

TOWN OF WASHINGTON
TOWN BOARD
AUGUST 12, 2021

The Town Board of the Town of Washington held its regular meeting on Thursday, August 12, 2021 at the Town of Washington Town Hall. Supervisor Gary Ciferri called the meeting to order at 6:00 PM with the following present: Councilmen Stephen Turletes, Robert Audia, Michael Murphy and Joseph Rochfort, Town Clerk Mary Alex, Bookkeeper to the Supervisor Lois Petrone, Highway Superintendent Joseph Spagnola and Building Inspector James Finley.

Also present were Dutchess County Legislator Deirdre Houston, Judith Balfe, Howard Schuman, Village of Millbrook Mayor Tim Collopy and Paul Denbaum. Residents were also present via Zoom.

Supervisor Ciferri opened the meeting with the Pledge of Allegiance.

Supervisor Ciferri thanked the Millbrook Tribute Garden for their recent donation in the amount of \$50,000.00 to be used for the Comprehensive Plan Review.

On a motion made by Councilman Turletes and seconded by Councilman Audia the Board appointed Debbie Wright as Secretary for the Planning Board and Zoning Board of Appeals, at a rate of \$18.00 per hour. The vote was as follows:

Supervisor Ciferri: AYE

Councilman Turletes: AYE

Councilman Audia: AYE

Councilman Murphy: AYE

Councilman Rochfort: AYE

Supervisor Ciferri advised the Board that he has had several phone conversations with a company that has supplied information for the installation of a charging station for electrical vehicles in the Town Hall Parking Lot. He has requested that two Board members have a Zoom Meeting to determine if this is something the Town would like to pursue.

On a motion made by Councilman Audia and seconded by Councilman Murphy the Board moved to Open the Public Hearing on LL 2 of 2021: Littering. The vote was as follows:

Supervisor Ciferri: AYE

Councilman Turletes: AYE

Councilman Audia: AYE

Councilman Murphy: AYE
Councilman Rochfort: AYE

Supervisor Ciferri said the highway department has had a number of couches and other items left on back roads. The Town believes that stiffening up the penalties may stop people from doing this.

Ms. Camillo complimented the Board for introducing this law. Stanford Road has seen a substantial increase in roadside littering.

There being no other comments, on a motion made by Councilman Murphy and seconded by Councilman Turletes the Board moved to close the Public Hearing on Local Law 2 of 2021. The vote was as follows:

Supervisor Ciferri: AYE
Councilman Turletes: AYE
Councilman Audia: AYE
Councilman Murphy: AYE
Councilman Rochfort: AYE

**Town of Washington Town Board Resolution
Negative Declaration
Notice of Determination of No Significance**

Town of Washington Town Board (herein, the “Town Board”) member Murphy offered the following Resolution, which was seconded by member Turletes as follows:

WHEREAS, the Town Board adopted a Resolution of Introduction for a proposed local law to be known as Local Law No.2 of 2021 of the Town of Washington entitled LITTERING; and

WHEREAS, the Town Board prepared a Short Environmental Assessment Form, Part 1, and classified the action as an Unlisted Action pursuant to the State and Environmental Quality Review Act; and

WHEREAS, the Town Board, as lead agency for the environmental review of the Action, has reviewed the Action and all relevant supporting information and documentation, has identified the relevant areas of environmental concern, has compared the reasonably expected results of the Action with the criteria set forth in 6 NYCRR § 617.7 and has determined that there will be no potential significant environmental impacts associated with the Action;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board makes the following findings based upon the conclusions identified above:

1. The Action will not result in a substantial adverse change in existing air quality, ground or surface water quality, traffic or noise levels, a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems. The proposed local law will regulate littering with the intent of reducing or eliminating littering which will result in positive effects on the environment.

2. The Action will not result in the removal or destruction of any quantities of vegetation or fauna; substantial interference with the movements of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial impacts on a threatened or endangered species of animal or plant or the habitat of such a species or other significant adverse impacts to natural resources, except as herein described. The Action will not result in areas of disturbance or require soil erosion and sediment control measures.

3. The Action does not involve the impairment of any designated critical environmental area.

4. The Action will not create a material conflict with the community's current plans or goals as officially approved or adopted.

5. The Action will not result in the impairment of the character or quality of important historical, archeological, architectural or aesthetic resources of the existing community or neighborhood character.

6. The Action will not result in a major change in the use of either the quantity or type of energy.

7. The Action will not create a hazard to human health.

8. The Action will not cause a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources or in its capacity to support existing uses.

9. The Action will not encourage or attract a large number of people to a place or places from more than a few days, compared to the number of people who would come to such place absent the Action.

10. The Action will not result in the creation of a material demand for other actions that would result in one of the above consequences.

11. The Action does not involve changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.

12. The action does not involve two or more actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCRR 617.7(c).

BE IT FURTHER RESOLVED, that the Town Board has examined the reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other possible simultaneous actions and subsequent actions which may be reasonably anticipated to result from the Action, and has determined that the Action will not have any significant adverse impact on

the environment and that therefore a Draft Environmental Impact Statement need not be prepared; and

BE IT FURTHER RESOLVED, that the Town Board hereby issues this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and its implementing Regulations; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the filing this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and 6 NYCRR § 617.12 of its implementing Regulations.

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

Supervisor Ciferri: AYE

Councilman Turletes: AYE

Councilman Audia: AYE

Councilman Murphy: AYE

Councilman Rochfort: AYE

RESOLUTION OF ADOPTION

Councilman Audia, offered the following Resolution, which was seconded by Councilman Murphy, who moved its adoption:

WHEREAS, a local law was previously introduced to be known as Local Law No. 2 of 2021 of the Town of Washington, New York entitled LITTERING; and

WHEREAS, a public hearing in relation to said local law was held on August 12, 2021, at 6:00 p.m. Prevailing Time; and

WHEREAS, notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

WHEREAS, the proposed local law and SEAF Part 1 were duly referred to the Dutchess County Department of Planning and Development, which responded that this was a matter of local concern with no further comments; and

WHEREAS, said local law has been on the desks of the members of the Town Board of the Town of Washington for at least seven (7) days, exclusive of Sunday;

NOW, THEREFORE, BE IT RESOLVED and BE IT ENACTED by the Town Board of the Town of Washington as follows:

TOWN OF WASHINGTON LOCAL LAW NO. 2 OF THE YEAR 2021

§ ____-1. **Title.**

This chapter shall be known and may be cited as the "Washington Litter Control Law."

§ ____-2. **Definitions and word use.**

For the purpose of this chapter, the following words, phrases and terms and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future; words used in the plural number include the singular; words used in the singular number include the plural; and words in the masculine include the feminine and the neuter. The word "shall" is always mandatory and not merely directory.

BUILDING, MAIN — A building in which is conducted the main or principal use of the lot on which said building is situated.

GARAGE SALE — The sale of tangible personal property from residential premises entitled "garage sale," "yard sale," "tag sale," "porch sale," "lawn sale," "attic sale," "basement sale," "rummage sale," "flea market" or any similar casual or occasional sale advertised to the public at large as such.

GARBAGE — Putrescible animal and vegetable wastes resulting from handling, preparation, cooking and consumption of food.

HANDBILL — Any printed or written matter, any sample or device, circular, leaflet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature.

LESSEE — Any person, corporation, firm, partnership, agency, or association that rents, bails, leases or contracts, for the use of one or more vehicles and has the exclusive use thereof for any period of time.

LESSOR — Any person, corporation, firm, partnership, agency, association or organization engaged in the business of renting or leasing vehicles to any lessee or bailee under a rental agreement, lease or otherwise, wherein the lessee or bailee has the exclusive use of the vehicle for any period of time.

LITTER — Garbage, refuse and rubbish, as defined herein, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger of public health, safety and welfare or tends to create blight.

NEWSPAPER — Any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, includes any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

OWNER — Any person, corporation, partnership, firm, agency, association, lessee, or organization which at the time of the notice of violation is issued pursuant to this chapter in which a vehicle is operated:

- A. Is the beneficial or equitable owner of such vehicle; or
- B. Has title to such vehicle; or
- C. Is the registrant or co-registrant of such vehicle which is registered with the Department of Motor Vehicles of this state or any other state, territory, district, province, nation or other jurisdiction; or
- D. Uses such vehicle in its vehicle renting and/or leasing business.

PARK — A park, reservation, playground, beach, recreation center or any other public area in the town, owned or operated by the town and devoted to active or passive recreation.

PERSON — Any person, firm, partnership, association, corporation, company or organization of any kind.

PRIVATE PREMISES — Any house, building or other structure not owned or operated by the town, whether inhabited or temporarily or continuously inhabited or vacant, including any yard, around parking lot, walk, driveway, porch steps, vestibule or mailbox belonging or appurtenant to such house, building or other structure.

PRIVATE RECEPTACLE — A storage and collection container for the storage of litter or rubbish or for the collection of reusable or recyclable household items, such as clothing or shoes, constructed of steel, aluminum or rigid plastic, with or without a heavy duty plastic liner or sack structured and placed so that the exit and entrance of rodents or other animals is prevented; they can be easily cleaned; they will not break or burst when lifted; they are easily unloaded; and they are of sufficient integrity to confine such litter or recyclables between the regular collections thereof. On its own initiative, or at the request of any person, firm or corporation, the Town Board may approve as fit and suitable for such purposes any such container. The term "private receptacle" shall include within its meaning those containers commonly known as "dumpsters" or any other container when used to accumulate or store refuse or trash.

PUBLIC PLACE — Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, beaches, squares, spaces, grounds and buildings.

RECORDED IMAGES — Images recorded on photographs, microphotographs, videotape, electronic or digital images, or any other medium, showing the front or rear of a vehicle, clearly identifying the registration plate number of the vehicle.

REFUSE — All putrescible and non-putrescible solid wastes, including garbage, rubbish, ashes, street cleanings and solid market and industrial wastes.

RESIDENTIAL PREMISES — A single- or multiple-family dwelling unit used for residential purposes which is not located in an area of town zoned for commercial, industrial, business, manufacturing or mercantile uses.

RUBBISH — Non-putrescible solid wastes consisting of both combustible and non-combustible wastes, such as, but not limited to, paper wrappings, cardboard, tin cans, wood, glass, bedding and crockery.

TOWN — The Town of Washington.

VEHICLE — Every vehicle operated or driven upon a public highway which is propelled by any power other than muscular power.

§ ____-3. Littering in public places prohibited.

- A. No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the town except in public receptacles or in authorized private receptacles designated for the deposit of such litter, or in an official town transfer station.
- B. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements, upon any street, sidewalk or other public place or upon private property.
- C. No person shall sweep into or deposit in any gutter, street or other public place within the town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway.
- D. Persons owning or occupying property shall keep the area or sidewalk in front of their premises free of litter.

§ ____-4. Littering from vehicles prohibited.

No person shall throw or deposit litter from any vehicle upon any street or other public place within the town or upon private property.

§ ____-5. Littering in/on parks, beaches and bodies of water prohibited.

- A. No person shall throw or deposit litter in any park or beach within the town except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or private place. Where public receptacles are not provided, all such litter shall be carried away from the park or beach by the person responsible for its presence and properly disposed elsewhere, as provided herein.

- B. No person shall throw or deposit litter in any pond, river, stream or body of water within the town.

§ ____-6. Littering on private property prohibited.

- A. No person shall throw or deposit litter on any private property within the town, whether owned by such person or not and whether occupied or vacant, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.
- B. Any owner or person in control of premises upon which litter shall be found shall, upon being ordered to do so by the Building Inspector of the Town of Washington or an Assistant Building Inspector of the Town of Washington, remove the same from the premises within 72 hours of having been so ordered. Any such order which is sent to any person within the State of New York by mail shall be presumed to have been received within two business days from the date of mailing. Any such order which is sent to any person outside of New York State by mail shall be presumed to have been received within four business days from the date of mailing.
- C. Trash pickup.
 - (1) No items or materials which are intended for regular trash, rubbish or refuse pickup, including private receptacles therefor, shall be placed at curbside or on the public way earlier than 5:00 p.m. on the day prior to the time of regularly scheduled pickup, or allowed to remain beyond midnight of the day the pickup actually occurs. Except within the aforementioned specified times, these items or materials, including private receptacles therefor, may not be placed or stored at the curb or in a public space or, in the case of a private premises, in the area between the curb or public space and the nearest wall of main building on said premises, unless within an enclosure and completely concealed from view.
 - (2) The owner, resident or person in control of private property or any portion thereof shall at all times maintain the premises or that portion controlled by him, free of any violation of Subsection C (1).

§ ____-7. Handbills.

- A. In public places. No person shall throw or deposit any handbill in or upon any sidewalk, street or other public place within the town. No person shall hand out or distribute any handbill in any public place except to persons willing to accept it.

- B. On vehicles. No person shall throw or deposit any handbill in or upon any vehicle; except it shall not be unlawful in any public place for a person to hand out or distribute a handbill to any occupant of a vehicle who is willing to accept it.
- C. On private property. No person shall throw or deposit any handbill in or upon any private premises which are:
 - (1) Temporarily or continuously uninhabited or vacant.
 - (2) Posted with a sign placed in a conspicuous position near the entrance thereof, bearing the words "No Peddlers or Agents," "No Advertisements" or words of similar import indicating the desire of the occupants not to have such handbills left upon such premises, or where an occupant expressly directs the person not to throw, deposit or distribute the handbill on the premises.
 - (3) Inhabited, but not posted or subject to an express warning by an occupant, except by handing or transmitting any such handbill directly to an occupant, unless he places or deposits any such handbill so as to secure or prevent it from being blown or drifted about the premises or sidewalks, streets or other public ways.
- D. The provisions of this section shall not apply to the distribution of mail by the United States Postal Service nor to newspapers (as defined herein), except that newspapers shall be placed on private property in such a manner as to prevent them being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

§ ____-8. Posting notices prohibited.

- A. No person shall post or affix any notice, poster or other paper or device calculated to attract the attention of the public to any lamp post, utility pole or tree or upon any public structure or building, except as may be authorized or required by law.
- B. Exemptions. The prohibitions contained in this section shall not apply to:
 - (1) Notices, posters or other papers or devices calculated to attract the attention of the public to a garage sale. Such notices, posters, or other papers or devices may not be posted more than six days prior to such garage sale and must be removed within three days thereafter.
 - (2) Notices, posters or other papers or devices calculated to attract attention of the public to a not-for-profit function or event of any charitable, educational, cultural, fraternal, religious corporation, association or institution, civic group, service

club, voluntary association or not-for-profit corporation (but not political posters). Such notices, posters or other papers or devices may not be posted more than six days prior to such function or event and must be removed within three days thereafter.

§ ____-9. Penalties for offenses.

- A. Any person committing an offense against any of the provisions of this chapter shall be punished, upon conviction, by a fine not exceeding \$500 a day or by imprisonment not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.
- B. It shall be the duty of the duly appointed Building Inspector, Zoning Administrator and/or his agents, as well as law enforcement officers, to enforce the provisions of this chapter.
- C. A person convicted of a violation of this chapter within one year of a prior conviction for an unrelated offense under this chapter shall be punished by a fine not to exceed \$1,000 a day or by imprisonment not to exceed 30 days, or by both such fine and imprisonment.

§ ____-10. Recorded images violations.

- A. Legislative intent. The Town hereby finds and determines that littering within the Town is a threat to the health, well-being and safety of the residents of the Town. As a result, the Town has determined to utilize any permissible technological means available to reduce the incidence of littering. Therefore, the Town has established a policy and procedure set forth in this section to impose liability on the owner of a vehicle in any instance where the image of the operator of such vehicle is captured digitally or otherwise recorded throwing or depositing litter from such vehicle upon any street or other public place within the Town or upon private property.
- B. Owner liability. The owner of a vehicle shall be liable for a civil penalty imposed pursuant to this section if such vehicle is used or operated with the permission of the owner, express or implied, in any instance where a recorded image is obtained showing the operator throwing or depositing litter from such vehicle upon any street or other public place within the Town or upon private property.
- C. Notice of liability. A notice of liability shall be sent by the Town's Code Enforcement Officer by first-class mail to each person alleged to be liable as an

owner of a vehicle in violation of this section. A notice of liability shall contain the name and address of the person to be liable for the violation as the owner; the registration of the vehicle involved in such violation; the location where the violation occurred; the date and time of such violation. Further, the notice of liability shall advise the person charged of the court having jurisdiction to adjudicate the liability of the violation and the time in which he or she may contest the liability alleged in the notice and that a failure to contest the notice in the manner and time prescribed shall be deemed an admission of liability.

- D. Certificate as prima facie evidence. A certificate sworn to or affirmed by the duly appointed Building Inspector, Zoning Administrator and/or his agents, as well as law enforcement officers primarily responsible for enforcing the provisions of this chapter based upon a review of the recorded images shall be prima facie evidence of the facts contained therein. Any recorded images shall be available for inspection in any proceeding commenced in a court of competent jurisdiction to adjudicate the liability of such violation.
- E. Penalties. An owner shall be required to pay to the Town for a violation of this section a monetary civil penalty not to exceed \$500 for each violation, in addition to any other penalties contained in any other provision law. In the event the Town is required to institute legal proceedings in a court of competent jurisdiction to adjudicate the liability of the violation and to recover such civil penalty, upon such adjudication the Town shall be entitled to recover from the owner any and all associated costs and disbursements incurred by the Town, if any, including attorney's fees and interest upon any unpaid civil penalty calculated at the statutory rate.
- F. Indemnification. If the owner of a vehicle liable for the civil penalty imposed in accordance with this section was not the operator of the vehicle at the time of violation, the owner may maintain an action for indemnification against the operator for any civil penalties paid as well as any costs, disbursements or attorney's fees assessed against the owner.
- G. Defenses.
 - (1) An owner shall have a valid defense to an allegation of liability under this section if the vehicle in question had been reported to a police department or agency as stolen prior to the time the violation occurred and had not been recovered by the time the violation occurred. For the purposes of asserting this defense, it shall be sufficient that a certified copy of the police report on the stolen vehicle be sent by first-class mail to the court having jurisdiction to adjudicate the liability of the violation.
 - (2) An owner who is a lessor of a vehicle to which a notice of liability is ~~is~~ shall not

be liable for the violation, provided that he or she sends to the court having jurisdiction to adjudicate the liability of the violation a copy of the rental, lease or other such contract covering such vehicle on the day of the violation, with the name and address of the lessee clearly legible, within 30 days after receiving notice of such violation. Failure to send such information within the 30 days shall render the owner liable for the penalty prescribed in this section. When the lessor complies with the provisions of this subsection, the lessee of such vehicle on the date of the violation shall be deemed to be the owner of such vehicle for the purposes of this section.

(3) No owner of a vehicle shall be subject to a monetary fine under this section, if the operator of such vehicle was operating the vehicle without the consent of the owner at the time of the violation. However, there shall be a presumption that the operator of such vehicle was operating the vehicle with the consent of the owner at the time the violation occurred.

H. Nothing in this section shall preclude the duly appointed Building Inspector, Zoning Administrator and/or his agents, as well as law enforcement officers from taking other action in connection with violations of any other applicable rules, regulations, statutes or laws.

Section 2. Authority

This local law 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. Effect

This local law shall take effect immediately upon filing with the New York State Secretary of State.

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

Supervisor Ciferri: AYE
Councilman Turletes: AYE
Councilman Audia: AYE
Councilman Murphy: AYE
Councilman Rochfort: AYE

On a motion made by Councilman Murphy and seconded by Councilman Turletes the Board moved to Open the Public Hearing on LL 3 of 2021: Fee Increases. The vote was as follows:

Supervisor Ciferri: AYE
Councilman Turletes: AYE
Councilman Audia: AYE
Councilman Murphy: AYE
Councilman Rochfort: AYE

No comments were offered.

On a motion made by Councilman Murphy and seconded by Councilman Turletes the Board moved to Close the Public Hearing on LL 3 of 2021: Fee Increases. The vote was as follows:

Supervisor Ciferri: AYE
Councilman Turletes: AYE
Councilman Audia: AYE
Councilman Murphy: AYE
Councilman Rochfort: AYE

**Town of Washington Town Board Resolution
Negative Declaration
Notice of Determination of No Significance**

Town of Washington Town Board (herein, the “Town Board”) councilman Murphy offered the following Resolution, which was seconded by member Turletes as follows:

WHEREAS, the Town Board adopted a Resolution of Introduction for a proposed local law to be known as Local Law No. 3 of 2021 of the Town of Washington AMENDING SECTION 490 OF THE ZONING CODE to increase the amount of fines; and

WHEREAS, the Town Board prepared a Short Environmental Assessment Form, Part 1, and classified the action as an Unlisted Action pursuant to the State and Environmental Quality Review Act; and

WHEREAS, the Town Board, as lead agency for the environmental review of the Action, has reviewed the Action and all relevant supporting information and documentation, has identified the relevant areas of environmental concern, has compared the reasonably expected results of the Action with the criteria set forth in 6 NYCRR § 617.7 and has determined that there will be no potential significant environmental impacts associated with the Action;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board makes the following findings based upon the conclusions identified above:

1. The Action will not result in a substantial adverse change in existing air quality, ground or surface water quality, traffic or noise levels, a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems. The proposed local law simply increases fines for violations of the Zoning Code and had no impact on the environment.

2. The Action will not result in the removal or destruction of any quantities of vegetation or fauna; substantial interference with the movements of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial impacts on a threatened or endangered species of animal or plant or the habitat of such a species or other significant adverse impacts to natural resources, except as herein described. The Action will not result in areas of disturbance or require soil erosion and sediment control measures.

3. The Action does not involve the impairment of any designated critical environmental area.

4. The Action will not create a material conflict with the community's current plans or goals as officially approved or adopted.

5. The Action will not result in the impairment of the character or quality of important historical, archeological, architectural or aesthetic resources of the existing community or neighborhood character.

6. The Action will not result in a major change in the use of either the quantity or type of energy.

7. The Action will not create a hazard to human health.

8. The Action will not cause a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources or in its capacity to support existing uses.

9. The Action will not encourage or attract a large number of people to a place or places from more than a few days, compared to the number of people who would come to such place absent the Action.

10. The Action will not result in the creation of a material demand for other actions that would result in one of the above consequences.

11. The Action does not involve changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.

12. The action does not involve two or more actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCRR 617.7(c).

BE IT FURTHER RESOLVED, that the Town Board has examined the reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other possible simultaneous actions and subsequent actions which may be reasonably anticipated to result from the Action, and has determined that the Action will not have any significant adverse impact on the

environment and that therefore a Draft Environmental Impact Statement need not be prepared; and

BE IT FURTHER RESOLVED, that the Town Board hereby issues this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and its implementing Regulations; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the filing this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and 6 NYCRR § 617.12 of its implementing Regulations.

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

Supervisor Ciferri: AYE

Councilman Turletes: AYE

Councilman Audia: AYE

Councilman Murphy: AYE

Councilman Rochfort: AYE

RESOLUTION OF ADOPTION

Councilman Murphy offered the following Resolution, which was seconded by Councilman Rochfort, who moved its adoption:

WHEREAS, the Town Board adopted a Resolution of Introduction for a proposed local law to be known as Local Law No. 3 of 2021 of the Town of Washington AMENDING SECTION 490 OF THE ZONING CODE to increase the amount of fines; and

WHEREAS, a public hearing in relation to said local law was held on August 12, 2021, at 6:00 p.m. Prevailing Time; and

WHEREAS, notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

WHEREAS, the proposed local law and SEAF Part 1 were duly referred to the Dutchess County Department of Planning and Development, which responded that this matter was exempt from referral pursuant to an IMA between the County and the Town; and

WHEREAS, said local law has been on the desks of the members of the Town Board of the Town of Washington for at least seven (7) days, exclusive of Sunday;

NOW, THEREFORE, BE IT RESOLVED and BE IT ENACTED by the Town Board of the Town of Washington as follows:

TOWN OF WASHINGTON LOCAL LAW NO. 3 OF THE YEAR 2021

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

Section 1. Legislation

The first paragraph of Section 490 of the Town of Washington Zoning Code is amended as follows, with subparagraphs “1”, “2”, “3” and “4” remaining unchanged. Deletions are stricken and additions are underscored.

A violation of this Local Law Zoning Code is an offense punishable by a fine not exceeding ~~three hundred fifty dollars (\$350.00)~~ One Thousand Dollars (\$1,000.00), or imprisonment for a period not to exceed six (6) months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five (5) years, punishable by a fine not less than ~~three hundred fifty dollars (\$350.00)~~ One Thousand Dollars (\$1,000.00) nor more than ~~seven hundred dollars (\$700.00)~~ One Thousand Five Hundred Dollars (\$1,500.00) or imprisonment for a period not to exceed six (6) months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five (5) years, punishable by a fine of not less than ~~seven hundred dollars (\$700.00)~~ One Thousand Five Hundred Dollars (\$1,500.00) nor more than ~~one thousand dollars (\$1,000.00)~~ Five Thousand Dollars (\$5,000.00) or imprisonment for a period not to exceed six (6) months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this Zoning Code shall be deemed misdemeanors, and for such purposes only, all provisions of law relating to misdemeanors shall apply to such violations. Each week’s continued violation shall constitute a separate additional violation.

Section 2. Authority

This local law 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. Effect

This local law shall take effect immediately upon filing with the New York State Secretary of State.

Supervisor Ciferri: AYE

Councilman Turletes: AYE

Councilman Audia: AYE

Councilman Murphy: AYE

Councilman Rochfort: AYE

The next order of business is regarding a local law to establish a temporary moratorium on certain land development applications that are pending or may subsequently be filed with the Town of Washington. The Town Board has had the language of the proposed Moratorium before them and on the Town website for review.

RESOLUTION OF INTRODUCTION

Councilman Murphy, seconded by Councilman Rochfort, introduced the following proposed local law, to be known as Local Law No. 1 of 2021 of the Town of Washington, New York entitled A LOCAL LAW TO ESTABLISH A TEMPORARY MORATORIUM ON CERTAIN LAND DEVELOPMENT APPLICATIONS THAT ARE PENDING OR MAY SUBSEQUENTLY BE FILED WITH THE TOWN OF WASHINGTON.

BE IT ENACTED by the Town Board of the Town of Washington that a new Section 397 shall be added to the Town Zoning Code as follows:

Section 1. Title of Local Law.

This local law shall be entitled “A Local Law to Establish a Temporary Moratorium on Certain Land Development Applications that are Pending or May be Subsequently Filed with the Town of Washington.”

Section 2. Authorization.

This local law establishes a temporary moratorium on certain land-development applications that are pending or may be subsequently filed with the Town of Washington (this local law shall be referred to herein as the “Moratorium”). This local law is enacted pursuant to Article IX of the NYS Constitution, the authorizations established in the NYS Municipal Home Rule Law, the relevant provisions of the NYS Town Law, and the general police powers vested with the Town of Washington (the “Town”) to promote the health, safety, and welfare of all of the residents and property owners in the Town.

Section 3. Purpose.

The Moratorium is intended to ensure that no Development Applications (as defined below) are considered or acted upon in the Moratorium Area (as defined below) until the Town of Washington Town Board (the “Town Board”): (1) prepares and considers revisions to its Comprehensive Plan; and (2) prepares and considers revisions to its Zoning Law, Land Subdivision Code, or other pertinent sections of the Town Code, to implement recommendations in the revised Comprehensive Plan and related planning and environmental studies; and (2) completes the process of adoption of an amendment to the Town Comprehensive Plan and/or an amendment to the Town of Washington Zoning Law.

The Town has recently seen an interest in dense commercial and residential development in its Rural Residential “RR-10” and “RS-10” zoning districts that conflict with the Town Comprehensive Plan, dated December 2015 (the “Comprehensive Plan”). Further, the Town Board recognizes that individual parcels of land or contiguous parcels of land under the same ownership, specifically in the RR-10 and RS-10 zoning districts, are large and could potentially

be the subject of large scale commercial or residential development/subdivisions that would increase the density within the Town. Such development would be contrary to the current Town Comprehensive Plan.

The Moratorium is intended to provide a temporary zoning stop-gap that will halt proposed and future Development Applications (defined below) in the Moratorium Area (defined below) while the Town considers updates to its Zoning Law, Land Subdivision Regulations, or other pertinent sections of the Town Code to implement recommendations in the current Comprehensive plan or any revised Comprehensive Plan and related planning studies, and completes the process of formally adopting any amendments which arise from that process.

The following specific justifications support this Moratorium:

- 1) **Development Pressure:** The Town has experienced growing development pressure in the Moratorium Area (defined below). New commercial and residential projects have been proposed and/or completed in the Moratorium Area. In addition, there are a number of individual parcels of land or parcels of land under common ownership in the Moratorium Area that may result in large commercial or residential development. If pending or future development continues to proceed or be proposed, it may result in development contrary to the Comprehensive Plan or the studies noted below. Without the proposed Moratorium, the Town risks adverse impacts on the public health, safety and welfare of the community.
- 2) **Comprehensive Plan:** The Town's Comprehensive Plan is dated December 2015. The Comprehensive Plan specifically states that "[t]he 2015 Town of Washington Comprehensive Plan embodies the community's desire to remain a rural town by maintaining existing land use types, protecting environmental resources, and supporting the Village of Millbrook as the location for concentrated diverse housing and commercial activity." Comprehensive Plan at 7. During the Moratorium period, the Town Board will evaluate whether circumstances have changed and potentially revise the Comprehensive Plan to include the community's current desire.

The Comprehensive Plan also recognizes that the Town is full of cultural resources that have been transformed into different uses. *See* Comprehensive Plan at 13. The Town Board, during the Moratorium period, will evaluate whether existing Town regulations appropriately protect the Town's cultural resources and plan for any future adaptation.

The Comprehensive Plan also recognizes that the Town's residents are satisfied with the existing land use, which have "essentially remained the same, and [there is] an equally strong desire for that to continue in the future." *See* Comprehensive Plan at 25. Also, the current Comprehensive Plan recognizes that "the opportunities and the limitations of the natural

environment is necessary to maintain the natural beauty, economic vigor, and quality of life in the Town of Washington.” *See* Comprehensive Plan at 28. The Town Board, during the Moratorium period, will evaluate whether existing Town regulations appropriately protect the Town’s natural environment and plan for any future development.

By adopting the Moratorium, the Town Board will update the Comprehensive Plan and survey the residents of the Town of Washington to ensure that the Comprehensive Plan still continues to reflect the desires of the community. Further, the Town Board will assess the potential for nonresidential development on the larger tracts of the land in the Town (or multiple parcels under common ownership), to ensure that the Zoning Law and Subdivision Regulations (some of which adopted prior to the 2015 Comprehensive Plan) applicable to those tracts of land are in furtherance of, but not limited to, the following current Comprehensive Plan principles:

Goal 1: Keep the Town Scenic and Rural and the Village the One Developed Center.

Objective: Maintain existing land use types which keep the Town rural.

Policies: (a) preserve traditional rural land use patterns, (b) enhance and preserve the duality between the Town and Village, (c) avoid future new or denser zoning that would create village like areas in the Town, (d) maintain the scenic beauty and natural diversity of the Town by avoiding the disruption of scenic vistas, view sheds, corridors, ridgelines, natural areas, and historic resources.

Objective: Avoid infrastructure expansion into the Town.

Policies: (a) discourage construction of new roads in undeveloped areas, (b) deter the development or extension of centralized water and sewer systems into rural areas, except as necessary to address public health and safety.

Objective: Keep our roads rural in form, use, and appearance, minimizing the impact of motor vehicles.

Policies: (a) avoid zoning uses which will increase traffic congestion and flow as they detract from the look and feel of a rural community, (b) design and maintain roads in ways that minimizes their environmental and visual impacts, (c) Avoid projects in the Town which will increase traffic congestion to and from the Village.

See Comprehensive Plan, at 39-42.

- 3) **Greenway Connections:** The Town of Washington has adopted and is included within the Greenway Compact Program and Guides for Dutchess County Communities. During the Moratorium period, the Town Board shall consider whether amendments to the Zoning Law, Land Subdivision Regulations, or other pertinent sections of the Town Code are necessary to further the principles of the Greenway Compact Program and Guides for Dutchess County Communities in the face of development pressure.
- 4) **Infrastructure:** The Town does not have meaningful infrastructure in the rural areas, where most of these larger tracts of land exist, to accommodate larger scale or dense development (residential or commercial). Further, the Comprehensive Plan sets forth that the Town should avoid infrastructure expansion. As noted above, there are a number of large individual parcels and contiguous parcels of land under common ownership that could be subdivided for future residential or commercial development. The infrastructure impacts of any such development must be planned now, instead of on a case-by-case basis. The Moratorium period will allow the Town Board to consider the future infrastructure impacts within the Town in the face of development pressure
- 5) **Update Zoning Law:** The current version of the Town’s Zoning Law was adopted in 2007, and amended several times since then, but no significant amendments have been made since the adoption of the 2015 Comprehensive Plan. It is recommended that municipalities periodically review and update, if necessary, their zoning laws every five to ten years to ensure that they are supportive of changing community goals and objectives. The Moratorium will allow the Town time to consider updates to its existing Zoning Law.
- 6) **Sensitive Environmental Resources/Constraints:** A number of parcels available for future development in the Moratorium Area, and throughout the Town, have sensitive environmental resources/constraints including, without limitation, steep slopes, floodplains, wetlands and forested areas. In 2004, Hudsonia Ltd. issued the “Significant Habitats in the Town of Washington, New York” report for the Town of Washington (the “Hudsonia Report”). The Hudsonia Report and subsequent habitat assessments within the Town identified the location and configuration of ecologically significant habitats throughout the Town. The Hudsonia Report concluded that “[i]n the rural landscapes of northern Dutchess County, including the Town of Washington, there are still significant opportunities for biodiversity conservation. Development pressure is on the rise, however, and strategic land-use and conservation planning is needed to ensure that species, communities, and ecosystems are protected for the long term.” Hudsonia Report at 76. The Town Board, during the Moratorium period, will review the Town’s current Zoning Law, Land Subdivision Regulations, and/or other pertinent sections of the Town Code to potentially implement recommendations from the Hudsonia Report and its subsequent studies and mapping. The Town Board will also assess whether additional environmental studies are necessary.

For the reasons noted above, the Town Board has determined that this temporary Moratorium is necessary to temporarily halt proposed or future development while the Town considers, and potentially adopts, updates to its Comprehensive Plan, Zoning Law, Subdivision Regulations, and other land use laws to ensure that: (1) the Town Comprehensive Plan expresses a contemporary community vision for how the Town of Washington should grow and develop; (2) the Town Zoning Law is in harmony with the goals and objectives of the Comprehensive Plan, as is required by New York State law; (3) the public health, safety and welfare will be protected to maximum extent possible; and (4) the environment, natural resources, and community character of the Town of Washington are protected and preserved.

Section 4. Definitions.

Unless specified in this local law, terms used herein shall have the same meaning as defined in the Town of Washington Zoning Law at Article VI “Definitions.” and in the Town of Washington Land Subdivision Regulations at Article VII “Definitions”. All other terms used herein but not defined in those laws shall be construed to have their common meaning.

Section 5. Affected Properties.

This local law shall be applicable only to the real property located in the Town’s RR-10 and RS-10 zoning districts in the Town of Washington (the "Moratorium Area"). This local law shall be applicable to those properties notwithstanding that they may also lie within: the Agricultural Protection Overlay (APO District; the Aquifer Protection (AQ) District; the Environmental Protection (EP) District; the Mobile Home (MH) Floating District; and the Industrial (I) Floating District.

Section 6. Duration.

The provisions of this local law and Moratorium shall be in effect for a period of six (6) months from the effective date noted below unless earlier repealed, modified, extended, or supplemented by a further local law of the Town of Washington.

This Moratorium may be extended by two (2) additional periods of up to six (6) months by resolution of the Town Board upon a finding of the necessity for such extension.

Section 7. Moratorium Scope.

Except as noted below in Section 8, no board, commission, agency, department, officer, employee, consultant, or agent of the Town of Washington shall accept for review, continue to review, hold a hearing or meeting, or make any decision upon any application and/or appeal for a site plan, special permit, area variance, use variance, subdivision, applicant/property owner zoning amendment petition, demolition permit, grading permit, stormwater permit, or building permit (hereinafter referred to “Development Applications”) during the time period for which this

Moratorium is in effect, whether or not such Development Applications were submitted prior to or after the effective date of this Moratorium.

As discussed in Section 10 below, the New York State statutory and locally-enacted time periods for processing and making decisions on all such Development Applications are suspended and stayed while this Moratorium is in effect pursuant to the powers granted to the Town by the New York State Municipal Home Rule Law.

Section 8. Exemptions.

This local law and Moratorium shall not apply to the following situations:

- A. Development Applications related to the construction of a single-family dwelling or two-family dwelling house on a parcel in existence at the time that this Moratorium is effective.
- B. Agriculture/Farm use as principal use of land but which does not include the sale of products to the public at the property.
- C. Animal Husbandry as a principal use of land but which does not include the sale of products to the public at the property.
- D. The following accessory uses, uses that are customarily incidental to any principal use permitted by right, and which are themselves permitted by right in the RR-10 and RS-10 Zoning Districts: (a) composting of manure and vegetative waste; (b) private garages; (c) home occupations, subject to Zoning Law § 321.[3][a] (list of home occupations); (d) open storage of farm machinery or vehicles associated with agriculture; and (e) swimming pools.
- E. The following special uses which may be allowed in the RR-10 and RS-10 Zoning Districts by special permit and subject to site plan approval: (a) animal hospital; (b) barn conversions subject to Zoning Law Supplementary Use Regulations; (c) bed and breakfast; (d) cemetery; (e) forestry; (f) home occupations, subject to Zoning Law § 321.4 (home occupation by special permit); (g) parks, public and private; (h) playgrounds; (i) riding academy, subject to Zoning Law Supplementary Use Regulations; (j) stables, public and private, subject to Zoning Law Supplementary Use Regulations; (k) signs; and (l) wildlife preserve.
- F. Subdivisions of land provides that the lots to be created have a minimum lot size of ten (10) acres and that the subdivision creates no more than three (3) lots. Such subdivisions shall also be subject to required reviews and approvals under the Town Zoning Law.

- G. An existing valid building permit and substantial construction completed in reliance upon such valid permit.
- H. Development Applications related only to the ordinary repairs, maintenance, and/or interior renovations and rehabilitation of an existing structure.
- I. The issuance of a certificate of occupancy in connection with the completion of a structure to which this moratorium would apply, but for which a valid building permit has been issued, and for which substantial construction has been completed in reliance upon such valid permit as of the effective date of this moratorium.

Section 9. Appeal Procedure.

- A. 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 and/or unique hardship affecting a lot. In reviewing such a request, the Town Board may consider:
 - 1. Whether the variance or waiver will adversely affect the purpose of the Moratorium, the health, safety or welfare of the Town or will substantially undermine the land-use planning and potential revision process under review.
 - 2. The Town Board may take into account the existing land use in the immediate vicinity of the property, whether the lot is vacant or developed, the impact of the variance or waiver on infrastructure, neighborhood and community character, community planning goals and objectives, natural resources, government services, and other environmental issues.
 - 3. A proposed project must comply with all other applicable provisions of the Town's local laws and Town Code.
 - 4. Whether the Moratorium would leave the property owner or applicant completely unable, after a thorough review of alternative solutions, to have a reasonable alternative use of the property.
- B. Any application for a variance or waiver shall be filed with the Town of Washington Clerk and shall include a fee of five hundred (\$500) dollars for the processing of such application. An application for a variance or waiver shall contain the complete details of the proposed project. To the extent that the Town Board requires a consultant to assist it in reviewing

such application, it may also require the applicant to pay the reasonable costs of such consultant. Any consultant shall be selected in the sole discretion of the Town Board.

- C. In the sole discretion of the Town Board, the Board may refer any application for a variance or waiver of this local law to any official, department, and/or land use board for a recommendation. The Town Board shall not be bound by any recommendation of any official, department, or land use board and shall conduct a public hearing and make a final decision on the application, with or without conditions. The Town Board shall render a decision on an application for a variance or waiver of the Moratorium within sixty (60) calendar days of the Town Clerk's receipt of a complete application.
- D. The Town Board shall notify the applicant of the Board's decision to approve, approve with conditions, or deny an application to vary or waive the application of any provision of the Moratorium. In the event that the Town Board determines to approve such application, the applicant may seek approvals from the relevant officials and/or land use boards under the terms set forth within the Town Board's decision.

Section 10. Conflicts with State Statutes and Local Laws and Authority to Supersede.

To the extent that any law, ordinance, rule or regulation or parts thereof, including all deadlines for making decisions, interpretations or determinations, is in conflict with the provisions of this local law, including, but not limited to, all provisions of the Town Code, all provisions of Article 16 of the New York State Town Law concerning special use permits, site plans, and subdivisions, including, but not limited to section 276(8) (“default approvals”), as well as building permit and certificate of occupancy procedure and requirements, this Local Law shall control, and such other laws are hereby superseded.

Pursuant to the same powers, and without limiting the generality of the foregoing, this local law supersedes and/or varies the provisions contained in Article 8 of the Environmental Conservation Law (known as the State Environmental Quality Review Act) and the regulations thereunder to the extent that such provisions require that an agency adhere to certain specified timeframes.

Section 11. New York State Environmental Quality Review Act

This local law constitutes a Type II Action under the State Environmental Quality Review Act because it constitutes the adoption of a moratorium on land development or construction. As such this “action” is not subject to review under the New York State Environmental Quality Review Act.

Section 12. Severability.

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other

authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section 13. Effective Date.

This local law shall take effect immediately upon filing with the New York State Secretary of State.

Councilman Murphy 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 Murphy offered the following resolution which was seconded by Councilman Rochfort, who moved its adoption:

WHEREAS, on August 12, 2021, Councilman Murphy has introduced this local law for the Town of Washington, to be known as Local Law No. 1 of 2021 of the Town of Washington, New York entitled A LOCAL LAW TO ESTABLISH A TEMPORARY MORATORIUM ON CERTAIN LAND DEVELOPMENT APPLICATIONS THAT ARE PENDING OR MAY SUBSEQUENTLY BE FILED WITH THE TOWN OF WASHINGTON;

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 September 9, 2021, at 6:00 o'clock, p.m., Prevaling 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 September 9, 2021 at 6:00 o'clock, p.m., on Local Law No. 1 of the Year 2021, entitled A LOCAL LAW TO ESTABLISH A TEMPORARY MORATORIUM ON CERTAIN LAND DEVELOPMENT APPLICATIONS THAT ARE PENDING OR MAY SUBSEQUENTLY BE FILED WITH THE TOWN OF WASHINGTON.

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
August 12, 2021
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 Murphy: AYE

Councilman Rochfort: AYE

Highway Superintendent Spagnola provided a monthly report.

The air conditioners for the second floor of the Town Hall have been installed and are working well. Ballasts will be installed to protect the units.

The Highway department has shimmed Bangall, Verbank and Milewood Roads. They are oil and stoned to seal the road. He has received several calls asking why. It is done to preserve the road. The loose stone will be swept up in several weeks.

Highway Superintendent Spagnola said in reference South Road, the Town has received permits from the NYSDEC approving the plans to complete the necessary work, where the culverts washed out. Not all of the materials that were specified were available. In those situations, the town is stronger options, in consultation with the engineer. The highway crew is completing the work. The road will not be open to traffic until the blacktop has been put down. At this time, there is no indication if money will be available from the state. When asked if the adjacent property owner, with the pond has any liability, Highway Superintendent Spagnola said he doesn't know the consequences or what the town can do. He has not had a conversation with the property owner.

Councilman Murphy praised the highway department and Willie Murphy's crew. Everyone involved has done a phenomenal job.

On a motion made by Councilman Murphy and seconded by Councilman Turletes the Town Board accepted the bid of Collier Engineering to provide engineering services for the Killearn Road Project. The vote was as follows:

Supervisor Ciferri: AYE

Councilman Turletes: AYE

Councilman Audia: AYE

Councilman Murphy: AYE

Councilman Rochfort: AYE

Collier Engineering will be asked to provide an estimation of costs, including a cost not to exceed threshold, for the Due Diligence Phase of the Killearn Road Improvement Project:

Part 1

Consultation with the Highway Superintendent.

Propose best methods to determine project needs, such as road base integrity, survey requirements, wetland impacts, utility investigation and easement requirements.

Development of the Design Concepts.

Presentation of Design Concept to the Committee tasked with oversight of the project.

Part 2 Investigation of available grant funding and associated costs for grant writing and submission to appropriate agencies.

Bookkeeper Petrone provided her monthly report. She reported that the Town has received it's first ARPA payment in the amount of \$163,332.66. The Town will receive an additional payment in 2022. The Board will need to make decisions on how to use the money. There is a deadline of the end of 2024 for appropriations and 2026 for projects to be finished. The Federal Government requires a report to be completed by 10/31/2021 reporting revenue and expenditures. The Town has calculated a loss of \$163,000.00 based on the government formula, and this amount can be used more freely.

The Building Improvement line is over by \$3064.00 due to additional electrical work needed for the air conditioner upgrades. On a motion made by Councilman Audia and seconded by Council Turletes, the Board approved the following Budget Adjustments:

Transfer \$3,000 from the Building Equipment Line to the Building Improvement Line

Transfer \$64.00 from Building CE Line to the Building Improvement Line.

The vote was as follows:

Supervisor Ciferri Aye

Councilman Turletes Aye

Councilman Audia Aye

Councilman Murphy Aye

Councilman Rochfort Aye

Bookkeeper Petrone advised that 2022 Budget requests will be provided to all departments for input. Budget meetings will be held on Mondays in October.

Town Clerk Alex said monthly reports have been received from the Assessor, Bookkeeper, Building Inspector, Recreation Director and the Town Clerk. Minutes from the July 8, 2021 Town Board meeting have been distributed and posted to the website. Hunting Licenses are available including Doe Management Permits. A good part of the month has been spent on providing files for a Freedom of Information requests and website updates.

Town Clerk Alex said she has had requests from a town official and volunteer board member requesting that the Town go further than the CDC guidelines and require all individuals, whether vaccinated or not, to wear masks while in the Town Hall due to Covid and the Delta variant. After some discussion, it was determined to wait and see if the new governor or the CDC puts forth any new mandates.

County Legislator Houston notified the Board that the County earmarked a portion of the ARPA money for 501c3 and not for profit organizations that offer youth related programs. Municipal governments are not eligible to apply, as they will receive their own ARPA money. The Millbrook Library has received \$50,000.00 and Millbrook Youth Hockey has received \$20,000.00. If people are aware of any organizations that would be eligible, they may contact Legislator Houston or apply online.

Dutchess County has adopted a 2-year pilot program which allows for deer hunting by 12- and 13-year-old youth hunters with a parent or guardian.

The Millbrook branch of the Department of Motor Vehicles is available by appointment only. Citizens may complete many transactions online. There is also a drop box available.

Legislator Houston reminded the Board of the Marijuana Regulation and Taxation deadline of December 31, 2021 to opt out of sales in each municipality. Councilman Rochfort said the Board has it as an agenda item this evening.

Mr. Flanigan asked the Board what their stand might be on the Marijuana law? Mr. Flanigan said he would like the Board to consider allowing sales in Washington. The closest location right now is Great Barrington, MA and they have realized over \$3 million dollars in tax revenue. The Board is interested in hearing from the residents on whether or not they should introduce legislation to opt out of local sales. Mayor Collopy said the Village will be having a public hearing on opting out.

On a motion made by Councilman Murphy and seconded by Councilman Audia, the Town Board scheduled a Public Forum for Thursday, September 9, 2021, 6:00 PM for residents to comment on whether the Town should introduce legislation to opt out of marijuana sales. The vote was as follows:

Supervisor Ciferri Aye
Councilman Turletes Aye
Councilman Audia Aye
Councilman Murphy Aye
Councilman Rochfort Aye

Councilman Turletes said the Recreation Commission did not meet in August due to scheduling conflicts. As a reminder, the pool hours will be reduced later this month, as lifeguards return to college. Recreation Director Edson mentioned in her written report that Leann will be retiring and the town will begin advertising now for the following positions:

- Waterfront Director
- EMT or Nurse for school camp
- Lifeguard Training
- Swim Lessons

The flooring in the bathrooms have been peeling and need to be repainted. Councilman Audia will contact MCT Services. The floor should have lasted more than one season.

It was a successful year for summer camp. There was a lot of positive feedback from the parent's survey sheet. Ms. Edson will be reporting to the Board at the September meeting to give an end of season report.

Councilman Audia said he has been in contact with several gutter companies to clean out the gutters and add additional gutters to provide additional protection. He anticipates bids for the September meeting. Additionally, he has spoken with three companies for quotes on the environmental requirements to remove the house next to the Transfer Station.

On a motion made by Councilman Audia and seconded by Councilman Murphy the Board moved to rebid the generators for the Town Hall and Highway Garage. The vote was as follows:

Supervisor Ciferri Aye
Councilman Turletes Aye
Councilman Audia Aye
Councilman Murphy Aye
Councilman Rochfort Aye

Councilman Murphy commended the highway department for their work in repairing South Road and cleanup work on Killlearn Road. The guys are doing a great job.

Councilman Murphy advised that Building Inspector Finley has provided the Board with some information on streamlining several processes in the Building Department and fee suggestions. He will be arranging a meeting with Building Inspector Finley to determine the best way to implement the suggested changes.

Councilman Rochfort provided a report on Planning Board activities.

- Bancroft Farm on Milewood Road received approval to relocate a driveway on the property.
- Chatillon Realty wishes to build an aquatic nature preserve on Woodstock Road which is proposed to include a fourteen-acre lake. The Planning Board accepted Wetland's Consultant Steve Marino's report. There was a discussion involving several areas of concern including tree removal, the amount of traffic to be generated from the sight on a daily basis over the course of ten years, run off concerns and the affects on neighboring wells. There was a suggestion that there be a cap on the number of truck trips made on a daily basis. Attorney Battistoni will be drafting a SEQR finding prior to the next Planning Board meeting. If SEQR is determined to be insignificant, the project will move to the Zoning Board of Appeals.
- The Bontecou Application on the Shunpike was put on hold by Mrs. Bontecou, as she had additional revisions. A revised application is anticipated for the September meeting.
- Apollo Millbrook received approval for a lot line change for two properties owned by them on North Mabbettsville Road. This approval corrects a lot line which did not meet setback requirements.
- David Mellins is seeking a wetlands permit approval for a project on North Mabbettsville Rd. Mr. Mellins will be updating his application with assistance from Howard Schuman, CAC member.
- Marcia Renner seeks a wetlands permit approval for her property on Route 343. A public hearing is scheduled for September 7.

Councilman Rochfort provided a report on the Comprehensive Plan Review Committee. The committee met on July 28 and decided to hold two public forums to take the pulse of the community on hospitality. People may give their comments, however there will not be any responses or rebuttals from the committee. The committee will take notes and the comments will be formulated and processed for a community survey. The committee is preparing an RFP to engage a planner and an attorney to work with them. The dates of the Public Forums are August 26 and September 15 beginning at 7:15. The meetings will be both in person and via Zoom.

Mayor Collopy advised the Board that HBO will be filming next Friday in the same area on Franklin Avenue. Councilman Murphy asked if the Village has adopted any local legislation regarding filming? Councilman Murphy had worked with Trustee McGrane on a proposed legislation for adoption by both communities. Mayor Collopy said they had not done so, but would be interested in pursuing the legislation. Councilman Murphy will be in touch with him.

The meeting was opened to public comment.

Ms. Camillo asked Attorney Battistoni about the resolution to approve SEQR for the Chatillon Realty project. Mr. Battistoni said he will be preparing a resolution for the Planning

Board to consider a Negative Declaration. Ms. Camillo said the Town Board should familiarize themselves with Steve Marino's report on the project. This is a soil mining project which will be ongoing for ten years. Ms. Camillo said she appreciates Mr. Marino's report, but noted there are deficiencies in the report. The town should have considered hiring a hydrologist who would be better able to be objective in a review of a fourteen-acre lake, which will draw 30 million gallons of water of an aquifer to create this big lake.

Ms. Camillo said the Town has the information from the applicant. She asked why issue a Negative Declaration without a further review to protect the towns and the neighbor's interests. Ms. Camillo suggested that not all review items have been adequately addressed for the town's protection. She urged the Town Board to have the ZBA and Planning Board utilize professional engineers or hydrologists on applications that are environmentally sensitive. If the town did so in the early stages, before they get to the point where Chatillon Realty is at, it would be a fairer review of the application, when it comes to protecting the towns interests.

On a motion made by Councilman Murphy and Councilman Turletes the Board moved into Executive Session at 7:15 PM to discuss a matter of pending litigation and a personnel matter pertaining to a particular individual. The vote was as follows:

Supervisor Ciferri Aye
Councilman Turletes Aye
Councilman Audia Aye
Councilman Murphy Aye
Councilman Rochfort Aye

On a motion made by Councilman Murphy and Councilman Turletes the Board resumed the regular meeting at 8:30 PM. The vote was as follows:

Supervisor Ciferri Aye
Councilman Turletes Aye
Councilman Audia Aye
Councilman Murphy Aye
Councilman Rochfort Aye

On a motion made by Councilman Turletes and seconded by Councilman Murphy the Board reviewed the following claims as presented:

Gen Fund A \$36,660.76
Gen Fund B \$3,338.50
Highway Fund DB \$41,828.46
Fund H \$945.00

The vote was as follows:

Supervisor Ciferri Aye

Councilman Turletes Aye
Councilman Audia Aye
Councilman Murphy Aye
Councilman Rochfort Aye

There being no other business, on a motion made by Councilman Rochfort and seconded by Councilman Murphy, the meeting was closed at 9:20 PM The vote was as follows:

Supervisor Ciferri Aye
Councilman Turletes Aye
Councilman Audia Aye
Councilman Murphy Aye
Councilman Rochfort Aye

Town Clerk, Mary Alex