

Regular Town Board Meeting held by the Milan Town Board on 11/09/09 at 7:30 PM at the Milan Town Hall.

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

Supervisor Barrett opened the Meeting with the Pledge of Allegiance.

Public Comment:

The administration from the Red Hook Central School District made a presentation in behalf of the upcoming vote on the Auditorium Capital Project and answered questions from the audience.

Jerry Gold ask the Town to consider increasing the Highway Budget but to look at some formula of capitalizing the cost of highways as well as having expenses so that the Town has some combination thereof to be able to bring the highways up to the state of good repair so that the Highway Superintendent, Glenn Butler can keep going forward on.

Bill May questioned why the Referendum to extend the Highway Superintendents Term was not on the November 3, 2009 ballot.

Supervisor Barrett responded by saying he believes that the Town Clerks office is responsible for notifying the Board of Elections with respect to the ballot but also suggests that because we had also changed from one legal firm to another, from Gellert & Klein to John Greco, it had gotten lost. Supervisor Barrett said that he would look into the matter and give a report at the next meeting. Discussion followed.

MINUTES:

Public Hearing 10/13/09 – MOTION by Council. Williams seconded by Council. May to accept these minutes.

Roll was taken and **Carried**.

YES – 5 Byrne, Egan, May, Williams, Barrett

NO – 0

Regular Town Board Meeting 10/13/09 – MOTION by Council. May seconded by Council. Egan to accept these minutes. Discussion followed.

Roll was taken and **Carried**.

YES – 4 Egan, May, Williams, Barrett

NO – 0

Abstain – 1 Byrne

Special Meeting 10/26/09 – MOTION by Supervisor Barrett seconded by Council. Byrne to accept these minutes. Discussion followed.

Roll was taken and **Carried**.

YES – 5 Byrne, Egan, May, Williams, Barrett

NO - 0

Public Hearing 11/05/09 - MOTION by Council. Egan seconded by Supervisor Barrett to accept these minutes.

Roll was taken and **Carried**.

YES – 5 Byrne, Egan, May, Williams, Barrett

NO – 0

CORRESPONDENCE:

Supervisor Barrett read a correspondence from Dutchess County pursuant to Law paragraph 523 Terms of Office to the Board of Assessment Review must end September30, 2009 and begin October 1, 2009.

Supervisor Barrett said he would submit Arthur Gargar for reappointment later on in the meeting.

Supervisor Barrett spoke about the Service Agreement on the copier machine at the Town Hall. In order to get the Service Agreement an inspection had to be done on the machine. Bell Copiers sent a quote on the work that needs to be done on the machine in order to get the agreement. Supervisor Barrett will have them do the service and then come back to the Board with the cost of the contract when he receives it. Then the Board can vote on whether or not to accept the contract. Discussion continued.

Supervisor Barrett read a letter from parent Lynn Magnarella who has a child that attends St. Josephs School in Millbrook. St. Josephs School is looking to borrow a ping pong table and paddles for the month of December 2009. Supervisor Barrett said that we don't have the paddles, net and balls but was requesting the Boards permission to allow them to borrow the table for the month of December.

Discussion continued. MOTION by Council. Byrne seconded by Council. Egan to authorize the lending of the ping pong table with the condition that they would put their return delivery date in writing to us.

Roll was taken and **Carried**.

YES – 5 Byrne, Egan, May, Williams, Barrett

NO – 0

Supervisor Barrett spoke next about the contract entered into by the Town with the Dutchess County Sheriffs Department in April of 2004 which is renewed annually automatically unless it's terminated.

The Supervisor read the letter he had received from them explaining their administrative expenses effective January 1, 2010. Discussion continued. Supervisor Barrett said he would seek a fully executed copy of the contract before the Board would proceed further.

Supervisor Barrett spoke briefly about the Mortgage Tax Distribution effective December 4, 2009 he had gotten from the Commissioner of Finance and handed out to the Board.

Supervisor Barrett read correspondence he received from NYS DOT in regards to an emergency turn around to be constructed 538 meters north of the Cold Spring Road intersection on the Taconic State Parkway in the Town of Milan. Discussion followed.

Council. Byrne spoke about the 2 bids he had gotten for the electrical work needed at the Town Rec. Park Concession Stand. The bids were for \$2,900.00 to be done by Keith Wheeler and Jay McCaughey and \$4,500.00 to be done by Eric Maskell. MOTION by Council. Byrne seconded by Supervisor Barrett to accept the bid for electrical work at the Town Rec. Park Concession Stan from Keith Wheeler and Jay McCaughey. Discussion continued. Roll was taken and **Carried**.

YES – 3 Byrne, Williams, Barrett

NO – 0

ABSTAIN – 2 Egan, May

MOTION by Council. Byrne seconded by Council. Egan to transfer \$4,204.09 from Parkland Deposits Fund to Inter-fund Transfers 5031A to pay for work to be done on the Town Rec. Park Concession Stan.

Discussion continued. **MOTION** by Council. Byrne seconded by Council. Egan to withdraw the above MOTION to transfer \$4,204.09 from Parkland Deposits to Inter-fund Transfers 5031A.

Discussion continued. MOTION by Council. Byrne seconded by to withdraw the previous MOTION to accept the bid from Keith Wheeler and Jay McCaughey.

Council. May requested the following to be attached or read into the minutes:

Council. May read the legal opinion from John Greco, Town Board attorney regarding the Bond Interest Reserved Fund Account.

The Town Board has requested my legal opinion with respect to the Bond Interest Fund Account which was created by Resolution of a previous Town Board on December 17, 2003. Specifically the issue is whether or not the current Town Board is obligated to replenish funds which were removed from the Bond Interest Reserve Fund and transfer it to a Capital Reserve Fund by Resolution of Town Board dated July 12, 2004. Mr. Greco's opinion is there does not appear to

be any requirement under the Resolutions adopted by the Milan Town Board nor in provisions of the General Municipal Law which would require that funds once transferred from the BIRF to the Capital Reserve Fund be requested or repaid at a future date.

Council. May read part of a letter dated 11/6/09 from the Town Board attorney John Greco addressing his legal opinion on the term of office of the Planning Board Chairman. Discussion followed.

Financial Report:

Supervisor Barrett spoke about the October 2009 Financial Report. Council. Williams had some questions about the budget report and increase in revenue. Discussion followed.

Budget Transfers:

MOTION by Council. Byrne seconded by Council. Egan to close out the Capital Reserve Fund and transfer the \$29,293.00 in that account to the BIRF. Discussion followed. **MOTION** by Council. Williams seconded by Council. May to amend the above **MOTION** to include the \$29,293.00 plus any interest that the account might accrued to date. Supervisor Barrett said that the account had already been closed out and no interest has accrued to date. Council. Williams and Council. May with-drew their **MOTION**.

Roll was taken and **Carried**.

YES – 5 Byrne, Egan, May, Williams, Barrett

NO – 0

RESOLUTION #81 – 09 JCAP Closeout

Resolution offered by Supervisor Barrett seconded by Council. Byrne to closeout the JCAP Fund and transfer the \$7,369.00 to 1110.41A (Justice Contractual). Discussion followed. **MOTION** by Supervisor Barrett seconded by Council. Byrne to Amend the previous **MOTION** and transfer the JCAP fund to account 5031A(Inter-fund Transfers) instead of the 1110.41A account. Roll was taken and **Carried**.

YES – 5 Byrne, Egan, May, Williams, Barrett

NO – 0

MOTION by Supervisor Barrett seconded by Council. Egan to establish account 1110.41A. Roll was taken and **Carried**.

YES – 5 Byrne, Egan, May, Williams, Barrett

NO – 0

MOTION by Council. Williams seconded by Council. Byrne to increase the budget of 1110.41A from 5031A by \$7,369.00.

Roll was taken and **Carried**.

YES – 5 Byrne, Egan, May, Williams, Barrett

NO – 0

TRANSFERS:

MOTION by Supervisor Barrett seconded by Council. Egan to transfer from account 5112.2DA (Capital Outlay) to 5110.4DA (General Repairs Contractual) \$3,198.04. Discussion followed. Roll was taken and **Carried**.

YES – 5 Byrne, Egan, May, Williams, Barrett

NO – 0

MOTION by Council. Byrne seconded by Council. Egan to transfer from account 9060.8DA (Hospital/Medical Ins.) to 5142.4DA (Snow Removal Contractual) \$8,000.00. Discussion followed.

Roll was taken and **Carried**.

YES – 5 Byrne, Egan, May, Williams, Barrett
NO – 0

MOTION by Supervisor Barrett seconded by Council. Byrne to transfer from account 1355.4A (Assessors Contractual) to 1220.45A (Supervisor Contractual) \$18,000.00.

Roll was taken and **Carried**.

YES – 5 Byrne, Egan, May, Williams, Barrett
NO – 0

RESOLUTION #82 – 09 Cell Tower Contract

Resolution offered by Supervisor Barrett seconded by Council. Byrne to establish account 6989.4 and transfer from account 1420.4 to account 6989.4 \$5,000.00 to cover expenses for the Cell Tower on Woody Row Road. Discussion followed.

Roll was taken and **Carried**.

YES – 5 Byrne, Egan, May, Williams, Barrett
NO – 0

OLD BUSINESS:

MOTION by Supervisor Barrett seconded by Council. Byrne to set a Special Meeting for November 18, 2009 at 7:30 PM to adopt the Final Budget for FY' 2010. Discussion followed. This MOTION was not voted on.

MOTION by Supervisor Barrett seconded by Council. Byrne to adopt the Cell Tower Management Contract. Discussion followed.

Roll was taken and **Carried**.

YES – 5 Byrne, Egan, May, Williams, Barrett
NO – 0

Supervisor Barrett read a letter dated 10/28/09 from Karen E. Hagstrom – attorney for Milan Market stating that they “ withdraws without prejudice its application to rezone the above described parcel in order to further evaluate and define the scope of the proposed project”. Discussion followed. **MOTION** by Council. Williams seconded by Council. May to adopt a clarifying resolution. Discussion followed. Council. Williams said he would send all the materials up to the Towns attorney, John Greco for review and for his legal opinion on the matter before proceeding. All Board members agreed.

**Resolution #83-09 Enactment of Proposed Local Law # 2, 2009 Amendment to Article X
“Referral and Amendment Procedures” of Chapter 200 of the Town Code of
the Town of Milan**

1. Resolution offered by Council. Williams seconded by Council. May that the Town Board determines the Proposed Action is a Type II action for the purposes of SEQRA pursuant to 6 NYCRR §617.5(20) & (27). Therefore, no further action is required with respect to SEQRA.

NOW THEREFORE BE IT RESOLVED,

1. The Town Board hereby introduces proposed Local Law # 2, copy attached, “Amendment to Article X entitled, “Referral and Amendment Procedures” of Chapter 200 of the Town Code of the Town of Milan
2. The Town Board hereby schedules a Public Hearing on Proposed Local Law # 2, 2009, for December 14, 2009 at 7:15 p.m. and directs the Town Clerk to provide notice thereof not less than ten (10) calendar days prior to the Public Hearing in the Town’s official newspaper, to post such notice on

the Town's legal bulletin board, and to provide such notice to all neighboring towns.

3. The Town Board further refers Proposed Local Law # 2, 2009, to the Dutchess County Department of Planning and Development for review and advisory opinion pursuant to Section 239 of the General Municipal Law and to the Town of Milan Planning Board for comment pursuant to Section 200-72 of the Milan Zoning Code.
4. The Town Clerk is further directed to maintain a file record of all such notifications and referrals.

Roll was taken and **Carried**.

YES – 4 Byrne, May, Williams, Barrett

NO – 1 Egan

NEW BUSINESS:

MOTION by Supervisor Barrett seconded by Council. Williams to authorize the Town Clerk to publish a Notice in the paper for residents not to park on public highways between December 1, 2009 and April 1, 2010 and not to deposit snow in the Town Highways as per our Code in our State Laws.

Roll was taken and **Carried**.

YES – 5 Byrne, Egan, May, Williams, Barrett

NO – 0

MOTION by Supervisor Barrett seconded by Council. May to reappoint Arthur Garger to the Board of Assessment Review from 10/01/09 – 09/30/2010.

Roll was taken and **Carried**.

YES – 5 Byrne, Egan, May, Williams, Barrett

NO – 0

Jack Campisi asked to address the Board as he had some questions about the following items: If the Board passed the MOTION for the Special Meeting on November 18, 2009 for the purpose of adopting the Final Budget. Supervisor Barrett asked the Deputy Clerk if the Board had voted on the MOTION. The Deputy Clerk responded no. **MOTION** by Supervisor Barrett seconded by Council. Byrne to set a Special Meeting on November 18, 2009 at 7:30 PM to adopt the Final Budget for FY'2010.

Roll was taken and **Carried**.

YES – 5 Byrne, Egan, May, Williams, Barrett

NO – 0

Mr. Campisi questioned when the money from the Parkland Funds would be moved to pay for the electrical work needed at the Rec. Park Concession Stan. Discussion followed.

Mr. Campisi also questioned whether or not a licensed electrician would be required to do the electrical work at the Rec. Park Concession Stand. Discussion followed.

Mr. Campisi then questioned the Highway ending cash balance of \$51,394.31 and the Abstract for November was \$51,00.00 and if that number is correct, how would you pay payroll?

MOTION by Supervisor Barrett seconded by Council. Egan to authorize the Supervisor to loan the Highway Fund up to but not to exceed \$50,000.00 from the General Fund to be reimbursed with CHIPS Funding in December. Discussion followed.

Roll was taken and **Carried**.

YES – 5 Byrne, Egan, May, Williams, Barrett

NO – 0

BILLS:

Bills were presented to the Board for their audit and review. **MOTION** by Supervisor Barrett seconded by Council. Egan to pay General Abstract # 11 Claims 392 thru 422 totaling \$11,173.29 – Highway Abstract # 11 Claims 155 thru 172 totaling \$51,560.86 – Capital Bridge Projects Abstract # 11 Claim 24 totaling \$175.00 and Escrow Abstract # 11 Claim 36 totaling \$768.92. Roll was taken and **Carried**.

YES – 5 Byrne, Egan, May, Williams, Barrett

NO – 0

MOTION by Supervisor Barrett seconded by Council. Williams to adjourn this meeting.

Roll was taken and **Carried**.

YES – 5 Byrne, Egan, May, Williams, Barrett

NO – 0

(9:45 PM)

Respectfully Submitted,

Darlene Palmatier, Deputy Town Clerk

