

The Milan Town Board held their Regular Town Board meeting on 12/17/2012 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 a moment of silence for the victims and their families of Newtown, Connecticut and then said that Pledge of Allegiance.

The Supervisor introduced John Genn from the Bank of Millbrook who gave a financial update to the town board. He distributed a statement of account for the trust of Irene Wilcox which they reviewed.

PUBLIC COMMENT

Rocky Mancini praised the board for doing a good job and said that the town was in good shape and doing well.

Russell Frehling said that he supported the board for passing resolution opposing the County's proposed sales tax cap.

MINUTES: Regular Town Board Minutes – 11/19/2012 – **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

CORRESPONDENCE

The Town Clerk received a letter of resignation from William Fiederlein from the Planning Board effective 12/31/2012.

TRANSFER STATION BID

MOTION by Supervisor Gallagher seconded by Council. Campisi to accept the transfer station bid from Welsh Sanitation. Discussion followed. The Supervisor asked the Town Clerk if there were any increase. She said that there were increases to the bags. Roll was taken and carried
YES -5 Campisi, Egan, Grumet, Mathison, Gallagher
NO – 0

Resolution # 56 – 2012 Opposition to the County's Proposed Sales Tax Cap

Resolution offered by Supervisor Gallagher seconded by Council. Campisi

WHEREAS, the Town of Milan has received correspondence from Dutchess County Executive Marcus J. Molinaro stating that the County intends to reduce the Town=s share of the county sales tax revenue for 2013; and

WHEREAS, the County Executive has stated his intention to place a cap of the amount of sales tax the Town will receive in the future; and

WHEREAS, this tax cap plan has had and will continue to have a serious negative impact on the Town=s budget and this negative impact has adversely impacted and will adversely affect the taxes paid by property owners in the Town;

NOW THEREFORE, BE IT RESOLVED, that the Town Board of Milan is strongly opposed to a permanent cap on sales tax revenue; and

BE IT FURTHER RESOLVED, that the Town Board of Milan urges the County Executive and the County Legislature to restore the full sales tax funding to the affected municipalities.

Roll was taken and adopted.

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher
Council. Campisi made the following **MOTION** seconded by Council. Egan to send this resolution to the County Executive, the Majority Leader, Minority Leader, County Legislator and the County Legislator Elect. Roll was taken and carried

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

DATES FOR MEETINGS

MOTION by Supervisor Gallagher seconded by Council. Campisi to set the Year End meeting for December 29, 2012 at 10 AM. Roll was taken and carried

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

MOTION by Supervisor Gallagher seconded by Council. Campisi to set the Reorganization meeting for January 1, 2013 at 1 PM. Roll was taken and carried

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

UPDATE/ON GOING PROJECTS

Supervisor informed the board that there would not be any more repairs regarding the Sawmill Road property (Kovach). He said that Mr. Kovach will have to review what he received from DEC.

Regarding the Woody Row Cell Tower, the Supervisor said the County Legislature will be hearing this issue at their meeting.

Cablevision – the Supervisor said that there is a two month setback due to Hurricane Sandy.

RESOLUTION # 57 – 2012 WORKPLACE ANTI-VIOLENCE PREVENTION PROGRAM POLICY STATEMENT

Resolution offered by Supervisor Gallagher seconded by Council. Grumet

The Town of Milan is concerned about and committed to our employees' safety and health. We will not tolerate violence in the workplace and will make every effort to prevent violent incidents from occurring. Implementing a Workplace Violence Prevention Program (WVPP) will provide adequate authority to responsible parties to meet our goals and responsibilities.

All elected officials, Department Heads and immediate Supervisors are responsible for implementing and maintaining the WVPP. We encourage employee participation in the implementation of our program. We require prompt and accurate reporting of all violent incidents whether or not physical injury has occurred. We will not discriminate against victims of workplace violence.

A copy of this policy statement and our WVPP is readily available to all employees from all Department Heads, immediate Supervisors and the Town Clerk and has been included in the Town of Milan Employee Handbook.

Our program ensures that all employees, including Elected Officials, Department Heads and immediate Supervisors, adhere to work practices that are designed to make the workplace more secure and do not engage in verbal threats or physical actions which create a security hazard for others in the workplace.

All employees, including Elected Officials, Department Heads and immediate Supervisors, are responsible for using safe work practices, for following all directives, policies and procedures and for assisting in maintaining a safe and secure work environment.

The management of our Town is responsible for ensuring that all safety and health policies and procedures involving workplace security are clearly communicated and understood by all employees.

This program will be reviewed and updated annually.

Name: William Gallagher
Title: Supervisor
Department: Supervisor's
Phone: (845) 758-5133 Ext. 128
Location: Milan Town Hall
Roll was taken and adopted.
YES -5 Campisi, Egan, Grumet, Mathison, Gallagher
NO - 0

MOTION by Supervisor Gallagher seconded by Council. Campisi to amend Section H-4 of Resolution 51-2012 Town of Milan Workplace Anti-Violence Policy by adding the following after the first paragraph:

In the event that an employee desires to report workplace violence to other than his/her Department head or Chair, he/she may report to the Workplace Violence Response Team. The Town Board shall appoint three individuals annually to the Workplace Violence Response team at its annual reorganization meeting. Roll was taken and carried

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

MOTION by Supervisor Gallagher seconded by Council. Campisi to amend the title of the section of the employee handbook by changing Sexual And Other Unlawful Harassment to Sexual Or Other Unlawful Harassment. Roll was taken and carried

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

MOTION by Supervisor Gallagher seconded by Council. Campisi to amend Number 2 of Procedures of Sexual or Other Unlawful Harassment Policy by adding the following:

In the event that an employee desires to file a complaint for alleged sexual or other unlawful harassment with other than the Town Supervisor or a Town Board member, he/she may file a complaint with the Workplace Violence Response Team. Roll was taken and carried

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

RESOLUTION #58 – 2012 – Seat Belt Policy

Resolution offered by Supervisor Gallagher seconded by Council. Grumet

- 1. All Town of Milan employees are required to wear seat belts while operating or riding in any vehicle while on Town business. This applies to personally owned vehicles, as well as the vehicles of others.
- 2. In addition, passengers in vehicles operated by the Town while on Town business are required to wear seat belts. Unauthorized passengers are prohibited at any time.
- 3. This requirement shall not apply to vehicles in which the manufacturer has not installed seat belts.
- 4. Town employees are forbidden from disengaging or otherwise disarming automatic seat belt systems or alarms.
- 5. Employees found violating this policy may be subject to disciplinary action.

Roll was taken and adopted.

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

NO – 0

RESOLUTION #59 – 2012 Cell Phone Policy

Resolution offered by Supervisor Gallagher seconded by Council. Campisi that: No person representing the Town of Milan shall ever initiate or accept a mobile phone call while operating a moving vehicle or piece of machinery. Also receiving and/or sending texts while the vehicle is moving are prohibited. Formal disciplinary action will be taken, up to and including dismissal. Hands-free devices are an acceptable method of making or receiving calls, but texting is always prohibited. If a call or text comes in and no hands-free device is connected, please pull over and bring your vehicle to a complete stop prior to answering or returning the call. Discussion followed. **MOTION** by Council. Campisi seconded by Council. Egan to amend the first sentence adding “unless using hands free device”. Roll was taken and carried

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

NO – 0

Roll was taken and adopted on Resolution #59

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

NO - 0

RESOLUTION #60 – 2012 Policy for Handling Town Funds

Resolution offered by Supervisor Gallagher seconded by Grumet that: All cash and checks received in the name of the Town of Milan shall be deposited in the appropriate bank account within 48 hours of their receipt. In the interim, said cash and checks shall be kept in a locked compartment. It is the responsibility of the individuals receiving said cash and checks to implement this policy. Discussion followed. The Town Clerk informed the board that she did not take in a substantial amount of money that would warrant her to make deposits within 48 hours of receipt. A MOTION was made by Council. Campisi seconded by Council. Egan to amend this Resolution saying that the Town Clerk shall be exempt from this policy. Roll was taken and carried.

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

NO – 0

Roll was taken and adopted on Resolution #60 – 2012

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

NO – 0

Workers Compensation/County

The Supervisor informed the Town Board that he thought it would be a good idea to change the workers comp insurance from NYS Municipal workers Comp to Dutchess County's Workers Comp. He said that it would save the town approximately \$33,000 a year. Discussion followed. **MOTION** by Supervisor Gallagher seconded by Council. Campisi to authorize the Supervisor to send a letter of intent to the Dutchess County that the town is interested as our insurer. Roll was taken and carried

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

NO - 0

MOTION by Supervisor Gallagher seconded by Council. Egan to enter into Executive Session to discuss pending litigation. Roll was taken and carried. (8:07)

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

NO - 0

MOTION by Supervisor Gallagher seconded by Council. Egan to resume the regular town board meeting. (8:25PM) Roll was taken and carried

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

NO -0

Council. Egan briefly spoke about the Farmers Market. She said that Charlie & Kim Godfrey, of Second Chance Farm are working very hard to get this off the ground. Council. Egan said that they wanted to come and talk to the board members at one of the board meetings. She also said that the Farmers Market would start tentatively on Friday, May 17, 2012 from 3PM to 7PM and last thru the last week of October at the Town Hall.

McCulloch Lawsuit

MOTION by Council. Campisi seconded by Supervisor Gallagher that the Town Board reject the settlement proposed to the plaintiffs attorney in the appeal of Carmen Otero McCulloch v. Town of Milan. Roll was taken and carried

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

NO - 0

MOTION by Council. Campisi seconded Supervisor Gallagher to appoint Karen Buechele as the Authorized Employee Representative for the remainder of 2012. Roll was taken and carried

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

NO -0

TRANSFERS

MOTION by Council. Campisi seconded by Supervisor Gallagher to make the following transfers:

\$3,605 from 9010.8 (Retirement) and \$230.62 from 3310.4 (Traffic Control to 1620.4 (Building);

\$380 from 1440.4 (Engineer) to 3510.4 (Dog Control);

\$300 from 7020.4 (Recreation) to 7920.1 (Recreation);

\$3,976 from 1420.4 (Attorney) to 1130.4 (Traffic Violation Bureau)

\$150 from 8030.4 (Conservation Advisory Council),

\$543 from 9040.8 (Workers Compensation),

\$1,093 from 6510.4 (Veterans Services),

\$1,750 from 5132.4 (Garage),

\$546 from 1980.4 (MTA Tax),

\$1,869 from 1220.4 (Supervisor), and

\$120 from 1440.4 (Engineer)

to 1650.4 (Central Communication)

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 # 12 Claims 436 thru 510, totaling \$\$40,685.67 – Highway Abstract # 12 Claims 179 thru 191, totaling \$13,239.69 – Escrow Abstract # 12 Claim # 5, totaling \$486.00 – Capital Bridge Abstract # 12 Claim # 3, totaling \$297.50. 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.

(8:37PM). Roll was taken and carried

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

NO – 0

Respectfully submitted,

Catherine Gill, Town Clerk