

TOWN OF WASHINGTON
TOWN BOARD
July 12, 2018

The Town Board of the Town of Washington held their regular meeting on Thursday, July 12, 2018, at the Town of Washington Town Hall, Millbrook, NY. The meeting was called to order by Supervisor Gary Ciferri at 7:00 LM with the following present: Councilmen Stephen Turletes, Robert Audia, Al De Bonis and Michael Murphy, Town Clerk Mary Alex, Highway Superintendent Joseph Spagnola.

Also present were Dutchess County Legislator Deirdre Houston, Village Trustee Brian Hicks, Joan LaCasse, Denise Tebbins, Christine and Anthony Cuomo and Judith Balfe.

Supervisor Ciferri opened the meeting with the Pledge of Allegiance.

Joan LaCasse: appeared before the Town Board to discuss her concerns about Greenbriar Adult Home, located on Old Route 82. Ms. LaCasse said she was recently burglarized. She has cameras to monitor her property for her business and safety reasons. Ms. LaCasse owns the Blue Barn Bed and Breakfast on Old Route 82. She looked through the clips and there is a video of a man entering her house with a bag and when he leaves, it is noticeably larger. The clips also picked up two men walking towards her house. One man waited by the fence and the other went inside. As she has seen these men around the Village and at Greenbriar, she surmised they were from Greenbriar. She called the police and showed them the video. The man that entered her home has been arrested and charged with burglary. The State Police informed her that he is a convicted felon who spent the last fourteen years in jail for first degree burglary and that he is a very dangerous person.

Ms. LaCasse said that the Town Board and town residents should be concerned about the type of people living at Greenbriar, as well as the people they have employed. There has been a recent rape at the facility where an employee assaulted a resident.

Ms. LaCasse requested a meeting with Brenda, the facility manager. She wanted to speak with her about her concerns regarding screening of their employees and supervision of the residents. Brenda would not meet with her.

Ms. LaCasse said she doesn't know what to do or who to contact about the type of people residing at the facility. Supervisor Ciferri said that the New York Department of Social Services regulates Adult Facilities and it is monitored locally by the Dutchess County Department of Social Services. Mrs. Houston is the County Legislator and may be able to assist you in contacting Social Services. The Board thanked Ms. LaCasse for bringing it to their attention. Councilman Murphy added that since the County has oversight, ask them to set up a meeting with Brenda. If they are publicly licensed, as they appear to be, Social Services should be able to help. Regulatory wise, the Town is responsible for fire inspections on the property.

Trustee Hicks said that Greenbriar has deteriorated over the last several years. Previously, the clients were elderly patients. As a member of the fire department responding to calls, it is obvious that there are more mental health patients and the staff is poorly trained. Recently there was a call for a woman who had fallen. She told the responders she did not fall, she called because there was a leak in the roof and a large puddle of water on the floor. Ms. LaCasse stated that the community should be able to have some rights to preserve the neighborhood and the well being of the people living near the facility. She will follow up with Dutchess County.

Denise Tebbins, a resident on Oak Summit Road was at the meeting to discuss her property with the Town Board. She said her neighbors, the Cuomo's, are in the back row. The property has a shared driveway which goes in the back up and around her house. They both have surveys which contradict each other. The problem is that the driveway goes up to the left. My pin has a property pin agreement with the neighbor in the rear. The Cuomo's are saying "This property is not yours." I am asking for a variance to put my property over three feet so I can put up a fence. The Board asked her to clarify if she wanted three feet of the Cuomo's land. Ms. Tebbins said yes. The Board advised that the Town cannot give a variance for that. Ms. Tebbins would need to negotiate that with the Cuomo's.

Ms. Tebbins said that the easement goes straight up to the right side as ingress and egress. They should remove their personal stuff, because the previous owner said the easement goes all the way to the back of the property. Ms. Tebbins said she can't do things on her property and her neighbors have a tent placed in the easement driveway. I have senior deed rights because I was there first. She has been to Town Court and they went to mediation. Her neighbors are not very mediable. They did start the mediation, but after 5 months nothing has been done.

Supervisor Ciferri said this is a civil matter, and there is nothing the Town Board can do. Ms. Tebbins said in the zoning it says the Town can alleviate an unnecessary hardship. Councilman Audia said he served on the Zoning Board of Appeals, and a resident can request a variance from the ZBA for a hardship. He suggested she hire a land use attorney to assist her with her situation. Councilman Audia said to Ms. Tebbins that he doesn't want her to get aggravated and waste her time. Councilman Murphy said that she should follow Councilman Audia's advice. You will have to legally settle the property line and easement before you can appear before the ZBA. He said that as a civil matter, an attorney might advise you to initiate a civil court proceeding to determine the property line.

Ms. Tebbins left the meeting. The Town Board asked the Cuomo's if there is anything they would like to say. Mrs. Cuomo said they don't want the Board to think they are crazy. Ms. Tebbins has called the State Police at least 17 times on them. They would love to have this settled and they want to be left alone. Mrs. Tebbins said they have hung a tarp on a rope to block the view of their property. They know it doesn't look nice, however Ms. Tebbins has placed video cameras on her property directed at their side door and their daughter's play area. It makes them very uncomfortable to have their child filmed.

Mr. Cuomo said Ms. Tebbins referenced their surveyor returning three times and having different results each time. He did return to the property, at their request, and the survey results are all the same as the original results. They have offered to share a cost of a fence, plant bushes, etc. to no avail. They understand that this is a civil matter. From the very beginning they hired a local attorney, Mackey, Butts and Wise to represent them. They would like to resolve everything, and they hope that Ms. Tebbins will follow the Board's advice.

On a motion made by Councilman Audia and seconded by Councilman De Bonis, the Town Board scheduled meetings for July 16 & 17 to interview people for the Bookkeeper to Supervisor position. The meetings will begin at 6:30 and 7:00 PM respectively. The vote was as follows:

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

RESOLUTION OF INTRODUCTION

Councilman Audia, seconded by Councilman De Bonis, introduced the following proposed local law, to be known as Local Law No. 2 of 2018 entitled A LOCAL LAW OF THE TOWN OF WASHINGTON, DUTCHESS COUNTY, NEW YORK TO AMEND THE TOWN OF WASHINGTON FLOOD DAMAGE PREVENTION LAW (LOCAL LAW #3 OF 1987, AS PREVIOUSLY AMENDED BY LOCAL LAW #2 OF 1989 AND BY LOCAL LAW #1 OF 2012).

BE IT ENACTED by the Town Board of the Town of Washington as follows:

Section 1. The FLOOD DAMAGE PREVENTION LAW (LOCAL LAW #3 OF 1987, AS PREVIOUSLY AMENDED BY LOCAL LAW #2 OF 1989 AND BY LOCAL LAW #1 OF 2012) is hereby amended to add a new Subsection (3) to Section 3.0(B) which will read as follows:

“(3) Letter of Map Revision, Case Number 18-02-0573P, effective September 28, 2018 amending Panels 36027C0315E and 36027C0320E of the Flood Insurance Rate Map.”

Section 2. This local law shall take effect immediately upon filing with this state's Secretary of State.

Councilman Audia 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 upon this local law. Councilman Audia offered the following resolution which was seconded by Councilman De Bonis, who moved its adoption:

WHEREAS, on July 12, 2018, Councilman Audia has introduced this local law for the Town of Washington, to be known as "Town of Washington Local Law No. 2 of the Year 2018, a local law of the Town of Washington, Dutchess County, New York, to amend the Town of Washington Flood Damage Prevention Law (Local Law #3 of 1987, as previously amended by Local Law #2 of 1989 and Local Law #1 of 2012);

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 in interest and citizens shall have an opportunity to be heard, to be held at the Town Hall, 10 Reservoir Drive, Millbrook, New York, on August 9, 2018, at 7:00 o'clock, p.m., Prevailing Time, 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 such 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 Hall, 10 Reservoir Drive, Millbrook, New York on August 9, 2018 at 7:00 o'clock, p.m., on Local Law No. 2 of the Year 2018, to amend the Town of Washington Flood

Damage Prevention Law (Local Law #3 of 1987, as previously amended by Local Law #2 of 1989 and Local Law #1 of 2012).

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Town of Washington, at the Town Hall, 10 Reservoir Drive, Millbrook, New York between the hours of 9:00 a.m. to 12:00 p.m. and then between 1:00 p.m. to 3:00 p.m. on all business days, as well as on the Town Website, between the date of this notice and the date of the public hearing.

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

DATED: Millbrook, New York
July 12, 2018


MARY ALEX TOWN CLERK

The foregoing resolution was duly put to a vote which resulted as follows:

Supervisor Ciferri	AYE
Councilman Turletes	AYE
Councilman Audia	AYE
Councilman De Bonis	AYE
Councilman Murphy	AYE

DATED: Millbrook, New York
July 12, 2018

On a motion made by Councilman Audia and seconded by Councilman De Bonis, the Board determined that Local Law 2 of 2018 will not result in any significant adverse environmental impacts; and
That the Town Board authorized Supervisor Ciferri to sign the Short Environmental Assessment Form. The vote was as follows:

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

The Board discussed the Bond rates proposed by the Bank of Millbrook. After a brief discussion they requested that Town Clerk Alex get clarification on a callable vs. non-callable bond. Bond Rates for Stanford Road. A final decision will be made on Monday evening.

Highway Superintendent Joseph Spagnola provided the Board with his monthly report. There is an issue on Terbar Court with a basketball hoop placed in the travel way of the road. He will request that it is removed from the road. The second issue on Terbar Court is there isn't a speed limit sign placed on the road. Highway Superintendent Spagnola said he doesn't know if the Town has a town wide speed limit. Town Clerk Alex provided him with a folder of information dating back to the 1980's. Terbar Court did not exist at the time the study was completed. Highway Superintendent Spagnola will follow up with the correct agencies.

The Casse tractor had a fire in the engine. It has been used for raking and mowing. He will determine if it should be fixed and will consult with the insurance company.

The dirt roads are in very good shape. The men are working on potholes and road edges on the blacktop roads. Milewood Rod is undergoing shimming. Overlook Road, South Road and Stanford Road will also be done.

Highway Superintendent Spagnola advised the Board that for many years the Towns have had a handshake agreement to assist one another on local projects. It is not often that we request help from other towns. He is considering instituting an Inter-Municipal Agreement, as we are providing our men, our trucks, our costs without any reciprocation. He will begin discussing this with other Highway Superintendents.

Town Clerk Mary Alex advised that

- Monthly reports have been received and filed from the Town Clerk, Building and Zoning Department and Recreation Department.
- Minutes have been emailed to the Town Board for June 14, 25 and July 9, 2018 and have been posted on the Town website.
- The quarterly report from Millbrook Library has been received and distributed.
- Community Action Partnership request for \$535.79 has been received. Funds are not available in the 2018 budget, and their request can be discussed during the budget process. The same is true for the Northeast Community Center Transportation Program.
- Dutchess County Surplus has provided furniture and equipment to several departments. The surplus items are complimentary to local municipalities and we received much needed map storage for building and zoning, a cot for camp, a desk and file cabinets.
- Attorney Battistoni is reviewing and preparing de minimus lots legislation based upon the request made by the Planning Board.

In regards to the NYS Retirement Reporting, several elected officials are eligible for Recertification of the Record of Activities. Town Clerk Alex is reviewing the calendars submitted

to verify if any officials' hours have increased and whether the Standard Work Day Resolution will need to be submitted.

In the Building Department, Tom Fiore said he will continue as Building Inspector and will attend re-certification classes when available. They are in the process of working with residents who have expired building permits, as well as scheduling Fire Inspections with notification of inspection rates to the owners.

Supervisor Ciferri requested that Legislator Houston schedule a meeting with representatives from Dutchess County to discuss a sale or long-term lease for land at the Eastern Dutchess Government Center for use as a Town Highway Garage.

Councilman Stephen Turletes provided the Board with the monthly Recreation Report. The Recreation Commission recommends appointing Deb Mangione to the Board to replace Joe Molella. That appointment is requested for the August meeting.

Councilman Turletes said that Kyle Van de Water has resigned from the Recreation Commission. He doesn't quite understand, but Kyle was advised that he had to due to a conflict of interest. Town Clerk Alex advised the Board that after Mr. Van de Water was elected as a Village Trustee and was appointed the Village Liaison to the Recreation Commission, she was asked by Mrs. Casinelli if he could serve on the Rec Commission and be the liaison. Mrs. Alex asked Town Attorney Battistoni the question. It was advised that it could appear to be a conflict, and to avoid any appearance of impropriety, Mr. Van de Water could resign or ask to be replaced as the Village liaison. He should recuse himself from all discussions regarding the Recreation Commission from Village business and vice versa. Mr. Van de Water was advised of this by Town Clerk Alex, and was further advised that the Town Board was not seeking his resignation. When she last spoke with Mr. Van de Water, he was going to think about it before making any decision.

In addition to the Town Pool being open and summer camp underway, the following programs are happening: soccer, volleyball, basketball clinic and a lacrosse skills clinic. The Millbrook Swim Team has a low enrollment, so the Commission is considering having swim stroke clinics rather than a competitive swimming program. Councilman Murphy said the enrollment numbers parallel the school numbers. The pre-k summer camp has 4 - 6 children on a given day.

Councilman Robert Audia discussed a plumbing problem at the park. Hwy. Superintendent Spagnola was able to identify where the pipes are located and where they go in the shower building.

Councilman Al De Bonis reported that the Planning Board had two de minimus lot line changes. One application was made by the Bontecou family and the other was by the Bulgari family. These are they type of applications that would benefit from a revision to the subdivision law, as the Planning Board has requested. The Zoning Board of Appeals did not meet.

Councilman Michael Murphy advised that the Solar Committee has not reconvened due to the members schedule.

On a motion made by Councilman Audia and seconded by Councilman Turletes the Board approved the following Claims as presented:

General Fund A	\$29,055.45
General Fund B	\$1,375.93
Highway Fund DB	\$183,910.65
Fund R Bond	\$25,275.00
TOTAL	\$245,617.03

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 De Bonis and seconded by Councilman Audia, the meeting was closed at 10:35 PM. The vote was as follows:

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



Mary Alex, Town Clerk