

PUBLIC HEARING

REGULAR TOWN BOARD MEETING

APRIL 12, 2017

The Pleasant Valley Town Board held a Public Hearing and their regularly scheduled Town Board Meeting on Wednesday, April 12, 2017 at 7:00PM at Town Hall, 1554 Main Street, Pleasant Valley.

PRESENT: 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: ENGERY SOLAR SYSTEMS/GROUND MOUNTS:

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.

Jeff Irish – Hudson Solar, Rhinebeck – reviewed with the Town Board sections in the proposed Local Law that he thought the Town Board may consider some changes.

Section F. consider lowering the lot size from 75 acres to 20 -10 acres. Mr. Irish also spoke about the schedule of use regulation section there is a P and Star meaning that solar is not permitted, but there is a discrepancy in Section F of the proposed Law allowing them.

Mr. Irish feels that the regulation section should be all P's, than it would allow commercial systems in residential districts.

Supervisor Figliozi noted that the Town has received a positive recommendation from the Pleasant Valley Planning Board and a reply from Dutchess County Planning that it is a matter of local concern.

Town Attorney, Scott Volkman noted that the Town Board will not be acting on the Local Law at this time this will give the Town Board a chance to review and make any necessary changes to the Law. Mr. Volkman also noted that if there are any changes to the Local Law it needs to lay on the desk for 7 days

before it can be adopted. At which time it would be able to be adopted at the May 10, 2017 Regular Town Board Meeting or at a Special Town Board Meeting later in May. The solar moratorium is due to expire at the end of May.

ADJOURN:

Motion by Supervisor Figliozi, seconded by Councilman Nicholson the Town Board adjourned the Public Hearing to May 10, 2017 Regular Town Board Meeting or to a Special Town Board later in May if needed, carried.

REGULAR TOWN BOARD MEETING

<u>MINUTES:</u>	of	02/01/2017	Workshop Meeting
		02/08/2017	Regular Town Board Meeting
		02/23/2017	Special Town Board Meeting
		03/01/2017	Workshop Meeting
		03/08/2017	Regular Town Board Meeting

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

MONTHLY REPORS:

1. Town Clerk Monthly Report
2. Refuse Monthly Report
3. Assessor Monthly Report
4. Building, Zoning, Planning & Fire Monthly Report
5. Recreation Monthly Report
6. Monthly Trial Balance Report

CORRESPONDENCE:

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

TOWN BOARD COMMITTEE REPORTS:

Public Safety Committee Report – Councilman Albrecht noted that the annual flood inspection has been completed at the Pleasant Valley Dam.

Councilman Nicholson noted that progress is being made with the removal of the double poles on the Town Roads.

Supervisor Figliozi noted that the Town had to hire a private contractor to remove snow after the last snowstorm since some of the sidewalks were not cleared after seven (7) days, the Town will be issuing a bill to these homeowners whose homes where the sidewalks were not cleared.

Personnel Committee Report – Councilman Nicholson noted that he and Councilwoman Gross met to discuss personnel issues.

Highway Committee Report – Supervisor Figliozzi noted that the Highway Department has started to clean the sidewalks and sweeping the roads. Supervisor Figliozzi also noted that someone has stolen some road signs in Town.

Legislative Committee Report – Councilman Albrecht and Councilwoman Gross has discussion with the Town Board regarding the placement of donation bins in Town. Both Councilman Albrecht and Councilwoman Gross are not in favor of having donation bins in Town.

Supervisor Figliozzi suggested that they speak Planning Board Chair, Rebecca Seaman to see if the Planning Board has suggestions regarding the placement of the bins.

Councilwoman Gross doesn't think it's a value to the Town to have them.

Recreation Committee Report – Supervisor Figliozzi noted that he and Councilman Becker met with Recreation Director, Sandy Coe regarding spring soccer program and the summer program (report filed with the minutes).

Technology Committee Report- Supervisor Figliozzi noted that he is working with Sullivan to update an old server for accounting/bookkeeping.

OPEN THE MEETING TO THE PUBLIC FOR AGENDA ITEMS ONLY:

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

NEW BUSINESS:

Item # 1 – Authorizing lot line Adjustment Application to the Planning Board between Elizabeth Atkins and the Town of Pleasant Valley:

Supervisor Figliozzi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 87/2017

RE: AUTHORIZING LOT LINE ADJUSTMENT APPLICATION TO THE PLANNING BOARD BETWEEN ELIZABETH ATKINS AND THE TOWN OF PLEASANT VALLEY

WHEREAS, Elizabeth Atkins owns certain property located at 1854 Salt Point Turnpike, Pleasant Valley, New York; and

WHEREAS, the Dutchess Land Conservancy is acquiring a conservation easement over the subject property; and

WHEREAS, during a title search it was determined that improvements on property located at 50 Cottage Street encroach on the Atkin's property; and

WHEREAS, the property is the location of the Salt Point Fire Station; and

WHEREAS, a title search reveals that the Town of Pleasant Valley is the record owner of the property where the Salt Point Fire Station is located; and

WHEREAS, Atkin's has offered to donate to the Town approximately 0.093 acres of property to become part and parcel with the current Town property; and

WHEREAS, the Town of Pleasant Valley is authorized by § 64 (2) of Town Law to acquire real property and to accept gifts of real property; and

WHEREAS, the Town Board has determined that it is in the best interest of the Town and the Pleasant Valley Fire District, which is believed to be the owner of the building on the Town property, to accept the gift of lands from Atkin's; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to execute an owner's consent notice authorizing the application currently pending before the Town of Pleasant Planning Board for purposes of a lot line adjustment.

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilman Nicholson

DATED: April 12, 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 # 2 – Amending the Town of Pleasant Valley Employee Handbook Section 504:

Supervisor Figliozzi explained that if not all the time cards or time sheets are not handed in on time it holds up the payroll process, and with this update if the time card or time sheet is not handed in on time the employee would not get paid, they wouldn't get paid until the following pay period.

Councilwoman ask if we have the right not to pay someone.

Town Attorney, Scott Volkman will look into this further.

Councilwoman Gross doesn't feel comfortable holding someone's pay check or not paying them.

The Town Board had more discussion on this matter and it was decided to table this resolution until further information can be obtained.

Motion by Supervisor Figliozzi, seconded by Councilman Albrecht the Town Board tabled Resolution 88/2017, carried.

Item # 3 – Amending the Town of Pleasant Valley Employee Handbook Section 802:

Supervisor Figliozzi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 89/2017

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~~ a number of days that will exceed the 30 day limit. Requests to carry over vacation time exceeding the 30 day limit must be made in writing to the Town Supervisor by December 1st, prior to the start of the next vacation cycle, 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: April 12, 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 – Establishing Standard Work Day for Elective and Appointed Officials:
Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD
TOWN BOARD RESOLUTION NO.: 88/2017

RE: ESTABLISHING STANDARD WORK DAY FOR ELECTIVE AND APPOINTED OFFICIALS

BE IT RESOLVED, that the Town Board of the Town of Pleasant Valley hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employee’s Retirement System, based on the record of activities maintained and submitted by these officials to the Town Clerk of the Town of Pleasant Valley as per the schedule annexed hereto.

MOTIONED BY: Councilwoman Gross

SECONDED BY: Councilman Nicholson

DATED: April 12, 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 # 5 – Appointment of 2017 Town of Pleasant Valley Summer Camp Staff:
Supervisor Figliozzi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 91/2017

RE: APPOINTMENT OF 2017 TOWN OF PLEASANT VALLEY SUMMER CAMP STAFF

WHEREAS, the Town of Pleasant Valley intends to operate various summer camp programs open to its residents and members of the public; and

WHEREAS, there are vacancies on the Town of Pleasant Valley 2017 summer camp staff for the positions of Camp Director, Assistant Camp Director, On Site Health Director and Program Director; and

WHEREAS, Lynn Connors has expressed interest in being appointed as Camp Director, Amanda Fastiggi has expressed interest in being appointed as Assistant Day Camp Director, Vicki Messina has expressed interest in being appointed as On Site Health Director and Alexandria Richard has expressed interest in being appointed as Program Director; now, therefore, be it

RESOLVED, that the Town Board of the Town of Pleasant Valley does hereby designate and appoint Lynn Connors as Camp Director, Amanda Fastiggi as Assistant Day Camp Director, Vicki Messina as On Site Health Director and Alexandria Richard as Program Director for the 2017 Town of Pleasant Valley summer camp at the rates established by Resolution No. 15/2017 and the 2017 adopted Town budget.

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilwoman Gross

DATED: April 12, 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 – Introducing Local Law X of 2017 Repealing Chapter 46 of Town of Pleasant Valley Code Entitled “Driveway and Highway Work Permits”:
Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 92/2017

RE: INTRODUCING LOCAL LAW NO. X OF 2017 REPEALING CHAPTER 46 OF THE CODE OF THE TOWN OF PLEASANT VALLEY ENTITLED “DRIVEWAY AND HIGHWAY WORK PERMITS” BEING LOCAL LAW NO. 11 OF 2001 AND REPLACING IT WITH A NEW CHAPTER 46 ENTITLED ‘CURB CUTS, ROAD UPGRADES, DRIVEWAY CONSTRUCTION, RECONSTRUCTION AND RESURFACING’ ”

WHEREAS, the Town Board of the Town of Pleasant Valley is considering the adoption of Local Law No. X of 2017 to amend the Code of the Town of Pleasant Valley by repealing Chapter 46 of the Code of the Town of Pleasant Valley entitled “Driveway and Highway Work Permits” Being Local Law No. 11 of 2001 and replacing it with a new Chapter 46 Entitled ‘Curb Cuts, Road Upgrades, Driveway Construction, Reconstruction And Resurfacing’ ”; and

WHEREAS, the Town is desirous of addressing certain practical issues and concerns of the

Highway Superintendent as they apply to current regulations; now, therefore, be it

RESOLVED, that the Town Board of the Town of Pleasant Valley hereby introduces for consideration of its adoption proposed Local Law No. X of 2017 and hereby schedules a public hearing regarding said proposed Local Law at 7:00 p.m. on the 10th day of May, 2017 and directs the Town Clerk to provide notice thereof, in the official newspaper of the Town and to post the Notice of Public Hearing accordingly.

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilwoman Gross

DATED: April 12, 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 – Authorizing Award of Contract for Utility Audit Consultants for the Town of Pleasant Valley:
Supervisor Figliozi noted that the auditor will be auditing the Town’s utility bills and Time Warner franchise fee agreement. The audit is being done to ensure the Town has been billed correctly, no billing errors and to be sure the Town has been properly paid with the Time Warner the franchise agreement. The auditor will be reviewing the utility bills and the franchise agreement from the past five (5) years. There will be no cost to the Town if nothing is found, if a cost savings is found the Town and the auditor will share in the percentage saved.

Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 93/2017

RE: AUTHORIZING AWARD OF CONTRACT FOR UTILITY AUDIT CONSULTANTS FOR THE TOWN OF PLEASANT VALLEY

WHEREAS, by Resolution 79/2017 dated March 8, 2017 the Town Board of the Town of Pleasant Valley authorized the solicitation of proposals for Utility Audit Consultants; and

WHEREAS, on March 30, 2017 sealed proposal for the Town of Pleasant Valley Utility Audit Consultants were publicly opened and read aloud pursuant to General Municipal Law § 103; and

WHEREAS, one bid was received and opened by the Town Clerk; and

WHEREAS, the Town Supervisor has reviewed the proposal and has recommended that the contract be awarded to Troy & Banks, Inc.; now, therefore, be it

RESOLVED, that the Town Board of the Town of Pleasant Valley does hereby award the Pleasant Valley Utility Audit Consultant contract to Troy & Banks, Inc. 2216 Kensington Avenue, Buffalo, New York 14266 for a contingency fee of 30% of the moneys refunded or credited to the Town due to overcharges, billing errors or costs in excess of that permitted, and for future reductions for 24 months in telephone or data and electric expenditures and contingency fee of 40% of underpayments of cable company franchise fees, pursuant to their proposal dated March 30, 2017; and, be it further

RESOLVED, that the Town Supervisor be and hereby is authorized and directed to execute the contract between the Town and the contractor and that the Town Supervisor be and hereby is authorized to issue written notice to proceed as soon as practicable hereafter.

MOTIONED BY: Councilman Nicholson

SECONDED BY: Councilwoman Gross

DATED: April 12, 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 # 8 – Adopt Local Law for Solar Energy Systems:
The Town Board will look to adopt this in May.

Item # 9 – Amending Chapter 86 of Code of the Town of Pleasant Valley Entitled “Taxation” and Amending by Adding a New Article VI Entitled “Solar Energy System Payment in Lieu of Taxes”:
Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD
TOWN BOARD RESOLUTION NO.: 94/2017

RE: INTRODUCING LOCAL LAW NO. X OF 2017 AMENDING CHAPTER 86 OF THE CODE OF THE TOWN OF PLEASANT VALLEY ENTITLED “TAXATION” AS AMENDED BY ADDING A NEW ARTICLE VI ENTITLED “SOLAR ENERGY SYSTEM PAYMENT IN LIEU OF TAXES”

WHEREAS, the Town Board of the Town of Pleasant Valley is considering the adoption of Local Law No. X of 2017 to amend Chapter 86 of the Code of the Town of Pleasant Valley entitled “Taxation” as amended, by adding a new Article VI entitled “Solar Energy System Payment in Lieu of Taxes”; now, therefore, be it

RESOLVED, that the Town Board of the Town of Pleasant Valley hereby introduces for consideration of its adoption proposed Local Law No. X of 2017 and hereby schedules a public hearing regarding said proposed Local Law at 7:00 p.m. on the 10th day of May, 2017 and directs the Town Clerk to provide notice thereof, in the official newspaper of the Town and to post the Notice of Public Hearing

accordingly.

MOTIONED BY: Councilman Nicholson

SECONDED BY: Councilwoman Gross

DATED: April 12, 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 – Introducing Local Law/Amending Chapter 98 of the Code of the Town of Pleasant Valley Entitled “Zoning Article VI – Subdivision, Special Use Permit and Site Plan Approval”:

Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 95/2017

RE: INTRODUCING LOCAL LAW NO. X OF 2017 AMENDING CHAPTER 98 OF THE CODE OF THE TOWN OF PLEASANT VALLEY ENTITLED “ZONING: ARTICLE VI – SUBDIVISION, SPECIAL USE PERMIT AND SITE PLAN APPROVAL”

WHEREAS, the Town Board of the Town of Pleasant Valley is considering the adoption of Local Law No. X of 2017 to amend the Code of the Town of Pleasant Valley entitled “Zoning: Article VI – Subdivision, Special Use Permit and Site Plan Approval”; and

WHEREAS, the Town is desirous of granting the Planning Board special use permit authority rather than Zoning Board of Appeals and will be more user friendly to the applicant

and will in more cases than not save time and expense than would otherwise be incurred by having to appear before two boards instead of just one, when in the first instance the town law contemplates the planning board having that authority. The Town Board now believes that it is appropriate for the Planning Board to have this authority that they are otherwise equipped to handle during the site plan process; and

WHEREAS, for the purpose of Article 8 of the Environmental Conservation Law, Part 617 NYCRR (commonly known as "SEQRA") and pursuant to Chapter 98 of the Town Code, the proposed action is adoption of the proposed Local Law, the adoption of a resolution amending the text of the Town's Zoning Law is subject to SEQRA and is an Unlisted Action pursuant to SEQRA; now, therefore, be it

RESOLVED, that the Town Board of the Town of Pleasant Valley hereby introduces for consideration of its adoption proposed Local Law No. X of 2017 and hereby schedules a public hearing regarding proposed Local Law at 7:00 p.m. on the 10th day of May, 2017 and the Town Clerk is hereby directed to post and publish as required by law; and be it further

RESOLVED, that the Town Board hereby directs the Town Clerk to circulate this resolution, proposed Local Law No. X of 2017, supporting documentation and the public hearing notice to the Town Clerk of each abutting municipality, the Town of Pleasant Valley Planning Board for review and recommendation pursuant to Section 98-101 of the Zoning Law, the Dutchess County Department of Planning and Development for advisory review in accordance with Section 239 of General Municipal Law and the New York State Department of Transportation.

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilman Becker

DATED: April 12, 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 # 11 – Voting Representative for DCMS4CC:

Supervisor Figliozi noted that the Town has this in place but he is waiting for their Bi-Laws to be sent to him so the Town can move forward on having a voting representative at their meetings.

Item # 12 – Authorizing Contract with PVE, LLC for GIS Services and Consultation in Regard to Town of Pleasant Valley Water District Development:

Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 96/2017

RE: AUTHORIZING CONTRACT WITH PVE, LLC FOR GIS SERVICES AND CONSULTATION IN REGARD TO TOWN OF PLEASANT VALLEY WATER DISTRICT DEVELOPMENT

WHEREAS, the Town of Pleasant Valley is in need of water district development services in regard to Town of Pleasant Valley water district development; and

WHEREAS, the Town Board of the Town of Pleasant Valley is in receipt of a proposal from PVE, LLC for GIS Services and consulting services in regard to water district development, whereby PVE, LLC will create a geographic database of properties affected by groundwater contamination in the study area, which includes address, owner, parcel size, supply well depth, and contaminant concentration information and using the geographic database, PVE, LLC will characterize the extent of contamination throughout the project area; now, therefore be it

RESOLVED, that the Town Board of the Town of Pleasant Valley hereby awards a contract for GIS and consultant services in regard to Town of Pleasant Valley water district development as specified in the proposal from PVE, LLC dated April 6, 2017 in an amount not to exceed \$3,544; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute such contract with PVE, LLC.

MOTIONED BY: Councilman Nicholson

SECONDED BY: Councilwoman Gross

DATED: April 12, 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 # 13A – Authorizing the Town Board to Expand \$118,798.26 of Funds from the “Highway Equipment Reserve Fund” to Pay for the Cost of Machinery, Equipment and Vehicles/Subject to Permissive Referendum”:

Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 97/2017

RE: AUTHORIZING THE TOWN BOARD OF THE TOWN OF PLEASANT VALLEY, DUTCHESS COUNTY, NEW YORK TO EXPEND \$118,798.26 OF FUNDS FROM THE "HIGHWAY EQUIPMENT RESERVE FUND OF THE TOWN OF PLEASANT VALLEY," DUTCHESS COUNTY, NEW YORK, TO PAY FOR THE COST OF MACHINERY, EQUIPMENT AND VEHICLES FOR THE TOWN OF PLEASANT VALLEY HIGHWAY DEPARTMENT AND EXPENSES INCIDENTAL THERETO SUBJECT TO PERMISSIVE REFERENDUM

WHEREAS, the Town has authorized the acquisition of machinery, equipment and vehicles for use by the Town of Pleasant Valley Highway Department by Resolution No. 95/2017; and

WHEREAS, the Town Board of the Town of Pleasant Valley has heretofore established a Capital Reserve Fund pursuant to Section 6-c of the General Municipal Law of the State of New York by Resolution 36/1999; and

WHEREAS, all conditions precedent to the financing of the capital project heretofore described, including compliance with the provisions of the State Environmental Quality Review Act have been performed; and

WHEREAS, it has been determined that the probable usefulness of the aforesaid specific object and purpose is fifteen (15) years pursuant to Subdivision 11(c) of paragraph (a) of Section 11.00 of the Local Finance Law; and

WHEREAS, it is anticipated that an amount not to exceed \$118,798.26 of the total anticipated project cost will be financed by the use of the "Highway Equipment Reserve Fund of the Town of Pleasant Valley" a capital reserve heretofore established pursuant to Section 6-c of General Municipal Law; now, therefore, be it

RESOLVED, that the Town Supervisor of the Town of Pleasant Valley be and hereby is authorized and directed to transfer from the "Highway Equipment Reserve Fund of the Town of Pleasant Valley" to an appropriate capital project expense item an amount not to exceed \$118,798.26 of the principal and accumulated interest in said "Highway Equipment Reserve

Fund of the Town of Pleasant Valley” to pay for the cost of acquisition of the aforementioned machinery, equipment and vehicles and expenses incidental thereto; and be it further

RESOLVED, that this Resolution is subject to permissive referendum.

MOTIONED BY: Councilman Becker

SECONDED BY: Councilman Albrecht

DATED: April 12, 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 # 13B – Authorize the Purchase of a Backhoe Loader for Use by the Town of Highway Department:
Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD
TOWN BOARD RESOLUTION NO.: 98/2017

**RE: AUTHORIZING THE PURCHASE OF A BACKHOE LOADER FOR USE BY THE TOWN
HIGHWAY DEPARTMENT**

WHEREAS, the Highway Superintendent has duly recommended the purchase of the following equipment for use by the Town of Pleasant Valley Highway Department:

1. John Deere 310SL HL Backhoe Loader with options pursuant to a proposal dated February 9, 2017 as modified by New York State bid.

WHEREAS, the equipment is available pursuant to New York State bid – NYS OGS PC67075; now, therefore, be it

RESOLVED, that the Highway Superintendent is hereby authorized to purchase, in accordance with the provisions of Article 5-A of the General Municipal Law, the machinery and equipment as specified herein from the following:

- Jesco, Inc., 497 Fishkill Avenue, Beacon, New York 12508-1207 at a maximum price of \$118,798.26 including costs and expenses incidental thereto to be delivered to the Town of Pleasant Valley and to be delivered as soon as it becomes available from the factory

; and be it further

RESOLVED, that terms of the payment will be as follows:

1. the use of a portion of the Town of Pleasant Valley “Highway Reserve Fund” in the amount of \$118,798.26, subject to permissive referendum; and be it further

RESOLVED, that the Contract of Purchase for the items purchased shall be duly executed by the Highway Superintendent and the vendor. When the Contract has been duly executed and approved, the Highway Superintendent is authorized to complete the purchase upon delivery of the items purchased in accordance with the terms of the Resolution and the Contract and to pay or have paid the above amounts specified to be paid for purposes of acquisition of the equipment in the amount as specified herein are hereby appropriated therefore.

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilman Becker

DATED: April 12, 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 # 14 – Authorizing the Sale of Compactor Backhoe:
Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD
TOWN BOARD RESOLUTION NO.: 99/2017

RE: AUTHORIZATION TO SELL SURPLUS TOWN HIGHWAY DEPARTMENT EQUIPMENT

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

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

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

- 1988 John Deere 510-C Backhoe

; now, therefore, be it

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

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

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilwoman Gross

DATED: April 12, 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 # 15 – Authorizing Payment of Abstract No. 4 of 2017:

Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 100/2017

RE: AUTHORIZING PAYMENT OF ABSTRACT NO. 4 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 4 of 2017	General Fund Claims	\$ 387,690.71
2. Abstract 4 of 2017	Highway Fund Claims	\$ 143,083.11
3. Abstract 4 of 2017	Capital Reserve	\$ 8,532.50
4. Abstract 4 of 2017	Fire District	\$1,574,799.00
5. Abstract 4 of 2017	Con Light	\$ 6,727.78
6. Abstract 4 of 2017	Ambulance	\$ 17,994.00

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilwoman Gross

DATED: April 12, 2017

ROLL CALL:

AYE

NAY

Councilman Albrecht

X

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

Carried.

Item # 16 – Authorizing Payment of Abstract No. 4P of 2017:
Supervisor Figliozi read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD
TOWN BOARD RESOLUTION NO.: 101/2017

RE: AUTHORIZING PAYMENT OF ABSTRACT NO. 4P 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 4P of 2017	Planning/Zoning Escrow	\$6,919.26
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MOTIONED BY: Councilman Nicholson

SECONDED BY: Councilwoman Gross

DATED: April 12, 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.

SUPERVISOR'S COMMENTS:

Supervisor Figliozi noted that the Town has received the \$50,000.00 check that was awarded to the Town through grant money from the County which will be put toward the cost of the Salt Shed.

OPEN THE MEETING TO THE PUBLIC:

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

Carl Tomik – Hibernia Road – stated that when he was Town Supervisor that the vacation carry over was a problem in 2012. Carl feels that the vacation carry over should be left up to the personnel committee or the whole Town Board, not just the Supervisor.

Dave Kruger – Pleasant Valley Library Board – thanked the Town Board for the funding for the Library.

Ted LaStrain – information he presented to the Town Board is on file in the Town Clerk's Office.

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 Supervisor Figliozi, seconded by Councilwoman Gross the Town Board entered into Executive Session at 8:20PM under Public Officers Law section 105.1 (e) pending litigation, carried.

No action taken.

Motion by Councilman Albrecht, seconded by Councilman Nicholson the Town Board came out of Executive Session at 8:51PM, carried.

ADJOURN:

Motion by Councilman Albrecht, seconded by Supervisor Figliozzi the Town Board adjourned the meeting at 8:52PM, carried.

Respectfully Submitted,

Margaret Hart, Town Clerk

