

UNION VALE TOWN BOARD MEETING SEPTEMBER 1, 2016

TOWN HALL 249 DUNCAN ROAD LAGRANGEVILLE, NEW YORK 12540 7:30 PM

PRESENT: Supervisor Tompkins

Councilmen: John Welsh, Steven Frazier, David McMorris, Corrina Kelley

The meeting was opened with the flag salute

PUBLIC COMMENT ON NON-AGENDA ITEMS

None

REPORTS OF COUNCIL

Supervisor Tompkins read a letter from Matt of Halmar regarding the Jackson Creek Detour stating the updated finish date until the end of September, early October.

Supervisor Tompkins also stated that her neighbor's house had burned down the past weekend and witnessing the efforts of the volunteer fire department and EMT's was amazing to see first-hand. She especially wanted to thank all the fire departments on the scene such as Beekman, Dover, Lagrange, Pawling, the DC Sheriff's, all the EMT's Mary Jean Calvi for giving oxygen to one of their cats John Welsh who was first on the scene with the tanker truck, Dave McMorris, Carlos Mina, Ryan Courtien and all the local units that came to assist. Everyone did a great job to save as much as they could. She noted nearby Beekman resident and fire fighter Tom Kingsley was first on the scene to assist as well. The family wanted Supervisor Tompkins to thank everyone as it was a very devastating event. Ms. Tompkins also wanted to thank the Community Action Partnership, which the Town had donated money to, as they offered to provide clothing, furniture as well as rent money for the Union Vale Family in need. The other cat is still missing and details about the description are available on our Town website.

As it is budget season she has been spending much of her time having meetings with Ryan Courtien, Bookkeeper, and the various department heads. There is a seminar for the Volunteer Fire Police Association of Dutchess County on Article 35 'Justifiable use of Force' on Saturday, October 1, 2016 at the Beekman Fire House from 9:00 to 3:00 Registration at 8AM. This will be posted for anyone who would like to attend. She would like to remind everyone about Oktoberfest on Sunday, September 25 and wanted to thank the Parks and Rec's Dept for working hard to make this event a success. Lastly Supervisor Tompkins wanted to bring to everyone's attention that Recreation Director Jessica Dickenson is holding a Gift card drive for Juanita Kettlewell and Larry Carr. Information for this is online if you would like to donate.

Councilman Welsh reported he was working with Supervisor Tompkins and the Park's Department to gain grant funds to add to the Towns handicap accessibility. This specifically is to extend the parking area to upgrade it and to make our parking lots safe for everyone as well as seniors and handicap. They will be perusing this and as well as obtaining grant money to improve their efforts.

Councilwoman Kelley had nothing to report.

Councilman McMorris is reviewing proposals for NYMERS. He has also been in touch with J&J Processes, grant writers, who will assist in gaining funds specifically for court security that we can apply for which gives us the ability to record what goes on around the town hall much like the security that was put in place around the park. In order to proceed a resolution must be done by the next meeting stating we are seeking that grant. Councilman McMorris said he will have this prepared for the next meeting as it must be submitted by October 2016. He also spoke with Pat Strong from NYSERDA on solar energy and will be meeting again next week to take a look at the buildings here to see if this is a feasible option.

Next Sunday the Union Vale Fire Company is holding a 9/11 ceremony at Station 1 in Verbank at 4:00, everyone is welcome to attend.

Councilman Frazier stated that he had sent everyone an email he had received regarding the changes made to the detour message boards. He also received a letter from the DOT responding to the letter he had sent about issues with the Jackson Creek detour. DOT's response is that they

have changed the message on the board to reflect his suggestions and it is more clearly stated about taking the allocated detour route. Although he was pleased about that, Councilman Frazier is not sure of how effective it will at this point and time. For whatever reason the DOT did not feel they needed a second message board for traffic coming from the Billings area as they could not find a suitable spot. They also stated they followed their standards and although it has been unfortunate that is the best they can do and he is hopeful the detour will be over soon. Councilman Frazier asked if everything was squared away with INF associates regarding the LED lighting. Supervisor Tomkins stated due to some clerical issues it is now moving forward and Bookkeeper Ryan Courtien and Ryan Peterman to finalize it.

Employee Handbook Discussion

Councilman Frazier in reviewing the handbook noted a section with seasonal employees not being entitled to overtime pay. He was uncertain if this conformed to NYS labor law and would like the Town Attorney to take a look at that. Supervisor Tomkins added she will also ask Dutchess County and see what they have to add. Councilman Frazier added he will email his changes and a few other notes that he wanted to be sure matched current law. Councilman Welsh advised that the attorney was already reviewing it as well to see if everything was appropriate but thought it would be good to mention the overtime policy specifically for clarification.

Resolution adopting Social Media/ Cell Phone Policy

Supervisor Tomkins stated that this policy had been discussed at the last few board meetings and had been tabled several times. Since the last meeting Ms. Tompkins and Ryan Courtien sat down and took Councilman Welsh's social media policy and combined the work Councilwoman Kelley had done with the cell phone policy and decided to make one comprehensive policy addressing both pieces. She would like to vote on it now and would like it noted changes can be made down the road however, it is important to have a policy in place now as we have not had one before.

RESOLUTION ADOPTING SOCIAL MEDIA/ CELL PHONE POLICY

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

WHEREAS, the Town Board of the Town of Union Vale desires to adopt a policy for the use of social median and cell phone by Town of Union Vale employees and elected officials.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Union Vale hereby adopts the Town of Union Vale Social Media and Cell Phone Policy, as attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED, that the Town of Union Vale Social Media and Cell Phone Policy shall be incorporated in to the Town of Union Vale Employee Handbook and shall take effect upon adoption.

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

Supervisor Tompkins – Aye
Councilman Welsh- Aye
Councilwoman Kelley- Aye
Councilman McMorris- Aye
Councilman Frazier – Aye

RESOLUTION AMENDING TOWN CODE ENTITLED "TAXATION"

The following Resolution was offered by Councilwoman Kelley, seconded by Supervisor Tompkins, to wit:

WHEREAS, a Local Law is being introduced to be known as Local Law No. 2 of 2016, entitled A LOCAL LAW OF THE TOWN OF UNION VALE, DUTCHESS COUNTY, NEW YORK TO AMEND SECTIONS 196(1) and 196(9) --- SENIOR CITIZEN'S EXEMPTION AND DISABLED PERSONS EXEMPTIONS OF THE UNION VALE TOWN CODE:

BE IT ENACTED by the Town Board of the Town of Union Vale that the Town Code is amended to read as follows:

Section 1. Section 196(1) of the Union Vale Town Code is amended to add a new sentence reading as follows:

In the event the owner, or all of the owners, of the property which has received and 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 the Assessor on or before the date for the hearing of complaints.

Section 2. Section 196(9) of the Union Vale Town Code is amended to add a new subsection ""as follows: Disability payments of Veterans under Title 38 US Code are excluded from income calculations.

Section 3. This local law shall be effective upon filing with the Secretary of State.

Section 4. If any of this section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this law.

WHEREAS, the Town Board of Union Vale pursuant to the Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing upon this law.

NOW, THEREFORE RESOLVED, that a public hearing be held in relation to the proposed changes as set forth in the form of notice, hereinafter provided, at which hearing parties in interest and citizens shall have an opportunity to be heard, to be held at the Union Vale Town Hall, on September 15, 2016, at 7:00 o'clock p.m., or as soon thereafter as public comment can be heard and that notice of said meeting shall be published in the official newspaper of the general circulation in the Town of Union Vale, by the Town Clerk, at least five (5) days before such hearing on the proposed local law.

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Town Board of the Town of Union Vale will hold a public hearing at the Town Hall, New York on September 15th, 2016 at 7:00 o'clock p.m. on Local Law No. 2 of the Year 2016, to amend Section 196(1) and Section 196(9) Senior Citizen's Exemption and Disabled Persons Exemptions--of the Union Vale Town Code to extend the time for filing a senior citizen's exemption and to exclude veteran's disability payments from income calculation.

TAKE FUTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Town of Union Vale at the Town Hall, LaGrangeville, New York between the hours of 10:00 a.m. and 4:00p.m. on all business days between the date of this notice and the date of the public hearing.

TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

September 1, 2016 Town Board Minutes

DATE: Union Vale, New York
September, 1, 2016

Councilman Frazier wanted to make a suggestion that hours for town hall be corrected to Monday through Thursday from 10 AM to 4 PM. He made a motion that it be corrected to that and Supervisor Tompkins seconded it.

Roll Call Vote on Amendment

Supervisor Tompkins – Aye
Councilman Welsh- Aye
Councilwoman Kelley- Aye
Councilman McMorris- Aye
Councilman Frazier – Aye

Discussion: Councilman Welsh feels it is a great law and hopes that everyone supports it because of the people that are going to benefit from it. He also added that we should be sure to publicize it because people need to be aware of this.

Roll Call Vote on resolution:

Supervisor Tompkins – Aye
Councilman Welsh- Aye
Councilwoman Kelley- Aye
Councilman McMorris- Aye
Councilman Frazier – Aye

**RESOLUTION SETTING PUBLIC HEARINGS ON PROPOSED ADOPTION OF
CHAPTER 210- SOLAR PANEL LAW**

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

WHEREAS, The Town Board has determined that it is in the public interest to provide for and encourage renewable energy systems and a sustainable quality of life and it desires to facilitate the development and operation of renewable energy systems based on sunlight. Solar energy systems are appropriate in all zoning districts when measures are taken, as provided in this proposed Local Law to minimize adverse impacts on neighboring properties and protect the public health, safety and welfare.

NOW, THEREFORE RESOLVED, that the Town Board hereby schedules a public hearing in relation to the proposed adoption of Chapter 210, at which hearing all parties in interest and citizens shall have an opportunity to be heard, to be held at the Union Vale Town Hall, on September 15, 2016, at 7:00 o'clock p.m., or as soon thereafter as public comment can be heard and that notice of said meeting shall be published in the official newspaper of the general circulation in the Town of Union Vale, by the Town Clerk, at least five (5) days before such hearing on the proposed local law.

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Town Board of the Town of Union Vale will hold a public hearing at the Town Hall, New York on September 15th, 2016 at 7:00 o'clock p.m. on Local Law No. 3 of the Year 2016, to adopt Chapter 210 entitled, Solar Panel Law.

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Town of Union Vale at the Town Hall, LaGrangeville, New York between the hours of 10:00 a.m. and 4:00p.m. on all business days between the date of this notice and the date of the public hearing.

TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATE: Union Vale, New York
September, 1, 2016

Roll Call Vote:

Supervisor Tompkins – Aye
Councilman Welsh- Aye
Councilwoman Kelley- Aye
Councilman McMorris- Aye
Councilman Frazier – Aye

RESOLUTION SETTING PUBLIC HEARINGS ON PROPOSED ADOPTION OF CHAPTER 140, ILLEGAL DISCHARGES TO STORM WATER, AND CHAPTER 190, STORMWATER MANAGEMENT & EROSION AND SEDIMENT CONTROL LAW

The following Resolution was offered by Councilman Frazier, seconded by Councilwoman Kelley, to wit:

WHEREAS, two Local Laws are being introduced for the purposes of addressing the Town of Union Vale’s designation as an MS-4 community, whereby it is required to implement, upon its citizenry, measures to prevent illegal discharges to the municipal separate stormwater systems and to implement additional controls to manage stormwater and prevent erosion and sediment control from land disturbance activities.

NOW, THEREFORE RESOLVED, that the Town Board hereby schedules a public hearing in relation to the proposed adoption of Chapter 140 and Chapter 190, at which hearing all parties in interest and citizens shall have an opportunity to be heard, to be held at the Union Vale Town Hall, on September 15, 2016, at 7:00 o’clock p.m., or as soon thereafter as public comment can be heard and that notice of said meeting shall be published in the official newspaper of the general circulation in the Town of Union Vale, by the Town Clerk, at least five (5) days before such hearing on the proposed local law.

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Town Board of the Town of Union Vale will hold a public hearing at the Town Hall, New York on September 15th, 2016 at 7:00 o’clock p.m. on Local Law No. 4 of the Year 2016, to adopt Chapter 140 entitled, Illegal Discharges to Stormwater.

TAKE FUTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Town of Union Vale at the Town Hall, LaGrangeville, New York between the hours of 8:30 a.m. and 4:00p.m. on all business days between the date of this notice and the date of the public hearing.

TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATE: September, 1, 2016 -Union Vale, New York

Roll Call Vote:

Supervisor Tompkins – Aye
Councilman Welsh- Aye
Councilwoman Kelley- Aye
Councilman McMorris- Aye
Councilman Frazier – Aye

RESOLUTION APPOINTING RECREATION DIRECTOR

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

WHEREAS, the Town of Union Vale Recreation Director has resigned; and

WHEREAS, the Town of Union Vale desires to appoint a new Recreation Director.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Union Vale hereby appoints Jessica Dickenson to the position of Town of Union Vale Recreation Director for the Town of Union Vale, on a provisional basis with a six (6) month probationary period; and

BE IT FURTHER RESOLVED. that the pay for this position shall be at a rate of \$23.00 per hour, not to exceed eighty (80) 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

Supervisor Tompkins – Aye
Councilman Welsh- Aye
Councilwoman Kelley- Aye
Councilman McMorris- Aye
Councilman Frazier – Aye

RESOLUTION APPOINTING HEAD GROUNDS KEEPER

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

WHEREAS, the Town of Union Vale Park and Recreation Director has resigned; and

WHEREAS, the Town of Union Vale desires to appoint a Head Grounds Keeper to be in charge of the maintenance and upkeep of the park and facilities.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Union Vale hereby appoints Jake Gosnell to the position of Head Grounds Keeper for the Town of Union Vale, on a provisional basis, with a six (6) month probationary period.

BE IT FURTHER RESOLVED, that the pay for the position shall be at a rate of \$23.00 per hour, not to exceed eighty (80) 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:

Supervisor Tompkins – Aye
Councilman Welsh- Aye
Councilwoman Kelley- Aye
Councilman McMorris- Aye
Councilman Frazier – Aye

Discussion: Councilman Welsh said Mr. Gosnell has been working for the town for a year and half and is doing great, he has really stepped up to meet the needs of the town, is very competent and will bring in excellent results with his efforts. Councilman Welsh was pleased to read the resolution. Supervisor Tompkins added that she and Councilman Welsh have been working closely with both Jake Gosnell and Jessica Dickenson and reported that everything is coming along nicely

PUBLIC COMMENTS ON NON-AGENDA ITEMS

Elfriede Tillman- Wanted to know when the budget meeting was that is open to the public. Supervisor Tompkins said it will likely be October.

Councilman Frazier made a motion that Councilman Welsh be appointed as the liaison to the Library Steering Committee. Councilwoman Kelley corrected that first he would have to make a motion to remove her as current liaison. Councilman Frazier rephrased his motion to replace Councilwoman Kelley with Councilman Welsh as Library Steering Committee Liaison. Councilman McMorris seconded the motion.

Discussion:

Councilwoman Kelley stated she was aware the Town Board could replace anyone at any

time. She then read a letter stating that the Library Steering committee meetings were the most covert open meeting she had ever experienced. The sub-committee members were decided outside the meetings without committee approval. The committee chair inserted herself into select sub-committees without committee approval, the chair asked the whole committee to keep quiet and were advised to not speak outside the meetings, the only exception was to Town Board members and only if they asked. Councilwoman Kelley stated she was also held to the confidentially agreement and told not to speak to Town Board members until the committee was ready. She found out the committee chair person had private meetings with select Town Board members without the knowledge of the Library Steering committee or herself. The committee chair on more than one occasion encouraged her to not attend steering committee meetings. The committee chairperson misrepresented a meeting that was arranged with the Millbrook Library Board without prior knowledge of the Library Steering Advisory Committee. When confronted, the Library Chair refused to have an email read at the Steering Committee meeting which clearly stated the details of the meeting with the Millbrook Library Board. The committee chair unilaterally decided to suspend all activities of the Library Steering Advisory committee without prior approval of the committee or the Town Board. The suspension of the committees activities is beyond the scope of the committee chair person. Councilwoman Kelley then apologized to the town residents for not insisting on posting all agendas, documents and minuets of the Library Steering Advisory Committee on the Town Website because in a transparent government an open meeting standard is the standard to be followed in all public meetings. She also regrets not reporting monthly on the committees activities at the Town Board Meetings during the reports of departments and committees. Again she apologized to the Town Residents. Councilman Frazier stated he does hold the same opinion regarding the letter Councilwoman Kelley just read.

Library Steering Committee Chair Betsy Maas:

She stated the Library Steering Committee is comprised of residents of the Town all of whom have been working very hard as quickly as possible to try and prepare the report for the Town Board. To put it simply they are an advisory which means they are doing research and turning over every possible stone they can in order to come up with good ideas for the Town Board to evaluate. She reported that it had been somewhat difficult and is hesitant to say this publicly but she did state and mentioned she is not the only person of that opinion that Councilwoman Kelley has been quite the obstructionist. She has been overbearing, she has tried to keep the committee from moving in a certain direction, she has misrepresented some things on occasion. Most of the letter that was just read was not true and she herself had received a couple of false statements from Mrs. Kelley herself which made Ms. Maas very uncomfortable. The only thing the Town should recognize is that this is only an advisory committee, they have no power, they are just a group of people who are working really hard to come up with ideas for the Board. She continued that the Board has the power and all of the fighting and arguing and road blocking that has been received by the committee on behalf of Mrs. Kelley and Ms. Maas stated working on this committee is a waste of everyone's time as Mrs. Kelley can have those arguments with the Board later when the Library Steering Committee gives the presentation. Ms. Maas stated again it is not up to the committee to make a decision, they are doing a lot of homework and will give the presentation with either a majority or minority presentation, either way they will work it out. At the end their hard work will represent good conclusions with things that can be analyzed. Once again she stated the fight is not with the Library Steering Committee, they are just volunteers. If Mrs. Kelly wants to fight it out, she can with the rest of the Town Board but right now they just want to get their work done and present the Board with some viable solutions. Ms. Maas said they suspended the meeting after last because Mrs. Kelley sent a letter out to Tom Sloan of the Mid-Hudson Library System and 66 affiliate libraries that was not authorized.

Councilman Frazier added that it was actually discouraged by the Town Board. Ms. Maas continued if there had been previous discussions that the Steering Committee wasn't privy to as to discourage Mrs. Kelley from doing things as such and then she did it without discussing it with the committee and making it look as if everyone on the Town Board was behind her at that point Ms. Maas thought they were not getting the support of Mrs. Kelley certainly, she had to find out if she had the rest of the Boards support therefor she suspended the activities. She concluded that there had been some strange things happening and she does not understand why people are trying to put road blocks in front the committee, she requested if they could just get their report out and hand it over so the Board may go over every point of it things that they agree with or disagree or they may even disregard the whole things, whatever decision is the boards prerogative. She reiterated again that this is only an advisory committee and noted those on the committee should be thanked because they have worked very hard, herself included. Although Mrs. Kelley attends all the meetings and other than speaking with Tom Sloan of the Mid-Hudson

Library System Ms. Maas has yet to see one representation of any work that Mrs. Kelley has done on the committee other than give them a hard time and it has been a challenge and apologizes for feeling the need to say these statements publically. She now just requests the space and time to finish so the work may be handed over and the ball be in the Town Board's court and they can figure out what to do with the Library Steering Committee's recommendations.

Councilwoman Kelley questioned Councilman Frazier's comment about his point regarding that she was never specifically told not to send the letter asking when she was directly told not to send a letter.

Councilman Frazier answered stating there had been a discussion in executive session which he was not comfortable discussing speaking about it here because it was in executive session but noted that all the same points that were put in the letter that Councilwoman Kelley sent out were brought up and it was the consensus of all the other board members that this was not an issue. Then, a few days later, this letter was sent as Deputy Supervisor that touched on all the same points that everyone else on the Board had agreed were not an issue. To Councilman Frazier that is his interpretation of discouraging sending the letter in which Councilwoman Kelley wrote and sent out. He feels this was a progression and anyone else could have understood. He concluded that he would no longer argue about this point as he had made a motion.

Supervisor Tompkins added saying it would be the best for the Library Steering Committee and Councilwoman Kelley as well to put someone else in place as liaison as she feels people aren't getting along and the Committee has a little bit of work left and the Board should let them finish their work and get the work back to the Board.

Councilman McMorris agreed saying they have many other things to talk about, not just the Library Steering Committee. He attended one of the meetings and from what he could see they are moving along quickly in a positive direction and are gathering a lot of information for the Town Board.

Roll Call Vote on replacing Councilwoman Kelley with Councilman Welsh

Supervisor Tompkins – Aye
Councilman Frazier – Aye
Councilman McMorris- Aye
Councilman Welsh- Abstain
Councilwoman Kelley- Abstain

The motion passed.

Councilman Welsh read the section in the handbook where it stated that seasonal employees are exempt from OT. Councilman Frazier stated that he felt this part was not compatible with NYS Labor Law whereas Councilman Welsh thought that it was a contract stating the expectation of being allowed or not both agreed the attorney should further look into it.

Supervisor Tomkins made a motion to go into executive session at 7:44 PM to discuss legal matters. Councilman Frazier seconded the motion to go into executive session.

At 7:49PM Supervisor Tompkins made a motion to come out of executive session which was seconded by Councilman Welsh all were in favor. Supervisor Tomkins stated a decision was made to proceed with legal matters. The next Town Board Meeting is scheduled for September 15, 2016 at 7:00 PM

Councilman McMorris made a motion to adjourn at 7:50 PM and it was seconded by Supervisor Tompkins. Everyone were in favor.

Respectfully Submitted,
Andrea Casey
Deputy Town Clerk