceeding the tax cap.

Item # 4 – Appointments to the Agriculture and Farmland Committee:

**Motion by Supervisor Figliozzi, seconded by Councilman Albrecht the Town Board tabled resolution 172/2016 appointment's to the Agriculture and Farmland Committee until the December 14, 2016 Regular Town Board Meeting, carried.

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 172/2016

RE: APPOINTMENTS TO THE AGRICULTURE AND FARMLAND COMMITTEE

WHEREAS, vacancies now exist on the Town of Pleasant Valley Agriculture and Farmland Committee; and

WHEREAS, _____ and _____ has expressed their desire to be appointed to a position on the Agriculture and Farmland Committee; now, therefore, be it

RESOLVED, that the Town Board of Pleasant Valley hereby designates and appoints _____ and _____ to the Town of Pleasant Valley Agriculture and Farmland Committee, effective immediately, as follows:

Appointment

Term Expires

December 31, 2017

December 31, 2017

MOTIONED BY: _____

SECONDED BY: _____

DATED: November 9, 2016

ROLL CALL:

AYE

NAY

Councilman Albrecht

Councilman Becker

Councilwoman Gross

Councilman Nicholson

Supervisor Figliozi

Item # 5 – Set Year End Meeting:

Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 173/2016

RE: SCHEDULING A SPECIAL YEAR END MEETING

WHEREAS, the Town of Pleasant Valley annually schedules a Special Year End Meeting prior to the first regular business meeting of the new fiscal year; and

WHEREAS, the meeting shall be open to the public in accordance with applicable State laws; and now, therefore, be it

RESOLVED, that the annual Special Town Board Year End Meeting is hereby scheduled for Tuesday, December 27, 2016, at 6:00 p.m. at Town Hall; and be it further

RESOLVED, that the Town Board hereby authorizes the Town Clerk to publish and post a Special Meeting Notice for the purpose of a Year End Meeting on Tuesday, December 27, 2016, at 6:00 p.m. at Town Hall, as well as post the special meeting notice on the Town's website.

MOTIONED BY: Councilwoman Gross

SECONDED BY: Councilman Albrecht

DATED: November 9, 2016

ROLL CALL:

AYE

NAY

ABSENT

Councilman Albrecht

X

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

Carried.

Item # 6 – Authorize the Town Clerk to Advertise for Bids for Highway Materials:
Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD
TOWN BOARD RESOLUTION NO.: 174/2016

RE: AUTHORIZING THE TOWN CLERK TO ADVERTISE FOR BIDS FOR VARIOUS HIGHWAY SUPPLIES AND SERVICES FOR 2017

WHEREAS, by memo dated October 27, 2016, Highway Superintendent, Kurt Gardner, has requested authorization for the Town Clerk to solicit bids for various supplies and services to be used by the Town of Pleasant Valley Highway Department in calendar year 2017; and

WHEREAS, the bid request shall include, but not be limited to, such items as stone, gravel, sand, liquid calcium, latex bituminous mix, bituminous mix hot and cold, plow blades and guide rails; now, therefore, be it

RESOLVED, that the Town Clerk is hereby authorized to solicit bids for various supplies and services needed by the Town of Pleasant Valley Highway Department for calendar year 2017, with responses due by December 1, 2016 at 12:00 p.m.

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilwoman Gross

DATED: November 9, 2016

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

Carried.

Item # 7 – Renewal of Auto Salvage Yard License for 2017/1913 Route 44 “Baroni Recycling, Inc.”:
Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 175/2016

**RE: AUTHORIZING THE RENEWAL OF AUTO SALVAGE YARD LICENSE FOR 2017 FOR 1913 ROUTE 44
– BARONI RECYCLING, INC.**

WHEREAS, there is a licensed auto salvage yard located at 1913 Route 44; and

WHEREAS, pursuant to Chapter 62 of the Town Code, there are no new auto salvage yards permitted in the Town; and

WHEREAS, the auto salvage yard is subject to a license which is renewed on an annual basis; and

WHEREAS, the property is the subject of an application for a special use permit and site plan approval as required by Town Code § 98-63; and

WHEREAS, the Zoning Administrator has duly reviewed the application dated October 19, 2016, which was referred to that office by the Town Clerk for the period of January 1, 2017 to December 31, 2017 pursuant to Chapter 62 of the Town Code and has recommended that the license be renewed by

memorandum dated November 2, 2016; now, therefore be it

RESOLVED, that the Town Board of the Town of Pleasant Valley hereby concurs with the recommendation of the Zoning Administrator that the license should be renewed for an additional year to expire on December 31, 2017; and be it further

RESOLVED, that the annual license for 2017 shall be subject to the conditions set forth in the Zoning Administrator's memo dated November 2, 2016; and

RESOLVED, that upon the payment of all applicable fees the Town Clerk is hereby authorized to issue such a license for 2017 subject to the conditions set forth herein.

MOTIONED BY: Councilman Nicholson

SECONDED BY: Councilwoman Gross

DATED: November 9, 2016

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

Carried.

Item # 8 – Authorizing Award of Appraisal Services/1903 Route 44:
Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD
TOWN BOARD RESOLUTION NO.: 176/2016

RE: AUTHORIZING AWARD OF APPRAISAL SERVICES

WHEREAS, Antigone Realty LLC owns certain real property in the Town of Pleasant Valley, County of Dutchess, described as parcel grid #134400-6463-02-587934 located at 1903 Route 44; and

WHEREAS, the property had been listed for sale and the Town Board is considering exploring the prospect of obtaining the property for Town purposes; and

WHEREAS, the Attorney to the Town solicited three (3) proposals for appraisal services for the subject property; and

WHEREAS, the Town is in receipt of three (3) proposals; now, therefore, be it

RESOLVED, that the Town Supervisor be and hereby is authorized and directed to execute an engagement agreement and retain the services of R.P. Hubbell and Company, Inc., in the amount \$3,000 in accordance with the proposal dated July 21, 2016.

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilwoman Gross

DATED: November 9, 2016

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

Carried.

Item # 9A – Fund Balance Transfers: Capital Project Reserve Fund:
Supervisor Figliozi read the following resolutions:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 177/2016

**RE: ADDITIONAL FUNDS TO THE 2016 ADOPTED TOWN BUDGET
(Capital Project Reserve Fund)**

WHEREAS, the Town Board of the Town of Pleasant Valley has heretofore established a Capital Project Reserve Fund pursuant to § 6-c of the General Municipal Law of the State of New York; and

WHEREAS, the fund was established to finance the cost of a “type” of capital improvements including the purchasing, construction, reconstruction, planning, development, and associated expenses related to capital projects and infrastructure; and

WHEREAS, the Town Board recognizes there are numerous deficiencies of the Town’s infrastructure and potential projects such as: the salt shed, the court, the Town Hall boilers and Town Hall air conditioners relating to buildings and operations that, due to lack of maintenance and/or planning, are now substandard or will soon require major capital upgrades or replacement; and

WHEREAS, there is a known groundwater contamination issue in the hamlet and with this a need to explore the formation of a water district to provide reliable potable water to preserve the business center; and

WHEREAS, the Town Hall Septic System needs to be replaced and expanded to avoid the routine pumping that occurs due to functional limitations and age of the current SDS; and

WHEREAS, the Town of Pleasant Valley has surplus funds available in other lines of the 2016 adopted budget and needs to transfer such funds to provide for such potential capital expenditures by increasing the Capital Reserve Fund; 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

| | Amount |
|--------------------------------|---------------------|
| Capital Projects Reserve (H03) | \$400,000.00 |
| Total | \$400,000.00 |

Decrease

| | Amount |
|---------------------------------|---------------------|
| General Unreserved Fund Balance | \$400,000.00 |
| Total | \$400,000.00 |

MOTIONED BY: Councilman Nicholson

SECONDED BY: Councilwoman Gross

DATED: November 9, 2016

| ROLL CALL: | <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|----------------------|------------|------------|---------------|
| Councilman Albrecht | X | | |
| Councilman Becker | | | X |
| Councilwoman Gross | X | | |
| Councilman Nicholson | X | | |
| Supervisor Figliozi | X | | |
| Carried. | | | |

Item # 9B – Fund Balance Transfer/Highway Equipment Reserve Fund:
Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 178/2016

**RE: ADDITIONAL FUNDS TO THE 2016 ADOPTED TOWN HIGHWAY BUDGET
(Highway Equipment Reserve Fund)**

WHEREAS, the Town Board of the Town of Pleasant Valley has heretofore established a Highway Equipment Reserve Fund pursuant to § 6-c of the General Municipal Law of the State of New York; and

WHEREAS, the fund was established to finance the cost of a “type” of highway equipment acquisition, including the purchasing of machinery, equipment and vehicles for the Town of Pleasant Valley Highway Department; and

WHEREAS, the Town Board recognizes there is machinery, equipment and vehicles that need to be replaced at the Highway Department; and

WHEREAS, the Town of Pleasant Valley has surplus funds available in the 2016 adopted highway budget and needs to transfer such funds to provide for such potential capital expenditures by increasing the Highway Equipment Reserve Fund; 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

| | Amount |
|---------------------------------|---------------------|
| Highway Equipment Reserve (HHR) | \$400,000.00 |
| Total | \$400,000.00 |

Decrease

| | Amount |
|---------------------------------|---------------------|
| Highway Unreserved Fund Balance | \$400,000.00 |
| Total | \$400,000.00 |

MOTIONED BY: Councilman Nicholson

SECONDED BY: Councilwoman Gross

DATED: November 9, 2016

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

Carried.

Item # 10 – Amending the Town of Pleasant Valley Employee Handbook:
Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 179/2016

RE: AMENDING THE TOWN OF PLEASANT VALLEY EMPLOYEE HANDBOOK

WHEREAS, Section 806, as amended, of the Town of Pleasant Valley Employee Handbook sets forth the Town's policy with respect to "Medical Insurance"; and

WHEREAS, the Town Board of the Town of Pleasant Valley wishes to amend the "Premium Payment (Full-Time Employees and Full-Time Elected Officials)" paragraph of Section 806; now, therefore, be it

RESOLVED, that the "Premium Payment (Full-Time Employees and Full-Time Elected Officials)" paragraph of Section 806 of the Town of Pleasant Valley Employee Handbook shall be amended to read as follows:

"Premium Payment (Full-Time Employees and Full-Time Elected Officials)" – For purposes of this section, "Full-Time Elected Official" shall be defined as the Town Supervisor, Town Clerk and Superintendent of Highways. The Town will pay ninety-two (92%) percent of the premium, as the case may be, for each eligible full-time employee and full-time elected official. For all eligible full-time employees and full-time elected officials who elect coverage during the open enrollment period commencing November 2016 and thereafter, the Town will pay eighty-five (85%) percent of the premium, as the case may be, for each eligible full-time employee and full-time elected official.

; and be it further

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

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

MOTIONED BY: Councilwoman Gross

SECONDED BY: Councilman Nicholson

DATED: November 9, 2016

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

Carried.

Item # 11 – Amend Employee Policy Insurance Buyout:

Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 180/2016

RE: AMENDING THE TOWN OF PLEASANT VALLEY EMPLOYEE HANDBOOK

WHEREAS, Section 808, of the Town of Pleasant Valley Employee Handbook sets forth the Town’s policy with respect to “Medical Insurance Buy-Out”; and

WHEREAS, the Town Board of the Town of Pleasant Valley wishes to amend the “Amount of Buy-Out” paragraph of Section 808; now, therefore, be it

RESOLVED, that the “Amount of Buy-Out” paragraph of Section 808 of the Town of Pleasant Valley Employee Handbook shall be amended to read as follows:

An employee or elected official who is eligible for the medical insurance buy-out will receive a buy-out of _____ percent per year of the individual or family coverage premium, whichever the case may be.

; and be it further

RESOLVED, that this Resolution shall take effect immediately for medical insurance plans

effective January 1, 2017; and be it further

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

MOTIONED BY: Councilwoman Gross

SECONDED BY: Councilman Albrecht

DATED: November 9, 2016

ROLL CALL:

AYE

NAY

ABSENT

Councilman Albrecht

Councilman Becker

Councilwoman Gross

Councilman Nicholson

Supervisor Figliozi

Discussion:

Supervisor Figliozi went over the percentage for the buyout.

Councilman Nicholson asked if the employees were surveyed if they would be interested in the buyout.

The Town Board had much discussion on how much they would like to make the percentage for the insurance buy out for employees who do not use the Town's health insurance.

The Town Board made amendments to the above resolution:

Motion by Supervisor Figliozi, seconded by Councilman Nicholson the Town Board made amendments to the above resolution as follow; 1) the employee/elected official can sign up for the buyout during the open enrollment period, 2) there would have to be a qualifying event for the employee/elected official to discontinue with the buyout, 3) the employee would have to show proof that they have insurance from a different source, carried.

The Town Board decided with a 25% of the plan that would be suitable for the employee, or elected official.

Below is the updated resolution with the amendments put forth by the Town Board.

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 180/2016

RE: AMENDING THE TOWN OF PLEASANT VALLEY EMPLOYEE HANDBOOK

WHEREAS, Section 808, of the Town of Pleasant Valley Employee Handbook sets forth the Town's policy with respect to "Medical Insurance Buy-Out"; and

WHEREAS, the Town Board of the Town of Pleasant Valley wishes to amend the "Amount of Buy-Out" paragraph of Section 808; now, therefore, be it

RESOLVED, that the "Amount of Buy-Out" paragraph of Section 808 of the Town of Pleasant Valley Employee Handbook shall be amended to read as follows:

An employee or elected official who is eligible for the medical insurance buy-out will receive a buy-out of twenty-five percent (25%) per year of the applicable coverage plan premium, whichever the case may be. Such buy-out must be elected during an open enrollment period. Subsequent changes to coverage and the buy-out are subject to a qualifying event as set forth below.

; and be it further

RESOLVED, that this Resolution shall take effect immediately for medical insurance plans effective January 1, 2017; and be it further

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

MOTIONED BY: Councilwoman Gross

SECONDED BY: Councilman Albrecht

DATED: November 9, 2016

| ROLL CALL: | <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|----------------------|------------|------------|---------------|
| Councilman Albrecht | X | | |
| Councilman Becker | | | X |
| Councilwoman Gross | X | | |
| Councilman Nicholson | X | | |
| Supervisor Figliozi | X | | |
| Carried. | | | |

Item # 12 – Establishing Rates for Pleasant Valley Adult Basketball & Adult Volleyball Program:
Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD
TOWN BOARD RESOLUTION NO.: 181/2016

RE: ESTABLISHING RATES FOR PLEASANT VALLEY ADULT BASKETBALL PROGRAM AND ADULT VOLLEYBALL PROGRAM

WHEREAS, the Town Board of the Town of Pleasant Valley hereby desires and intends to establish the tuition rates for the adult basketball program and adult volleyball program commencing with the 2016-2017 season; now therefore be it

RESOLVED, that upon the recommendation of the Recreation Director, that the Town Board of the Town of Pleasant Valley hereby establishes the registration rates for the adult basketball program and adult volleyball program effective immediately and shall remain until changed by the Town Board as follows:

Pleasant Valley Residents

\$15 per player per program

Non-Residents of Pleasant Valley

\$20 per player per program

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilwoman Gross

DATED: November 9, 2016

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

Carried.

Item # 13 – Extending Temporary Town-Wide Moratorium on Freestanding or Ground-mounted Solar Energy Systems for one Additional Three Month:

Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 182/2016

RE: EXTENDING TEMPORARY TOWN-WIDE MORATORIUM ON THE INSTALLATION OF FREESTANDING OR GROUND-MOUNTED SOLAR ENERGY SYSTEMS FOR ONE ADDITIONAL THREE MONTH TERM

WHEREAS, on May 11, 2016, by Resolution No. 101/2016, the Town Board adopted Local Law 1 of 2016 which established a Temporary Town-Wide Moratorium on the Installation of Freestanding or Ground-Mounted Solar Energy Systems in the Town of Pleasant Valley; and

WHEREAS, Section II A of Local Law 1 of 2016 provided for a moratorium term of 180 days from its effective date, subject to review and extension by the Town Board of the Town of Pleasant Valley; and

WHEREAS, Local Law 1 of 2016 became effective on May 31, 2016 upon filing with the Secretary of State, and therefore it shall expire on November 27, 2016 unless it is extended; and

WHEREAS, the purpose of the Temporary Town-Wide Moratorium on the Installation of Freestanding or Ground-Mounted Solar Energy Systems is to preserve the status quo in the Town of Pleasant Valley pending the completion and adoption of the Town's new zoning regulations with respect to solar energy systems; and

WHEREAS, the new zoning regulations are being drafted and reviewed, and it is anticipated that the revisions will be adopted by February 26, 2017; and

WHEREAS, the Town Board has determined an extension of the moratorium term is warranted and it is in the best interest of the residents and property owners of the Town of Pleasant Valley to extend the provisions of Local Law 1 of 2016 for an additional 90 day term by resolution pursuant to Section XI thereof; and

WHEREAS, The Town Board may terminate the Moratorium earlier than 90 days provided that the new zoning law is adopted and the appropriate revision to the land use regulations have been made; now, therefore be it

RESOLVED, the Town Board hereby extends the Temporary Town-Wide Moratorium on the Installation of Freestanding or Ground-Mounted Solar Energy Systems in the Town of Pleasant Valley established by Local Law 1 of 2016 for an additional 90 day term commencing on November 28, 2016 and ending on February 26, 2017 pursuant to Section XI of the Local Law.

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilwoman Gross

DATED: November 9, 2016

| ROLL CALL: | <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|----------------------|------------|------------|---------------|
| Councilman Albrecht | X | | |
| Councilman Becker | | | X |
| Councilwoman Gross | X | | |
| Councilman Nicholson | X | | |
| Supervisor Figliozi | X | | |
| Carried. | | | |

Item # 14 – Amending the 2016 Adopted Town Budget:
Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD
TOWN BOARD RESOLUTION NO.: 184/2016

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.1620.200 | Building Server Replacement | \$ 9,000.00 |
| A.7110.201 | Cady Field Fence | \$ 6,895.00 |
| A.7110.405 | Helen Aldridge Fence Repair | \$ 1,690.00 |
| Total | | \$17,585.00 |

Decrease

| Account | Department | Amount |
|----------------|-------------------|--------------------|
| A.1990.400 | Contingency | \$17,585.00 |
| Total | | \$17,585.00 |

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilman Nicholson

DATED: November 9, 2016

| ROLL CALL: | <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|----------------------|------------|------------|---------------|
| Councilman Albrecht | X | | |
| Councilman Becker | | | X |
| Councilwoman Gross | X | | |
| Councilman Nicholson | X | | |

Supervisor Figliozi

X

Carried.

Item # 15 – Adopting Local Law 2 of 2016 Entitled “Streets and Sidewalks”:
Supervisor Figliozi read the following resolution.

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 183/2016

RE: ADOPTING LOCAL LAW 2 OF 2016, ENTITLED “STREETS AND SIDEWALKS”, BEING LOCAL LAW NO. 16 OF 2001 AS AMENDED

WHEREAS, a Resolution was duly adopted by the Town Board of the Town of Pleasant Valley introducing proposed Local Law No. 2 of 2016, entitled “Streets and Sidewalks”, being Local Law No. 16 of 2001 as amended; 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 November 9, 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 Town Board determined that the proposed Local Law was not subject to Environmental Review; 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; now, therefore, be it

RESOLVED, that the Town Board of the Town of Pleasant Valley hereby adopts Local Law No. 2 of 2016 entitled "Streets and Sidewalks", being Local Law No. 16 of 2001 as amended, a copy of which is attached hereto and made a part hereof.

MOTIONED BY: Councilman Nicholson

SECONDED BY: Councilwoman Gross

DATED: November 9, 2016

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

Carried.

LOCAL LAW NO. 2 OF THE YEAR 2016

Re: **A LOCAL LAW OF THE TOWN OF PLEASANT VALLEY, NEW YORK 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**

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

TITLE.

This Local Law shall be known and cited as Town of Pleasant Valley Local Law No. 2 of 2016 entitled "A Local Law to Amending Chapter 79 of the Code of the Town of Pleasant Valley Entitled "Streets and Sidewalks"". .

LEGISLATIVE INTENT.

The intent of this law is to regulate utility poles within the Town Right-of-way.

Section-III: AMENDMENT TO THE CODE.

Chapter 79 of the Town of Pleasant Valley Code entitled “Streets and Sidewalks” shall be amended to add Article IX entitled “Utility Poles In Town Right-of-Way” as follows:

1. FINDINGS; LEGISLATIVE INTENT

This Town Board hereby finds and determines that public utility companies place poles on Town of Pleasant Valley highways, streets, roads and rights-of-way to facilitate the delivery of electric, telephone, cable television, and other telecommunications services to the residents of the Town of Pleasant Valley.

This Town Board finds and determines that local governments have the authority to regulate their highways, streets, roads and rights-of-way to protect the public.

This Town Board finds and determines that utility poles are damaged from time to time.

- A. This Town Board finds and determines that public safety can be compromised when utility lines and equipment remain affixed to utility poles that are weathered or otherwise damaged.
- B. This Town Board finds and determines that when a new pole is installed, a utility's delay in removing lines and equipment from the old pole also delays the removal of the pole itself, which causes a proliferation of aesthetically unpleasant double poles along highways, streets, roads, and rights-of-way, as well as obstructing the paths of pedestrians.
- C. This Town Board finds and determines that the interest of the public is best served by cooperation and communication between public utilities and the Town Board.
- D. In enacting this chapter, the Town Board deems this chapter to be an exercise of the police power of the Town of Pleasant Valley for the preservation and protection of public safety and is enacted pursuant to the authority contained in the Highway Law, Town Law, and Municipal Home Rule Law of the State of New York.

- E. Therefore, the purpose of this chapter is to require utilities that use Town highways, streets, roads and rights-of-way to promptly remove their plants, cables, lines, equipment, and terminals from old and damaged poles and to further require the prompt removal of double poles once all plants, cables, lines, equipment, and terminals have been removed.

2. DEFINITIONS

DANGEROUS/DAMAGED POLE

Any utility pole that is structurally compromised due to weather, a traffic incident, and/or age and poses a potential threat to public safety.

DOUBLE POLE

Any old utility pole which is attached or in close proximity to a new utility pole.

PLANT

The cables, terminals, conductors and other fixtures necessary for transmitting electric, telephone, cable television or other telecommunications service.

PUBLIC UTILITY

Any corporation, authority, or other entity that provides electric, telephone, cable television, or other service, including telecommunications service, to the residents of the Town of Pleasant Valley.

SUPERINTENDENT OF HIGHWAYS

The Town of Pleasant Valley Superintendent of Highways or his/her designee.

UTILITY POLE

A column or post used to support service lines for a public utility.

WRITTEN NOTIFICATION/WRITTEN NOTICE

A writing directed to a representative of a public utility, who may be designated by the utility to receive such notice, sent by regular mail, facsimile transmission or electronic mail.

3. DEPARTMENT NOTIFICATION; TIME FRAME FOR REMOVAL.

- A. When the Highway Superintendent determines that a utility pole on a Town highway, street, road or right-of-way is damaged and poses a potential threat to public safety, the Town Clerk shall provide written notice to any public utility with a plant on the damaged pole that it must remove its plant from the pole within 15 days or be subject to a penalty as provided for in this chapter. The last public utility to remove its plant is responsible for removing the double pole. Failure to comply with the requirements of this provision may result in penalties as provided for in this chapter.
- B. When the Highway Superintendent determines that a double pole is on a Town highway, street, road or right-of-way, the Town Clerk shall provide written notice to the public utility which has the top plant on the double pole that the plant must be removed within 30 days or be subject to penalty. Upon the removal of each plant, the Town Clerk shall provide written notice to the public utility that owns the subsequent plant on the pole that the plant must be removed within 30 days or be subject to penalty. The last public utility to remove its plant is responsible for removing the double pole within an additional 30 days. Failure to comply with the requirements of this provision may result in penalties as provided for in of this chapter.

4. EXTENSION AUTHORIZED; TEMPORARY EMERGENCY SUSPENSION.

- A. Notwithstanding any provision of this chapter to the contrary, the Highway Superintendent may extend the time frame of any written notice provided under this chapter for an additional period not exceeding the original statutory time frame set forth in this chapter. The public utility shall make a request for an extension in writing to the Town Clerk prior to the expiration of the time frame contained in the original written notice, together with the basis for the request. The Highway Superintendent shall determine whether the request for extension should be granted or denied and provide a written response to the public utility.

In such instances where the request is granted, the Town Clerk shall issue another written notice, which shall then be applicable instead of the previously issued notice.

- B. In the event of an emergency that affects the repair, replacement, removal or installation of utility poles or plants, the Supervisor may temporarily suspend the deadlines in this chapter for period not exceeding 30 days.

5. PENALTIES FOR OFFENSES.

- A. Any person, firm, corporation or public utility convicted of a violation of the provisions of this chapter shall be guilty of a violation, for a first conviction, punishable by a fine not exceeding \$500; for a second or subsequent conviction, punishable by a fine not exceeding \$1,000. Every day that the violation continues shall be deemed a separate violation.
- B. In addition to the penalties provided above, any person, firm or corporation or public utility that violates the provisions of this chapter shall be subject to a civil penalty not to exceed \$500 for each such violation. Every day that the violation continues shall be deemed a separate violation.
- C. If a person, firm or corporation or public utility violates the provisions of this chapter, the Attorney to the Town may commence an action in the name of the Town of Pleasant Valley in a court of competent jurisdiction seeking any remedy provided by law or equity, including any civil and/or injunction proceeding necessary to enforce compliance and/or enjoin noncompliance with this chapter. Such action may seek to remove damaged poles and/or double poles, or to remove plants from such poles, the imposition of civil penalties as authorized by this chapter, the recovery of costs of the action and such other remedies as may be necessary to prevent or enjoin a dangerous condition from existing on a Town highway, street, road, or right-of-way.

6. APPLICABILITY.

- A. This chapter shall apply to all utility poles located on any Town highway, street, road or right-of-way, and to all utility poles installed hereafter.

B. The provisions of this chapter shall be deemed to supplement applicable state and local laws, ordinances, codes and regulations; and nothing in this chapter shall be deemed to abolish, impair, supersede or replace existing remedies of the Town, county or state or existing requirements of any other applicable state or local laws, ordinances, codes or regulations. In case of conflict between any provision of this chapter and any applicable state or local law, ordinance, code or regulation, the more restrictive or stringent provision or requirement shall prevail.

Section IV: NUMBERING FOR CODIFICATION.

It is the intention of the Town of Pleasant Valley and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Pleasant Valley; that the sections and subsections of the Local Law may be re-numbered or re-lettered to accomplish such intention; the Codifier shall make no substantive changes to this Local Law; the word "Local Law" shall be changed to "Chapter," "Section" or other appropriate word as required for codification; and any such rearranging of the numbering and editing shall not affect the validity of the Local law or the provisions of the Code effected thereby.

Section V: SEVERABILITY.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section VI: 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 # 16 – Authorizing Payment of Abstract No.11 of 2016:
Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 185/2016

RE: AUTHORIZING PAYMENT OF ABSTRACT NO. 11 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 11 of 2016 | General Fund Claims | \$60,921.74 |
| 2. Abstract 11 of 2016 | Highway Fund Claims | \$47,745.57 |
| 3. Abstract 11 of 2016 | Con Light | \$ 3,433.21 |

MOTIONED BY: Councilman Nicholson

SECONDED BY: Councilman Albrecht

DATED: November 9, 2016

| ROLL CALL: | <u>AYE</u> | <u>NAY</u> | <u>ABSENT</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 Albrecht, seconded by Councilman Nicholson the Town Board opened the meeting to the public, carried.

Steve Kish – Carey Road- asked what the bottom line was of the adopted budget.

Supervisor Figliozi stated that the budget is at \$6,169,594.

Steve Kish – asked about an appraisal for a building.

Supervisor Figliozi stated that the Town Board authorized the appraisal of a building that the Town is looking at for possibly moving Town Hall to.

CLOSE THE MEETING TO THE PUBLIC:

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

EXECUTIVE SESSION:

Motion by Supervisor, seconded by Councilman the Town Board went into Executive Session at 8:08PM under Public Officers Law section 105.1(d) pending litigation and section 105.1(f) personnel matter, carried.

No action taken.

Motion by Councilman Nicholson, seconded by Supervisor Figliozi the Town Board came out of Executive Session at 9:11PM, carried.

ADJOURN:

Motion by Councilman Nicholson, seconded by Supervisor Figliozi the Town Board adjourned the meeting at 9:12PM, carried.

Respectfully Submitted,

Margaret Hart

Margaret Hart, Town Clerk

