

**Town of Washington  
Town Board  
Minutes  
October 12, 2017**

The Town Board of the Town of Washington held their regular meeting on Thursday, October 12, 2017, at the Town of Washington Town Hall. The meeting was called to order at 7:00 PM by Supervisor Gary Ciferri with the following present: Councilmen Stephen Turletes, Robert Audia, Al De Bonis and Michael Murphy, Town Clerk Mary Alex, Highway Superintendent Joseph Spagnola, Bookkeeper to the Supervisor Dana Sukow and Attorney Jeff Battistoni.

Also present were Donald Hanson, Debbie Wright, Edie Flood, Laura Nash and Wayne Neckles.

Supervisor Ciferri opened the meeting with the Pledge of Allegiance.

Supervisor Ciferri introduced Edie Flood, owner of Wings Over Water, and her associates. Ms. Flood is in the process of purchasing the Millbrook Training Center site. She wanted to meet with the Board and introduce herself and her business Wings Over Water to the community. She anticipates closing on the property in the near future. Wings Over Water has locations in Brewster and one in Connecticut and Ms. Flood has been interested in the site for quite a few years. Her goal is to purchase the property, and demo all of the existing facility, except the original Cottonwood Inn. The pool and newer space has been damaged and it will be less expensive to replace it then to repair anything.

Wings Over Water offers swimming lessons, lap swimming, physical therapy sessions, aqua exercises and birthday parties. Ms. Flood intends to appear before the Planning Board for approvals. Mr. Neckles provided a rendering of the building for the pool complex. Ms. Flood said there currently is not any similar facility within Dutchess County. She emphasized that the facility will be pristine and an asset to the facility. The Town Board thanked her for presenting her project to them wished her well going forward.

Councilman Murphy discussed the moratorium on Alternate Energy Sources. A Citizen's Advisory Committee was formed and chaired

by Councilman De Bonis. The outcome of the committee was a recommendation for a moratorium. This will enable the committee to review other community's legislation and determine the best course for the Town of Washington. The goal is to ensure that residents are educated consumers and to give guidance to the Planning and Building Departments with regulations to work with. Mr. Murphy added that the Town is not against alternative energy sources.

Councilman De Bonis noted that Cary Institute of Ecosystem Studies was before the Planning Board the other night for discussion purposes. They expect to site a solar installation on Route 44 across from their main entrance. There will be four acres of solar panels on the site. They anticipate moving forward in mid-2018.

### RESOLUTION OF INTRODUCTION

Councilperson Murphy, seconded by Councilperson Audia, introduced the following proposed local law, to be known as Local Law No. 1 of 2017, entitled A LOCAL LAW OF THE TOWN OF WASHINGTON, DUTCHESS COUNTY, NEW YORK, entitled "INTERIM DEVELOPMENT LAW".

BE IT ENACTED BY, the Town Board of the Town of Washington as follows:

#### Section 1. PURPOSE

The installation of solar electric systems is experiencing tremendous growth. This involves both residential and commercial installations.

The State of New York has a strategy entitled Reforming the Energy Vision, which addresses the intent to build a clean, resilient and affordable energy system for all New Yorkers. This policy requires that 50% of New York's electricity will come from renewable sources like solar by 2030.

The New York State Energy Research and Development Authority has a NY-Sun Team which has prepared a document entitled NY-Sun Solar Guidebook for Local Governments in New York State. This Guidebook supports efforts to implement a unified permitting process for grid-tied residential solar photovoltaic systems or installations of 25kW or less. It does not address other solar electrical systems.

Many local residents have received letters from companies offering to buy or lease their land, or portions thereof, for the purpose of installing commercial electric systems. Thus, there is a need for the Town of Washington to study the issues related to the generation and delivery of electricity for both residential and commercial installations and to adopt a local law related thereto. At the same time, other municipalities have also regulated wind energy systems. Since the Town of Washington's Zoning Ordinance currently has no specific provisions governing the installation of solar electric systems or wind electric systems, the Town should develop and adopt appropriate regulations on these subject matters and desires a moratorium on such installations until such regulations are in place.

An Interim Development Law is specifically determined to be necessary in order to prevent the approval of any new installations of solar electric systems and wind electric systems until such time as the Town Board has considered amendments and additions to the Town Code. In taking this action the Town Board has determined:

1. That the potential installation of residential and commercial solar electric systems and wind electric systems may affect open and recreational space, community character, and natural resources of the Town. The Town's rural and agricultural character imposes limitations on where such installations may be reasonably located without adversely affecting the health, safety and welfare of its residents.

2. Ill-planned residential and commercial solar electric system installations and wind electric system installations can significantly reduce the value and importance of available open space lands and the overall rural and agricultural character of the Town. Measures are needed to protect open space and natural resources, as well as the rural and agricultural character of the Town, while planning appropriately for residential and commercial solar electric system installations and wind electric system installations. Implementation of an update to the Town Code to address siting of such installations will require a substantial commitment of time and legal and planning resources.

3. The Planning Board has requested that the Town Board impose a moratorium or interim development law regarding these issues.

## Section 2. AUTHORITY

This moratorium is enacted by the Town Board of the Town of Washington pursuant to its authority to adopt local laws under the

New York State Constitution Article IX and Municipal Home Rule Law §10.

Section 3. ENACTMENT OF TEMPORARY MORATORIUM

For a period of six (6) months following the effective date of this Local Law, after which date this Local Law shall lapse and be without further force and effect, and subject to any other Local Law adopted by the Town Board during the six (6) month period:

1. The Planning Board shall not accept for review, continue review, hold a hearing on, continue a hearing or make any decision upon any application for site plan approval or special use permit approval involving residential and/or commercial solar electric system installations or wind electric system installations. The statutory and locally-enacted time periods for processing and making decisions on all aspects of applications for site plan approval and special use permits for such installations are suspended and stayed while this Local Law is in effect.

2. The Zoning Board of Appeals shall not accept for review, continue review, hold a hearing on, continue a hearing, or make any decision upon any application for an area variance, a use variance, or special use permit approval involving residential and/or commercial solar electric system installations or wind electric system installations. The statutory and locally-enacted time periods for processing and making decisions on all aspects of applications for area and use variances and special use permits for such installations are suspended and stayed while this Local Law is in effect.

3. For the purpose of this Section, the terms Planning Board and Zoning Board of Appeals shall be interpreted to include all Departments, employees and consultants of the Town who serve as staff to said Boards in the review of applications as cited in preceding Paragraphs 1 and 2 above.

Section 4. CONFLICT WITH STATE STATUTES AND AUTHORITY TO SUPERSEDE

To the extent that any provisions of this Local Law are in conflict with or are construed as inconsistent with the provisions of the Town Law, this Local Law supersedes, amends and takes precedence over the Town Law pursuant to the Town's municipal home rule powers, pursuant to Municipal Home Rule Law §10(1)(ii)(d)(3); §10(1)(ii)(a)(14) and §22 to supersede any inconsistent authority.

This Local Law supersedes any inconsistent provisions of the Town Law §274-a, §276 and the Town of Washington Zoning Law which

require the Planning Board, the Zoning Board of Appeals, or the Town Board to act upon, hold hearings on, and make decisions concerning site plan and special use permit applications within specified time periods. This Local Law suspends and stays the running of time periods for processing, action upon, holding hearings on, making decisions and taking action on such applications (including, but not limited to sketch, preliminary, conditional preliminary, final and conditional final approvals) provided for in those laws. This Local Law suspends and stays the running of time periods for processing, review, holding hearings on, making decisions, and taking action on such applications provided for in those laws and is intended to supersede and said inconsistent authority.

This Local Law supersedes any inconsistent provisions of the Town Law §§267, 267-a, 267-b and 267-c and the Town of Washington Zoning Law relating to the authority to grant variances, waivers or other relief from the Town Zoning Law.

#### Section 5. APPEAL PROCEDURES

1. The Town Board shall have the authority to vary or waive the application of any provision of this Local Law, in its legislative discretion, upon its determination, that such variance or waiver is required to alleviate an unnecessary hardship affecting a parcel of property. To grant such a request, the Town Board must find that a variance or waiver would not adversely affect the purpose of the local law, the health, safety or welfare of the Town of Washington and its residents or any comprehensive planning being undertaken in the Town. The Town Board shall take into account the existing land uses in the immediate vicinity of the property and the impact of the variance or waiver on the water supply, agricultural lands, open and recreational space, neighborhood and community character, natural resources, and transportation infrastructure of the Town. The application must comply with all other applicable provisions of the Town of Washington Code.

2. Any application for a variance or waiver shall be filed with the Town Clerk and shall include a fee of two hundred fifty (\$250.00) dollars for the processing of such application, along with copies of such plat or plan showing all required improvements in accordance with the procedures of the Town of Washington Zoning Law.

3. All applications for a variance or waiver of this local law shall, within five (5) days of receipt by the Town Board, be referred to the Planning Board. The Planning Board shall have sixty-two (62) days following receipt of the application to make

a recommendation to approve, modify or disapprove a variance or waiver of this Local Law. The failure of the Planning Board to issue a recommendation within 62 days following receipt of the application shall be deemed a recommendation to approve said application. The Planning Board's recommendation shall be transmitted to the Town Board which may conduct a public hearing and make a final decision on the application, with or without conditions. If the Planning Board recommends a denial or modification to the application the Town Board shall not act contrary to such recommendation except by a vote of a majority plus one of all of the members of the Town Board.

Section 6. SEVERABILITY

If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudicated by any court of competent jurisdiction to be invalid, the judgment shall not affect the validity of this law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 7. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State as provided by law.

Councilperson \_\_\_\_\_ advised the Town Board that, pursuant to the Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing on this local law. Councilperson \_\_\_\_\_ offered the following resolution which was seconded by Councilperson \_\_\_\_\_, who moved its adoption:

WHEREAS, on October 12, 2017, Councilperson \_\_\_\_\_ has introduced this local law for the Town of Washington, to be known as TOWN OF WASHINGTON LOCAL LAW NO. 1 OF THE YEAR 2017, a local law of the Town of Washington, Dutchess County, New York, entitled "INTERIM DEVELOPMENT LAW"; be it

RESOLVED, that a public hearing be held in relation to the proposed changes as set forth in the form of notice, hereinafter provided, at which hearing parties of interest and citizens shall have an opportunity to be heard, to be held at the Town of Washington Town Hall, Reservoir Drive, Millbrook, New York on November 9, 2017, at 7:00 pm, Prevailing Time, or as soon thereafter as the matter may come to be heard, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of Washington, by the Town Clerk, at least five (5) days before such hearing and that notice shall be in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Town Board of the Town of Washington will hold a public hearing at the Town of Washington Town Hall, Reservoir Drive, Millbrook, New York on November 9, 2017, at 7:00 pm, Prevailing Time, or as soon thereafter as the matter may come to be heard, on Local Law No. 1 of 2017, "INTERIM DEVELOPMENT LAW", and

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Town Clerk, at the Town Hall, Reservoir Drive, Millbrook, New York between the hours of 9:00 a.m. and 12:30 pm, and 1:30 pm and 3:00 pm on all business days between the date of this notice and the date of the public hearing.

TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: Millbrook, New York  
October 12, 2017

MARY ALEX, TOWN CLERK

The foregoing resolution was voted upon with all councilmen voting as follows:

Supervisor Ciferri:	Aye
Councilman Turletes:	Aye
Councilman Audia:	Aye
Councilman De Bonis:	Aye
Councilman Murphy:	Aye

Attorney Battistoni advised the Board that at the Board's request he researched information on the Real Property Tax Exemption for Persons with Disabilities & Low Income, which the Town adopted by Local Law in 2008.

On a motion made by Councilman De Bonis and seconded by Councilman Turletes the Town Board moved to schedule a Public Hearing on Thursday, November 9, 2017, at 7:00 PM to determine should the Town Board allow persons with Disabilities and Low Incomes to deduct unreimbursed medical expenses and prescriptions from their income.

The vote was as follows:

Supervisor Ciferri:	Aye
Councilman Turletes:	Aye

Councilman Audia: Aye  
 Councilman De Bonis: Aye  
 Councilman Murphy: Aye

Bookkeeper Sukow presented the Board with a list for a Reallocation of Budget Lines.

A Resolution was offered by Councilman Audia and seconded by Councilman De Bonis to accept the following inter-fund transfers to show expenses and revenues coded to the correct line allocation.

Fund	Code	Amount	Fund	Code
EXPENSES				
Data Processing Bank Account		\$3,500.00	Data Processing Equipment	A1680.0200
Building/Zoning Data Processing	B3620.0401	\$750.00	Safety Inspection	B3620.0400
Building Zoning Data Processing	B3620.0401	\$135.86	Zoning Data Processing	B3620.0410
Planning Board CE	B8020.0400	\$1,415.32	Wetland Consultant	B8020.0404
Historic Preservation	B8020.0403	\$375.00	CAC	B8020.0402
Planning Board CE	B8020.0400	\$44.80	Planning Board Attorney Fees	B8020.0410
Planning Board Fee	B8020.0400	\$1,041.44	Planning Board Escrow	T800.0200
REVENUES				
Zoning Board Fees	B0000.2110	\$10,400.00	Zoning Admin Fees	B0000.1560

The vote was as follows:

Supervisor Ciferri: Aye  
 Councilman Turletes: Aye  
 Councilman Audia: Aye  
 Councilman De Bonis: Aye  
 Councilman Murphy: Aye

Ms. Sukow notified the Town Board that the following revenues were received:



1. \$16,730.00 from NYS for Aid & Incentives for Municipalities per A State Aid Revenue Sharing Line
2. \$1,320.64 Insurance Recovery for Interior 1<sup>st</sup> & 2<sup>nd</sup> floor bathroom damage.

The following resolution was offered by Councilman De Bonis and seconded by Councilman Audia:

**Resolution to Transfer Express & Binding Authority**

WHEREAS, Timothy Tice owes the Town of Washington \$3,000.00 for unpaid Transfer Station charges; and

WHEREAS, the Town of Washington wishes to bring a Small Claims Proceedings against Mr. Tice; and

WHEREAS, the Town Board has requested that Bookkeeper to the Supervisor, Dana Sukow, attend the hearings on behalf of the Town; and

WHEREAS, the Town Board authorizes Ms. Sukow to present information and represent the Town of Washington in the matter against Mr. Tice; and

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Washington

transfers their express and binding authority to Bookkeeper Dana Sukow to represent the Town of Washington in the proceedings against Timothy Tice.

The vote was as follows:

Supervisor Ciferri:	Aye
Councilman Turletes:	Aye
Councilman Audia:	Aye
Councilman De Bonis:	Aye
Councilman Murphy:	Aye

The following resolution was offered by Councilman Audia and seconded by Councilman Turletes:

**Resolution**

WHEREAS, Hayes Slade has a transfer station fee of \$5.05; and

WHEREAS, all bills and correspondence addressed to Mr. Slade have been returned by the United States Postal Service as undeliverable as addressed, No Forwarding Order on File; and

WHERE, the Town has made several attempts to collect the fee of \$5.45; and  
NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Washington does hereby waive the fees and interest in the amount of \$5.45 charged to Hayes Slade; and  
BE IT FURTHER RESOLVED that the Bookkeeper be authorized to remove the due to accounts from the Town software system.

The vote was as follows:

Supervisor Ciferri:	Aye
Councilman Turletes:	Aye
Councilman Audia:	Aye
Councilman De Bonis:	Aye
Councilman Murphy:	Aye

The following resolution was offered by Councilman Audia and seconded by Councilman Turletes:

**Resolution to Waive Fees Without Documentation**

WHEREAS, the Town of Washington Bookkeeper has located in the accounting software a total of \$2047.50 in fees and \$1,935.52 in interest from the period of 2007 -2014; and  
WHEREAS, the Town has been unable to locate any documentation regarding these claims; and  
WHEREAS, the Town has made an attempt to collect the fees; and  
WHEREAS, many of the claims have been disputed; and  
WHEREAS, several of the claimants have since moved or are deceased; and  
NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Washington does hereby waive the fees and interest in the amounts of \$2047.50 and \$1,935.52 from the period of 2017 - 2014; and  
BE IT FURTHER RESOLVED that the Bookkeeper be authorized to remove the due to accounts from the Town software system.

The vote was as follows:

Supervisor Ciferri:	Aye
Councilman Turletes:	Aye
Councilman Audia:	Aye
Councilman De Bonis:	Aye
Councilman Murphy:	Aye

The following resolution was offered by Councilman Audia and seconded by Councilman Turletes:

**Resolution to Decline Contract with  
East Clinton Fire Company**

WHEREAS, the Town of Washington has contracted with the East Clinton Fire Company for Fire Protection Service for residents in the Jameson Hill Road area; and

WHEREAS, the contracted amount has been \$1,200.00; and

WHEREAS, the East Clint Fire Company has notified the Town that the 2018 contract amount will be \$8,000.00; and

WHEREAS, the Town has been advised by the Millbrook Fire Chief that the coverage to Town residents in that area of Town is currently covered through a firematic mutual aid agreement; and

WHEREAS, the Town Board has determined that it will not renew the proposed fire contract with East Clinton Fire Company in the amount of \$8,000.00; and

NOW, THEREFORE, BE IT RESOLVED that the Town Board has authorized Supervisor Ciferri to send a letter to the East Clinton Fire District to decline the contract for 2018.

The vote was as follows:

Supervisor Ciferri:	Aye
Councilman Turletes:	Aye
Councilman Audia:	Aye
Councilman De Bonis:	Aye
Councilman Murphy:	Aye

Highway Superintendent Spagnola provided the Board with a monthly report. All dirt roads are being graded again. Due to the lack of rain, it has been necessary to apply calcium chloride to the roads to keep the dust down. The Town has paid to have Killlearn Road marked to identify the locations where private utilities are located in the road area. Mr. Spagnola advised that some of the property owners might not be aware that their utilities are in the Town right of way. He is working with Attorney Battistoni to improve the road work permit to require that the Town be notified before any work is commenced in the town road way. The highway department will be working on drainage on Killlearn Road, which will include removing clay wherever possible and replacing it with stone.

The following resolution was offered by Councilman Turletes and seconded by Councilman De Bonis:

**Resolution to Purchase a 2018 Volvo Loader**

WHEREAS, Highway Superintendent Joe Spagnola has advised the Town Board that highway loader is a necessary piece of equipment and used in the daily maintenance of Town roads; and  
WHEREAS, the loader is due to be replaced; and  
WHEREAS, the Town will trade in the loader currently used at the Transfer Station; and  
WHEREAS, the Town has been offered a trade in value of \$9,000.00 for the old loader; and  
WHEREAS, the Town has received a bid of \$146,368.00 for the purchase of a Volvo L60H including a Holms Brook with Water SH3.0 from Vantage Equipment through the NJPA bid partnership; and  
NOW, THEREFORE, BE IT RESOLVED that the Town Board has authorized Highway Superintendent Spagnola to purchase a 2018 Volvo L60H Loader with a Holms Broom with Water SH3.0 from Vantage Equipment at the purchase price of \$146,368.00.

The vote was as follows:

Supervisor Ciferri:	Aye
Councilman Turletes:	Aye
Councilman Audia:	Aye
Councilman De Bonis:	Aye
Councilman Murphy:	Aye

The following resolution was offered by Councilman Turletes and seconded by Councilman De Bonis:

**Resolution to Initiate a BAN in the amount of \$115,423.31**

WHEREAS, the Town has authorized the purchase of a 2018 Volvo L60H Loader with a Holms Broom with Water SH3.0 at the purchase price of \$146,368.00; and  
WHEREAS, the Town is prepared to finance the equipment; and  
WHEREAS, the Highway Superintendent has explored the option of a BAN or financing with the seller; and  
WHEREAS, it has been determined that a five-year Bond Anticipation Note is less expensive than financing at a rate of 2.84%; and

WHEREAS, Highway Superintendent Spagnola has approved a down payment in the amount of \$30,935.69, which will be funded through the NYS CHIPS program; and

NOW, THEREFORE BE IT RESOLVED, that the Town of Washington Town Board authorizes Van de Water & Van de Water to prepare the necessary documents to proceed with a Bond Anticipation Note in the amount of \$115,432.31.

The vote was as follows:

Supervisor Ciferri:	Aye
Councilman Turletes:	Aye
Councilman Audia:	Aye
Councilman De Bonis:	Aye
Councilman Murphy:	Aye

Highway Superintendent Spagnola advised that the salt shed has been ordered and that all paperwork has been submitted. He has negotiated for them to remove the old structure for \$4,000.00.

Town Clerk Alex advised the Board about the Town Hall Improvements. The anticipated delivery date for the granite steps is October 27<sup>th</sup>. We have requested an extension of the project completion date with Dutchess County Planning and expect to receive approval.

The Town Board has the following budget meetings scheduled:

1. October 16 - Highway Department & Recreation Department
2. October 23 - Final review
3. November 9 - Public hearing on the budget

The Highway Materials have been rebid due to an error in the return date showing 2018 rather than 2017. The bids are due November 6, 2017 and expect to be awarded on November 9<sup>th</sup> at the Town Board meeting.

Councilman De Bonis reported that at the October Planning Board meeting a representative for Cary Institute appeared for a pre-discussion meeting for their solar installation. It will be a four-acre solar field, 100 feet from the road. Cary is concerned about losing New York State incentives if the application is not accepted and lead agency isn't declared.

Councilman De Bonis said that the Solar Committee will meet after the moratorium is adopted.

Also before the Planning Board was a small subdivision on Millbrook School Road. It was originally 3 parcels joined into one, and now it is being divided into two parcels. This project received final approval. One other project is for a daycare in south Millbrook. Michele Eddington has a daycare in her home and is proposing an expansion on the property next to her. New York State takes precedence over the daycare facility and the town is concerned with site plan approval.

Councilman Turletes provided information on the recreation commission. The committee met last evening and reviewed the programs and their financials. The Board moved to recommend Dawn Thompson to be appointed as the new Recreation Committee member. The Town Board will make the appointment at the November meeting. There will be another vacancy come January when Kerri Weller steps down from the Commission. They are advertising for a new commission member.

Program news: The annual soccer tournament will be held on November 4 from 9 - 2. The Recreation Commission will be serving hot dogs and hamburgers and Paul Iannucci is donating pulled pork from the Fireside Restaurant. The commission was pleased with the fall festival. They had a nice turnout for a first-year event. It has been scheduled for September 22, 2018. The Halloween Parade will be on October 28<sup>th</sup> with Trunk or Treating at the Fire House and the Two by Two Petting Zoo. The Festival of Lights and Santa night is on December 1<sup>st</sup>.

On a motion made by Councilman Turletes and seconded by Councilman De Bonis the following claims were accepted as presented:

General Fund A: \$30,505.38  
General Fund B:  
General Fund DB:  
Other Fund TA:

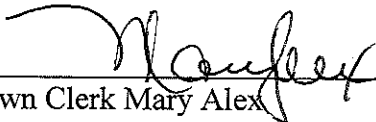
The vote was as follows:

Supervisor Ciferri: Aye  
Councilman Turletes: Aye  
Councilman Audia: Aye  
Councilman De Bonis: Aye  
Councilman Murphy: Aye

There being no other business, on a motion made by Councilman Audia and seconded by Councilman De Bonis the meeting was closed at 9:30 PM.

The vote was as follows:

Supervisor Ciferri:	Aye
Councilman Turletes:	Aye
Councilman Audia:	Aye
Councilman De Bonis:	Aye
Councilman Murphy:	Aye

  
Town Clerk Mary Alex

  
Date