

Regular Town Board meeting of the Milan Town Board held on 12/14/09 at 7:30 PM at the Milan Town Hall.

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

The Supervisor opened the meeting with the Pledge of Allegiance.

PUBLIC COMMENT:

Jerry Gold stated that he had with him the 1967 Town of Milan Comprehensive Plan. He spoke about Highway funding and wanted the next Supervisor to consider capitalizing highway expenses. Mr. Gold stated that it was good enough for them back in the 60's then it is good enough for us now.

MINUTES

MINUTES : Regular Town Board Meeting of 11/09/09 – **MOTION** by Council. Williams seconded by Supervisor Barrett to accept these minutes. Roll was taken and carried.

YES - 3 May, Williams, Barrett

NO – 0

Absent – 2 Egan, Byrne

MINUTES: Special Meeting – Final Budget of 11/18/09 – **MOTION** by Council. Williams seconded by Council. May to accept these minutes with changes. Roll was taken and carried.

YES - 3 May, Williams, Barrett

NO – 0

Absent – 2 Egan, Byrne

CORRESPONDENCE:

The Supervisor discussed a letter from the D.C. Sheriff Department “requesting, that the initial appearance of the officer be waived for plea-bargain purposes when there is a Special Prosecutor available for that purpose. If no plea deal is reached, and a trial date is set, the officer would then appear at the direction of the court. In addition, we are requesting that all appearance dates for deputies be adjourned until 2010 to help us address this critical fiscal problem”. There was a discussion and various comments were made.

MOTION by Supervisor Barrett seconded by Council. Ross to appoint a Special Prosecutor to handle traffic cases brought to the court by the Dutchess County Sheriff Office if authorized by the District Attorney. Roll was taken and carried.

YES - 3 May, Williams, Barrett

NO – 0

Absent – 2 Egan, Byrne

The Supervisor had additional correspondence from D.C. Department of Solid Waste Management. He said that it stated that the County was initiating an “alternative method to fund expenses associated with the D.C. Resource Recovery Agency (DCRRA). It would be a solid waste user fee that will go toward payment of a net service fee,

scheduled maintenance of the Resource Recovery Facility, various capital improvements, and solid waste departmental expenses.” The Supervisor said that he would suspect that these fees would be passed on to the collection people and the fees at the transfer station will increase because of this. The letter also stated that if approved by the Legislature in December, users would be notified in January.

The Town Clerk had a notice of a Public Hearing from the Town of Rhinebeck on the proposed Local Law # 8 of 2009 – Subdivision Regulations.

Council. May also had correspondence she wanted entered into the minutes. It was a memorandum dated 12/02/09 to Supervisor Barrett from A. Michael Bucci, CPA and Lisa Gill of Pattison, Koskey, Howe & Bucci regarding the Town of Milan’s AUD Report. The memorandum read as follows:

“Enclosed please find copies for your records of the town of Milan’s amended annual report for the year ended December 31, 2008. We electronically filed the report with the state on December 2, 2009. Copies of the notes to the financial statements that are required to be filed with the report are also enclosed. Since the report was filed electronically you do not need to send a copy in to the state. We have made 2 copies of the AUD report for the Town’s records. If you have any questions please give us a call at 828-1565”.

FINANCIAL REPORT

The Supervisor had one change that he wanted to bring to the attention of the board regarding the Highway - Profit and Loss Fund – 5110.4 line. He explained the change to the board. Discussion continued and other financial issues were addressed. Council. Williams brought up the Bond Interest Reserve fund and said that he had trouble with the minor funds and he said that it would be very helpful if he could have a transaction report for the year for the small funds. Discussion continued. Council. May addressed the Escrow account and other issues regarding the finances.

TRANSFERS

MOTION by Council. Williams seconded May to transfers from 1620.4 (Building Contractual) \$1,807.03 to 8160.4 (Refuse collection). Discussion. Roll was taken and carried.

YES - 3 May, Williams, Barrett

NO – 0

Absent – 2 Egan, Byrne

MOTION by Council. Williams seconded by Supervisor Barrett to transfer from the Yeoman’s Cemetery Fund \$205.37 to 5130A (Interfund Transfer). Discussion followed. Roll was taken and carried.

YES - 3 May, Williams, Barrett

NO – 0

Absent – 2 Egan, Byrne

MOTION by Council. Williams seconded by Council. May to transfer from 1420.4 (Attorney Contractual) \$111.98 to 1330.4 (Tax Collector). Discussion followed. Roll was taken and carried.

YES - 3 May, Williams, Barrett

NO – 0

Absent – 2 Egan, Byrne

MOTION by Council. Williams seconded by Council. May to transfer from 1410.4 (Town Clerks Contractual) \$114.00 to 4020.4 (Registrar Fees). Discussion followed. Roll was taken and adopted.

YES - 3 May, Williams, Barrett

NO – 0

Absent – 2 Egan, Byrne

There was a discussion regarding the next transfers relating to Highway for the purchase of salt and salaries. The board decided to table this until the next meeting since Mr. Butler was not present at the meeting to answer questions that the board had and the Supervisor was not very clear on the transfer.

MOTION by Council. Williams seconded by Council. May to table the two Highway transfers until the next meeting. Roll was taken and carried.

YES - 3 May, Williams, Barrett

NO – 0

Absent – 2 Egan, Byrne

MOTION by Council. Williams seconded by Council. May to transfer from 8010.2 \$99.84 to 8010.4 (Zoning Contractual). Discussion followed. Roll was taken and carried.

YES - 3 May, Williams, Barrett

NO – 0

Absent – 2 Egan, Byrne

OLD BUSINESS

APPOINTMENT

MOTION by Supervisor Barrett seconded by Council. Williams to rescind the motion of last month of the appointment of Arthur Garger to the Board of Assessment Review for one (1) year. Discussion – the Supervisor explain that the term is for five (5) years and he was only appointed for one. Roll was taken and carried.

MOTION by Council. Williams seconded by Council. May to appoint Arthur Garger to the Board of Assessment Review from 10/01/09 to 09/30/14. Roll was taken and carried.

YES - 3 May, Williams, Barrett

NO – 0

Absent – 2 Egan, Byrne

RESOLUTION # 84-09 Amendment to Article X “ Referral and Amendment Procedures”

Resolution offered by Council. Williams seconded by Council. May

WHEREAS, a Resolution was duly adopted by the Town Board of the Town of Milan for a Public Hearing to be held by the Town Board on December 14, 2009 at 7:15 P.M. to hear all interested parties to the proposed Local Law entitled, Local Law No. 2 of 2009 entitled, “Amendment to Article X ‘Referral and Amendment Procedures’ of Chapter 200 of the Town Code of the Town of Milan”; and

WHEREAS, said Notice of Public Hearing was duly posted and published; and

WHEREAS, the Public Hearing was duly held on Dec. 14, 2009 at 7:15 p.m. at Town Hall at Town of Milan and all parties in attendance were permitted the opportunity to speak on behalf of or in opposition to said proposed Local Law; and

WHEREAS, comments in support were received from the Milan Planning Board, and the Dutchess County Department of Planning and Development deemed this a “matter of local concern”;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Milan hereby adopts Local Law No.2 of 2009 entitled, “Amendment to Article X ‘Referral and Amendment Procedures’ of Chapter 200 of the Town Code of the Town of Milan”; a copy of which is annexed hereto and made a part of this Resolution. Roll was taken and adopted.

YES – 3 May, Williams, Barrett

NO – 0

Absent – 2 Egan, Byrne

RESOLUTION #85-09 Milan Market – Clarifying Resolution

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. 6571-04-955404, 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 located, and

Whereas, the Town Board did propose a resolution to accept the application for rezoning and to refer the matter for review and recommendations regarding the manner in which the property is to be rezoned, and

Whereas, the Town Board did vote 3-1-0 to adopt said resolution, whereupon 2 Board members immediately indicated they had voted in error, and

Whereas, a modified resolution was proposed immediately following which also resolved to accept the application, and

Whereas, the second resolution was defeated 1-3-0, and

Whereas, there now exists confusion in the town records with respect to this matter.

Now therefore, the Town board of the Town of Milan hereby resolves to clarify this matter by rescinding the resolutions of October 13, and the votes, accordingly, referenced above, and

The Town Board further resolves to reject said application for zoning changes, the reasons being the incompatibility of the proposed uses with the purposes of the existing zoning regulations, and the anticipated impact such changes would have on the character of this historic hamlet intersection. Discussion followed.

The Supervisor stated that he objected to the last paragraph of the resolution because they do not represent my views on the topic and if the board cannot change it I will vote against it. The Supervisor then made the **MOTION** seconded by Council. Williams to amend the resolution to delete the last paragraph of the resolution “The Board further resolves”. Roll was taken and carried.

YES - 3 May, Williams, Barrett

NO – 0

Absent – 2 Egan, Byrne

Roll was taken on the resolution as amended and adopted.

YES - 3 May, Williams, Barrett

NO – 0

Absent – 2 Egan, Byrne

NEW BUSINESS:

Surplus Computers - The Board discussed what they were going to do with old computers that the town had. The Supervisor stated that he was interested in giving one to the Historian, the Seniors if they were interested and he said that the Planning Board secretary was interested in buying one. Council. Williams said that the town could set one up in the Community Room for anyone in the town that would like to use it. Discussion continued. The Clerk suggested that we ask the town's IT person if he would know the going price of a used computer.

MOTION by Council. Williams seconded by Supervisor Barrett to sell the computers at a price determined by the towns' consultant. Roll was taken and carried.

YES - 3 May, Williams, Barrett

NO – 0

Absent – 2 Egan, Byrne

MOTION by Council. Williams seconded by Council. May to set the Year-End meeting for 12/28/09 at 7:00 PM. Roll was taken and carried.

YES - 3 May, Williams, Barrett

NO – 0

Absent – 2 Egan, Byrne

MOTION by Council. Williams seconded by Supervisor Barrett to set the Reorganization meeting for 01/01/2010 at 1:00 PM. Roll was taken and carried.

YES - 3 May, Williams, Barrett

NO – 0

Absent – 2 Egan, Byrne

BILLS: The bills were presented to the Board for their audit and review. **MOTION** by Council. Williams seconded by Supervisor Barrett to pay General Abstract #12, Claims #423 thru 494, totaling \$69,834.81 – Highway Abstract #12, Claims 173 thru 191, totaling \$15,318.48 – Escrow Abstract #12, Claims 37 & 38, totaling \$1,647.90 – Capital Bridge # 12, Claim #25, totaling \$1,201.25. Roll was taken and carried.

YES - 3 May, Williams, Barrett

NO – 0

Absent – 2 Egan, Byrne

MOTION by Council. Williams seconded by Council. May to adjourn this meeting. Roll was taken and carried. (8:10 PM)

YES - 3 May, Williams, Barrett

NO -0

Absent – 2 Egan, Byrne

Respectfully submitted,

Catherine Gill, Town Clerk

