

**UNION VALE TOWN BOARD MEETING JULY 16, 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**

**Town Attorney: Jeff Battistoni – Absent**

**Others Present: Residents, Kim & Brian Scoralick and CAC Chair, Akiko Busch**

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

**MOTION TO APPROVE MINUTES**

Councilman Welsh made a motion to approve the May 21, 2020 and June 18, 2020 meeting minutes as written, which was seconded by Councilman Durland and all were unanimously in favor.

RESOLUTION 20-27: RESOLUTION COMMENDING RESIDENT, KIM SCORALICK (See Resolutions)

**Supervisors Report July 2020**

1. Cash flow Report: Unlike last month, we did not have a negative cash flow in the month of June but we did, as expected only bring in 33% of what was budgeted. Year to date we show our income down by \$319,472 or at 91% of our goal. We are projecting to be down in revenue by approximately \$493,000 at year end with a potential loss of \$262,000. But we have Sept. - December to hopefully, make some of that back.
2. Total Cash balances at the end of June were: \$3,089,125 in the General Fund and \$577,574 in the Highway Fund.
3. Good news - we made the last scheduled payment on the Ford 350 on July 1! The balance of our outstanding debt is \$615,000 which consists of a Serial Bond (which cannot be refinanced).
4. Consistent with our practice, the Councilmen have received the list of warrants/abstracts, including the warrant for all the refunds given out last month for Summer Camp; cash receipts, escrow reports, Building Dept. report and lists of all deposits made in both the General Fund and Highway Fund. They have also received the Performance vs. Budget for the month of June and Year -to-Date.
5. Town Updates- a. Iron Furnace “Pay it Forward Program” has stopped for now, but they raised \$4,000 from Union Vale residents & friends to fund the meals given out to homebound people who needed the extra meal. The program was very well received by the residents.  
b. Jake Gosnell and I had a meeting with Frank Castella on Monday. He is the President/CEO of the DCR Chamber of Commerce. - Balloon Lift Offs in Tymor 8-12 balloons is the estimated amount just to bring joy to those in the surrounding area.  
c. Recycling Center is getting a lot of business and did 107% of the budget goal in June and are 105% of the annual budget goal. I'd like to give a shout out to Mike Novak and Pete Poltrack for suffering thru the heat and the waves of people cleaning out their attics. Also, today is Peter's Birthday so Happy Birthday, Peter!

County Updates:

1. Face Covering update from NY Dept. of Health: Business owners may deny business/ request removal to any person who fails to wear a proper face covering. Please see the website for details.
2. Travel Advisory Update: Travelers will be required to fill out a form who enter NYS or return to NYS.

**Department Reports**

*Councilman Durland* reported on working with Planning Board Chair Pat Cartalimi in order to develop a policy to compel the applicants to move through the building permit process in a timely manner. The goal being to alleviate lapses in the project completion.

*Councilman McGivney* had nothing to report this month.

*Councilman Welsh* has been following the ever-changing health requirements for travel and the restrictions. He is pleased the Town is totally compliant with proper protocols for sanitizing and appreciates the efforts made by all.

*Councilman Frazier* – encouraged everyone to support the local police rally on July 18<sup>th</sup> in Pleasant Valley on 2 West Road to show the support for our local men in uniform. This will be a peaceful gathering for those who want to show their support from 1:00 PM to 4:00 PM.

### **HIGHWAY REPORT**

Superintendent Kading reported the crew is changing pipes, on the SW side of Town, the crews have been out fixing catch basins and are on the 3<sup>rd</sup> round of mowing Town Roads. All major projects have been completed and the next on the agenda is removing the large pile of fill to be screened and sized and can be used for Town material for shoulders, ditches and use at the end of large pipe. The equipment will need to be rented with a fee of \$17,710.00, 2 men for 160 hours around \$16,000 and another \$5,000 for fuel and miscellaneous. The whole project should total around \$45,000.00 the value of the material they will create would cost around \$72,000 if the Town would need to purchase this product. Because they did not use the entire paving budget, he asks the Board to move money from that budget line.

He would like to finish the shouldering on Still, Mennella and Quinlan about 5,000 yards is the expected amount of material. This will ensure the longevity as well as the safety of the newly paved roads. There was further discussion on the logistics of this process.

Supervisor Maas confirmed there is money in the budget for this type of project due few factors such as Bloomer Road being shorter than originally thought. Councilman Welsh is pleased that the material will cut costs while cleaning up the appearance of the Highway Garage. The 284 has been updated and Supervisor Maas asked that they vote on the amended 284. They are still in the process of obtaining the quotes for the repair of the roof of the salt shed at the garage, the trim, soffits are also in disrepair. The structure of the building is still solid so it is in the Highway Superintendents opinion to repair the existing structure to save the overall building.

### **MOTION TO TRANSFER FUNDS AND AMEND THE 2020 HIGHWAY 284**

Councilman Welsh made a motion to transfer the money that was reallocated and amend the Highway 284 for 2020 as written, Supervisor Maas seconded the motion and all were unanimously in favor.

### **Town Clerk**

Town Clerk Casey thanked Alicia Bartin Dillinger for noticing the American Flag ‘On the Green’ was in disrepair and for replacing it with a new proper flag. This was a generous, patriotic act that was appreciated by everyone.

### **Public Comments on Agenda Items**

None

### **Conservation Advisory Council**

Akiko Busch, Chair of the CAC, reported on their projects to date and are well along their way of developing the natural resource inventory (NRI). With assistance from Cornell Cooperative Extension, a series of maps has been constructed with funding from the Hudson River Estuary Program at no cost to the Town. The maps include an aerial, agricultural, farmland soils, flood, topography, stream, forest and a number of other ones. They have also created a google drive which is available to the CAC and members alike. These are being reviewed for clarity, accuracy and comprehensiveness by the CAC and should be complete by the end of the Summer. Once the visual material is complete the narrative will be written.

The CAC is looking forward to getting feedback and sharing this information with the Town Board and Residents.

### **Parks Department**

Parks – Chan link fence around the ball fields has been removed, there have been questions about bees in the sand at Godfrey. The staff is aware, these are sand bees and are not aggressive and inhabit the sand for a short period of time. Power washing of town hall is completed and the park buildings will be next. The pool has not been open but they have been cycling through the filter and pumps to keep them clean and maintained.

### **Building Department Report**

PERIOD OF: June 2020

The following report is submitted for your review for the monthly Code Enforcement Report

1. Complaints have been addressed by this office but many others have come into the office this month and are being addressed as needed.

2. The “Bocker” home destroyed last year is being demolished starting today
3. Discussions with the Supervisor and town attorney for issues associated with expired permits.
4. Covid-19 safety procedures with inspections are being followed with applicants and during site visits.
5. Applications / permits are significantly up as well as home sale Municipal inspections

**Work outline as follows:**

Inspections preformed : # 83      Complaints received : # 5      Complaints acted on : # 5  
Violation Notices issued: # 2      Violation abated : # 1      Appearance tickets issues:# 0  
Building Permits issued: # 39      Residents meetings : # 8      Fire call outs : 0  
Old Permit C/O's issued : # 11      Cert. Occupancy/Compliance # 18      Plan review hrs.: # 18  
Municipal Searches: # 5

**Old Business**

Solar: There is a ratified resolution that will be voted upon tonight. ELP is finalizing financing this week and are planning for construction beginning in August. The Supervisor encourages all business to submit their names for the upcoming work as they will be moving forward soon.

**Reopening Town Government**

Court will open August 5<sup>th</sup>. The Town is open and residents are permitted inside with masks, although appointments are encouraged, they are not mandatory. The Supervisor noted that the executive order had been extended regarding Town meetings and to keep the meetings as brief as possible by eliminating public comment and non-essential information. Although the building could not reopen for meetings, public comments can be heard as of this meeting via Zoom.

**Worker’s Compensation**

This will stay on the agenda until the situation has been resolved even though there have been no new updates.

**Furnace Pond Dam**

It has been the Towns goal to keep the dam in proper shape to last 100 more years and beyond. Milone and McBroom, the Engineers, will take pictures and measurements of the amount of seepage and where it is occurring. They will also collect measurements with elevations, spillway and various structures. After the water levels have dropped, the engineers will inspect the dam including the outward valves that are normally submerged. Concluding their site visits, they will then conduct a stability analysis, hydraulic analysis and summarize the findings in an assessment report which will then lead to any necessary repair work.

**Employee Handbook**

The 2016 handbook needed updates and corrections. The parts that were tweaked had to do with spousal medical insurance and retirees that did not work with the way the current coverage is set up.

**MOTION TO VOTE ON UPDATE TO EMPLOYEE BENEFITS**

Supervisor Maas made a motion to update the employee handbook with insurance benefit information 6.1, this was seconded by Councilman Welsh and all were unanimously in favor.

**PTO Clarified**

Supervisor Maas gave an example of the need to clarify, the date of accrual should be based on anniversary date as opposed to January of the upcoming year based on the Town’s existing policy. Other items were Easter Sunday and the accrual of sick time, 12 days per year which accrue monthly, a Town Board member or Department head may request a doctor note.

**MOTION TO CLARIFY (PAID TIME OFF) PTO SCHEDULE**

Supervisor Maas made a motion to approve the clarification on the Paid Time Off Schedule (PTO) as distributed. This was seconded by Councilman Welsh and all were unanimously in favor.

**Change in Building Permit Renewals**

The Supervisor has met with the Code Enforcement Officer and Town Attorney, Jim Nelson. These were the suggestions:

1. Remove the fee schedule from the Town Code as it is in the master fee schedule which the Town Board Must approve annually.
2. Cap the annual permit renewals at 1 year and 1-year renewal, 2 years to go through the permitting process.
3. Any changes in the timeline such as a hardship should need the approval of the Town Board rather than the Code Enforcement Officer.

The resolution of introduction will take place for the August meeting and the process will continue from there with a public hearing in September.

**Altering Town Boundary Lines to Annex parcels in the Town of Beekman**

Supervisor Maas would love input from the residents regarding this topic. This issue arose because the cell tower project was located on land owned by Union Vale located in Town of Beekman. The Union Vale residents were in favor but, Town of Beekman Government and Residents lobbied against it. Supervisor Maas gave a detailed background of the issues. The process for doing this works best when both Towns agree however petitions will still need to be signed and maps shown, then it will go to the County Legislator to be voted upon and then end up on a ballot. If the Towns cannot agree, it will eventually get adjudicated by a Supreme County Judge in Poughkeepsie. Councilman Welsh stated it was unfortunate this was not done many years prior so that the land can be properly managed and governed.

Councilman Durland agrees, the Town should take care of itself and noted the cell tower was not only in the Towns interest, but in the public's interest alike. Councilman Welsh noted the places described for a cell tower was exactly the site chosen by Homeland Towers and described by the Town of Beekman Master Plan.

Councilman McGivney agreed the Town should take it over as it is in the best interest of the Town. Councilman Frazier also agreed and hopes that it is a smooth process. Supervisor Maas and Councilman Welsh encouraged everyone to talk to their Town and County Government Officials about how important this is for the Town. There will be more information on this further.

**Emergency Plan**

Councilman Frazier was given a copy by Supervisor Maas and he will work with Bill Beale on Saturday to discuss the Emergency Plan.

**Shared Services Agreement with LaGrange**

This Planner has already been utilized by the Town with very insightful feedback however, this agreement needs to be signed to further the working relationship. The draft was provided to the Town Council for review.

**MOTION TO APPROVE LAGRANGE PLANNER AGREEMENT**

Supervisor Maas made a motion to approve and give the Supervisor permission to sign the intermunicipal agreement for shared services of a Town Planner. This was seconded by Councilman Welsh and all were unanimously in favor.

RESOLUTION 20-27: RESOLUTION COMMENDING RESIDENT, KIM SCORALICK (See Resolutions)

RESOLUTION # 20- 28 RESOLUTION TO REPORT STANDARD WORK DAY HOURS FOR HIGHWAY SUPERINTENDENT TO NYSLRS (See Resolutions)

RESOLUTION 20-29: RESOLUTION RATIFYING EXECUTION OF DOCUMENTS RELATED TO SOLAR PROJECT FINANCING (See Resolutions)

**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.

Supervisor Maas added that the auditing has been completed for the AUD including the fund level transfers an example would be between the health retirement account to the payroll account which she will distribute during the next work session so the Board can review before voting.

**Public comment on Town issues**

*Glenn Morrison:* Mr. Morrison asked the Board to reconsider how things have been going for the past 2.5 years and how they interact and engage with the residents. He feels they are not interacting and engaging in a meaningful way and doing things based on resident input. He used the following examples:

- 1 Board Meeting a month thereby limiting time for resident input.
- Using a 3-minute time limit for public comment.
- Resident comments are not responded to during or after the meeting.
- In recent memory, aside from last meeting, he has not seen an agenda published prior to the meeting and questioned how residents can participate if they are not aware of the topics

He also read from a NYS Local Government Handbook (Chapter 10) and encouraged all residents to speak up.

Supervisor Maas responded to Mr. Morrisons concerns noting that she was unsure when Mr. Morrison started watching these meetings but she remembers there always being a 3-minute commentary time and also signing up at the door.

She used to send the agendas out on Union Vale Mail however, stopped during the COVID period as she felt there was so much overcommunicating. She stated the Town Clerk will post the agendas on the website when they have been finished. Supervisor Maas said she has received all of Mr. Morrisons emails and feels this Town Board (including last year) has a lot of initiatives and projects and cannot think of an example where people were shut-out of anything, as they do talk to people a lot. Residents are allowed to speak at meetings, call on the phone or stop by for a visit at Town Hall. She also noted the meetings are legislative sessions and the Town Board members are not supposed to say anything, engage, let people take over the meeting, or let fighting or arguing take place. They do however, want to hear what people have to say and do listen. She feels the Board has gotten a lot done but still has more to do and are always looking for input. Unfortunately, not everyone agrees all the time and she feels that is when people send emails and want to know more about things and wonders if they have more time than others but, stated the Board is happy to engage in any way. Supervisor Maas mentioned the idea for quarterly “coffee and doughnuts” they stopped it as no one would come. They have tried many different ideas to gain resident input and she feels when a person has something to say they usually call on the phone. She knows everyone is here because they want to do something good for the Town. She encouraged Mr. Morrison to watch Board meetings from years prior and notice they are different in that there is no yelling, screaming or picking on individual employees and feels the meetings have improved. Although the Board does not always agree with each other, it is okay because that is part of the reason they are here. She thanked Mr. Morrison for his comments.

**MOTION TO ADJOURN**

At 9:07 PM Supervisor Maas made a motion to adjourn which was seconded by Councilman Welsh and all were unanimously in favor.

Respectfully Submitted,

*Andrea Casey*

Town Clerk



TOWN OF UNION VALE TOWN BOARD  
RESOLUTION 20-27:

**RESOLUTION COMMENDING RESIDENT, KIM SCORALICK**

**WHEREAS**, it has come to the attention of the Town Board of the Town of Union Vale that the Brian Scoralick Family, led by Kim Scoralick, creators of the “Egg Hunts For All” event at Tymor Park was a finalist in Dutchess Tourism Inc.’s *Accessible Hospitality Award of Distinction*, a distinct honor that was shared with just two other finalists from the entire County of Dutchess; and

**WHEREAS**, a Town is only as great as those residents who give or demonstrate exceptional service to their community, whether through initiation of or participation in voluntary programs, exemplary personal achievement or endeavors in their professional or personal lives or a lifetime of positive actions and good citizenship; and

**WHEREAS**, it is the feeling of this Board that when a resident demonstrates extraordinary dedication to their own values and that of our community and those values and principles are brought to their attention, the same should be memorialized for the purpose of honoring that resident and emulation by others; and

**WHEREAS**, actions demonstrating devotion to one’s community are indispensable towards creating a happy Town with proud members and yet, so often goes unnoticed and unrecognized; and

**WHEREAS**, Kim Scoralick, has a personal history of devotion to others as a wife, mother, school teacher, co-founder of Tabby's Vision Foundation and creator of the adaptive Easter Egg Hunts at Tymor Park enabling children with sensory, vision and wheelchair accessibility issues to participate in hunting Easter Eggs similar to the Town's Traditional Egg Hunt, all of which demonstrates Kim Scoralick's exemplary personal achievements;

**NOW THEREFORE, BE IT RESOLVED**, the Town Board of the Town of Union Vale recognizes and commends Kim Scoralick as an outstanding citizen for her achievements and leadership skills, one who is worthy of the esteem of the community and Town of Union Vale. A framed copy of this Resolution is presented to Kim Scoralick on behalf of the Town Board.

Councilman Welsh introduced the following resolution, which was seconded by Supervisor Maas. The question of the adoption of the foregoing resolution was duly put to a vote on roll call, and unanimously passed.

DATED:

Union Vale, New York  
July 16<sup>th</sup>, 2020

Andrea Casey  
Andrea Casey, TOWN CLERK

**RESOLUTION # 20- 28 RESOLUTION TO REPORT STANDARD WORK DAY HOURS FOR  
HIGHWAY SUPERINTENDENT TO NYSLRS**

**WHEREAS**, the Town of Union Vale is required to report standard work days for hourly, salaried, elected and appointed officials to the New York State and Local Retirement System (NYSLRS) based on the record of activities maintained and submitted by these officials to the clerk of this body, and

**WHEREAS**, the Town of Union Vale has received the hours for the standard work day for the Highway Superintendent, an elected official, in the Town of Union Vale, and

**WHEREAS**, the following specifies the standard work days for :

<b>Title</b>	<b>Name</b>	<b>Standard Work Day</b>	<b>Term</b>	<b>Reportable Days</b>	<b>Participates In Time Keeping</b>
Highway Superintendent	Edward Kading	8	1/1/2020-12/31/2021	20.00	No

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Union Vale hereby adopts and approves the standard work day for its elected official, Edward Kading, Highway Superintendent, as included and made a part hereof; and

**BE IT FURTHER RESOLVED**, that a copy of the standard work day hours shall be kept on file in the office of the Town Clerk.



Councilman Durland introduced the following resolution, which was seconded by Councilman Welsh. The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

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

Ayes 5

Noes 0

DATED: July 16<sup>th</sup>, 2020

*Andrea Casey*

Andrea Casey, Town Clerk

**RESOLUTION 20-29: RESOLUTION RATIFYING EXECUTION  
OF DOCUMENTS RELATED TO SOLAR PROJECT FINANCING**

Councilman Welsh proposed the following Resolution, which was seconded by Councilman Frazier. A formal reading of the Resolution is waived, as a copy will be appended to the minutes of the meeting and has been posted on the Town's website.

**WHEREAS**, the Town of Union Vale Town Board executed a Land Lease Agreement (herein, the "Agreement") and a Memorandum of Lease Agreement (herein, the "Memo") dated February 21, 2019 with ELP Union Vale Solar LLC for the lease of portions of real property identified as tax map parcels 135400-6660-00-544087-0000, 135400-6660-00-555048-0000, 135400-6660-00-638053-0000 and 135400-6660-00-655022-0000 known generally as 2006 Route 55 (herein, the "Property") for purposes of installation and maintenance of a two megawatt solar energy system (herein, the "Facility"), subject to ELP Union Vale Solar LLC obtaining all necessary approvals and permits; and

**WHEREAS**, the Agreement and the Memo provided that each document would be amended to add metes and bounds descriptions when such descriptions were ready and such descriptions have now been provided by ELP Union Vale Solar LLC; and

**WHEREAS**, ELP Union Vale Solar LLC is seeking financing from Vitol Solar I LLC, which is requiring an Estoppel Certificate from the Town of Union Vale as a condition to making such financing; and

**WHEREAS**, the following documents have been negotiated between these parties as to form and content, and copies of the documents are on file with the Town Clerk:

1. First Amendment to Land Lease;
2. Amended and Restated Memorandum of Land Lease; and
3. Estoppel Certificate; and

**WHEREAS**, the Town Board issued a Negative Declaration when approving the application for this Facility and no further environmental review was needed for the execution of the above referenced documents; and

**WHEREAS**, by Resolution #19-36, dated December 5, 2019, the Town Board approved the application for the Facility and authorized the Supervisor to execute any and all documents reasonably necessary to give effect to that approval Resolution; and

**WHEREAS**, pursuant to said approval Resolution, the Supervisor executed the First Amendment to Land Lease, Amended and Restated Memorandum of Land Lease and the Estoppel Certificate above referenced on July 6, 2020;

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Union Vale Town Board hereby ratifies the execution of the First Amendment to Land Lease, Amended and Restated Memorandum of Land Lease and the Estoppel Certificate by the Supervisor, which occurred on July 6, 2020, and further authorizes the Supervisor to execute any and all other documents reasonably necessary to give effect to this Resolution.

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

Councilman Durland          Aye    

Councilman Frazier          Aye    

Councilman McGivney          Aye    

Councilman Welsh          Aye    

Supervisor Maas          Aye    

DATED: Union Vale, New York  
July 16, 2020

    *Andrea Casey*      
Andrea Casey, TOWN CLERK

draft