

**UNION VALE TOWN BOARD MEETING NOVEMBER 20, 2019 TOWN HALL
249 DUNCAN ROAD LAGRANGEVILLE, NY 7:30PM**

PRESENT: Supervisor Maas Council: Steven Frazier, Corrina Kelley, John Welsh & David McMorris

Town Attorney: Jeff Battistoni

Town Clerk: Andrea Casey

MOTION TO APPROVE THE MINUTES

Councilman Welsh made a motion to approve October 17, 2019 minutes as written. This was seconded by Councilman McMorris and all were unanimously in favor.

Supervisors Report

Supervisor Maas began by stating the cash flow report, abstracts and warrants and deposits and all other financial statement have been distributed to the Town Board. Supervisor Maas had a meeting with Head Constable, George Treadwell, regarding traffic control for the Holiday Lights.

Correspondence included a check from Comp Alliance which is known as a loyalty distribution in the amount of \$500, a letter from County Executive Marc Molinaro regarding sales tax information and senior picnic fees being a donation, administrative fee Schedule with DC Sheriff's Office.

Recycling Center Update: Supervisor Maas did a lot of research and it was decided that Union Vale Seniors would receive a discount which was voted on during the untelevised 10/31/19 meeting, Union Vale resident seniors ages 65+ will pay \$50.

2020 Budget Review: Supervisor Maas reported that the Town Budget would be flat for 2020, last year it was \$3.18 now \$3.06 as well as under the tax cap she further mentioned the highlights and impacting changes in the upcoming budget. The Highway Capital Reserve Fund will also have a portion of funding transferred in each year to pay for the cost of new equipment without needing to borrow and pay finance fees. Supervisor Maas also spoke about the recreation department and how efficiently all the programs the Town ran have produced a profit which helps keep taxes down. There is also a full list of details compiled in the budget.

Board Member Reports

Councilman Welsh reported "less speed less harm", during the month of October, was successful. It was reported there were 126 traffic stops, 67 traffic tickets were issued, and 85 warnings. He thanked the State Police for their diligence to enforce safety. He also thanked Dutchess County Public Works for their efficient speed in completing the road project of repairing two bridges and the clove circle project.

Councilman Frazier spoke about the arrival of the new highway truck, it will be sent out for reflective taping for safety purposes.

Councilwoman Kelley apologizes for missing the last meeting due to a family emergency.

Councilman McMorris had nothing to report.

Highway Report – No report given however the new utility truck was delivered this week.

Town Clerk Report – Town Clerk Casey spoke about the new Recycling Center Permits for 2020. This year they are magnets which was a cost savings from the stickers in years past. They will be for sale November 25, 2019 by mail, in person, or online.

Public Comments on Agenda Items

Miriam – asked about the contingency plan in the event the libraries do not agree to the offer set forth by the Union Vale Town Board.

Departmental Reports

Parks & Recreation:

Although Mr. Gosnell was not asked to be in attendance, Supervisor Maas spoke about the other park improvements that are underway which consist of: New Gutters, New Fencing, Roof Repairs, Windows for #11 Tymor Park Road.

Employee Benefit/Payroll Changes to correct inconsistencies – table if needed. Supervisor Maas summarized the changes needed regarding probation period of 3-months for health insurance, compensatory time, call-out pay for Highway and Constables and health insurance

clarification on elected vs full time. Councilman Frazier asked to table it to December 5th in order to research further.

Furnace Pond Dam Update – Engineering Analysis – A copy of the report has been given to the Board for review. They spoke about doing a valve analysis as part of the report.

MOTION TO ACCEPT PROPOSAL TO CONDUCT ENGINEERING ASSESSMENT REPORT

Supervisor Maas made a motion to approve Milone & McBroom’s Engineering Assessment Report proposal for Furnace Pond Dam as soon as possible. This was seconded by Councilman Welsh and all were unanimously in favor.

‘Citizens Preparedness Training’ at Town Hall by DC Dept. of Emergency Response- Bill Beal did an excellent job and Commissioner Dana Smith was also in attendance. Supervisor Maas encouraged all to check out Ready.gov for important information. Supervisor Maas also spoke about another upcoming class entitled ‘stop the bleeding’ which is more medically based and hopes to offer in the first quarter of 2020.

Updated Financial Processes for Tax Collector & Town Clerk

(See attached for full policy) Councilman Welsh made a motion to adopt the financial process which was seconded by Councilman McMorris and all were unanimously in favor.

Review of Town Code Section 210-45 (c) in regards to Holiday Light Display

Attorney Battistoni summarized his findings regarding the light display, carnivals, fairs, regarding not-for profit. He did not feel this section applied to the holiday light display as it was created by homeowners, a family, not by a not-for-profit. He noted there may be times where a not-for-profit benefits from that however, that becomes incident to the display itself.

Review of Law regarding Wood Chips at Intersections

Attorney Battistoni reviewed Section 319 Obstructions & Removal in New York State highway law which does apply to this situation. This requires the homeowner to remove the obstruction. In the event this does not happen, the Highway Superintendent would serve notice to the property owner. If still not removed by the owner, the Superintendent may remove it themselves and bill the property owner which if left unpaid, becomes levied on the property. There was further discussion on designated access such as a proper driveway. The Code enforcement Officer suggested 48 inches is the height although this does not appear in our code, he felt it was a proper sitting height.

Resolutions & Motions:

Motion to Approve 2020 Budget

Supervisor Maas made a motion to approve the 2020 budget as distributed this evening which was seconded by Councilman Welsh and all were unanimously in favor.

MOTION TO PAY BILLS

Councilman Welsh made a motion to approve budget adjustments, warrants, pay bills which was seconded by Councilman Frazier and all were unanimously in favor.

Public Comment on Town Issues

Glenn Morrison, Bloomer Road: Spoke about the light display. When he moved in, he did not anticipate the display “exploding into what it has become”. He believes this issue is very important as a health and safety issue and understands the attractions and benefits, he believes this is not in compliance with electrical safety requirements. He gave Attorney Battistoni pictures of the light display and would like the traffic minimized even though George Treadwell and his team do an excellent job of managing it. He would like the Town to acknowledge the extension cord compliance issue and these are strung from trees that are in a state of decline and feels some are indoor vs outdoor use.

Supervisor Maas responded that the homeowner feels the set-up is proper and would not like an inspection on his private property. The other issue is the stopping for one or for all. There was further discussion on this topic. He would like to give the Board the points and issues that he scripted which will be added to the minutes of the meeting as per Supervisor Maas and stated

they will discuss the situation. Supervisor Maas inquired if his safety concerns were met in compliance with the electrical codes, would he stop worrying about this event, to which he replied yes, as this was his primary concern.

Dana Kilcrease- Darren Road – wants to support Glen for the work that he has done on the electrical safety portion. He has lived there for 32 years and has concerns about people exiting their car to view this display. He would like to stop attracting more traffic to the site and encouraging pedestrian safety and access to his home and spoke about a situation in 2012. He would like to protect and preserve the rights as homeowners of the surrounding area and the impacts that have on the surrounding area.

Motion to Enter Executive Session

Supervisor Maas made a motion to enter executive session at 8:52pm which was seconded by Councilman Welsh and all were in favor.

Motion to Exit Executive Session

Supervisor Maas made a motion at 8:57pm to exit executive session which was seconded by Councilman Welsh. Supervisor Maas noted that no action was taken.

Next Scheduled Meetings: December 5th - Work Session – This will be a work session in which the Board takes action and will be noticed accordingly December 19th – Town Board Agenda Meeting

MOTION TO ADJOURN

At 8:58pm Councilman Welsh made a motion to adjourn which was seconded by Councilman Frazier and all were unanimously in favor.

Respectfully Submitted,

Andrea Casey
Town Clerk

Financial Processes

Finalized & Approved by the Town Board as of November 20, 2019

Town Clerk

- The Finance Office will maintain and control inventory of the “Recycling Center Permits,” “Recycling Center Trash Disposal Tickets,” and “Bulk Tickets”.
 - The permits, disposal tickets, and bulk tickets will be given to the Town Clerk in increments of 50.
 - The disposal tickets and bulk tickets will be given to the Recycling Center in increments of 200.
 - The Finance Office will track all permit, disposal ticket, and bulk ticket card numbers that are distributed.
- The Town Clerk will maintain a spreadsheet of all permits, disposal tickets, and bulk tickets.
 - The spreadsheet will contain the permit, disposal ticket, or bulk ticket number, the date of the purchase, the name of the purchaser, and the revenue collected from the sale.
 - The Finance Office will reconcile the revenue reported in QuickBooks to the revenue reported in the Town Clerk’s spreadsheet.
- All bank deposits prepared by the Town Clerk will be given to the Finance Office for verification.
 - The Finance Office will make a copy of the deposit and check the deposit to ensure accuracy before it is deposited in the bank.
 - After verification, the Town Clerk, Supervisor, Bookkeeper, or other authorized personnel will bring the deposits to the bank.
- The Finance Office will keep a copy of the Town Clerk’s monthly bank statement.
 - The Finance Office will verify that all deposits prepared and brought to the bank agree to the deposits shown on the bank statement.
- The Town Clerk bank account will have two signers: Town Clerk and Deputy Town Clerk

Tax Collector

- The Tax Collector must provide proof that their personal property taxes were paid using one of the following procedures:
 - Providing proof to the Finance Office that their payment cleared the bank and that the payment agrees to the amount on their tax bill.
 - Giving their payment to the Finance Office to deposit at the bank.
- The Tax Collector will provide proof to the Finance Office that the payments collected plus the report of unpaid amounts submitted to Dutchess County match the total on the tax warrant.
- All bank deposits prepared by the Tax Collector will be given to the Finance Office for verification.
 - The Finance Office will make a copy of the deposit and check the deposit to ensure accuracy before it is deposited in the bank.
 - After verification, the Tax Collector, Finance Office, Supervisor, or other authorized personnel will bring the deposits to the bank.
- The Finance Office will keep a copy of the Tax Collector's monthly bank statement.
 - The Finance Office will verify that all deposits prepared and brought to the bank agree to the deposits shown on the bank statement.
- The Town Clerk bank account will have two signers: Tax Collector and Town Clerk

draft

November 20, 2019 Union Vale Town Board meeting

Introduction

- Glenn Morrison, live on Bloomer Road
- Decided to move to the area roughly 31 years ago for its rural and quiet nature. While I expected to see changes over the years, I did not anticipate the dramatic change that occurs every year between roughly Thanksgiving and shortly before New Year's day. I am referring to the year-end light display located in our neighborhood. The display began to exponentially expand in 2007 (73K to 116K lights) and, in 2018 consisted of 607,000 lights with 2500 extension cords that would stretch 8 miles (reference light display web site).

Let me start by saying that, most people who know me, consider me quiet by nature. I pick and choose when to be vocal based upon the seriousness and the importance of a topic. I am here today and have met with both elected officials and town staff on this topic in the past because it is serious and very important. This is also why this topic continues to come up year-after-year. In fact, while that person may exist, I have not yet talked to someone in the neighborhood who welcomes the event

I also want to be very clear that I understand the attraction of the lights and the good that can come from donations. That is not a question. While I and others would prefer to see the display held at a location that is designed and zoned for it, unfortunately, the Town will not agree to host it and those responsible for the lights are not open to moving it. So, we are left to expect the Town, at the very least, to meet obligations to residents by enforcing regulatory requirements to control the event in a way that ensures the safety of residents (and visitors), avoids unnecessary risk of damage to

property due to fire and promotes a quality of life where everyone can peacefully enjoy their own properties

Thank you Mr. Battistoni for your input. Thanks also to Counsellorperson Kelley for bringing this compliance issue up at the October 17 Town Board meeting and, before I forget, thank you to George Treadwell and his Town Constables for what they did last year to help control the annual light display. Mr. Battistoni, while you were asked to get involved only one month-or-so ago, I want everyone to be aware that the Town Supervisor committed to myself and another resident to answering this and other questions last January (to be factual and specific, January 9, 2019). One of the questions that I have is "Why does it take the Town 10+ months (including multiple e-mails and meetings), to begin to respond to begin to meet a commitment (reference January 9 meeting)?" We are now, unnecessarily, in an emergency situation (not too different than where we find ourselves with our relationship with the library system).

Mr. Battistoni - I did not interpret the requirement the way that you did and while I acknowledge your opinion that the family is responsible for the display, let's also acknowledge that the collections happen every night and, in my opinion, are not "incidental to" the event but rather an integral part of the event. More importantly, let's acknowledge that it does not comply with fundamental electrical and fire safety requirements.

***** Light Display web page quotes *****

- Top page: "\$365,781 raised for charity"
- FAQ's: "Why?.....Now I would say, the most important aspect of why we do this is the fund raising to support the community"

I do have some questions for the Town but first, a half-dozen-or-so questions for Mr. Battistoni

- Have you visited the event?
- Who with the Town did you interact with while developing your opinion?
- I am concerned that your opinion may give the un-initiated a misunderstanding of the gravity of the situation. Were you told that, contrary to what I see in your written opinion, that neighbor concerns (and I would characterize it as “many” neighbors, not “some”) extend well beyond “traffic, litter and other related matters” to include non-compliance with Town (Town Code 17), NYS Fire Prevention and Building Code and US-wide (National Electric Code) safety standards that the Town has made a conscious decision to not address?
- As one example of a non-compliance, I highlight electrical safety non-compliances regarding extension cords (what the NEC refers to as “temporary wiring”), some of which hang year-round in trees on the property that are in advanced state of decline (i.e. dying) and are clearly visible to a passerby from the roadway.
 - These safety requirements that were brought forward to the Town in the form of at least one formal complaint and, for good measure, a highlighted copy of the requirement was given to the Town in the January 9 meeting mentioned earlier
 - NEC Article 590.3 Time Constraints - B: 90 days.
“Temporary electric power and lighting installations shall be permitted for a period not to exceed 90 days for holiday decorative lighting and similar purposes”
 - NEC Article 110: “Listed or labeled equipment shall be installed and used in accordance with any instructions on the listing or labeling” (i.e. wiring must be used for its intended purpose)

- These requirements are in place to help ensure the safety of residents, visitors and property
- Town response to resident concerns:
 - Can't find inspector who is willing to inspect the property
 - Homeowner consent is needed and homeowner will not provide that consent
 - "our hands are tied"
 - "this is not a police state"
 - "we can't force someone to do something on private property"
 - My view – it is not that the Town cannot do anything, it is that the Town does not want to do anything
- This is serious and important
 - 2500 extension cords – some left in the trees all year
 - Subject to heat, cold, snow, falling branches, squirrels, etc.
- Legally, under what conditions can the Town conduct a formal inspection of a property without owner consent?
- What do you think is the intent (reason, goal, purpose, etc.) of 210-45c? ("temporary events")
- What is the Town liability if someone gets hurt (people walking, cars/accidents, etc.) during the event?

Questions for the Town:

- Are we in agreement that requirements are requirements and they need to be complied with? I am specifically referring to the electrical safety compliance issues mentioned earlier
- What additional actions will the Town take in 2019 and beyond to visibly and tangibly address resident concerns/questions re: the event, (including compliance issues that are obvious to me)?

- How does the town control events such as this? I have seen requirements for permits for all events in other towns (Rochester NY, North Castle NY)

For any of the above points and questions not addressed during the 11/20 Town Board meeting, I expect that they will be addressed after the meeting via a discussion that includes myself, the Town Attorney, the Town Code Enforcement Officer, and anyone from the Town Board who is interested. Since this has unnecessarily become a time-sensitive topic, it is important that the referenced meeting be held before the light display begins

Given what we have experienced with the light display and the library situation, I am disappointed that those responsible for decisions in the Town do not seem to take resident concerns/comments seriously because those concerns/comments are not reflected in how the Town decides to act

I close by urging the Town to start listening to residents and taking substantive actions to address concerns and other input. We are all interested in making this a better place to live!