REGULAR TOWN BOARD MEETING

DECEMBER 11, 2013

The Pleasant Valley Town Board held their regularly scheduled Town Board Meeting on Wednesday, December 11, 2013 at 7:00PM at Town Hall, 1554 Main Street, Pleasant Valley.

PRESENT: Steve Albrecht Councilman

Carol Campbell Councilwoman
Lisa Milicaj Councilwoman
Don Sagliano Councilman
Carl Tomik Supervisor

PRESIDING OFFICER: Carl Tomik, Supervisor

RECORDING SECRETARY: Margaret Hart, Town Clerk

The meeting was opened with the salute to the flag. Supervisor Tomik asked for a moment of silence for the Lodhi Family and Friends and the Family and Friends of the passengers of the recent train crash.

MINUTES:	of	10/02/2013	Workshop Meeting/Special Town Board Meeting
		10/09/2013	Public Hearing/Regular Town Board Meeting
		10/22/2013	Special Town Board Meeting

10/22/2013 Special Town Board Meeting
10/30/2013 Special Town Board Meeting
11/19/2013 Special Town Board Meeting
12/02/2013 Bid Opening Highway Materials

Were approved on motion by Councilman Sagliano, seconded by Councilwoman Campbell, carried.

MONTHLY REPORTS:

- 1. Town Clerk's Monthly Report
- 2. Refuse Monthly Report
- 3. Aboveground Storage Tank Report
- 4. Assessor's Monthly Report
- 5. Recreation Monthly Report
- 6. Monthly Trail Balance Report

COMMITTEE REPORT:

- 1. <u>Personnel Committee Report</u>- Councilwoman Campbell noted that the Town Board would be appointing the secretary to the Town Board tonight.
- 2. <u>Recreation Committee Report</u>- Councilwoman Campbell thanked Tom Vasti for the proposal for Pleasant Valley Weekend.

ORAL REPORTS:

County Legislator, Mike Kelsey noted that the County Budget has been adopted but not very well for the taxpayers there will be an increase of 1.9%. Mike noted that it is now in the hands of the County Executive for approval. Mike also noted that starting March 1, 2014 they will be charging an energy tax on fire wood, fuel oil and natural gas and this will help the County cut the 7.5 million gap. Mike noted that he voted no on implementing the energy tax. Mike also noted that the County is looking into purchasing the property next to the County Jail.

Councilman Albrecht asked how they are going to monitor sales tax on fire wood when it is sold privately.

Mike Kelsey not sure how they will enforce taxing the fire wood sold privately. Mike also noted that wood pellets would not be taxed.

County Legislator, Peter Wilkinson noted that if the County full fills the gap with the energy tax or the economy turns around the County can always pull back on the energy tax.

OPEN THE MEETING TO THE PUBLIC FOR AGENDA ITEMS ONLY:

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

NEW BUSINESS:

<u>Item # 1 – Adopt Open Space and Farmland Plan:</u>

Supervisor Tomik read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 147/2013

RE: ADOPTING THE OPEN SPACE AND FARMLAND PLAN

WHEREAS, the Town Board of the Town of Pleasant Valley is considering the adoption of an Open Space and Farmland Plan ("the Plan"); and

WHEREAS, the Town Board of the Town of Pleasant Valley is considering the adoption of an Open Space and Farmland Plan in an effort to protect Pleasant Valley's most significant open space and farmland resources by providing information regarding the importance of those resources, offering a guide to the various voluntary land protection and financing options, providing short term and long term recommendations and to contribute to the protection of the environmental and economic health of the Town of Pleasant Valley; and

WHEREAS, on August 14, 2013, the Town Board adopted a Resolution accepting the draft plan for review and consideration; and

WHEREAS, the Town Board circulated a notice declaring the Town Board's intent to be Lead Agency for the purpose of the State Environmental Quality Review Act and also circulated the Plan pursuant to Town Law § 239 i & m; and

WHEREAS, the Town Board held a Public Hearing on September 11, 2013 and October 9, 2013 at such time all parties who desired to be heard in connection the plan were so heard; and

WHEREAS, by Resolution dated November 13, 2013 the Town Board of the Town of Pleasant Valley determined the passage of this Resolution and the adoption of the Open Space and Farmland Plan was a Type 1 action under the State Environmental Quality Review Act and has determined that the Plan will have no adverse impact on the environment and has adopted a Negative Declaration in connection therewith; and

WHEREAS, the Dutchess County Department of Planning and Development

submitted a memo dated December 2, 2013, which recommended that it is a matter of

local concern, with comments; and

WHEREAS, the Dutchess County Department of Planning stated that: "The Plan

builds upon recommendations from the Comprehensive and Recreational Plans and

inventories existing resources, outlines priority conservation areas and describes

preservation techniques, with the aim of encouraging resource protection on a voluntary

basis" and ultimately determined and recommended that the Town Board rely upon its

own study of the facts in the case with due consideration to the comments in the

December 2nd memo, which has been fully considered by the Town Board; now,

therefore, be it

RESOLVED, that the Town Board hereby accepts the draft Plan as a final

document: and be it further

RESOLVED, that the Town Board hereby adopts the final Open Space and

Farmland Plan.

MOTIONED BY: Councilwoman Campbell

SECONDED BY: Councilman Albrecht

DATED: December 11, 2013

ROLL CALL: AYE NAY X Councilman Albrecht __X__ Councilwoman Campbell __X__ Councilwoman Milicaj __X__ Councilman Sagliano __X__ **Supervisor Tomik**

Carried.

Item # 2 – Set Date for Year End Meeting/December 30, 2013:

Motion by Councilman Sagliano, seconded by Councilwoman Campbell the Town Board

set the Year End Meeting for December 30, 2013 at 7:00PM, carried.

Item # 3 – Appointment of Part-Time Clerk To The Town Board:

Supervisor Tomik read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 148/2013

APPOINTMENT OF PART-TIME CLERK TO THE TOWN BOARD RE:

WHEREAS, the part-time position of Clerk is a non-competitive position

pursuant to the Rules of the Classified Civil Service of Dutchess County; and

WHEREAS, there is a vacancy for the position of part-time Clerk to the Town

Board that was previously occupied by Lisa Pfistsher; and

WHEREAS, it has been determined by the Town Board that the part-time

position of Clerk is necessary and appropriate; now, therefore be it

RESOLVED, that the Town Board Town of Pleasant Valley authorizes Cindy

Halupke, to serve as Clerk, at the pleasure of the Town Board, at an hourly rate of \$12.50

per hour in an amount not to exceed 20 hours per week for the year 2013 to be prorated

effective the date of appointment; and be it further

RESOLVED, that the Town Supervisor and the Town Bookkeeper are hereby

directed and authorized to file any and all documents necessary to effectuate the intent of

this Resolution with the Dutchess County Department of Personnel; and be it further

RESOLVED, that this Resolution shall take effect immediately.

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilman Sagliano

DATED: December 11, 2013

ROLL CALL: AYE NAY

Councilman Albrecht __X_ ___

Councilwoman Campbell __X_ ___

Councilwoman Milicaj __X_ ___

Councilman Sagliano __X_ ___

Supervisor Tomik __X_ ___

Carried.

<u>Item # 4 – Budget Amendment:</u>

Supervisor Tomik read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 149/2013

RE: BUDGET LINE TRANSFER

WHEREAS, the Town Board of the Town of Pleasant Valley has expenditures for the 2013 Adopted Budget line items that will exceed the amount available in such Budget lines; and

WHEREAS, the Town of Pleasant Valley has 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 amends and transfers from and to the attached budget lines for the 2013 Adopted Budget as follows:

EXPENDITURES

ACCOUNT	DEPARTMENT	INCREASE DECREASE
A.1420.451	ATTORNEY	48,000.00
A.1440.400	ENGINEER	4,000.00

	REPAIRS &		
A.1620.429	MAINTENANCE	3,100.00	
A.1640.499	BUILDINGS MISC.	700.00	
	CENTRAL		
A.1650.400	COMMUNICATIONS	1,600.00	
A.1990.400	CONTINGENCY		4,976.00
A.3510.440	SPCA	3,000.00	
A.7110.498	REC.FUEL		500.00
A.7110.499	PARKS MISC	2,500.00	
A.7140.451	YOUTH BASKETBALL	4,700.00	
A.7140.466	SUMMER CAMP	255.00	
A.7140.99	REC. MISC		500.00
A.9060.800	MEDICAL INSURANCE		30,000.00
	UNEMPLOYMENT		
A.9080.800	INSURANCE		5,000.00
	SALARIES-GENERAL		
DA.5110.100	REPAIRS	8,000.00	
DA.5142.100	SALARIES-SNOW		8,000.00
	TOTAL TO BE MOVED	75,855.00	48,976.00

<u>REVENUE</u>			
ACCOUNT	DEPARTMENT	INCREASE	DECREASE
A.1170	FRANCHISE FEES	2,080.00	
A.1603	VITAL STATISTIC FEES	1,000.00	
	RECREATION SPONSOR		
A.2089	FEE	5,900.00	
	FINES & FOREFEITED		
A.2610	BAIL	2,899.00	
A.3005	MORTGAGE TAX	15,000.00	
	TOTAL TO BE MOVED	26,879.00	•

MOTIONED BY: Councilwoman Campbell SECONDED BY: Councilman Albrecht

DATED: December 11, 2013

ROLL CALL:AYENAYCouncilman Albrecht_X______

Councilwoman Campbell	X		
Councilwoman Milicaj	_X_		
Councilman Sagliano	_X_		
Supervisor Tomik	_X_		
Carried.			
Item # 5 – Accept Bids for 2 Supervisor Tomik read the fo			
TOWN OI	F PLEASANT V	ALLEY TOWN BOARD	
TOWN	BOARD RESOI	LUTION NO.: 150/2013	
RE: ACCEPTING BIDS	S FOR 2014 HIC	GHWAY MATERIALS A	ND SERVICES
WHEREAS, the To	wn of Pleasant	Valley Highway Superint	tendent has duly
recommended the award of	bids that were rec	ceived and opened on Dece	ember 2, 2013 for
the purchase of materials on	an as needed bas	is pursuant to the provision	s of the Highway
Law; now, therefore, be it			
RESOLVED, that th	e Highway Supe	erintendent is hereby author	rized to purchase
materials and services as	needed by the	Highway Department with	nin the limits of
appropriation set forth in th	e 2014 Adopted	Budget and as per NYS	Bid and/or as set
forth in the Highway Superin	ntendent's memo	randum dated December 3,	2013 as annexed
hereto and incorporated here	in by reference.		
MOTIONED BY: Councilw	oman Milicaj		
SECONDED BY: Counciln	nan Albrecht		
DATED: December 11, 201	3		
ROLL CALL:	<u>AYE</u>	NAY	
Councilman Albrecht	_X_		
Councilwoman Campbell	_X_		
Councilwoman Milicaj	X		

Councilman Sagliano	X	
Supervisor Tomik	X	
Carried.		

<u>Item # 6 – Authorize Highway Law § 284 Agreement to Spend Town Highway Funds:</u> Supervisor Tomik read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 151/2013

RE: RESOLUTION AUTHORIZING HIGHWAY LAW § 284 AGREEMENT TO SPEND TOWN HIGHWAY FUNDS

WHEREAS, the Town Board and the Superintendent of Highways are required by Highway Law § 284 to enter into a written agreement stating the places and manner in which the Highway Fund appropriations for repairs and improvements are to be expended; and

WHEREAS, in conjunction with the estimate submitted by the Highway Superintendent, the Highway Superintendent has submitted a proposed Highway Law Section 284 Agreement to spend Town Highway Funds; and

WHEREAS, the Highway Superintendent has prepared an Agreement to spend Town Highway Funds for the fiscal year commencing January 1, 2014, for general repairs and primary work, and permanent improvements subject to limitations set by NYS Capital Highway Improvement Program (CHIPS) funding; now, therefore, be it

RESOLVED, that the Town Board hereby approves said Agreement to spend Town Highway Funds therefore, the Town Supervisor and at least two other Town Board Members are authorized and directed to execute said Agreement as required by law in substantially the same form as annexed hereto.

MOTIONED BY: Councilman Albrecht

SECONDED BY: Councilman Sagliano

DATED: December 11, 2013

ROLL CALL: AYE NAY

Councilman Albrecht __X_ ____

Councilwoman Campbell __X_ ____

Councilwoman Milicaj __X_ _ __

Councilman Sagliano __X_ _ __

Supervisor Tomik __X_

Carried.

<u>Item # 7 – Authorizing Settlement of the 2013 Tax Certiorari Proceeding Regarding Widmer Realty Corp.:</u>

Supervisor Tomik read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 152/2013

RE: AUTHORIZING THE SETTLEMENT OF THE 2013 TAX CERTIORARI PROCEEDING REGARDING WIDMER REALTY CORP.

WHEREAS, there is now pending in the Dutchess County Supreme Court a tax certiorari proceeding commenced in 2013 by Widmer Realty Corp. regarding premises located at 160-168 West Road, Grid # 6363-01-453785 seeking a reduction in their 2013 assessment for the 2013/2014 tax year; and

WHEREAS, the owner of the above referenced parcel has agreed to withdraw the petition; and

WHEREAS, the Town Assessor and the Town Attorney have recommend a settlement of this tax review proceeding; now, therefore, be it

RESOLVED, that the Town Board of the Town of Pleasant Valley does hereby approve a settlement on behalf of the Town of Pleasant Valley of the tax certiorari proceeding for the year 2013/2014 as it pertains to:

Grid # 6464-04-910071

Assessment Year	Original Total <u>Assessment</u>	Revised Total Assessment	Reduction
2013/2014	\$2,400,000.00	\$2,400,000.00	-0-

; and, be it further

RESOLVED, that the Town Supervisor, Town Assessor and Stenger, Roberts, Davis & Diamond, LLP, attorneys to the Town of Pleasant Valley are hereby authorized to take any and all action necessary to effectuate the terms of this Resolution.

MOTIONED BY: Councilman Sagliano

SECONDED BY: Councilwoman Campbell

DATED: December 11, 2013

ROLL CALL:	<u>AYE</u>	NAY
Councilman Albrecht	X	
Councilwoman Campbell	X	
Councilwoman Milicaj	X	
Councilman Sagliano	X	
Supervisor Tomik	_X_	
Carried.		

<u>Item #8 – Health Reimbursement Arrangement (HRA):</u> Supervisor Tomik read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 153/2013

RE: HEALTH REIMBURSEMENT ARRANGEMENT (HRA)

WHEREAS, the Town of Pleasant Valley is desirous of entering into a Health Reimbursement Arrangement (HRA) effective January 1, 2014 to be administered by Capital District Physicians' Healthcare Network, Inc.; and

WHEREAS, the HRA is intended to qualify as a medical reimbursement plan under Code § 105 and shall be interpreted in a manner consistent with such Code section of the Department of the Treasury regulations thereunder; and

WHEREAS, the Town approves the form of the HRA with an effective date of January 1, 2014 which is being implemented to recognize the contribution made to the Town by its employees and to reward its employees for providing certain benefits for those who qualify and other covered dependents and beneficiaries; now, therefore, be it

RESOLVED, that the form of the HRA effective January 1, 2014, in substantially the same form as annexed hereto, is hereby approved and adopted and that the Town Supervisor is hereby authorized and directed to execute and deliver to the Administrative Agent of the HRA one or more counterparts of the HRA; and be it further

RESOLVED, that the Town shall be the Sponsor of the HRA and shall be the Administrator of the HRA for purposes of ERISA; and be it further

RESOLVED, that the Town hereby appoints the Administrative Agent to assist it with the administration of the HRA and to perform all such non-discriminatory duties related thereto; and be it further

RESOLVED, that the Administrative Agent shall be instructed to take such actions that are deemed necessary and proper in order to implement the HRA, and to set

up adequate accounting and administrative procedures to provide benefits under the HRA; be it further

RESOLVED, that the Supervisor shall act as soon as possible to notify the Employees of the Town of the adoption of the HRA by delivering to each Employee a copy of the summary description of the HRA in the form of the Summary Plan Description presented to the Town Board in essentially same form annexed hereto, which form is hereby approved.

MOTIONED BY: Councilwoman Campbell SECONDED BY: Councilman Albrecht

*Discussion: Councilman Sagliano stated that there is nothing annexed to the resolution. Councilwoman Milicaj asked if it is the same Health Care Program that the Town had last year?

Supervisor Tomik stated yes it's the same plan.

DATED: December 11, 2013

ROLL CALL:

Councilman Albrecht

Councilwoman Campbell

Councilwoman Milicaj

Councilman Sagliano

Supervisor Tomik

Carried.

<u>Item # 9 – Set the Date for the Re-Organization Meeting:</u>

Motion by Supervisor Tomik, seconded by Councilwoman Campbell the Town Board set the date for the Re-Organizational Meeting for Friday, January 3, 2014 at 7:00PM with the Workshop Meeting to follow, carried.

Item # 10 – Authorizing Payment of Abstract No. 12 of 2013:

Supervisor Tomik read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 154/2013

RE: AUTHORIZING PAYMENT OF ABSTRACT NO. 12 OF 2013

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 2013	General Fund Claims	\$66,224.83
2. Abstract 12 of 2013	Highway Fund Claims	\$54,525.05
3. Abstract 12 of 2013	Consolidated Light	\$ 3,503.62
4. Abstract 12 of 2013	Ambulance	\$ 7,473.00

MOTIONED BY: Councilwoman Campbell SECONDED BY: Councilwoman Milicaj

DATED: December 11, 2013

ROLL CALL:	<u>AYE</u>	NAY
Councilman Albrecht	X	
Councilwoman Campbell	X	
Councilwoman Milicaj	X	
Councilman Sagliano	_X_	
Supervisor Tomik	_X_	
Carried.		

<u>Item # 11 – Public Service Commission Proceeding Regarding Potential Upgrades to the Alternating Current Transmission System in the Town of Pleasant Valley:</u>
Supervisor Tomik read the following resolution:

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 155/2013

RE: PUBLIC SERVICE COMMISSION PROCEEDINGS REGARDING POTENTIAL UPGRADES TO THE ALTERNATING CURRENT TRANSMISSION SYSTEM IN THE TOWN OF PLEASANT VALLEY

WHEREAS, the New York State Public Service Commission initiated a proceeding to examine upgrades to the State's high voltage transmission system to relieve congestion and enhance reliability; and

WHEREAS, a significant electric transmission corridor runs directly through the Town of Pleasant Valley, which is also the site of a 345-kilovolt Consolidated Edison Substation; and

WHEREAS, in response to the Public Service Commission's proceeding proposals from four (4) entities known as North America Transmission, LLC, New York Transmission Owners, Nextera Energy Transmission New York, Inc. and Boundless Energy N/E were submitted; and

WHEREAS, North America Transmission, LLC, New York Transmission Owners, Nextera Energy Transmission New York, Inc. and Boundless Energy N/E and the New York Public Service Commission appeared at a information meeting located at the Town of Pleasant Valley Town Hall on December 10, 2013 and the public had an opportunity to speak on the subject; and

WHEREAS, it is apparent that the impacts to Pleasant Valley are potentially significant and require further study and input from the Town of Pleasant Valley; and

WHEREAS, in order to effectively participate in this process the Town Board now believes it should be seeking party status and to seek intervener funding in order to properly study the potential impacts to the Town of Pleasant Valley; now, therefore be it

RESOLVED, that the Town Board hereby authorizes and directs the Town Supervisor and the Attorney to the Town to take any and all steps necessary to file with the New York State Public Service Commission a request to be recognized as a party to the proceedings and to seek intervener funding and to request an extension of time to comment on the proposed plans.

MOTIONED BY: Councilwoman Campbell SECONDED BY: Councilman Sagliano

DATED: December 11, 2013

ROLL CALL:	<u>AYE</u>	NAY
Councilman Albrecht	_X_	
Councilwoman Campbell	_X_	
Councilwoman Milicaj	_X_	
Councilman Sagliano	X	
Supervisor Tomik	_X_	
Carried		

OPEN THE MEETING TO THE PUBLIC:

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

<u>Meta Poltnik – Chairperson to the CAC:</u> wanted to thank the Town Board for approving the Open Space and Farmland Plan.

<u>Kevin Kennedy – Patricia Drive</u>- stated that he saw that there was an increase in Attorney's fees and is there any supporting documents.

Supervisor Tomik stated that the Attorney's fees also includes the Special Prosecutor.

Councilwoman Campbell noted that the Attorney's fees are a little high because we had a Tax Certiorari that was settled, some personnel issues, on going litigation and the settlement of the union contract.

Kevin Kennedy - asked if he would be able to get a copy of the Attorney bills.

Councilman Sagliano stated that he could file a Freedom of Information with the Town Clerk.

CLOSE THE MEETING TO THE PUBLIC:

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

SUPERVISOR'S COMMENTS:

Supervisor Tomik stated that it has been an interesting 2 years and will miss a lot of it.

Councilwoman Campbell stated it has been a pleasure to work with Carl and Councilwoman wished Councilman Sagliano the best of luck on his new venture with the County.

EXECUTIVE SESSION:

Motion by Councilwoman Campbell, seconded by Supervisor Tomik the Town Board entered into Executive Session at 7:50PM under Public Officers Law section 1051.F Personnel Matter and section 1051.D pending Litigation, carried.

No Action taken.

Motion by Councilman Sagliano, seconded by Councilwoman Campbell the Town Board came out of Executive Session at 8:35PM, carried.

ADJOURN:

Motion by Councilwoman Campbell, seconded by Councilman Albrecht the Town Board adjourned the meeting at 8:36PM, carried.

Respectfully Submitted,

Margaret Hart

Margaret Hart, Town Clerk