

**UNION VALE TOWN BOARD MEETING** **SEPTEMBER, 2016**  
**TOWN HALL 249 DUNCAN ROAD LAGRANGEVILLE 7:00 PM**

Present: Supervisor Patricia Tompkins  
Councilman John Welsh, Councilman David McMorris

Absent: Councilmen Steven Frazier, Councilwoman Corrina Kelley

The meeting was opened with the flag salute.

**OPEN MEETING TO PUBLIC COMMENT ON AGENDA ITEMS ONLY**

There were no comments on agenda items and the regular order of business was begun.

**PUBLIC HEARING LOCAL OPTIONS SENIOR STAR PROGRAM**

Supervisor Tompkins made a motion to open the Public Hearing at 7:02 PM and Councilman Welsh seconded it. All were in favor.

*Elfide Tillman* spoke in favor of the senior star program and expressed her concern that the State may be cutting it and would like any updates as provided. She also mentioned how wonderful our Assessor's Clerk, Lori, has been is helping the residents get everything submitted in a timely fashion. She then asked what the local option was for if you are not a Veteran. Supervisor Tompkins and Councilman Welsh answered that it holds open a longer window for filing and the Veterans disability benefits are not included in the income portion to qualify. Councilman Welsh also replied they will do all they can to see to it that the State does not cut the program as the Town would be opposed to that.

There were no further comments so Supervisor Tompkins closed the public hearing which was seconded by Councilman McMorris and all were in favor.

**PUBLIC HEARING GROUND MOUNTED SOLAR PANELS**

Supervisor Tompkins opened the Public Hearing at 7:04 PM and all were in favor. She invited Building Inspector and Code Enforcement Officer George Kolb to speak. Mr. Kolb gave the background and stated the current code does not address the larger ground mounted units and thought it was necessary for the Town to have some control especially in the ground mounted units. The basic idea of the law is that when a panel is to be installed that is 400 square feet or larger, it will cause the need of a special permit issued by the Planning Board. This will then allow the Board to review all factors. Over the next few months or years the Code will most likely need to be amended as so do the types of units. He also advised that the Arlington Central School District has a fairly large proposal to do an installation off of Route 55. It is approximately 15 acres and some of it will be visible from Route 55. If anyone has any questions they Mr. Kolb will be happy to answer them as they come about. There was no public comments so Supervisor Tompkins made a motion to close the Public Hearing but reminded everyone that they will accept all questions for the next days via email or by calling George Kolb. The motion was seconded by Councilman Welsh and all were in favor.

## **PUBLIC HEARING MS4**

Supervisor Tompkins made a motion to open the Public Hearing on the MS4 at 7:07 PM which was seconded by Councilman Welsh. Engineer Larry Paggi was invited to speak on the matter. Mr. Paggi began by explaining that Due to the 2010 Census parts of Union Vale were required to conform to MS4 regulations which established that certain parts of the Town are classified as urbanized areas in 2003 the Town was given a waiver and were unable to obtain again in 2010 so by 2016 the Town has to demonstrate conformance which includes adopting 3 ordinances. The first two are combined and deal with erosion and storm water management which will be in our Town Code book replacing chapter 122 with chapter 190. This is something that Union Vale has been working on knowing it was only a matter of time since 2007. A law was established back then which covered about 95% of the requirements. He then explained all of these in details. This law will amend to provide conformance and includes some revisions to make adjustments in thresholds that were appropriate due to the experiences over the last 8-10 years.

The second law is called the Elicit Discharge Deamination and Elimination. This law addresses the investigation and identification of potential elicit discharges to the Towns stormwater conveyance systems such as someone draining a construction site into a catch basin or sump pump in a basement with contaminants or even a pool into a catch basin that has not been de-chlorinated. This allows the Town to map the stormwater outfalls which the Town already has mapped so that they may be inspected annually.

This is partially being funded by a grant with the help of soil and water. He offered to answer any questions regarding the matter since there were none Supervisor Tompkins made a motion to close the Public Hearing and it was seconded by Councilman Welsh. She also offered that all questions will be accepted for the next 10 days which will be forwarded to Larry Paggi.

## **SUPERVISOR REPORT**

Supervisor Tompkins was in contact from Matt with Halmar which stated that they will be finished with the bridge work by the end of this month. Matt also called her this evening to report that his team will be working on the second bridge installation on Route 82 in Verbank and will be setting up the other bridge to detour that traffic with little interruption to flow through the night to have it finished for Monday. If there are any questions, please contact the Supervisor and she will forward the concerns to Halmar. Supervisor Tompkins attended the 9/11 ceremony hosted by the UVFD which she stated was very nice and wanted to thank everyone especially the speakers, County Legislature Marc Coviello, Assemblyman Kieran Lalor for their speeches and Mary Jean Calvi, for playing the flute and singing. She also attended the Dutchess County Highway Superintendent Picnic and commented on how nice the event was and wanted to thank everyone involved and our Highway Department for hosting.

## **REPORTS OF COUNCIL**

**Councilman Welsh** he mentioned he is recently appointed as the Library Steering Committee Liaison and wanted to report that they are working very hard and a lot has been accomplished.

In about two weeks, a post card will be arriving from the Committee regarding a survey that they encourage everyone to participate in. The post card will contain the instructions but for those without online capability to pick up a hard copy from the Town Clerk's office. They would like if every household took the survey so they will know how everyone feels about the Town's library services. Councilman Welsh also mentioned that on August 24, 2016 a group from Dutchess County came to look over Tymor Park regarding the grant for the parking lot and handicap accessibility. The initial request was for better access to the office area which had been denied in the past however this is the third access point that requires handicap accessibility and would also like to include in the grant improving the parking lot adjacent to the Park area. The County offered that they would send out representatives from DOT to assess the area but at this point no one has responded or sent someone which presents an issue with filing the grant on time. Due to this he would like to ask the other Board members if he may proceed anyway. Supervisor Tompkins agreed that it would be good to go forward so the Town may get whatever they can and offered to phone Anne Taylor again even though Councilman Welsh has left her numerous voicemails. Councilman Welsh stated that in order to proceed they would need to hold a public hearing at the next meeting.

**Councilman McMorris** reported that the UVFD participated in two events a Hero's Run with Sparrow's Nest and two members took first and second place in the first responders group, Corey and Devon Tassiano. The second event was the 9/11 services in Verbank. He wanted to thank Halmar and DOT for making the 9/11 area accessible as it was right next to the upcoming bridge project on behalf of the Fire District. He also spoke further about the detour that Halmar was going to reorganize the intersection working 24 hours a day and doing the construction at night. Councilman McMorris also reported that he spoke with Emily Chasen from NYSERDA regarding solarizing town properties which would be no cost to the town and the 11 acres we own on route 55. Mr. McMorris is providing information so that a request for proposal can be offered and a grant can be obtained. Councilman Welsh asked if anyone could come and speak and Councilman McMorris offered that Hugo Jules came and spoke already and due to their lack of people living locally they would be more than happy to set up a webinar but he can look further to have a representative be on site possibly to answer more questions as they are moving forward.

Councilman McMorris spoke about the JCAP grant which he reminded everyone was for security cameras around the town hall as well as inside for court security. The initial proposal was for 12K and this can all be paid for by a grant. After speaking with the grant writers they advised to pass a resolution at tonight's meeting to proceed as they must be in by October. The fee is \$89/ hour for the paperwork and if allowed by statute an receives 3.5% of the grant which Mr. McMorris considered on the lower end of hiring grant writers. Based on their experience and success rates Mr. McMorris makes the recommendation that the resolution be passed at tonight's meeting and hire G&G Grant Writing. Councilman McMorris made a motion to hire G&G for the JCAP grant. Councilman Welsh said based on the letter Mr. McMorris handed out he would second the motion. All were in favor.

## **HIGHWAY REPORT**

Mr. Wisseman started by saying that he was glad everyone enjoyed the Highway Superintendent Picnic. His work is as follows: Installed 1500 feet of pipe in meadow ridge along with 12 basins.

Oil and stoned South Smith and Eddy Rd. Waited the maximum 10-14 days to sweep up the loose stone on both roads. This is advised by the company who did the work. If it were swept up before that there would be a good chance of losing the guarantee for it to work the correct way. Fixed 60 ft. of guide rail on brush hill rd. Cleaned ditches on Flint and Mallory road. Cut down a dead tree on South Smith rd. Trimmed the over grown Forsythia bushes on Brookside lane. Removed a dangerous hanging limb on cooper rd. Replaced signs on still rd. Pushed off and leveled some of the dirt piles on North Parliman rd. Mr. Wisseman is having his employees dump there because there was a very steep drop off on the edge of the road. Now if someone has to pull off the road for some reason there is more room to do so, safely. Repaired a hydraulic line on the backhoe. The Superintendent then read a response to Joe Kelley's April scope of work in which he explained his reasoning for needing to make the repairs from usual wear and tear. DEC finally issued the permit for Meadow Ridge lane and will begin Monday. Mr. Wisseman also advised Central Hudson will be on site and there is a slight chance of power outages for a maximum of 4 hours.

### **BOOKKEEPER REPORT**

Ryan Courtien reported the A Fund expenditures were \$209,624.10 and the revenue was \$127,383.69. The D Fund expenditures were \$110,026.54 and the revenue was \$16,932.76. Most departments have submitted numbers for the 2017 budget as they are due by September 20<sup>th</sup>. The Supervisor will have the tentative budget to the town clerk's office by September 30, 2016.

### **PARKS**

Mr. Gosnell reported the 'lean to' created by Eagle scout Joseph Meister is complete and done very well and recommends anyone to come and view it. Councilman Welsh agreed stating it was done very professionally. Mr. Gosnell also stated the soccer field that has been created behind the maintenance shop is in use by Beekman and the larger field is also in use. The siding has been added to where the silos were removed and the building is secured. The equestrian jumps have been repainted and also invited anyone to the Equestrian event this Sunday. The Parks Department is preparing for Oktoberfest Sunday the 25<sup>th</sup> and will be doing work to the parking lot. He reported the gas pump has been fixed and came in under what was quoted. The pools are closed and the leak in the kiddie pool has been located by he and Tom St. Onge which has been leaking for some time which is accessible to be fixed for under \$100. Supervisor Tompkins stated that had been going on for 7 years and she and Councilman Welsh were impressed and happy to have it repaired. He and Jessica Dickinson attended a seminar earlier in the week to learn about grant money and did networking. Lastly he is meeting with a representative from the company 'Uni-Lock' in the near future.

### **RECREATION**

Jessica Dickinson announced that the Gift Card Drive going well and would like to Thank everyone and encourage the community keep contributing. She has been working on the Recreation Budget planning for 2017 as well as preparing for end of Summer/beginning of Fall. They have been phasing out of ASP, new leadership team TGTT (Thank goodness There's Tymor) which finished 7 days in a row before school began. In the After-School Program which is in session, they new directors, welcoming back Shelly Knight, the New Rec Assistant begins on Sept 26<sup>th</sup>. Oktoberfest is

in it's finally stages and invites everyone to come. It runs from 12-7pm and admission is \$5(under 5 is free). There will be new bounce houses for the kids East Fishkill Provisions (Smoke Haus Deli) will be providing the food and Dutchess Beer Distributors will be providing the beverages. As always, keep checking FB event page for updates. There will be a volunteer meeting for the Halloween Party will be October 5<sup>th</sup> at 6pm and everyone welcome. Ms. Dickinson would also like to thank the Town Board and Supervisor Tompkins for their continued communication throughout the transitional process.

## **RECYCLING**

No Report.

## **DOG CONTROL**

No Report.

## **TOWN CLERK'S REPORT**

A total of 51,892.63 was turned into the Supervisor for Conservation Licenses \$1614.00, Certified Copies \$350.00, Marriage licenses \$35.00, Copies \$3.25, Recreation Programs \$25,771.50, After School Program \$1,215.00, Swim Passes \$15,277.00, Equestrian Center \$160.00, Recycling Center \$6920.00, Refuse Bin \$1,862.43 and Dog License 203.50. The total collected for the month was \$53,592.68. Mrs. DeForest would also like to add that this will be her last report as she is retiring on October 1, 2016.

Mary Lou announced after 30+ years of service she will be retiring. Councilman Welsh thank you for all her contributions as Town Clerk, Deputy Town Clerk, Community Day and Oktoberfest coordinator, 4H and all the other many ways she has served the community over the years. Supervisor Tompkins added how wonderful it had been to work with her over the past few months and noted she will be missed. Councilman McMorris added that he will miss her and thanked her as well for all her hard work.

## **ZONING BOARD OF APPEALS**

Total Revenue collect for August \$500.00.

## **PLANNING BOARD**

No Money Collected.

## **CODE ENFORCEMENT**

August Report: Inspections Performed: # 68, Violation Notices Issued: #5, Building Permits Issued: #13, Old Permit C/O's: #19, Municipal Searches: #? (Not Received) Complaints Received: #5, Violations Abated: #3, Resident Meetings: #23 Cert. Occupancy/Compliance #20, Complaints acted on: #4, Appearance Tickets Issued: #0 Fire Call Outs: #0, Plan Review Hours: #13. Mr. Kolb addressed the Board and advised them the Municipal Search fee & procedure has been implemented and changed starting September 6, 2016. He also mentioned that his assistant

has taken ill and at this time has no date of return which puts a huge burden on his department as she handled a bulk of the work. Mr. Kolb has taken the initiative of contacting the municipal service that the town signed up with about a year and half ago to make the process more efficient. Lastly Mr. Kolb announced that any driveway either new or existing even those that need to be resurfaced will need a permit issued by his office. This is due to the problem of surface water flowing on Town Roads due to improper installation and the permit ensures that these driveways are constructed correctly. Mr. Kolb would also like to thank Mary Lou throughout his 5 years here she has been an incredible person to work with and he wishes her well but will miss her greatly.

### **CONSTABLE REPORT**

Can be reviewed in the Town Clerk's office

### **MEDIA**

Andrea Casey apologizes for the issues with the Town Channel. She and her team have been trying to contact a representative from Cablevision to swap out the equipment provided by them that is failing intermittently. The YouTube broadcasts are still working and she advises that if you experience a problem with channel 22 please visit our Town website to view the meeting in its entirety from the web.

### **DISCUSSION ON CONSTABLE GENERAL UNIFORM REGULATION**

Constable Ron DeGuisto proposed a uniform policy for the constables. Supervisor Tompkins ensured that everyone received a copy however with the absence of Councilwoman Kelley and Councilman Frazier, asked that everyone review it so that it can be discussed next meeting.

### **OVERTIME FOR SEASONAL EMPLOYEES**

This was brought up by Councilman Frazier at a prior meeting. Both Councilman Frazier and Supervisor Tompkins did some research on the matter and due to his absence tonight, Supervisor Tompkins decided that it would be better discussed when all were present. She then asked that it be tabled to next meeting.

## **RESOLUTIONS & MOTIONS**

### **RESOLUTION ACCEPTING 2015 ANNUAL JUSTICE COURT FINANCIAL REPORTS**

The following Resolution was offered by Councilman Welsh, seconded by Councilman McMorris, to wit:

***WHEREAS***, the Town of Union Vale Justice Court has submitted its 2015 annual financial reports to the Town Board pursuant to Section 2019-a of the Uniformed Justice Court Act.

***WHEREAS***, the Town of Union Vale has reviewed and audited the 2015 Town of Union Vale Justice Court annual reports.

***NOW, THEREFORE BE IT RESOLVED***, that the Town Board of the Town of Union Vale hereby accepts the 2015 Town of Union Vale Justice Courts annual reports; and

**BE IT FURTHER RESOLVED**, that a copy of the 2015 Town of Union Vale Justice Court annual reports shall be kept on file in the Office of the Town Clerk; and

**BE IT FURTHER RESOLVED**, that the Town Supervisor is authorized and directed to provide a copy of the Justice Court reports and a copy of this resolution to the New York State Office of Court Administration.

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

Roll Call Vote:

Supervisor Tompkins Aye  
Councilman Welsh Aye  
Councilman McMorris Aye

Councilman Frazier Absent  
Councilwoman Kelley Absent

**RESOLUTION ACCEPTING RESIGNATION OF ASSISTANT  
BOOKKEEPER/PAYROLL CLERK**

The following Resolution was offered by Supervisor Tompkins, seconded by Councilman McMorris, to wit:

**WHEREAS**, the Town of Union has received a letter of resignation from Kathy Hunt from her position as Town of Union Vale assistant bookkeeper and payroll clerk.

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Union Vale hereby accepts the resignation of Kathy Hunt from the position of assistant bookkeeper and payroll clerk. Said resignation shall be effective on October 12, 2016.

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

Roll Call Vote:

Supervisor Tompkins Aye  
Councilman Welsh Aye  
Councilman McMorris Aye

Councilman Frazier Absent  
Councilwoman Kelley Absent

Supervisor Tompkins read Ms. Hunt's resignation letter and stated she did a great job and hoped her replacement would be as great as she was. Councilman Welsh agreed stating she did an outstanding job as Payroll Clerk.

**RESOLUTION AUTHORIZING JUSTICE COURT ASSISTANCE PROGRAM GRANT**

The following Resolution was offered by Councilman McMorris, seconded by Supervisor Tompkins, to wit:

**WHEREAS**, the Town Justices of the Town of Union Vale request to submit a New York State Office of Court Administration 2016 Justice Court Assistance Program Grant (JCAP) application; and

**WHEREAS**, the Town Justices assert that said grant application shall prioritize the installation of security cameras on the exterior of the courtroom and court building.

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Union Vale hereby resolves and authorizes the Town Supervisor to sign and execute all necessary paperwork for the 2016 JCAP grant application and to make any recommended amendments to the grant application.

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

Roll Call Vote:

Supervisor Tompkins Aye  
Councilman Welsh Aye  
Councilman McMorris Aye

Councilman Frazier Absent  
Councilwoman Kelley Absent

**RESOLUTION ADOPTING A DETERMINATION OF NON-SIGNIFICANCE  
PURSUANT TO NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT  
(SEQRA) TO AMEND TOWN CODE**

The following Resolution was offered by Councilman Welsh, seconded by Supervisor Tompkins, to wit:

**WHEREAS**, the Town Board of the Town Code for “TAXATION” in Local Law 2 of 2016 establishes amendments to Chapter 196 on Senior Citizen and Disabled Persons Exemptions.

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Union Vale, as lead agency, determines this action to be a Type II action under SEQRA and determines that no significant adverse environmental impacts will result from the adoption of the Local Law



establishing guidelines and restrictions for signs in the town and that no further action is required under the SEQRA.

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

Roll Call Vote:

Supervisor Tompkins Aye  
Councilman Welsh Aye  
Councilman McMorris Aye

Councilman Frazier Absent  
Councilwoman Kelley Absent

**RESOLUTION AUTHORIZING THE ADOPTION OF “LOCAL LAW NO. 2 OF 2016”  
AMENDING CHAPTER 196 AND 196(5) OF THE TOWN CODE OF THE TOWN OF UNION  
VALE ENTITLED “TAXATION”**

The following Resolution was offered by Supervisor Tompkins, seconded by Councilman McMorris, to wit:

**WHEREAS**, the Town Board of the Town of Union Vale desires to adopt a local law in order to amend the Zoning Code, Section 196 and 196(5) of the Town Code entitled “TAXATION.

**WHEREAS**, the Town Board of the Town of Union Vale authorized (i) Town Counsel to prepare an amendment to Chapter 196 of the Town Code entitled, “Taxation”; (ii) to initiate the process of environmental review of the proposed Local Law under SEQRA; and (iii) to set a public hearing date on the proposed Local Law for September 15, 2016 at 7:00 p.m., or as soon thereafter as public comment could be heard;

**WHEREAS**, notice of said public hearing was duly advertised in the Poughkeepsie Journal, the official newspaper of the Town of Union Vale, for the time period required; and

**WHEREAS**, on September 15, 2016 a public hearing was held at 7:00 p.m. at the Union Vale Town Hall and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law; and

**WHEREAS**, pursuant to Part 617 of the implementing regulations pertaining to said Article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the Town Board that adoption of said proposed Local Law would not have the potential for a significant negative effect upon the environment and could be processed by other applicable governmental agencies without further regards to SEQRA; and

**NOW, THEREFORE BE IT RESOLVED**, that in accordance with the authority granted to it pursuant to New York State Constitution, Article 1X, Municipal Home Rule Law Section 2 et seq, the Town Board of the Town of Union Vale hereby adopts said Local Law No. 2 of 2016, a copy of which is attached hereto and made a part of this resolution, and be it further

**RESOLVED**, that the Town Clerk is hereby authorized and directed to enter said Local Law No. 2 of 2016 in the minutes of his meeting and in the Local Law Book of the Town of Union Vale; and to give due

notice of the adoption of said Local Law No. 2 of 2016 to the Secretary of the State of New York and the Town Clerk and Supervisor, if necessary, are hereby further authorized and directed to take all actions necessary to file Local Law No. 2 of 2016 with the Secretary of State.

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

Roll Call Vote:

Supervisor Tompkins Aye

Councilman Welsh Aye

Councilman McMorris Aye

Councilman Frazier Absent

Councilwoman Kelley Absent

[Local Law Filing](#)

NEW YORK STATE DEPARTMENT OF STATE  
WASHINGTON AVENUE, ALBANY, NY 12231

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## **Town of Union Vale, Dutchess County, NY**

### **Local Law No. 2 of 2016**

**Be it enacted by the Town Board of the Town of Union Vale as follows:**

**1. LEGISLATIVE INTENT.**

The Town of Union Vale desires to amend Chapter 196 to extend the time for residents to file an exemption pursuant to Section 467 of the Real Property Tax Law and to add a provision to exclude a Veteran's exemption from income calculations.

**2. AMENDMENTS TO TOWN CODE.** Chapter 196 of the Town of Union Vale is hereby amending the following:

**CHAPTER 196** shall be amended to add a new sentence at the end of Article I:

In the event the owner, or all of the owners of property which has received an exemption pursuant to Section 467 of the Real Property Tax Law on the preceding assessment roll fail to file the application pursuant to Section 467 on or before taxable status date, such owner or owners may file the application executed as if such application had been filed before taxable status date, with an Assessor on or before the date for the hearing of complaints.

AND

**CHAPTER 196-5(E):**

DISABILITY definition shall have a subsection (E)

(E) Disability payments for Veterans under Title 38 US Code are excluded from income calculations.

**3. SEVERABILITY.**

The invalidity of any word, section, clause, paragraph, sentence part or provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect within such part or parts.

**4. REPEAL.**

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

**5. EFFECTIVE DATE.**

This Local Law shall take effect immediately after it is filed with the Secretary of State as provided in section twenty-seven of the Municipal Home Rule Law.

**RESOLUTION AUTHORIZING HIRING OF RECREATION ASSISTANT/AFTER-SCHOOL CO-DIRECTOR**

The following Resolution was offered by Councilman Welsh, seconded by Councilman McMorris, to wit:

**BE IT RESOLVED**, that the Town Board of the Town of Union Vale hereby authorizes the hiring of Mary Pearson to the position of Recreation Assistant/After-School Co-Director in the Town of Union Vale; and

**BE IT FURTHER RESOLVED**, that the rate of pay shall be \$17.00 per hour, for a period not to exceed 40 hours per pay period.

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

Roll Call Vote:

Supervisor Tompkins Aye  
Councilman Welsh Aye  
Councilman McMorris Aye

Councilman Frazier Absent  
Councilwoman Kelley Absent

**RESOLUTION AUTHORIZING HIRING OF ASSISTANT BOOKKEEPER/PAYROLL CLERK**

The following Resolution was offered by Councilman McMorris, seconded by Supervisor Tompkins, to wit:

***BE IT RESOLVED***, that the Town Board of the Town of Union Vale hereby authorizes the hiring of Kim Maykut to the position of Assistant Bookkeeper and Payroll Clerk in the Town of Union Vale, effective September 20<sup>th</sup> 2016; and

***BE IT FURTHER RESOLVED***, that the hourly wage for the position shall be \$17.00 per hour, not to exceed 40 hours per pay period.

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

Roll Call Vote:

Supervisor Tompkins Aye

Councilman Welsh Aye

Councilman McMorris Aye

Councilman Frazier Absent

Councilwoman Kelley Absent

**RESOLUTION AUTHORIZING HIRING OF AFTER SCHOOL CO-DIRECTOR**

The following Resolution was offered by Councilman Welsh, seconded by Supervisor Tompkins, to wit:

***BE IT RESOLVED***, that the Town Board of the Town of Union Vale hereby authorizes the hiring of Shelly Knight to the position of Town of Union Vale After School Co-Director; and

***BE IT FURTHER RESOLVED***, that the rate of pay shall be \$18.00 per hour, for a period not to exceed 30 hours per pay period.

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

Roll Call Vote:

Supervisor Tompkins Aye

Councilman Welsh Aye

Councilman McMorris Aye

Councilman Frazier Absent  
Councilwoman Kelley Absent

### RESOLUTION 16-009 TO AUTHORIZE PAYMENTS

The following Resolution was offered by Supervisor Tompkins, seconded by Councilman McMorris, to wit:

**BE IT RESOLVED**, that the Town Board of the Town of Union Vale hereby authorizes the payment of all General Fund Claims and Highway Fund Vouchers as set forth in the Abstract #9 of 2016, which is available in the Town Clerk's office, and authorize the Town Supervisor to make all payments.

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

Roll Call Vote:

Supervisor Tompkins Aye  
Councilman Welsh Aye  
Councilman McMorris Aye

Councilman Frazier Absent  
Councilwoman Kelley Absent

Supervisor Tompkins state she was contacted earlier today by the Town Attorney who would like to add a resolution to the agenda authorizing special counsel to continue on the matter of Leonard VS The Union Vale Planning Board. Although it was not a week before the meeting she would like to seek approval to read the resolution. Councilman Welsh made the motion that this resolution entitled SPECIAL COUNSEL TO CONTINUE ON THE MATTER OF LEONARD, et al v. PLANNING BOARD OF THE TOWN OF UNION VALE be added to the agenda which was seconded by Councilman McMorris.

### RESOLUTION AUTHORIZING SPECIAL COUNSEL TO CONTINUE ON THE MATTER OF LEONARD, et al v. PLANNING BOARD OF THE TOWN OF UNION VALE

The following Resolution was offered by Councilman Welsh, seconded by Councilman McMorris, to wit:

**WHEREAS**, that the Town of Union Vale and the Town of Union Vale Planning Board have been represented by Terry Ride, Esq. and Stenger, Roberts, Davis and Diamond, LLP in the matter of Leonard, et al v. Planning Board of the Town of Union Vale both in Federal and State courts.

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Union Vale hereby authorizes Terry Rice, Esq., with the assistance of Stenger, Roberts, Davis and Diamond, LLP to continue to represent the Town of Union Vale and the Town of Union Vale Planning Board to continue as attorneys in the review of the application of Leonard, et al to the Town of Union Vale Planning Board; and

***BE IT FURTHER RESOLVED***, that this resolution is subject to the Town of Union Vale Planning Board passing a resolution authorizing Terry Rice, Esq. and Stenger, Roberts, Davis and Diamond, LLP to be retained as special counsel on the Leonard, et al v. Town of Union Vale Planning Board.

Roll Call Vote:

Supervisor Tompkins Aye

Councilman Welsh Aye

Councilman McMorris Aye

Councilman Frazier Absent

Councilwoman Kelley Absent

### **PUBLIC COMMENTS ON NON AGENDA ITEMS**

*Steven Habiague 80 Mountain Creek Road-* He thinks that the request may originate in the fact that he prevailed on appeal with the second circuit court of appeals. The result of that is that the District Court was reversed and therefore, with a twist that was inserted by the court of appeals, that the litigation may continue if when he submitted a challenge to the rescission, the Planning Board revises its previous determination and gives approval to the project then, that ends the litigation. On the other hand, if the Planning Board ‘digs in its heels’ and sticks to its position that the negative declaration was properly rescinded then he can go back to the District Court and continue the litigation. This is something that involves some risk to the Town. The risk is that the insurance policy of the Town contains an exception for intentional wrongful acts by Town Officials.

Councilman Welsh stated he believes there isn’t any case of that. Mr. Habiague continued by saying that although Councilman Welsh does not think so, it is still a risk and he suggests that the Town let Attorney, Tom Jacobellis, familiarize himself with the case and give his input. If they continue with the litigation for which he does not see any reason and he says this as a note of caution, the District Court found that the complaint thoroughly debunked each reason the Planning board relied upon the rescind the negative declaration and the Second Circuit Court of Appeals stated in more gentle language that their analysis of the rescission shows that each ground was erroneous. He feels that this is the opportunity the Second Circuit Court gives to the Planning Board to reevaluate this rescission, if they do that, everything stops and there is no more expense to the Town and no exposure to the Town. If they do not, he will continue with the litigation. He sees no reason to continue and stated he did not know what they were even litigating about saying that it is a project that will bring money to the Town and is a project that has absolutely no impact and stated they were unable to establish any adverse impact and both courts have rejected it. He concluded that it is the Towns decision and the decision of the Planning Board and thanked everyone for their time.

*Betsy Maas, Chairwoman of the Library Steering Committee:* Ms. Maas wanted to give an update to the residents and the Town Board about the status of the Committee as she was under the impression that is what the liaison did and thanked Councilman Welsh for his report tonight. She gave some background on how the committee was formed and wanted to highlight some of their work to date as they hope to be done with their analysis by September/October to present to the Board. Three of those options include, continuing to pay the MHLS, negotiating with

neighboring library's or building a Library in the Town. She also wanted to mention how important it was from hearing from the residents of what they wanted. She highlighted what each of the members were focusing their efforts on the collect the data that would influence their recommendations. She mentioned that a bump in the road was when Councilwoman Kelley, without getting permission or authorization from her peers, sent a letter out to 66 library's including Tom Sloan of the MHLS stating that Betsy Maas and the committee did not have authority to do certain things but were allowed to speak to them. This had a negative effect on the committee and felt that minimized the role of the committee and stopped them from asking questions. Ms. Maas said they have many more questions to the neighboring library's on how they obtain funds and the circulation numbers are coming from. Many committee members are upset due to a Town Board member lying and she is trying to keep them on the committee as they are almost done. She asked for two items. 1- A letter be sent to rebut the comments in Councilwoman Kelly's letter. She was informed by the Board that the letter was sent today and Ms. Maas thanked everyone for the letter and appointing Councilman Welsh. She will give an update on the post card and the status. Councilman Welsh, Supervisor Tompkins and Councilman McMorris stated that Betsy and all the members are owed a debt of gratitude for all their hours and hard work spent working on this and gathering information.

#### **MOTION TO ADJOURN**

At 8:23 PM Councilman McMorris made a motion to adjourn and it was seconded by Supervisor Tompkins, all were in favor.

Respectfully Submitted,

*Andrea Casey*

Andrea Casey  
Town Clerk