

REGULAR TOWN BOARD MEETING

DECEMBER 14, 2016

The Pleasant Valley Town Board held their regularly scheduled Town Board Meeting on Wednesday, December 14, 2016 at 7:00PM 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

Supervisor Figliozi thanked the Pleasant Valley Fire Department for donating the Christmas tree in the Town's meeting room and thanked the Friday senior group for a nice job on decorating the tree.

<u>MINUTES:</u>	of	11/02/2016	Workshop Meeting
		11/09/2016	Public Hearing/Regular Town Board Meeting
		11/28/2016	Special Town Board Meeting

Motion by Councilman Albrecht, seconded by Councilwoman Gross the Town Board approved the above minutes, carried.

MONTHLY REPORTS:

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

CORRESPONDENCE:

All official correspondence is filed in the Town Clerk's Office.

TOWN BOARD COMMITTEE REPORTS:

Public Safety Committee Report – Councilman Albrecht noted that after a recent snow storm the sidewalks in Town are in good shape.

Personnel Committee Report – Councilman Nicholson stated that he and Councilwoman Gross will be meeting to go over some personnel matters.

Recreation Committee Report – Supervisor Figliozzi noted that the storage shed at Helen Aldrich Park is almost complete.

Councilman Albrecht asked if it was going to be divided in half.

Supervisor Figliozzi stated yes recreation would have one side and little league would have the other side.

Technology Committee Report – Supervisor Figliozzi noted that the new server is up and running with no issues.

Insurance Committee Report- Councilwoman Gross and Supervisor Figliozzi discussed if the court constables needed to be bonded.

OPEN THE MEETING TO THE PUBLIC FOR AGENDA ITEMS ONLY:

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

No comments heard.

CLOSE THE MEETING TO THE PUBLIC:

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

NEW BUSINESS:

Item # 1 – Authorize the Supervisor to Sign Sullivan Data 2017 Contract:

Supervisor Figliozzi stated that the Town Board will authorize the 2017 Sullivan contract at the Town Board Year End meeting, Tuesday, December 27, 2016 at 6:00PM.

Item # 2 – Authorizing the Rejection of Proposals for Lawn Care and Maintenance Services in Various Locations in the Town:

Supervisor Figliozzi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 187/2016

RE: AUTHORIZING THE REJECTION OF PROPOSALS RECEIVED IN RESPONSE TO THE REQUEST FOR PROPOSALS FOR LAWN CARE AND MAINTENANCE SERVICES IN VARIOUS LOCATIONS IN THE TOWN AND REAUTHORIZING THE REQUEST FOR PROPOSALS FOR LAWN CARE AND MAINTENANCE SERVICES IN VARIOUS LOCATIONS IN THE TOWN

WHEREAS, on November 30, 2016 sealed proposals for lawn care and maintenance services for certain specified locations throughout the Town of Pleasant Valley were publicly opened and read aloud pursuant to General Municipal Law § 103; and

WHEREAS, the Town reserved the right to reject any and all proposals; now therefore, be it

RESOLVED, that the Town Board respectfully rejects all proposals received which were submitted in response to the prior request for proposals; and be it further

RESOLVED, that the Town Clerk of the Town of Pleasant Valley is hereby authorized and directed to advise the bidders of the rejection of all proposals for a lawn care and maintenance services for certain specified locations throughout the Town; and be it further

RESOLVED, that the Town Board hereby authorizes the Town Clerk to solicit proposals for lawn care and maintenance services in various location in the Town of Pleasant Valley in accordance with the revised specifications due by January 25, 2017 at 3:00 p.m.

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilwoman Gross

DATED: December 14, 2016

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

Supervisor Figliozi
Carried.

X

Item # 3 – Authorize the Town Clerk to Advertise for Bids for a Lawn Tractor for the Recreation Department:

Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 188/2016

RE: AUTHORIZING THE TOWN CLERK TO ADVERTISE FOR BIDS FOR A LAWN TRACTOR FOR USE BY THE TOWN RECREATION DEPARTMENT

WHEREAS, the Town Board, at the request of the Town Recreation Department, is considering the purchase of a lawn tractor to be used by the Town of Pleasant Valley Recreation Department for various purposes; and

WHEREAS, the Town Board is considering specifications for the proposed lawn tractor; and

WHEREAS, the bid request shall include a Ventrac Model 4500P lawn tractor or equivalent subject to the specifications and options and alternates set forth therein; now, therefore, be it

RESOLVED, that the Town Clerk is hereby authorized to solicit bids for a lawn tractor needed by the Town of Pleasant Valley Recreation Department with responses due by January 25, 2017 at 3:00 p.m.

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilwoman Gross

DATED: December 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 – Award Bid for 2017 Highway Materials and Services:
Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD
TOWN BOARD RESOLUTION NO.: 189/2016

RE: AWARDING THE BID FOR 2017 HIGHWAY MATERIALS AND SERVICES

WHEREAS, the Town of Pleasant Valley Highway Superintendent has duly recommended the award of bids that were received and opened on December 1, 2016 for the purchase of materials on an as needed basis pursuant to the provisions of the Highway Law; now, therefore, be it

RESOLVED, that the Highway Superintendent is hereby authorized to purchase materials and services as needed by the Highway Department within the limits of appropriation set forth in the 2017 Adopted Budget and/or as per NYS Bid as set forth in the Highway Superintendent’s memorandum dated December 5, 2016 annexed hereto and incorporated herein by reference.

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilman Becker

DATED: December 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.

Motion by Councilman Nicholson, seconded by Councilman Becker the Town Board re-opened the Public Hearing for the temporary Town-Wide Moratorium on permitting and placement of donation bins:

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

No comments heard.

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

Item # 5 – Adopt Local Law No. 2 of 2016, Imposing a Temporary Town-Wide Moratorium for Donation Bins:

Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 190/2016

RE: ADOPTING LOCAL LAW NO. 2 OF THE YEAR 2016, IMPOSING A TEMPORARY TOWN-WIDE MORATORIUM ON PERMITTING AND PLACEMENT OF DONATION BINDS

WHEREAS, the Town Board of the Town of Pleasant Valley duly adopted a resolution introducing a proposed Local Law entitled “Local Law No. X of the Year 2016, Imposing a Temporary Town-Wide Moratorium on the Permitting and Placement of Donation Bins”; 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 Proposed Action is a Type II Action not subject to environmental review pursuant to 6 N.Y.C.R.R. §617.5 (c)(30); and

WHEREAS, the proposed Local Law was referred to the Town of Pleasant Valley Planning Board for comment which has not returned comments and therefore pursuant to Zoning Code § 98-171 is deemed to be a positive recommendation; and

WHEREAS, the proposed Local Law was referred to Dutchess County Planning for comment which by memo dated November 15, 2016 made a determination that it was a matter of local concern; and

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

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

RESOLVED, that the Town Board of the Town of Pleasant Valley hereby adopts Local Law No. 2 of the Year 2016 entitled “Local Law No. 2 of the Year 2016, Imposing a Temporary

Town-Wide Moratorium on the Permitting and Placement of Donation Bins”, a copy of which is attached hereto and made part of this Resolution; and be it further

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

MOTIONED BY: Councilman Becker

SECONDED BY: Councilman Albrecht

DATED: December 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.

LOCAL LAW NO. 2 OF THE YEAR 2016

A Local Law entitled Local Law No. 2 of the Year 2016, Imposing a Temporary Town-Wide Moratorium on the Permitting and Placement of Donation Bins.

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

Section-I: TITLE.

This Local Law shall be known and cited as Town of Pleasant Valley Local Law No. 2 of 2016 entitled "A Temporary Town-Wide Moratorium the Permitting and Placement of Donation Bins."

Section-II: PURPOSE AND INTENT.

- A. It is the intention of the Town Board of the Town of Pleasant Valley in enacting this Local Law to temporarily suspend the permitting and placement of donation bins, by the imposition of a temporary moratorium on the issuance of permits and approvals for such installations for a period of 180 days from the effective date of this Local Law. Provision is made in this Local Law to allow for extension of the 180 day moratorium if necessary.
- B. The purpose of this temporary moratorium is to enable the Town of Pleasant Valley to temporarily halt the permitting and placement of donation bins, for a reasonable period of time to enable the Town to adopt appropriate regulations of donation bins which are not currently regulated in the Town of Pleasant Valley Zoning Code or Town Code.
- C. In recent years, the installation of donation bins has become widespread by commercial and/or private enterprises are soliciting donations of clothing to be placed within donation bins either on private property or within the public right-of-way. These bins have proven to be unsightly and have created a public nuisance and potentially cause traffic hazards both on private property and public right-of-way's. These bins adversely impair the visual aesthetics of the Town as they are often littered with overflow debris, are not adequately maintained and are adverse to the public health, safety and welfare of the citizens of the Town of Pleasant Valley and often are located on properties without the benefit of site plan approval. However the Town does recognize that the use of such donation bins by charitable entities does have a potentially legitimate purpose and the State of New York has attempted to provide some regulation of these donation bins by the enactment and amendment of General Business Law § 399bbb but the Town feels that further regulation and enforcement is necessary at the local level.
- D. During the period of this temporary moratorium, the Town Board intends to suspend land use regulations in the Town Code which conflict with the effect and intent of this Local Law.

Section-III: LEGISLATIVE FINDINGS OF FACT.

The Town Board hereby finds that, pending the completion of the necessary studies, meetings, hearings, environmental review and other actions necessary and incident to proper consideration and adoption of a Local Law regulating the permitting and placement of donation bins, and any revisions and amendments of the land use regulations of the Town, reasonable measures must be taken to maintain the status quo in order to protect the public interest with respect to future permitting and placement of donation bins.

The Town Board finds that it is in the long term interest of the public and its welfare to prevent the proliferation of donation bins on private properties and public rights-of-way that would cause impacts to properties in the Town of Pleasant Valley.

Section-IV: DEFINITIONS.

Donation Bins – Any container or receptacle held out to the public as a place for people to drop off articles of clothing and personal property and to store such clothing or personal property until carted away.

Section-V: SCOPE OF CONTROLS.

- A. During the effective period of this Local Law, the Town Board, the Planning Board, the Zoning Board of Appeals, the Building Department and the Zoning Administrator shall not permit, accept, process, interpret, deliberate upon, decide or approve any application for the permitting and placement of donation bins except as set forth in Sections VI below.
- B. This moratorium shall apply to all currently pending and future application for the permitting and placement of donation bins.

Section-VI: HARDSHIP.

- A. Should any owner of property affected by this Local Law suffer any unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Town Board of the Town of Pleasant Valley in writing for a waiver from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an

application or waiting for a decision on the application for a special permit, site plan, subdivision, variance or other permit during the period of the moratorium imposed by this Local Law.

B. Procedure.

1. Upon submission of a written application to the Town Clerk by the property owner seeking a waiver from this Local Law, the Town Board shall, within thirty (30) days of receipt of said application, schedule a Public Hearing on said application upon five (5) days written notice in the official newspaper of the Town. Notice of said public hearing by regular mail, shall be provided to abutting property owners at the address shown on the tax rolls.
2. At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Town Board shall, within fifteen (15) days of the close of said Public Hearing, render its decision either granting or denying the application for variation from the strict requirements of this Local Law.
3. If the Town Board determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Town Board shall waive the application to this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

Section-VII: PENALTIES FOR OFFENSES.

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

Section-VIII: CONFLICTING LAWS SUPERSEDED.

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

Section-IX: SUPERSESION OF THE TOWN LAW.

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

- A. Town Law §267-a (5) (Time for ZBA to act on variance);
- B. Town Law §274-a (8) (Public Hearing on Site Plan);
- C. Town Law §274-a (10) (SEQRA requirements for Site Plan);
- D. Town Law §274-b (6) (Public Hearing on Special Permit);
- E. Town Law §274-b (8) (SEQRA requirements for Special Permit);

Section-X: SEVERABILITY.

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

legislative intent of the Town Board of the Town of Pleasant Valley that this Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part thereof is held inapplicable had been specifically exempt therefrom.

Section-XI: TERM.

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

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 # 6 – Amending the Town of Pleasant Valley Handbook:

Supervisor Figliozi read the following resolution:

**TOWN OF PLEASANT VALLEY TOWN BOARD
TOWN BOARD RESOLUTION NO.: 191/2016**

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 “Method and Form of Payment” paragraph of Section 808; now, therefore, be it

RESOLVED, that the “Method and Form of Payment” paragraph of Section 808 of the Town of Pleasant Valley Employee Handbook shall be amended to read as follows:

Payment of the buy-out will be made bi-weekly (with payroll). This payment is in addition to the compensation and/or salary to which the employee or Elected Official is otherwise entitled, and will be treated as part of gross income and

will be subject to the appropriate withholding for income and payroll tax purposes.

; 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: December 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 # 7 – Authorizing the Town to Contract with the Dutchess County SPCA:
Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY
TOWN BOARD RESOLUTION NO.: 192/2016

RE: **AUTHORIZING THE TOWN TO CONTRACT WITH DUTCHESS COUNTY SPCA FOR DOG CONTROL SERVICES AND DOG CONTROL HOUSING FOR 2017 PURSUANT TO SECTION 114 OF ARTICLE 7 OF THE AGRICULTURE AND MARKETS LAW AND SECTION 64 OF THE TOWN LAW**

WHEREAS, the Town of Pleasant Valley is required by Town Code and Article 7 of the Agriculture and Markets Law of the State of New York to perform certain services with respect to dog control; and

WHEREAS, the Town, pursuant to Section 114 of Article 7 of the Agriculture and Markets Law of the State of New York, has the authority to contract for dog control services and pursuant to Section 64 of the Town Law to enter into such contracts; and

WHEREAS, the DUTCHESS COUNTY SPCA ("DCSPCA") is an incorporated humane society as required by Section 114 of Article 7 of the Agriculture Markets Law of the State of New York; and

WHEREAS, the DCSPCA is currently providing dog control and housing services to the Town pursuant to separate agreements that expire on December 31, 2016; and

WHEREAS, the Town desires to enter into a new contract with the DCSPCA to provide for dog control services within the Town of Pleasant Valley and for dog control housing; and

WHEREAS, that the DCSPCA was hereby designated a "dog control officer" for purposes of Chapter 44 "Dogs" of the Code of the Town of Pleasant Valley per Resolution 29/2016; now, therefore, be it

RESOLVED that the Supervisor of the Town of Pleasant Valley be, and he hereby is, authorized and empowered to execute an Animal Control Services Agreement with the DCSPCA for dog control services provided for in the contract for 2017 in substantially the same form as annexed hereto, subject to final review and approval of the Attorney for the Town; and be it further

RESOLVED that the Supervisor of the Town of Pleasant Valley be, and he hereby is, authorized and empowered to execute a Dog Control Housing Agreement with the DCSPCA for dog control housing services provided for in the contract for 2017 in substantially the same form as annexed hereto, subject to final review and approval of the Attorney for the Town.

MOTIONED BY: Councilman Becker

SECONDED BY: Councilman Albrecht

DATED: December 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 what the fee would be for 2017.

Supervisor Figliozi stated that there is no change in the fee.

Item # 8 – Ratifying the Collective Bargaining Agreement between the Town of Pleasant Valley and Local 456:

Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 193/2016

RE: RATIFYING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN OF PLEASANT VALLEY AND LOCAL 456, INTERNATIONAL BROTHERHOOD OF TEAMSTERS EFFECTIVE JANUARY 1, 2016 THROUGH DECEMBER 31, 2018

WHEREAS, negotiating Teams for the Town of Pleasant Valley and the International Brotherhood of Teamsters, Local 456 have negotiated, subject to ratification, a proposed Successor Collective Bargaining Agreement regarding the terms and conditions of employment for the Town Highway Department employees, effective January 1, 2016 through December 31, 2018; and

WHEREAS, the Town Board ratified a Memorandum of Agreement pending ratification of a successor Collective Bargaining Agreement on November 28, 2016 by Resolution No. 186/2016; and

WHEREAS, the proposed Agreement is attached hereto and made a part hereof; now, therefore, be it

RESOLVED, that the proposed Agreement between the Town of Pleasant Valley and Local 456 of the International Brotherhood of Teamsters, in substantially the same form as annexed hereto, be and the same is hereby ratified; and be it further

RESOLVED, that the Town Supervisor be and hereby is authorized and directed to execute the Agreement on behalf of the Town.

MOTIONED BY: Councilman Nicholson

SECONDED BY: Councilman Becker

DATED: December 14, 2016

ROLL CALL: AYE NAY ABSTAIN

Councilman Albrecht

X

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

Carried.

Item # 9 – Authorizing Community Benefits Agreement with Cricket Valley Energy:
Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD
TOWN BOARD RESOLUTION NO.: 194/2016

RE: AUTHORIZING COMMUNITY BENEFITS AGREEMENT WITH CRICKET VALLEY ENERGY

WHEREAS, Cricket Valley Energy Center, LLC (“CVEC”) proposes to construct and operate an energy project on an approximately 193 acre industrially zoned parcel of land located at 2241 NY Route 22, in the Town of Dover, Dutchess County, New York; and

WHEREAS, a portion of the interconnection lines to the NYSIO grid cross through a portion of the Town; and

WHEREAS, CVEC has agreed to provide certain community benefits to the Town as fully described and memorialized under the term and conditions of Community Benefits Agreement (such community benefits to be paid by CVEC for the benefit of the Town); and

WHEREAS, CVEC has agreed to fund the installation of a new baseball field to be known as Field #2 and located at 25 South Avenue, Pleasant Valley, New York and it is expected that the Town will contract for the installation of the ball field during calendar year 2017, conditioned upon CVEC obtaining all necessary approvals to commence construction of the energy project, for a total cost not to exceed \$22,235; now, therefore, be it

RESOLVED, that the Town Board authorizes the Supervisor to enter into the Community Benefits Agreement with CVEC and take whatever steps necessary to facilitate the construction and installation

of the baseball field at 25 South Avenue, Pleasant Valley, New York in accordance with the Community Benefit Agreement in substantially the same form as annexed hereto subject to final review and approval by the Attorney to the Town.

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilwoman Gross

DATED: December 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:

Councilwoman Gross stated that if Cricket Valley is using the road to get to the power lines to Field 2 will they be re-surfacing the road when the project is complete.

Supervisor Figliozi stated that the road is owned by Con-Ed.

Councilwoman Gross stated the Town only has a right-a-way to use the road.

Councilman Nicholson asked if Cricket Valley will have to maintain the property.

Supervisor Figliozi stated no.

Item # 10 – Authorizing Change Order No. 1 to the Contract for the Storage Shed/Helen Aldrich Park:
Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 195/2016

RE: AUTHORIZING CHANGE ORDER NO. 1 TO THE CONTRACT FOR THE STORAGE SHED AT HELEN ALDRICH PARK

WHEREAS, the Town of Pleasant Valley Town Board by Resolution No. 165/2016 authorized the execution of the contract for a storage shed at Helen Aldrich Park with Shirk Pole Buildings, LLC with a total contract amount not to exceed \$26,850; and

WHEREAS, Construction Contract Change Order No. 1 was proposed for the storage shed at Helen Aldrich Park, with Shirk Pole Buildings Inc., which provided for an additional cost of \$1,700 for painted steal leanto ceiling and leanto header wrapped with painted steel trim as per the original bid option 4 amount for a total increase in cost of \$1,700; and

WHEREAS, pursuant to the terms of the contract a change order must be authorized by the Town of Pleasant Valley Town Board; now, therefore be it

RESOLVED, that the Town Board of the Town of Pleasant Valley does hereby direct the Town Supervisor to execute Change Order No. 1 for an increase in the contract amount for the storage shed at Helen Aldrich Park by \$1,700 to \$28,500.

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilwoman Gross

DATED: December 14, 2016

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

Carried.

Item # 11 – Authorizing the Creation of a Capital Project Funded by the Recreation Trust Fund for the Construction and Installation of a Storage Shed/Helen Aldrich Park:

Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 201/2016

RE: AUTHORIZING THE CREATION OF THE OF A CAPITAL PROJECT FUNDED BY THE RECREATION TRUST FUND FOR THE CONSTRUCTION AND INSTALLATION OF A STORAGE SHED AT HELEN ALDRICH PARK

WHEREAS, the Town Board is in the process of undertaking a Capital Project pertaining to the installation and construction of a storage shed at Helen Aldrich Park; and

WHEREAS, the Town Board has awarded a contract for the construction of the shed by Resolution No. 165/2016 and for a change order to that contract by Resolution No. 195/2016 and has certain additional capital expenses associated with the project including item 4, concrete work, electrical work, shelving and divider wall in the shed for municipal recreational/community purposes; and

WHEREAS, the Town Board desires to allocate funds from the Recreation Trust Fund account for this purpose; now, therefore, be it

RESOLVED, that the Town Board of the Town of Pleasant Valley hereby authorizes the creation of a Capital Project account to be funded by the Town of Pleasant Valley Recreation Trust Fund to undertake the construction, installation and associated work for a storage shed at Helen Aldrich Park; and be it further

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to establish a Helen Aldrich Park Storage Shed Capital Project Account to be initially funded in an amount not to exceed \$46,850 and to be funded by the Pleasant Valley Recreation Trust Fund for such purposes as stated herein.

MOTIONED BY: Councilman Becker

SECONDED BY: Councilman Albrecht

DATED: December 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.

Supervisor Figliozi stated this is similar as to what the Town Board had to do for the Salt Shed.

Item # 12 – Set Date for Re-Organization Meeting:
Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 196/2016

RE: SCHEDULING A SPECIAL MEETING FOR THE PURPOSE OF THE ANNUAL REORGANIZATION MEETING

WHEREAS, the Town of Pleasant Valley annually schedules a Reorganization 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 Town Board Reorganization Meeting for 2017 is hereby scheduled for Wednesday, January 4, 2017, at 7:00 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 Reorganization Meeting on Wednesday, January 4,

2017, at 7:00 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 Becker

DATED: December 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 # 13 – Request the NYSDOT to Conduct a Traffic Signal Study at the Intersection of Route 44 & Route 82:

Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 197/2016

RE: REQUEST THAT NYSDOT CONDUCT TRAFFIC SIGNAL STUDY AT THE INTERSECTION OF ROUTE 44 AND ROUTE 82

WHEREAS, members of the Town Board have received numerous concerns and requests in regard to unsafe traffic conditions at the intersection of US Route 44 and NYS Route 82; and

WHEREAS, in particular, turning onto Route 44 from Route 82, during rush hours is extremely difficult and dangerous; and

WHEREAS, the intersection is located in the hamlet of Washington Hollow and directly at the intersection sits two retail plazas and New York State Police Troop K Headquarters; now, therefore, be it

RESOLVED, that the Town Board has determined that it is in the best interest of the traveling public and for the general public health, safety and welfare that by this resolution, the Town of Pleasant Valley Town Board hereby requests that the NYSDOT conduct an engineering study of traffic conditions, pedestrian characteristics and physical characteristics of the intersection of US Route 44 and NYS Route 82 to determine whether installation of a traffic control signal is justified; and

RESOLVED, that the Town Board of the Town of Pleasant Valley hereby authorizes and directs the Town Clerk provide a certified copy of this resolution to the NYS Department of Transportation, Region 8, Todd Westhuis, P.E., Regional Director and Adam Levine, P.E., AICP Regional Traffic Engineer, 4 Burnet Boulevard, Poughkeepsie, NY 12603 and the Town Clerk and the Town Supervisor be authorized to take any additional action or provide additional information as may be necessary to effectuate the terms of this resolution.

MOTIONED BY: Councilman Becker

SECONDED BY: Councilwoman Gross

DATED: December 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:

Councilwoman Gross asked if a traffic study needs to be done who will pay for it.

Supervisor Figliozi stated that there wouldn't be any cost to the Town.

Item # 14 – Amending the 2016 Adopted Town Budget:

Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 198/2016

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.1110.200	Court Bullet Proof Vest	\$ 598.00

A.1220.200	Supervisor Printer	\$ 180.00
A.1220.460	Supervisor Mileage	\$ 500.00
A.1620.200	Buildings Equipment	\$2,000.00
A.1620.415	Building Supplies	\$1,000.00
A.3620.460	Building Insp. Mileage	\$ 500.00
A.7020.401	Recreation Admin.	\$ 81.00
A.7110.417	Portable Restrooms	\$ 65.00
A.7140.203	Pole Barn at Recreation	\$1,672.86
A.8010.499	Zoning Misc.	\$ 500.00
Total		\$7,096.86

Decrease

Account	Department	Amount
A.1110.413	Court School	\$ 598.00
A.1355.413	Assessors School	\$ 500.00
A.1620.429	Repair & Maintenance	\$1,000.00
A.1990.400	Contingency	\$2,326.00
A.7110.429	Park Maintenance	\$ 500.00
A.8010.451	Zoning General	\$ 500.00
Total		\$5,424.00

Revenue:

Account	Department	Amount
A.5031	Rec. Trust Fund	\$1,672.86
Total		\$1,672.86

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilwoman Gross

DATED: December 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 # 15 – Authorizing Payment of Abstract No. 12 of 2016:

Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 199/2016

RE: AUTHORIZING PAYMENT OF ABSTRACT NO. 12 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 12 of 2016	General Fund Claims	\$84,095.81
2. Abstract 12 of 2016	Highway Fund Claims	\$59,509.81
3. Abstract 12 of 2016	Capital Reserve/Salt Shed	\$ 828.20
4. Abstract 12 of 2016	Con Light	\$ 3,473.14
5. Abstract 12 of 2016	Ambulance	\$25,704.00

MOTIONED BY: Councilman Becker

SECONDED BY: Councilman Albrecht

DATED: December 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 # 16 – Authorizing Payment of Abstract No. 12P of 2016:
Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 200/2016

RE: AUTHORIZING PAYMENT OF ABSTRACT NO. 12P OF 2016

WHEREAS, the Town of Pleasant Valley Town Board has audited the bills presented for consultant escrow fees as specified by Town Code § 82-15, §98-91, etc., 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 12P of 2016	Planning/Zoning Escrow	\$9,921.53
-------------------------	------------------------	------------

MOTIONED BY: Councilwoman Gross

SECONDED BY: Councilman Albrecht

DATED: December 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.

SUPERVISOR'S COMMENTS:

Supervisor Figliozi stated that there is an “Honor Wall” going up in Town Hall to honor those who are actively serving in our Military. If any residents know of any active military residents please contact us at Town Hall

Supervisor Figliozi noted that there was an adjustment made to the Fire Companies Budget (filed in the Town Clerk Office).

OPEN THE MEETING TO THE PUBLIC:

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

Rolando Ghedini – Arbor Hill Drive – thanked who ever e-mailed the agenda to him.

CLOSE THE MEETING TO THE PUBLIC:

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

Councilwoman Gross left the meeting at 7:51PM.

EXECUTIVE SESSION:

Motion by Councilman Nicholson, seconded by Councilman Becker the Town Board entered into Executive Session at 7:51PM under Public Officers Law section 105.1(E) collective negotiations and section 105.1(F) personnel matter, carried.

No action taken.

Motion by Councilman Becker, seconded by Councilman Nicolson the Town Board came out of Executive Session at 8:40PM, carried.

ADJOURN:

Motion by Councilman Albrecht, seconded by Councilman Nicholson the Town Board adjourned the meeting at 8:41PM, carried.

Respectfully Submitted,

Margaret Hart

Margaret Hart, Town Clerk

