

Town of Washington
Town Board
March 14, 2019

The Town Board of the Town of Washington held their regular meeting on Thursday, March 14, 2019, at the Town Hall, 10 Reservoir Dr., Millbrook. Supervisor Gary Ciferri opened the meeting at 7:00 PM with the following present: Councilmen Stephen Turletes and Al De Bonis, Town Clerk Mary Alex, Bookkeeper Lois Petrone and Attorney for the Town Jeff Battistoni.

County Legislator Deirdre Houston, Judith Balfe, Eve Propp, Howard Schuman, Joan La Casse, Brian Hicks, Ted Bownas, Laurie Olson, Rose Galente, Village Trustees Tim Collopy and Kevin McGrane, Mary Keelan, Ed Shaughnessy, Leonard Lomangino, Ryan G, Grace Rosa, Debra Wright, Dr. Thomas, Mary Rose and Jeffrey Giardina, Ed Connolly were also present.

Supervisor Ciferri opened the meeting with the Pledge of Allegiance.

Supervisor Ciferri advised the Board that a letter has been received from Altice regarding the cable franchise renewal which comes due in 2022. They will discuss this with Attorney Battistoni on how best to proceed.

Supervisor Ciferri discussed the concerns of the Town and Village Boards about the ambulance service provided to residents. A special meeting will be held on Monday, April 8th, 7:00 PM, at the Millbrook Fire House. The following letter will be sent to all property owners:

“March 18, 2019

Dear Residents:

The Town of Washington and the Village of Millbrook, along with members of the Millbrook Rescue Squad, will be holding an **Informational Meeting** regarding **Rescue Squad services** in our community. The meeting will be held on **Monday, April 8, 2019, 7:00 PM, at the Millbrook Fire House.**

The Millbrook Rescue Squad has been providing volunteer rescue squad services for over 75 years. We are at a critical juncture, as the squad currently has seven (7) active members, and volunteers are desperately needed. Anyone interested in becoming a volunteer with the Millbrook Rescue Squad should contact Laurie Olson at 845-527-7814.

As you may be aware, local governments are faced with a tax cap of two (2) % or lower each year. The Village has contracted with a private service to supplement daytime coverage. We are currently investigating options to provide additional paid services and will be discussing

them on April 8th. Having received prices to extend a paid, private service, the Village and Town Boards are considering a two-year phase in to a fully paid 24/7 service, with the Millbrook Rescue Squad as a backup. These concepts will be discussed at the meeting, as well as the pros and cons of the different options. The safety of our residents is paramount to us. Having to weigh the cost of additional paid service and the impacts on the tax base versus providing stellar volunteer rescue squad service creates difficult decisions.

We strongly encourage you to attend the meeting on April 8th, to learn how the decisions will affect you and your family.

Sincerely,

Gary Ciferri
Supervisor
Town of Washington

Rod Brown
Mayor
Village of Millbrook

It was noted that the members of the Millbrook Rescue Squad have provided an invaluable service to the community, and we are grateful to those who serve us.

Joan La Casse asked to address the Town Board regarding Green Briar Adult Home. She is following up on questions she had after addressing the Board last year. She reminded the Board that she had a home invasion and robbery by a resident of Green Briar, who had recently been released from prison. Brian Hicks mentioned several rescue squad calls that were inappropriate.

Supervisor Ciferri said that he and several Town representatives have met with Mrs. Berenyi and her Attorney, Allan Rappleyea. She has assured them that their vetting process is good. Supervisor Ciferri also connected Mrs. Berenyi and Northern Dutchess Paramedics to provide certain training for their staff. Assistant Chief of Rescue Olson said that she will verify if any training has been implemented.

Someone asked if Green Briar is a medical facility or a boarding facility. Legislator Houston said that it is not a medical facility. Residents are required to be ambulatory and care for themselves. Mr. Hicks said that the residents don't meet those requirements. His opinion is the level of care should be higher. Residents and staff have used the rescue squad and advanced life support ambulance as a means to transport people when a taxi would have been sufficient. Staff members have said they have called the ambulance because they didn't have enough employees to transport residents off site.

Ms. La Casse said Green Briar has a responsibility to ensure the safety of us as residents and not needlessly use the ambulance. In order for her to open her business, the Blue Barn BnB, the Town required her to go through a checklist of steps. Green Briar hasn't had to go before the Planning Board because they have been there already.

Supervisor Ciferri said that Town Clerk Alex contacted Mrs. Berenyi earlier in the day, after Ms. La Casse discussed her concerns. Mrs. Berenyi replied via email. He read the questions and responses aloud.

1. A recent newspaper article noted that a fight broke out at Greenbriar and someone was taken away for a mental evaluation. Can you tell us if residents are evaluated for mental health issues, and do you willingly accept residents with a diminished mental capacity? If you cannot address this, is there a statute of law, that protects the resident from this type of screening process? Which law is it?

"All residents receive a mental health evaluation prior to admission to Green Briar, along with a physical examination that certifies that they have appropriate capacity to live in a NYS licensed facility. In addition, a mental health evaluation is conducted annually on each resident by a psychiatrist, hired by the state. This is by regulation by the NYS Department of Health."

2. Last week there were 5 state troopers and an ambulance at Greenbriar. Can you explain what happened?

"A psychologist was on site working with a group of residents. One of the residents felt neglected by the psychologist and punched the wall. The psychologist told staff to call 911. Green Briar has no control over the level of response. By the time 911 arrived the resident had calmed down and remained at Green Briar."

3. A female Greenbriar resident was witnessed standing for quite a while on the edge of Old Route 82 and County House Rd, practically in the street. When asked if she needed help, she seemed dazed and wouldn't respond. *More information is needed on this as to who the resident is.*

3. With the weather improving, what can you tell the neighbors about how you screen the residents applying to live in the facility? How many staff members are on site to oversee the well-being of the residents, and ensure that they are not wandering around the neighborhood? Does any law prevent you from monitoring where the residents are?

"State law prohibits the restriction of Green Briar residents' movement to and from the facility. Green Briar has 6 personal care aides, an activity director 3 times per week, a social worker twice a week and a psychologist once per week as well as 2 administrators that look after the residents. In addition, at least one third of Green Briar's residents are in off-site day programs at any given time. Green Briar is inspected periodically by the New York Department of Health, Dutchess County Department of Health, and the U.S. Veterans Administration."

Mr. Schuman said he has lived on Maple Hill Drive since 1968. Green Briar was originally a single-family house owned by Ralph Brown who would rent rooms to elderly people. That is their grandfathered use. The Town Assessor's office has the code listed as a code 633 which is welfare services. The zoning area is an R1 Residential zone. They have 53 people living there. That business could not be built there at this time. Even if they have a New York State license, they cannot do this under the Town Zoning Code. He asked why are they allowed to operate the way they are operating? When Daytop wanted to expand their use, they went before the Planning Board and they were denied. Green Briar should fall under the same scrutiny. This business affects my property value. Mr. Schuman quoted from the 2012 Village Board meeting and then said Green Briar has been a long-standing issue that keeps slipping through the cracks. He continued by saying with the help of Legislator Houston, he contacted

Dana Smith of the Dutchess County Department of Emergency Response. Mr. Smith provided rescue squad information showing in the past ten years, Green Briar's 57 residents have had 25% of the EMS calls.

Ms. La Casse said she thinks their license classification should be different, mental health. She said she is angry that the person who was the accomplice to her home invasion still lives there. What will happen if one of the resident's harms someone. Ms. Rosa said if that happens, the town can be sued.

Ms. Keelan suggested the Town put together an informational sheet on Green Briar. She has done a lot of research for articles she has written. They are a for profit entity. There are a lot of facts and if they should all be put together. Objective facts, if known by everyone, will help make decisions. A moratorium extending services outside of the village was overlooked for Green Briar to have access to the village sewer system. You need to separate feelings from objective facts.

Trustee Collopy stated the facility goes through an annual evaluation. Can we ask the state to come and due its due diligence? Legislator Houston said that she called the NY State Advocate for Patient's Rights. They came and inspected. They had no findings on the patients care.

Mr. Shaughnessy said in Public Health Law if a person falls an ambulance must be called. Mrs. Olson said the rescue squad has been told by the Green Briar staff that "the administration will not allow them to help a person up." She said it is upsetting to the squad members when they are assisting a Green Briar resident, and because they slipped off the bed putting on their socks, the squad were unable to respond to a call at the Golf and Tennis Club for someone having a stroke.

Ms. LaCasse said the Dutchess County Department of Health inspects my business and Green Briar. The inspector told her that the only thing the county cares about is whether the kitchen is clean, free from fire hazards and there are fire extinguishers. She said she will post on the Millbrook Facebook pages the 800 number to call with complaints about Green Briar.

Supervisor Ciferri said your points are well taken and you are not being ignored. He asked Attorney Battistoni how the town should proceed. Mr. Battistoni said the town started the process to review which approvals the facility has. You can contact the state licensing agency and push a little harder based upon what you are hearing. He advised that the Town records should be reviewed and put in order and continue to engage Mrs. Berenyi and her attorney.

Mr. Schuman said it went from a nursing home to an adult care facility. It is a change of use in the town records. Green Briar is taking people that should be in group homes. This is detrimental to the property values in the neighborhood.

Mr. Connolly said he does not see 55 people walking around. Where are they? It seems there are a handful of residents that are out and about causing concern.

Supervisor Ciferri said the Town will continue to work with those present and Mrs. Berenyi. He advised that the Board would like Mrs. Berenyi to be present at a meeting and answer the questions that have been raised. Ms. La Casse thanked the Board for their time.

Mr. Hicks asked if there is any word on the development of Wings Over Water. Supervisor Ciferri said the owner has been unable to secure financing for the project.

Legislator Houston asked if Green Briar can be charged for all of the calls. Trustee Collopy said we contract with NDP, who bills any residents that are transported by them. Last year there were 608 911 calls. Councilman De Bonis noted that the calls to Green Briar are taxing on our services.

Bookkeeper Petrone provided the Board with bank account balances and a Revenue and Expense report. She noted the tax money is being paid to the Town by the Tax Collector. There are several large volumes payments in the vouchers and include a payment to the Village for the Fire and Rescue services, and a payment to the Library towards their \$184,000.00. She stated that the Association of Towns meeting was very helpful and interesting. She has been meeting with Denise Williams an accounting consultant on several different areas of the Annual Financial Report to be filed with the Office of the State Comptroller. She has provided Mrs. Petrone with advice on how to plan throughout the year for the AFR, as well as sorting out several discrepancies in the Town's records.

Town Clerk Alex reported the following:

- monthly reports have been filed by the Justice Court, Town Clerk, Building Department, Zoning Administrator and Recreation Department
- February 14th, 2019 minutes have been distributed and posted on the website
- The Town has received its full tax funding. Penalty money will be distributed on a monthly basis.
- Town Clerk Alex prepared and submitted the annual NYS Solid Waste Management Report to the NYS DEC
- the New York State Electronics Recycling Report was prepared and submitted
- the 2019/20 NYMIR Insurance Application was completed and submitted to George T. Whalen Insurance.

Councilman Turletes provided the following Recreation Commission report:

- Youth basketball is concluding. 110 children participated.
- Pickleball, a new program, has been successful. Additional hours will be added.
- Paul Iannucci will be offering a basketball clinic for 6th grade boys. He will be renting space and providing instructions.
- Adult volleyball is slowing down and will resume as a summer program at the park.
- Lacrosse will begin shortly. Several grades have full programs.
- The Easter Egg Hunt is scheduled for April 20th at the Tribute Garden Park
- A Senior trip has been scheduled for a Lake George Cruise and Luncheon
- Summer camp will operate from July 2 – Aug. 9th
- Summer soccer Jun 25 – Jul 22

- Volleyball Clinic Jul 15 – 19
- Basketball with Kenny Dawson Aug 12 – 15 and 19 – 22
- Children’s triathlon training will be featured after camp, concluding with an opportunity to participate in a triathlon

Supervisor Ciferri asked if the baseball field will be available for play. Councilman Turletes confirmed that there is a long-standing tradition for the Taconic Little League to use the town field, as many of the town children participate in the league.

Councilman De Bonis said the Zoning Board of Appeals did not meet in February and he was unavailable for the Planning Board meeting. Mr. Schuman said the Planning Board continued the review of the application on Woodstock Road.

Trustee Collopy asked if the Board would be available to remain with the Village Board on April 8, after the informational meeting in case the boards conclude that rescue services should be changed from what is in the proposed village budget. The Village has a Public Hearing on the budget scheduled for April 9th. Councilman Turletes reiterated that the Village will be responsible for funding the front of the rescue service changes. Trustee Collopy noted the Trustees were aware of this.

Trustee Kevin McGrane inquired about the process and the success of the Town’s requests to have speed limits reduced in certain areas of the Town. The Town advised that on the behalf of residents, the Town has contacted NYS Department of Transportation in Poughkeepsie requesting a reduction in speed limits on certain roads. The state will send out an individual that will record the speeds of drivers in the specific area for generally a one-hour period. If the average speed driven is higher than the one posted, the DOT has not made a reduction in speeds. The Town has been assisted by County Legislator Houston in contacting Mr. Balkind, Dutchess County Public Works, for assistance in requesting speed reductions on county roads. Trustee McGrane said he would like the state to review the speed from the library to the intersection of Rt. 44 and Franklin Avenue, by the garden center. Councilman De Bonis said traffic enforcement by the village police would be helpful. There is a law on the village books about the weight of trucks coming through the village.

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

General Fund A:	211594.59	
General Fund B	\$684.85	
General Fund DB:	\$62019.12	
Fund SF:	\$475,890.00	Total \$750,188.56

The vote was as follows:
 Supervisor Ciferri: Aye
 Councilman Turletes: Aye
 Councilman Audia: Absent
 Councilman De Bonis: Aye
 Councilman Murphy: Absent

There being no other business, on a motion made by Councilman Turletes and seconded by Councilman De Bonis, the meeting was closed at 10:00 PM. The vote was as follows:

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

Mary Alex, Town Clerk