

The Milan Town Board held their Regular Town Board meeting on 05/21/2012 at 7:30 PM at the Milan Town Hall.

Present: Supervisor William Gallagher
Councilpersons, Jack Campisi, Roberta Egan, Jack Grumet, Marion Mathison

The Supervisor opened the meeting with the Pledge of Allegiance.

PUBLIC COMMENT

Rocky Mancini wanted to know if the board had given any thought to Community Day.

Pamela Johnson, Tax Collector handed out to the board the April Monthly Report. She collected \$3,389.14 in penalties. She also informed the board that she had one more month and then she would be done. She stated that she had handed over her book to the County.

MINUTES: 04/16/2012 Regular Town Board Mtg. **MOTION** by Supervisor Gallagher seconded by Council. Egan to accept these minutes as written. Roll was taken and carried

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher
NO - 0

MINUTES: 04/23/2012 Special Mtg. Award Truck Bid. **MOTION** by Supervisor Gallagher seconded by Council. Grumet to accept these minutes as written. Roll was taken and carried

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher
NO - 0

MINUTES: 04/26/2012 Adjourned Mtg. of 04/23/2012 – Award Truck Bid. **MOTION** by Supervisor Gallagher seconded by Council. Grumet to accept these minutes as written. Roll was taken and carried

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher
NO - 0

CORRESPONDENCE:

Letter dated 04/29/2012 from Gregory Fildes, Troop volunteer with the Girl Scouts Heart of the Hudson. He asked if the Supervisor would recognize Rebecca Fildes and Siobhan Rubsam in a letter for their accomplishments and completing their Gold award. The Supervisor made the following **MOTION** seconded by Council. Egan to authorize the Supervisor to write a letter of commendation. Roll was taken and carried

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher
NO - 0

Supervisor informed everyone that Red Hook would be holding their Memorial Day parade on Monday at 10AM.

The Supervisor introduced David Sherman, Dutchess County Legislator. Mr. Sherman gave an update on what was discussed at the April and May Legislative business meeting. He also discussed the county budget. Mr. Sherman said that Ms. Valerie Somerville, Budget Director gave a presentation. He said that at the July meeting she was going to submit a request \$430 million dollar projected budget for the county. Mr. Sherman said that they would have to fire some people and there would probably be some increases in DMV charges. The board brought up the issue on the status of the

election cost. Mr. Sherman said that he did speak with Mr. Molinaro and that he had a plan and that he is working with Board of Elections. They also talked briefly about the Woody Rowe Road cell tower and the Sheriff Department and the status of that situation. Apparently Mr. Molinaro spoke with Michael Ellison and gave him an overview and was waiting for an answer. He was waiting for more background and would be in touch with him by email. He mentioned a projected \$40,000,000 budget gap in the county for 2013.

Scott Hobson, Assessor Chairman handed out to the board a progress report. It included the town's net change in assessed value, a list foreclosures for nonpayment of taxes. Mr. Hobson said that there was a "pause" in the data collection project but will be continued by mid June. He said that there has been a backlog in posting the data due to grievance day preparation. Mr. Hobson said that the Regional Manager for ORPTS would be willing to come and speak to the board on the current aid program and requirements and if they do, to let him know and he would set it up. There was a brief question and answer period. The board asked Mr. Hobson if he could give them a physical change to the tentative roll in a spread sheet. Mr. Hobson said that he would.

BONDING ATTORNEY

MOTION by Supervisor Gallagher seconded by Council. Campisi to appoint Hawking, Delafield and Wood, Bonding Attorneys, for the bonding of the new truck. Roll was taken and carried

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher

NO – 0

COMPUTERIZED BUILDING PERMITS

MOTION by Supervisor Gallagher seconded by Council. Grumet to adopt the current Red Hook computerized building permit application process. Discussion followed. The Supervisor stated that Red Hook wanted the town to pay the initial cost of \$1600 and then pay another \$840, which was a 1/3 of the licensing fee. Council. Grumet said that he had concern with the whole process of the town sharing with Red Hook which is heavily depending on the Building Inspector. If Mr. Cole decides to leave for one reason or another things would then get complicated. He felt that \$2400 was too much to spend at this time. Discussion continued and other various comments were made.

YES – 1 Gallagher

NO – 4 Campisi, Egan, Grumet, Mathison

RESOLUTION # 56 -2012 Local Law # 2 of 2012 repeal of Articles 1,2, and 4 of Chapter 59 Personnel Policies of the Code of the Town of Milan

Resolution offered by Supervisor Gallagher seconded by Council. Campisi to adopt Local Law # 2 of 2012 – Repeal of Articles 1, 2, and 4 of Chapter 59 Personnel Policies of the Code of the Town of Milan. Council. Campisi made a **MOTION** seconded by Supervisor Gallagher to amend Chapter 59, Article II, Section 59-2.3 Personal and Vacation Days, to correct a clerical error by deleting the word "five" in the first sentence and replacing it with the word six. Roll was taken and carried on the second motion.

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher

NO – 0

Discussion followed on the main resolution.

Roll was taken and carried on the main resolution.

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher

NO – 0

RESOLUTION # 57 -2012 Local Law # 3 Amend Chapter 200 – Zoning, Article V – Section 200-17, Accessory Apartments, E and K.

Resolution offered by Supervisor Gallagher seconded by Council. Egan to adopt Local Law # 3 of 2012 – amending Chapter 200 Zoning, Article V, Section 200-17, Accessory Apartments, E and K. Roll was taken and adopted.

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher

NO – 0

RESOLUTION # 58 – 2012 Local Law #4 Repeal Chapter 200 Zoning, Article V – Section 200-49, Vending of Refreshments in its entirety.

Resolution offered by Supervisor Gallagher seconded by Council. Grumet to adopt Local Law # 4 of 2012 – Repeal Chapter 200 Zoning, Article V – Section 200- 49, Vending of Refreshments in its entirety. Roll was taken and adopted.

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher

NO – 0

Town Project Updates

The Supervisor had an updated list of roads from Roger Connor, Cablevision that were released for sales and service on May 4, 2012:

7 - 174 Battenfeld Road
2A-F, 6, 75 - 196 Brooklyn Heights Road
20 Maple Hill Ridge
18 - 65 Oakland Hills Drive
1 - 8 Old Mill Lane
4 - 6, 18 Perez Lane
1 - 31 Rock City Road
745 - 941 Route 199
8 - 102 Saw Mill Road
1 - 23 Hillcrest Lane
23 - 36 Lehmann Lane
7 - 36 Louise Terr.
6 - 40 Olsen Road
10 Pebble Lane
30 - 90 Rocann Drive
349 - 426 Salisbury Turnpike

Mr. Connor said that the southeast portion of town is next (east of town hall, north and south of 199). He said that he did not have a completion timetable to report at this time.

The Supervisor and the board talked about the gas station on Rt. 199. They felt that they had to do something because it has been almost eight years since it burned down in a fire and still has not reopened. The Supervisor made a **MOTION** seconded by Council.

Campisi to authorize the Supervisor to write a letter to Chestnut Mart, the owners regarding the status of the gas station. Roll was taken and carried

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher

NO – 0

MOTION by Supervisor Gallagher seconded by Council. Campisi to set a Public Hearing for 06/18/2012 at 7:20PM for the purpose of changing fees to Chapter A 208

entitled "Fees to the Code Book of the Town of Milan. Council. Egan asked what were the changes to the fee schedule. The Supervisor said it was zoning fees to cover solar panels and generators. Roll was taken and carried

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher

NO - 0

RESOLUTION # 59 – 2012 Housing and Urban Development Participation/ 2013-2015

Resolution offered by Supervisor Gallagher seconded by Council. Grumet to continue the town's participation in HUD (Housing and Urban Development) for fiscal years 2013-2015. Discussion followed. The Supervisor said that there is no yearly fee that the town gets charged to participate. He said that funding or projects are granted within the Office of the County Executive. So maybe the town might have a chance to receive some money for projects since we have not received any money in awhile. Council. Egan felt that we would not qualify for CDBG funding unless the project was for handicap improvements or sidewalks. Discussion continued. Roll was taken and adopted.

YES -3 Grumet, Mathison, Gallagher

NO - 2 Campisi, Egan

Justice – Walkway Lamps

MOTION by Supervisor Gallagher seconded by Council. Egan to accept the quote from Nesel Electric for two (2) walkway lamp post in the employee court entrance not to exceed the amount of \$2,273.00. Allocation to pay for the project will be taken from the JCAP Fund. Roll was taken and carried

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher

NO - 0

Cell Tower Lease/ Crown Castle- Matecki Road

MOTION by Council. Campisi seconded by Supervisor Gallagher to amend the Cell Tower Lease with Crown Castle Communications LLC as per their letter of April 26, 2012. Discussion followed. The Supervisor said that this cell tower is located on Matecki Road and has two (2) companies located on the tower. The company that bought the lease, they manage the cell tower for the town, and in order for them to get financing to continue to do that kind of work that have to have a long term lease for (30) thirty years with the town. Supervisor said that was the reason to extend the lease to 2036. Council. Grumet asked what the original lease was. Supervisor said it was 2026 and that the original lease started in 2001 and ended in 2026. He also said that one of the companies that are on the tower now is going off and we will be down to one renter. The Supervisor said that as the agreement reads now if you go down to one renter the lease is done and Crown Castle wants to take that out because they feel that it will still be profitable even if there is only one renter on the tower. Council. Egan said that in the original agreement of 2001 is not written that the contract expires on July 16, 2026, but instead it says the life of the tower, no less than 25 years. She had a concern about the condition of the tower because if the useful life is up in 2025 who is going to pay for the last ten years for maintenance? She said that it says 50/50 in the original agreement, but had some concerns about. Discussion continued. Council. Egan also brought up the revenue sharing. The board decided to have the Supervisor get in touch with Crown Castle Communications LLC and go over the agreement. Council. Campisi made the following MOTION seconded by Council. Mathison to postpone the discussion and action on this motion until the next regular town board meeting. Roll was taken and carried

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher

NO - 0

Reimbursements

MOTION by Supervisor Gallagher seconded by Council. Campisi to reimburse the following individuals \$25 each to correct an overcharge for the installation of permanent generators:

David McLoughlin, William Reynolds, Evelyn Barton, Richard Schreiber and David Marshall. Roll was taken and carried

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher
NO – 0

MOTION by Supervisor Gallagher seconded by Council. Campisi to go into Executive Session to discuss the McCulloch litigation. (9:15PM). Roll was taken and carried

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher
NO – 0

MOTION by Supervisor Gallagher seconded by Council. Egan to reconvene the regular town board meeting. (9:33PM). Roll was taken and carried

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher
NO – 0

MOTION by Supervisor Gallagher seconded by Council. Egan to begin the process of searching and paying the services of an attorney with federal certification in the case of McCulloch v the Town of Milan. Roll was taken and carried

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher
NO – 0

TRANSFER

MOTION by Council. Campisi seconded by Council. Egan to transfer \$99.00 from 1980.4 to 1920.4. Roll was taken and carried

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher
NO – 0

BILLS – Bills were presented to the Board for their audit and review. **MOTION** by Council. Campisi seconded by Council. Egan to pay General Abstract # 5 Claims 143 thru 189, totaling \$27,472.89 and Highway Abstract # 5 Claims 65 thru 82, totaling \$29,513.31. Roll was taken and carried

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher
NO – 0

MOTION by Supervisor Gallagher seconded by Council. Campisi to adjourn this meeting. (9:37PM). Roll was taken and carried

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher
NO – 0

Respectf

ully submitted,

Catherin

e Gill, Town Clerk

