

Regular Meeting of the Milan Town Board held on 10/13/09 at 7:30PM at the Milan Town Hall.

Present: Supervisor Richard Barrett
Councilpersons Roberta Egan, Diane May, Ross Williams
Absent: Councilperson David Byrne

The Supervisor opened the meeting with the Pledge of Allegiance.

Public Comment:

Gerry Gold stated that he was begging for a contract for the cell tower!

The Supervisor gave Mr. Gold a brief update as to where things stood. He stated that it has gone before the Mr. Groth's attorney and Mr. Greco, the Town Board Attorney. The Supervisor said that he did speak with Mr. Groth and he will be back in town the 20th of October and he will call the attorneys and get a date when the town board can meet with the two attorneys and Mr. Groth and settle this issue.

MINUTES – 09/14/09 Regular Town Board Mtg. – **MOTION** by Council. Egan seconded by Council. May to accept these minutes. Roll was taken and carried.

YES - 4 Egan, May, Williams, Barrett

NO – 0

Absent – 1 Byrne

MINUTES – 09/28/09 Public Hearing Community Block Grant – **MOTION** by Council. Egan seconded by Council. Williams to accept these minutes. Roll was taken and carried.

YES - 4 Egan, May, Williams, Barrett

NO – 0

Absent – 1 Byrne

MINUTES – 09/28/09 Special Mtg. Community Block Grant – **MOTION** by Council. May seconded Council. Williams to accept these minutes. Roll was taken and carried.

YES - 4 Egan, May, Williams, Barrett

NO – 0

Absent – 1 Byrne

MINUTES – 10/05/09 Special Mtg. Tentative Budget – **MOTION** by Council. May seconded by Supervisor Barrett to accept these minutes. Discussion followed. Council. May read the dates for the workshops – 10/14,10/15,10/19,10/20,10/21,10/22 at 7:30 at the Town Hall. Council. Egan stated that she did realize that the board had scheduled a workshop on a holiday when they cancelled the board meeting when she was not able to attend. She also questioned the legality of reconvening a meeting after adjournment without public notice. Roll was taken and carried

YES – 3 May, Williams, Barrett

NO – 0

Abstain – 1 Egan

Absent - 1 Byrne

The Supervisor announced that workshop on the 10/14/09 has been cancelled.

The Supervisor congratulated Ursula Plock for receiving the award of New York State Court Clerk of the Year. She has been the Court Clerk for the town for 22 years and does an outstanding job.

CORRESPONDENCE:

1. A Notice of Completion of final Generic Environmental Impact Statement from the Town of Pine Plains – the Town seeks to adopt a comprehensive zoning law that would regulate land uses and the density/intensity of same throughout the Town.
2. The Town of Rhinebeck introduces the annexed Proposed Local Law # 5 of 2009, providing for the extension of Moratorium on Major Subdivisions and specified development types and uses, each to a termination date of December 31, 2009.
3. Renewal application notice form for liquor license from Country Manor Lodge
4. Letter dated 09/21/09 from NYS DOT regarding Restriction of Highway in the Town of Milan, on RT. 199. All rustic guardrails would be replaced with galvanized rails.

Council. May made a statement regarding the Tax Certiorari saying that all the parties had signed off and we were just waiting for the judge sign off and execute the final court documents. There was a brief discussion.

Finances

The Supervisor discussed the September financial report with the Board. He stated that there were two changes that the auditor had recommended so far to the General Fund balance and the Balance Interest Reserve Fund. The Supervisor reviewed them with the Town Board. He also stated that the Lisa Gill, the accountant had completed the work for FY'08 and was working on 2009. The Supervisor said that she would probably be done sometime next week.

Council. Egan wanted to know what the town would be getting. The Supervisor said she would probably be writing up her findings. Council. Williams wanted to know if the board had a year- end 2008 set of numbers. The Supervisor said that Ms. Gill does but she is still defining those numbers. He said that he would get in touch with Ms. Gill and see what she has for the town.

Council. May was wondering if the board would end up with a financial report for yearend 2008 and then one for November 2009. The supervisor said that he would discuss it with her.

Mortgage Tax revenue for September totaled \$4,696.86 – Received to date \$72,569.55. Discussion followed.

Council. May wanted an update on Assessor's salary. The Supervisor said that they would discuss it at the next workshop.

TRANSFERS

MOTION by Council. Williams seconded by Council. Egan \$17,351.00 Permanent Funds (Fire Protection) to 5031A (Interfund Transfer). Roll was taken and carried.

YES - 4 Egan, May, Williams, Barrett

NO – 0

Absent – 1 Byrne

MOTION by Supervisor Barrett seconded Council. Egan to transfer from Wilcox Expendable Trust (Permanent Funds) \$14,659.00 to 2755.A (Building). Discussion followed. Roll was taken and carried.

YES - 4 Egan, May, Williams, Barrett

NO – 0

Absent – 1 Byrne

MOTION by Council. Egan seconded by Supervisor Barrett to transfer 1355.4 (Assessor Contractual) \$1193.62 to 1220.4 (Supervisor Contractual). Discussion followed. Roll was taken and carried.

YES - 4 Egan, May, Williams, Barrett

NO – 0

Absent – 1 Byrne

MOTION by Council. Egan seconded by Supervisor to transfer from 1355.4 (Assessor Contractual) \$199.18 to 8010.14 (Secretary to ZBA). Discussion followed. Roll was taken and carried.

YES - 4 Egan, May, Williams, Barrett

NO - 0

Absent – 1 Byrne

OLD BUSINESS

CELL TOWER AGREEMENT – WOODY ROW ROAD

The Supervisor stated that the attorneys have been going back and forth regarding this agreement and felt that it was time to settle this issue. He said that he was going to call the attorneys and try to set up a mutual agreeable date to meet.

Council. May wanted to know who “we” was. The Supervisor responded saying – Town Board, the two attorneys and Mr. Groth. Council. May said that there was a breakdown of communication. She was referring to a letter that was sent by John Greco addressed to the Town Board dated 10/01/09. She said that she did not receive it until today, which is the 13th. Council. May said that the Mr. Greco has done a good at protecting the town. The Board continued to discuss the letter of 10/01/09. Council. William said that how can the Board respond to this letter appropriately and get our attorney engaged when we don’t even know the work that he is doing. He said that if he had this letter ahead of time he would have had some opinions on it the next day. Discussion followed and various comments were made. Council. Williams suggested that the board set up a workshop with both attorneys and Mr. Groth to discuss this agreement. The Supervisor said that he would take care of this.

WILBUR FLATS ROAD

MOTION by Council. Williams seconded by Council. May to designate Wilbur Flats Road as a seasonal limited use highway. Wilbur Flats Road shall be posted as such road and all snow, ice removal and maintenance will be temporarily discontinued from the first day of December until the first day of April. Roll was taken and carried.

YES - 4 Egan, May, Williams, Barrett

NO -0

Absent – 1 Byrne

MILAN MARKET

RESOLUTION # 77 -09 Milan Market

Resolution offered by Council. Williams seconded by Council. May
WHEREAS, the applicant, Mr. Sahar Rabadi, owner and operator of Milan Market and Pizzeria, has proposed to expand operations on the property, Grid No. 6571-04-935404, which would require zoning changes to permit additional used for sales of used cars, auto repair shop, and gasoline sales, all uses prohibited in the Hamlet zone where is located.

Now therefore, the Town Board of the Town of Milan hereby resolves to accept said application for consideration of the necessary zoning changes, and

The Town Board further resolves to refer the applicant’s definition of the uses, when available, to the Town’s Planner of review and recommendations regarding the manner in which the property should be rezoned.

Roll was taken and adopted.
YES - 3 May, Williams, Barrett
NO- 1 Egan
Absent – Byrne

Council. Williams and Council. May realized that they did not vote the way they wanted to so they did the resolution over.

RESOLUTION # 78 -09 Milan Market

Resolution offered by Council. Williams seconded by Supervisor Barrett

Whereas, the applicant, Mr. Sahar Rabadi, owner and operator of Milan Market and Pizzeria, has proposed to expand operations on the property, Grid No. 6571-04-935404, which would require zoning changes to permit additional uses for sales of used cars, auto repair shop, and gasoline sales, all uses prohibited in the Hamlet zone where is located.

Now therefore, the Town Board of the Town of Milan hereby resolves to accept said application for consideration of the necessary zoning. Roll was taken and defeated.

YES – 1 Barrett
NO – 3 Egan, May, Williams
Absent – 1 Byrne

RESOLUTION # 79-09 Highway Bids

Resolution offered by Supervisor Barrett seconded by Council. May to accept the following bids:

Rock City Sand & Gravel

Item 4 Gravel FOB\$11.50 CY

Red Wing Sand & Gravel

Bank Run Gravel FOB \$8.25 CY
Bank Run Gravel Delivered.....\$13.00 CY
Item 4 Gravel Delivered.....\$18.23 CY
Ice Control Sand FOB..... \$11.50 CY
Ice Control Sand Delivered.....\$16.25 CY

A Colarusso & Son Inc.

Asphalt Type 1..... \$54.30 Ton
Asphalt Type 3..... \$54.70 Ton
1/4 " Washed Crushed Stone FOB.....\$11.25 Ton
3/4 " Washed Crushed Stone FOB.....\$11.00 Ton
Stone Dust FOB..... \$ 8.00 Ton
Light Stone Fill FOB..... \$11.25 Ton
Medium Stone Fill FOB..... \$13.50 Ton
Heavy Stone Fill FOB..... \$13.50 Ton
Surge 8" Minus FOB..... \$11.00 Ton
1 1/2" Crushed Stone Fill FOB.....\$11.25 Ton
2"-3" Crushed Stone Fill FOB\$11.25 Ton

1/4" Washed Crushed Stone Delivered.....	\$17.20 Ton
3/4" Washed Crushed Stone Delivered.....	\$16.95 Ton
Stone Dust Delivered.....	\$13.95 Ton
Light Stone Fill Delivered.....	\$17.20 Ton
Medium Stone Fill Delivered.....	\$22.00 Ton
Heavy Stone Fill Delivered.....	\$22.00 Ton
Surge 8" Minus Delivered.....	\$16.95 Ton
1 1/2" Crushed Stone Fill Delivered	\$17.20 Ton
2"-3" Crushed Stone Fill Delivered.....	\$17.20 Ton

Callanan Industries Inc.

Asphalt Type 6.....	\$57.50 Ton
Asphalt Type 7.....	\$58.50 Ton
1/2 " Washed Crushed Stone FOB.....	\$11.25 Ton
Item 4 Crusher Run 2" Minus FOB.....	\$8.50 Ton
1/2 " Washed Crushed Stone Delivered.....	\$16.50 Ton
Item 4 Crusher Run 2" Minus Delivered.....	\$14.00 Ton

Dutchess Quarry & Supply Co. Inc.

Asphalt Type 5	\$63.25 Ton
Asphalt Winter Mix FOB.....	\$68.75 Ton
3/8" Washed Crushed Stone FOB.....	\$14.50 Ton
3/8" Washed Crushed Stone Delivered.....	\$22.75 Ton

Roll was taken and adopted.

YES – 4 Egan, May, Williams, Barrett

NO – 0

Absent – 1 Byrne

MOTION by Council. Williams seconded by Supervisor Barrett to set a Special Meeting for 10/26/09 at 7:30 PM to adopt the Preliminary Budget. Roll was taken and carried.

YES - 4 Egan, May, Williams, Barrett

NO – 0

Absent – 1 Byrne

PASTURE ROCK DRAINAGE DISTRICT FEES

The Supervisor discussed with the board the new drainage district in the town and what the fees would be. The Supervisor stated that at some point the town would have to adopt a fee by next month to go out with the tax bills because that fee when it is levied in 2010 will not be payable until 2011. In addition, the anticipation is that by that time Mr. Borenstein, who owns this property, may have some number of houses built on that site. The Supervisor continued saying if the town has to do maintenance on that drainage district and we wait until Mr. Borenstein sells the lots there will be no money in the bank to do that work. Rather than assess the \$379 because he did not know whether or not that would be proper because there is nothing on those sites now, maybe they should be assessed lower. The Supervisor stated that no action would be taken tonight but he wanted the board to be aware of this issue and will probably have to make a decision at the next board meeting. The Board continued to discuss this issue.

Council. May brought up the Borenstein escrow, which is at a negative. She felt that the Supervisor should send a letter to him. Discussion.

MOTION by Council. Egan seconded by Council. Williams that the Town Board authorize up to \$125.00 to cover the cost of fabric used to sew flag squares into a wall hanging to presented to the Town Hall to commemorate Milan's participation in Walkway over the Hudson. Discussion. Roll was taken and carried.

YES - 4 Egan, May, Williams, Barrett

NO- 0

Absent – 1 Byrne

RESOLUTION # 80 -09 Extension of Transfer Station Agreement

Resolution offered by Supervisor Barrett seconded by Council. Williams that the Town of Milan extend the Transfer Station Contract with Welsh Sanitation for one (1) year terminating 12/31/2010. Discussion. Roll was taken and adopted.

YES - 4 Egan, May, Williams, Barrett

NO – 0

Absent – 1 Byrne

BILLS – The bills were presented to the Board for their audit and review. **MOTION** by Supervisor Barrett seconded by Council. Egan to pay General Abstract #10, Claims #337 thru 391 Totaling \$\$27,446.86 – Highway Abstract #10, Claims # 138 thru 154 Totaling \$21,697.68 – Capital Projects # 10, Claims 21,22,23 Totaling \$933.75 and Escrow Abstract #10, Claims #27 thru 33 Totaling \$5,569.92. Roll was taken and carried

YES - 3 Egan, Williams, Barrett

NO – 0

Absent – 1 Byrne

Abstain – 1 May

MOTION by Council. Williams seconded by Council. Egan to adjourn this meeting.

(8:50PM)

Roll was taken and carried.

YES - 4 Egan, May, Williams, Barrett

NO- 0

Absent – 1 Byrne

Respectfully submitted,

Catherine Gill, Town Clerk

