

PUBLIC HEARING
REGULAR TOWN BOARD MEETING
MARCH 8, 2017

The Pleasant Valley Town Board held a Public Hearing and its regularly scheduled Town Board Meeting on Wednesday, March 8, 2017 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

PUBLIC HEARING:

PURPOSE: Proposed Local Law Amending Chapter 98 Zoning "Entitled Solar":

OPEN THE PUBLIC HEARING TO THE PUBLIC:

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

Town Attorney, Scott Volkman suggested to the Town Board that they adjourn the Public Hearing to the April 12, 2017 Town Board Meeting since the Town Board hasn't heard back from Dutchess County Planning or Town of Pleasant Valley Planning Board with a recommendation.

ADJOURN THE PUBLIC HEARING:

Motion by Councilman Albrecht, seconded by Councilman Nicholson the Town Board adjourned the Public Hearing to the April 12, 2017 Town Board Meeting, carried.

REGULAR TOWN BOARD MEETING

- Legislator Sagliano spoke about how the District Attorney and the Sheriff are using monies from their forfeitures accounts to cover some of their normal operating costs.
- The County will also be appointing the Commissioner of Behavioral Health Director at their next meeting.
- Legislator Sagliano also spoke about renewing your registration at the local motor vehicle offices. When residents renew their registrations at the local motor vehicle office the County receives 12 ½ % of the fees. Legislator Sagliano noted that there is a bill in front the State Assembly and the State Senate to increase the percentage to 25% which would give the County another 2 million dollars.

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 Ghedeni – Arbor Hill Road – thanked who sent him copies of tonight’s resolutions, it was very helpful.

CLOSE THE MEETING TO THE PUBLIC:

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

Supervisor Figliozi took a moment to congratulate Councilman Nick Becker for he was awarded the 40 under 40 Shaker Award given by the Dutchess County Chamber of Commerce. The award dinner will be held on April 25, 2017 at 5:00PM at the Poughkeepsie Grand.

All the Town Board members congratulated Councilman Becker.

NEW BUSINESS:

Item # 1 – Mobilite Presentation:

No representatives from Mobilite were present at tonight’s meeting.

Supervisor Figliozi noted that mobilite telecommunications was coming tonight to give a presentation regarding cell tower repeaters, which he spoke about a couple of months ago. Molilite would like to put a Tower on Charles Street, but there is some concerns regarding this because they want to be in the right a-way. Supervisor Figliozi noted that the Town Attorney will need to look into this and give the Town Board an opinion regarding this matter.

Zoning Administrator, Mike White has given the Town Board a memo with his opinion which is filed in the Town Clerk’s office.

Supervisor Figliozi noted this is something the Town Board will need to discuss more at the April Meeting.

Item # 2 – Amending the Employee Handbook Section 802 “Vacation Leave”:

Supervisor Figliozi read the following resolution:

TOWN BOARD RESOLUTION NO.: 75/2017

RE: AMENDING THE TOWN OF PLEASANT VALLEY EMPLOYEE HANDBOOK - SECTION 802

WHEREAS, Section 802, of the Town of Pleasant Valley Employee Handbook sets forth the Town's policy with respect to "Vacation Leave"; and

WHEREAS, the Town Board of the Town of Pleasant Valley wishes to amend the "Accumulation" policy in Section 802; now, therefore, be it

RESOLVED, that the Town of Pleasant Valley Employee Handbook Section 802 "Accumulation" shall be amended to read as follows:

Section 802 – Vacation Leave

Accumulation – *The Town of Pleasant Valley believes that vacation is important to the health and well-being of our employees and encourages all employees to utilize their vacation days.* Vacation leave earned in one year may be carried over to subsequent years for use in aggregate with yearly earned vacation, and accumulated deferred vacation in any year shall not exceed thirty days. Any vacation days deferred from a previous year which, when added to the number of vacation days earned in the next year, exceed thirty, shall be forfeited. *In the event that special work demands prevent an employee from taking all available vacation days, a request may be made to carry over more than 20 days into the next vacation cycle. Requests to carry over vacation time must be made in writing to the Town Supervisor upon recommendation of the applicable Department Head by December 1st, and will include the amount of time requested to be carried over, and the reason the employee was not able to utilize the vacation time during the required vacation period. All vacation carry over requests are subject to approval or disapproval by the Town Supervisor.*

; and be it further

RESOLVED, that this Resolution shall take effect immediately and shall apply 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: Councilman Becker

SECONDED BY: Councilwoman Gross

DATED: March 8, 2017

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 the employees sign off on the employee handbook updates.

The Town Clerk answered no.

The Town Board would like the employees to sign off on this employee handbook update and future updates to the employee handbook.

Item # 3A – Appointment of Legal Services for Planning Board and Zoning Board of Appeals”
Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 76/2017

**RE: EMPLOYING PLANNING BOARD AND ZONING BOARD OF APPEALS
LEGAL SERVICES**

BE IT RESOLVED, that upon the recommendation of the Planning Board dated January 10, 2017 and the Zoning Board of Appeals dated February 22, 2017 that the law firm of Van DeWater & Van DeWater, LLP, is hereby appointed as Attorney for the Planning Board and Zoning Board of Appeals of the Town of Pleasant Valley, in accordance with the proposal dated December 23, 2016 to be paid from available escrow funds only with any non-escrow work to be authorized in advance by the Town Board upon recommendation of the Planning Board and/or Zoning Board of Appeals; and

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

MOTIONED BY: Councilwoman Gross

SECONDED BY: Councilman Albrecht

DATED: March 8, 2017

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 # 3B – Appointing Engineering Services for the Planning Board:
Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 77/2017

RE: EMPLOYING PLANNING BOARD ENGINEERING SERVICES

BE IT RESOLVED, that upon the recommendation of the Planning Board dated January 10, 2017, that Morris Associates Engineering and Surveying Consultants, PLLC, is hereby appointed as Engineers for the Planning Board for the Town of Pleasant Valley for 2017 in accordance with the proposal dated December 13, 2016 to be paid from available escrow funds only with any non-escrow work to be authorized in advance by the Town Board upon recommendation of the Planning Board; and

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

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilwoman Gross

DATED: March 8, 2017

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

Carried.

Item # 4 – Authorizing the Execution of a Tolling Agreement with Central Hudson Re: Double Poles:
Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 78/2017

RE: AUTHORIZING THE EXECUTION OF A TOLLING AGREEMENT WITH CENTRAL HUDSON GAS & ELECTRIC CORPORATION

WHEREAS, the Town Board of the Town of Pleasant Valley enacted and approved Local Law No. 2 of the year 2016 by Resolution No.183/2016 on November 9, 2016 which was filed in the office of the Secretary of State on or about November 29, 2016; and

WHEREAS, the Local Law was circulated to all public utility companies to notify them of the adoption of the Law; and

WHEREAS, Central Hudson Gas & Electric Corporation maintains that the Local Law raises a number of issues for Central Hudson Gas & Electric Corporation and would like an opportunity to work with the Town to resolve those issues without the need to file an Article 78 proceeding; and

WHEREAS, the Town is amenable to having discussions with respect to the issues that have been raised to determine whether or not a resolution can be reached and to avoid the need for any legal proceeding; and

WHEREAS, the parties have the authority to execute a Tolling Agreement to extend the time for Central Hudson Gas & Electric Corporation to commence any legal challenge with a reservation of all rights by the Town; and

WHEREAS, it is in the best interest of both entities that the statute of limitations be extended to allow the parties an opportunity to seek a mutual resolution while preserving the intent of Local Law No. 2 of 2016; now, therefore, be it

RESOLVED, that the Town Supervisor and the Attorney to the Town are hereby authorized to execute and enter into a Tolling Agreement preserving the rights of both parties for a period of up to four months.

MOTIONED BY: Councilman Becker

SECONDED BY: Councilman Nicholson

DATED: March 8, 2017

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

Carried.

The Town Board and the Town Attorney had discussion regarding the agreement.

Item # 5 – Authorizing a Request for Proposals for Utility Audit Consultants:
Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 79/2017

RE: AUTHORIZING A REQUEST FOR PROPOSALS FOR UTILITY AUDIT CONSULTANTS FOR THE TOWN OF PLEASANT VALLEY

WHEREAS, the Town of Pleasant Valley is interested in soliciting proposals for Utility Audit Consultants for the Town of Pleasant Valley; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Town Clerk to solicit proposals for qualified Utility Audit Consultants to the Town of Pleasant Valley, which such proposals are to be returned to the Town Clerk no later than March 30, 2017 at 3:00 p.m.

MOTIONED BY: Councilwoman Gross

SECONDED BY: Councilman Becker

DATED: March 8, 2017

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 – Authorize Acceptance of Municipal Consolidation and Shared Services Grant with Dutchess County:

Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 80/2017

RE: AUTHORIZING ACCEPTANCE OF A MUNICIPAL CONSOLIDATION AND SHARED SERVICES GRANT FROM DUTCHESS COUNTY AND AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT WITH DUTCHESS COUNTY

WHEREAS, the County of Dutchess has implemented a municipal consolidation and shared services grant program through the department of Planning and Development; and

WHEREAS, the Town of Pleasant Valley submitted an application to the Municipal Consolidation and Shared Services Grant program concerning construction of the Highway Department Salt Storage Shed which has been approved by Dutchess County; and

WHEREAS, Dutchess County has awarded a grant to the Town of Pleasant Valley in the amount of \$50,000 for which the Town of Pleasant Valley is eligible for reimbursement for approved construction expenses; and

WHEREAS, in order to be eligible to receive the grant funding the Town is required execute an agreement with the County of Dutchess in the form annexed hereto; now, therefore, be it

RESOLVED, that the Town of Pleasant Valley hereby accepts the award of the grant from the County of Dutchess; and be it further

RESOLVED, that the Town Supervisor is hereby authorized to execute the agreement with the County of Dutchess in substantially the same form as annexed hereto; and be it further

RESOLVED, that upon receipt of a fully executed contract the Town Supervisor is hereby authorized and directed to provide the appropriate documents in form satisfactory to the County in order to process the payment for reimbursement of the eligible costs in the amount of \$50,000.

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilwoman Gross

DATED: March 8, 2017

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 – Adoption of Hazard Mitigation Plan with Dutchess County:
Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD
TOWN BOARD RESOLUTION NO.: 81/2017

**RE: ADOPTION OF JURISDICTIONAL ANNEX TO DUTCHESS COUNTY
HAZARD MITIGATION PLAN**

WHEREAS, the Town of Pleasant Valley has worked cooperatively with Dutchess County, with the assistance of Tetra Tech, Inc., in gathering information and preparing the Dutchess County Multi-Jurisdictional Hazard Mitigation Plan Municipal Annex (the Plan); and

WHEREAS, the Dutchess County Multi-Jurisdictional Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, Dutchess County and the Town of Pleasant Valley are units of government that have afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, Dutchess County and the Town of Pleasant Valley has reviewed the Plan and affirms the Plan will be updated no less than every five years; now, therefore, be it

RESOLVED, that the Town of Pleasant Valley approves and adopts the Dutchess County Hazard Mitigation Plan Municipal Annex as this jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions of the Plan.

MOTIONED BY: Councilman Nicholson

SECONDED BY: Councilwoman Gross

DATED: March 8, 2017

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 # 8 – Authorizing Payment of Abstract No.3 of 2017:
 Supervisor Figliozzi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD
TOWN BOARD RESOLUTION NO.: 82/2017

RE: AUTHORIZING PAYMENT OF ABSTRACT NO. 3 OF 2017

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 3 of 2017	General Fund Claims	\$89,889.68
2. Abstract 3 of 2017	Highway Fund Claims	\$84,662.95
3. Abstract 3 of 2017	Con Light	\$ 3,494.31
4. Abstract 3 of 2017	Ambulance	\$ 8,997.00

MOTIONED BY: Councilman Nicholson

SECONDED BY: Councilwoman Gross

DATED: March 8, 2017

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 Payment of Abstract No. 3P of 2017:
Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 83/2017

RE: AUTHORIZING PAYMENT OF ABSTRACT NO. 3P OF 2017

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 3P of 2017	Planning/Zoning Escrow	\$ 2,451.70
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MOTIONED BY: Councilman Becker

SECONDED BY: Councilman Albrecht

DATED: March 8, 2017

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 # 10 – Appointment to the Board of Assessment Review:
Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 84/2017

RE: APPOINTMENT TO THE BOARD OF ASSESSMENT REVIEW

WHEREAS, there now exists on the Town of Pleasant Valley Board of Assessment Review vacancies due to the expiration of the term of Gerry Haight and the resignation of Bill Connors and Kathy Myers; and

WHEREAS, James Keene has expressed an interest in being appointed to a position on the Board of Assessment Review; now, therefore be it

RESOLVED, that the Town Board of the Town of Pleasant Valley does hereby designate and appoint Jeffrey Battistoni to the Board of Assessment Review, to fill the unexpired term effective immediately as follows:

Appointment

Term Expires

Jeffrey Battistoni

September 30, 2021

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilman Becker

DATED: March 8, 2017

ROLL CALL:

AYE

NAY

Councilman Albrecht

X

Councilman Becker

X

Councilwoman Gross

X

Councilman Nicholson

X

Supervisor Figliozi

X

Carried.

Item # 11 – Appointment to the Board of Assessment Review:

Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD
TOWN BOARD RESOLUTION NO.: 86/2017

RE: APPOINTMENT TO THE BOARD OF ASSESSMENT REVIEW

WHEREAS, there now exists on the Town of Pleasant Valley Board of Assessment Review vacancies due to the expiration of the term of Gerry Haight and the resignation of Bill Conners and Kathy Myers; and

WHEREAS, James Keene has expressed an interest in being appointed to a position on the Board of Assessment Review; now, therefore be it

RESOLVED, that the Town Board of the Town of Pleasant Valley does hereby designate and appoint James Keene to the Board of Assessment Review, to fill the unexpired term effective immediately as follows:

Appointment

Term Expires

William Geerlings

September 30, 2021

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilman Becker

DATED: March 8, 2017

ROLL CALL:

AYE

NAY

Councilman Albrecht

X

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

Carried.

Item # 12 – Appointment to the Board of Assessment Review:
 Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 86/2017

RE: APPOINTMENT TO THE BOARD OF ASSESSMENT REVIEW

WHEREAS, there now exists on the Town of Pleasant Valley Board of Assessment Review vacancies due to the expiration of the term of Gerry Haight and the resignation of Bill Conners and Kathy Myers; and

WHEREAS, James Keene has expressed an interest in being appointed to a position on the Board of Assessment Review; now, therefore be it

RESOLVED, that the Town Board of the Town of Pleasant Valley does hereby designate and appoint James Keene to the Board of Assessment Review, to fill the unexpired term effective immediately as follows:

Appointment

Term Expires

James Keene

September 30, 2017

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilman Becker

DATED: March 8, 2017

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

Carried.

Councilman Albrecht stated that the girl scouts and boy scouts would like to help out during Town Clean-up.

Supervisor Figliozi noted that Town Clean-up will be held April 22, 2017 with the rain date being May 6, 2017. Supervisor Figliozi stated that flyers are going out the public and schools inviting them to be part of Town Clean-up.

OPEN THE MEETING TO THE PUBLIC:

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

No comments heard.

CLOSE THE MEETING TO THE PUBLIC:

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

EXECUTIVE SESSION:

Motion by Councilman Becker, seconded by Councilman Albrecht the Town Board entered into Executive Session under Public Officers Law section 105.1 (d) pending litigation and section 105.1 (f) a personnel matter at 7:53PM, carried.

No action taken.

Motion by Supervisor Figliozi, seconded by Councilman Nicholson the Town Board came out of Executive Session at 9:10, carried.

ADJOURN:

Motion by Supervisor Figliozi, seconded by Councilman Nicholson the Town Board adjourned the meeting at 9:11PM, carried.

Respectfully Submitted,

Margaret Hart, Town Clerk