

**UNION VALE TOWN BOARD MEETING DECEMBER 17, 2020**

**VIA ZOOM VIDEO CONFERENCE 7:30 PM**

**PRESENT: Supervisor Maas**

**Town Council: Kevin Durland, Kevin McGivney, Steven Frazier, John Welsh**

**Town Clerk: Andrea Casey**

**Highway Superintendent: Ed Kading - Absent**

**Town Attorney: Jeff Battistoni**

**Milone & McBroom Engineering Firm: Mark Carabetta & Eric Teale**

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Special Meeting December 17<sup>th</sup> 2020 at 7:00 PM

**Motion to Enter Executive Session**

Councilman Welsh made a motion to enter executive session for the purpose of discussing pending litigation. This was seconded by Councilman Durland and all were unanimously in favor.

**Motion to Exit Executive Session**

Councilman Welsh made a motion to exit executive session and resume the regularly scheduled meeting, it was noted no decisions were made. This was seconded by Councilman Durland and all were unanimously in favor.

Call to Order and Salute to the Flag at 7:30PM

Special Presentation: *Engineering Analysis of Furnace Pond Dam by Milone & McBroom Engineers: Mark Carabetta & Eric Teale*

**MOTION TO APPROVE MINUTES**

Councilman Welsh made a motion to approve November 19<sup>th</sup>, 2020 Town Board Meeting minutes as written, which was seconded by Councilman Frazier and all were unanimously in favor.

**Town Supervisor Report**

Supervisor Maas explained that after the financial books are closed she will be able to provide a close look at how the Town ended up for 2020 however, she can report that from a cash flow perspective the total cash in at the end of November was 94% which is below budget but, the expenses are down 83% versus what was budgeted. While the Town will be down in revenue for the year, the managers are doing a great job of keeping expenses down which is helpful.

Supervisor Maas read a letter of long-time residents Randy & Joann Casement who were moving out of the area and wanted to thank the Town for their efforts during their time spent in Union Vale.

A couple of years ago the Town switched from the DC Worker's Compensation plan to Comp Alliance and Supervisor Maas remarked at the great service from Comp Alliance. They sent correspondence to award the Town for its safety performance in 2019 along with a check for about \$500 or \$600. From a revenue perspective, the mortgage taxes were \$94,646.00 which met the annual goal in this last check. The Town will also be getting a check for the next 3 months.

An old truck was auctioned and the Town Highway Dept. received \$2,600.

All members and chairs of the Planning and Zoning Departments will be getting stipend checks that will go out December 18<sup>th</sup> or the following Monday. Supervisor Maas thanked them for the vast amount of work they do for the \$100 they receive for each meeting they attend. Supervisor Maas pointed out they are paid as a stipend as these people are volunteers, therefore, not subject to worker's comp but are covered for liability in the event anything should happen.

Supervisor Maas just signed the Dutchess County-Wide Shared Services Plan. This is a State Requirement that people band together which has been happening in Dutchess County anyway. This is the first time she has seen the County push back on the State with a note from County Executive Marcus Molinaro included in the report for the State to do their share to reduce mandated costs instead of blaming others.

Lastly, she mentioned the annual training school approaching in February which will be online and she encouraged all elected officials and Planning & Zoning members to sign up.

### **Board Member Reports**

*Councilman Welsh* has been busy with reviewing Furnace Pond Dam data and the Annexation process.

*Councilman Frazier* had nothing new to report, he has been doing the same but did comment that he agreed with the next step forward in the dam process of doing the core testing so the Town has more data to make the final decision with.

*Councilman Durland* had nothing new to report at this time but agreed with the other two Board members.

*Council McGivney* had nothing new to report at this time.

### **Highway Report**

Superintendent Kading could not be present due to the ongoing winter storm but Supervisor Maas reported on his behalf explaining that the 2021 bid documents were received and had been passed along to the Town Board after being reviewed by Superintendent. Supervisor Maas stated the prior year was to accept all the bids and use them based on job locations to save money on trucking fees and this will be his recommendation again this year. This should be noted in the motion when accepting the Highway Bids for 2021. Superintendent Kading also plans to review his budget finances to update the 5-year road maintenance plan which he will present in January.

### **Town Clerk Report**

Clerk Casey reported on the 2021 Recycling Permits and all the ways to obtain them. They are a new hang-tag style and can be purchased online, through the mail, in person at Town Hall or by dropping off your application and payment at the Recycling Center.

### **Conservation Advisory Council (CAC)**

Akiko Busch, Chair, gave an update on their work thus far this year. They are well along the way in developing the Union Vale Natural Resources Inventory. Sean Carroll from Cornell Cooperative has completed the maps which were presented to the Town Board which will give the Town lots of information for planning design and review of new development, and establishing policies to protect our crucial resources. They are now working on the text narrative to accompany the visuals which should be ready by early Spring. Ms. Busch also recapped the events they held during the past year and possible upcoming events for 2021. Ms. Busch also introduced the newest member of the CAC, Jennifer Rubbo, Climate Smart Community Coordinator, and her long list of accreditations. As a professor at Vassar, her students studied 6 towns and based on Union Vale's forests, wetlands and overall landscape she was happy to report, Union Vale was deemed 'carbon neutral' in preliminary reports. Ms. Rubbo looks forward to sharing these reports with the Town and other work with the CAC.

### **Animal Control Report, submitted by Mary Jean Calvi**

Supervisor Maas read the November report which stated 0 lost dogs 0 found dogs and 3 animal complaints.

### **Recreation Report**

Councilman Welsh read the report submitted. The Camp staff are already looking forward to the 2021 season as this year was very difficult and disappointing. The prices will be the same as last year and are available on the website. Registration begins January 1, 2021.

#### **2021 Session Dates:**

Session 1 - June 28, 2021 - July 9, 2021

Session 2 - July 12, 2021 - July 23, 2021

Session 3 - July 26, 2021 - August 6, 2021

Session 4 - August 9, 2021 - August 20, 2021

### **Workers Compensation Exit from Dutchess County**

Supervisor Maas reported that the Town Board was given a letter dated November 30<sup>th</sup> but just received last week. As a recap, the Town left the program after having problems and a surprise annual premium increase of 335% and lack of service, training etc. After announcing the Town was exiting the program, the County wanted to charge an exorbitant amount of money due to future expenses they might encounter so they informed us we owed them \$173,557.00. The

Town sent a letter stating for many reasons including the lack of a legitimate contract and the last dollar amount that was communicated regarding 1 of 2 open cases, they were recommending a lot of money and it ended up settling at \$35,000 and the Town got a \$500 check back. Due to the disagreements, the Town wrote a letter stating to settle, the Town will give the County a check for \$40,000 which is \$5,000 more than the last settlement which was the middle of last summer. The letter that was just received stated while the County is interested in settling however, in order to accept anything less than \$173,557.00, a detailed description is required with numerical and documentary support explaining why \$40,000 satisfies the plan's demand. It was noted that this is not a rejection, but rather a demand for necessary information in order to support acceptance of an amount less that was calculated at the time. Supervisor Maas and the attorney will compile this response and will keep everyone posted on the outcome.

#### **Solar Development on Route 55**

Supervisor Maas reported the site is under construction. Code Enforcement Officer, George Kolb, has been by several times to check on them and everyone agrees the boxwoods in front of the fence are shorter than anticipated but are hopeful they will grow. Common Energy is the group handling the community solar 10% discount program. Many people including Supervisor Maas and Councilman Durland have not been contacted yet after signing up. She suggested to visit [Commonenergy.com](http://Commonenergy.com) and search for Union Vale and re-sign up and they will be in touch. The Town will also be participating in this as well.

#### **Annexation of Tymor Park Parcels in Town of Beekman**

Councilman Welsh reported that a public hearing was held about a month ago on November 23 and both Beekman and Union Vale Town Boards as well as residents alike were there to discuss the pros and cons of the process and the result. There was some criticism from a handful of Beekman residents who seem to be going on a separate tangent as far as their objections but the bottom line was that there are a lot of good reasons for Town of Union Vale to annex these parcels and they are hopeful it will move forward. Supervisor Maas also mentioned that Attorney, Jim Nelson, submitted a packaged to Dutchess County in order to obtain feedback from them as to if it is in their jurisdiction. The Town Board will deliberate and vote on whether or not this is in the interest of the Town of Union Vale most likely in January.

#### **T/O Beekman Submitted Appeal for Cell Tower Case They Lost in May**

Supervisor Maas stated that the Town of Beekman recently submitted an appeal for the cell tower case they lost last May. They waited until the last day and Supervisor Maas does not understand why they are appealing because the offer from Verizon was for 2020 and the Town has not received any new proposals for 2021 so, as far as the Town knows, it is off the table. This could be a delay tactic on Beekman's part, but she is unsure as to the reasoning. Many of the items in the appeal were a duplication of the first one and Supervisor Maas is not sure what that means in the eyes of a Judge. The Town will need to respond and the timeline looks to be in January 2021 and could be in the hands of a judge for a year but she will keep everyone informed as the process continues.

#### **Recycling Center Review & Update for 2021**

Supervisor Maas noted the Town Board received the recycling center tracking sheet and pointed out the center is still over 800 permit holders which is great. In analyzing the spreadsheet of all the bulk items, permits and trash tickets it looks like a real commodities business. She further discussed the cost/revenue changes for items such as cardboard and motor oil. Since oil companies are now being charged to get rid of waste oil the town now had to impose a \$1/gallon price in order to cover costs. Every vendor will be raising prices for the 2021 season. Rather than raise prices for the patrons, the Board voted to reduce the hours on Wednesday from 8:00-1:00pm since that is the lightest day of the week. This will help cut costs and may be a temporary change depending on what next year brings.

#### **Rented: 11 Tymor Park Road- Review of Details**

The Board had a discussion earlier in the year about renovating and renting the home. Due to the onset of COVID and the high price estimate of using it as a wedding hall, there was not a chance to go to the next step. The Park staff was able to do much of the work at 11 Tymor Park and did a fabulous job improving the house in order to command the higher rent. In the meantime, a tenant started renting the house on December 1<sup>st</sup> and we are thrilled to have a responsible couple

with no children renting the property. \$7,600.00 was spent to renovate and comply with code enforcement directives. Supervisor Maas shared a before and after picture of the kitchen to show the drastic change. Councilman Welsh added having viewed the work of the Park staff led by Jake Gosnell, he was very impressed with all their work and said the place looks terrific. Councilman Frazier noted that he had suggested listing this commercially and had also obtained the market analysis at a rate of \$2,800 to \$3,200 a month and possibly as much as \$4,000 and he is unsure why we settled on \$2,500 and feels his estimates were not considered after his presentation a few meetings back. He also noted he was under the impression there would be further discussion about the future of this building and no renovation would be made until that direction was determined and feels with the absence of discussion by the entire board these decisions were inappropriate. Supervisor Maas said she completely disagrees and stated the path they were going to take with that building changed with COVID and they did not embark on making any renovations so the mission as she understood it, was to get the house rented. They did discuss about extended rentals versus long term rentals and everyone seemed to agree they did not want another local family with young and high school age kids due to unwanted activity in the park with drugs and other issues so finding the right renters was going to be important. They agreed to a lower rent for this particular couple for a 6-month rental because they rented it starting in December and for the allowance of the maintenance crew to continue working on the house both inside and out. Supervisor Maas highlighted some of the items that still need to be addressed as weather permits. If this couple continued to rent the house for an additional 6-months, the rent would increase to \$3,000.00 and if they leave, they will market a higher rate for the NYC population. Councilman Frazier added that he has no issue with the work that the Parks Department has done and appreciated all they do for the Town. He further stated he would like to go on record that he opposes the agreement because it was not done with Board approval and because it is far below the market value for this house and feels the residents deserve to see market value or better. There was further discussion on this topic on how the situation was handled.

**Review: List of Budget Transfers & HR Issue (financial) for December**

Supervisor Maas mentioned a recent occurrence of a salary employee, who will remain confidential, who has 3 part time jobs within their job had a family emergency with their spouse getting seriously injured in an accident. Due to this, on November 16<sup>th</sup>, this employee has been working from home through VPN and they are tracking the number of hours worked by this employee and how many hours she is short. Due to the hospital and doctor appointments she is 57 hours short therefore, they are handling this when the event season kicks into gear, this person will make up the time during these as well as on Friday's until the time is made up. Supervisor Maas wanted to bring it to the Boards attention so they were aware all of this information was being tracked.

Budget Transfers: There was a bank transfer from highway checking to general checking which was to cover gasoline from the park supply used by the highway truck that uses gas instead of diesel. They also had to reclassify highway expenses to the highway garage budget line in the general fund which was inadvertently placed into the wrong line so it has now been corrected with a total transfer of \$1,931.80. There was a bank transfer from general checking to the escrow checking which was due to Homeland Towers agreement so \$5,719 was placed back in the escrow account. Dutchess County Unemployment Insurance of \$80.50. The DC chargeback bill was higher than anticipated so that was \$63.00 and other general government support, we paid sales tax out of concessions of \$944 which will be taken out of a line called "other general government support". Lastly the State retirement agency increased their rate so the budget was \$5030.00 short. Supervisor Maas recommends all 4 of those charges be moved out of the contingent account, the total contingent account (1990) usage for 2020 was \$16,656.92.

There also needs to be an A-Fund switch of proceeds from the unclaimed property must move from the general fund (A-fund) 2715 to 5132 highway garage to help pay for the salt shed roof which was a total of \$12,362.00. The Board unanimously voted to move forward with a consent agenda format and passed these transfers and amendments.

**MOTION TO ACCEPT HIGHWAY BIDS 2021**

Supervisor Maas made a motion to accept the Highway Superintendent's recommendation on the 2021 Highway Materials Bid response. This was seconded by Councilman Welsh and all were unanimously in favor.

**RESOLUTION # 20-36: RESOLUTION AUTHORIZING RETENTION OF COUNSEL TO RESPOND TO CIVIL LITIGATION BEING BROUGHT BY THE TOWN OF BEEKMAN**

**RESOLUTION # 20-37: RESOLUTION SETTING TOWN BOARD ORGANIZATIONAL MEETING FOR THURSDAY, JANUARY 7TH 2021**

**MOTION TO PAY BILLS**

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

**Public Comments**

None

**MOTION TO ADJOURN**

At 9:42 PM Councilman Welsh made a motion to adjourn, seconded by Councilman Durland and all were unanimously in favor.

Respectfully Submitted,

  
Town Clerk

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**RESOLUTION # 20-36: RESOLUTION AUTHORIZING RETENTION OF  
COUNSEL TO RESPOND TO CIVIL LITIGATION BEING BROUGHT BY THE  
TOWN OF BEEKMAN**

The following Resolution was offered by Councilman Welsh and seconded by Supervisor Maas:

WHEREAS, the Town of Union Vale has been served notice that the Town of Beekman has filed an appeal to the Article 78 challenge they lost in May of 2020 in the matter of a cell tower in the Town of Union Vale's town park, called Tymor Park or Tymor Forest; and

WHEREAS, the Town Board of the Town of Union Vale has been made aware that the response to this legal challenge will cost less than the initial challenge but as of yet the expenses are still uncertain; and

WHEREAS, the Town Supervisor will report the estimates and final tally of appeal related expenses during the financial report section of each board meeting;


NOW THEREFORE, BE IT RESOLVED, in the matter of Beekman vs. Union Vale, the Town Board of the Town of Union Vale will retain Van DeWater and Van DeWater as legal counsel to defend the Town.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Councilman Frazier	Aye
Councilman Durland	Aye
Councilman McGivney	Aye
Councilman Welsh	Aye
Supervisor Maas	Aye

DATED: Union Vale, New York

December 17<sup>th</sup>, 2020

  
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Andrea Casey, TOWN CLERK

**RESOLUTION # 20-37: RESOLUTION SETTING TOWN BOARD  
ORGANIZATIONAL MEETING FOR THURSDAY, JANUARY 7<sup>TH</sup> 2021**

The following Resolution was offered by Councilman Durland and seconded by Supervisor Maas:

**WHEREAS**, Town of Union Vale Board meetings are generally held on the first and third Thursday of each month; and

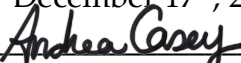
**WHEREAS**, the Town Board of the Town of Union Vale has to set the Organizational Meeting in January;

**NOW THEREFORE BE IT RESOLVED** that the Town Board of the Town of Union Vale schedules a Town Board meeting on Thursday January 7, 2021 at 7:00 PM.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Councilman Frazier	Aye
Councilman Durland	Aye
Councilman McGivney	Aye
Councilman Welsh	Aye
Supervisor Maas	Aye

DATED: Union Vale, New York  
December 17<sup>th</sup>, 2020

  
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Andrea Casey, TOWN CLERK