

**UNION VALE BOARD MEETING APRIL 18, 2019
TOWN HALL 249 DUNCAN ROAD LAGRANGEVILLE NY 7:30PM**

**PRESENT: Supervisor Maas
Council: Steven Frazier, Corrina Kelley, David McMorris, & John Welsh
Building Inspector, George Kolb
Park Manager, Jake Gosnell
Highway Superintendent, Richard Wisseman
Attorney: Jeffery Battistoni
Town Clerk: Andrea Casey**

THE MEETING WAS OPENED WITH THE FLAG SALUTE

Special Guest: Dan Higgins, Calculated Fire Protection Company

Mr. Higgins spoke about the issues with the Park Sprinkler System and ways to resolve them. Supervisor Maas agreed a water test should be conducted and asked Mr. Higgins to work up a quote on schedule 40 for the long run of pipe.

Ray Vergati of Homeland Towers spoke about the history of the cell phone project to date and explained the information in the visual impact test. Attorney Battistoni spoke about the legal steps in order to proceed. He explained the application has been submitted to Town of Union Vale and the site is located on an approximate 16-acre parcel located in Tymor Park. A ground lease agreement has been negotiated and tonight the Board will vote to allow the Supervisor to execute that agreement and further explained that this type of agreement is subject to permissive referendum. Attorney Battistoni also explained the resolutions that are tied to this project that will all be voted upon tonight.

Resolution # 19-23 SEQRA Negative Declaration & Notice of Determination of Non-Significance (See Resolutions)

Resolution # 19-24 Execution of Option of Ground Lease For Cell Tower on Town Owned Property (See Resolutions)

Resolution # 19-25 Notice of Lead Agency Designation & Direction for Public Hearing, Including "Monroe" Analysis (See Resolutions)

MOTION TO APPROVE MINUTES

Councilman Frazier made a motion to approve the Minutes of March 21, 2019 which was seconded by Councilman McMorris and all members were unanimously in favor

Town Supervisor Report:

Supervisor Maas spoke about the current cash flow statement for the month of March and remarked there was nothing unusual and the Town is on track. Comp Alliance will be performing mandatory training and scheduling Work Place Violence, Blood borne Pathogens and other required training. Board of Elections has notified the Town has been designated an early voting site at Town Hall. Correspondence included Public Hearing Notices for Town of LaGrange regarding zoning changes, letter from residents at the 'Fountains at Millbrook' regarding pool use and water aerobics. Wednesday, May 8th the Dutchess County Office of the Aging will hold their grand opening and other events. Communication: Letters/Emails, Conservation Advisory Council (CAC) – new group assembling

Town Highway Superintendent Report:

Phase II Tymor Parking Lot, Mallory Road & 2019 Maintenance Plan. Mr. Wisseman read his report which is on file in the Town Clerk's office. He also spoke about the issues with Mallory Road and cited that this road did not fare well over the winter and he hopes to schedule repair for this in 2019. He will obtain quotes and get prices to the Board over the next month. Reserve Funds for Highway Equipment Purchases Superintendent Wisseman believes it could be started with approximately \$10,000.00. Supervisor Maas hopes after this passes it can be funded from sale of scrap metal, excess equipment and an initial transfer of funds.

Resolution # 19-22 To Establish a Highway Reserve Fund (See Resolutions)

Motion to Fund Highway Reserve Fund

Councilman Welsh made a motion to put \$5,000 from Msc. Repairs to fund the newly created Highway Reserve Fund which was seconded by Councilman Frazier and all were unanimously in favor.

Town Clerk Report: Shredding Day set for Wednesday May 22 a time will be posted on the web closer to the date of shredding.

PUBLIC COMMENT - None

Recreation & Park Report

Egg Hunts for All was a huge success with the help of residents Kim & Brian Scoralick and new Event Coordinator, Jennifer Santucci.

Recreation Department – “Egg Hunts for All”: 4/27 Hosted by *Brian & Kim Scoralick*; Fishing Derby: 4/11, 8-11 am, Hosted by *Will Woolley*

Community Day – June 1st / Community Night – June 21st: Volunteers Needed!
Summer Camp Registration is on!

Parks – Project Updates, soccer has begun, 2 Tymor Park is being prepped for rental and they have been working outside despite the rain. Work continues on the kiddie pool and Jake Gosnell reported it will be ready in time for opening season.

Recycling Center – No Report

Building Department – MS4 Annual Report next month, MS4 – Audit in June Mr. Kolb reported he is busy. The majority are Municipal Searches and he recommends if anyone is looking to sell to call in advance. He also spoke about the upcoming MS4 audit and preparation for this. He also discussed the adoption of Liberty Way after construction is complete on road.

Assessor – Assessed Values on Single Family Homes, there is misinformation she would like to clear up. The State mandated that single family homes are increasing by 5% not per the Town. BAR - Property Tax Grievance Date Change – Wednesday, May 29th

MOTION TO CHANGE BANKS

Councilman Welsh made a motion to change payroll deposit bank accounts from Tompkins Mahopac to M&T Bank. This was seconded by Councilman Frazier and all were unanimously in favor.

Furnace Pond Dam

Supervisor Maas explained the history of the ongoing communication between the Town & DEC. A maintenance plan needs to be established and Jake Gosnell and his team are capable of maintaining the dam after the initial repairs and shortcomings are established. Supervisor Maas noted that the guidelines that were originally used were not appropriate for our dam. Two new firms gave a proposal that needs to be evaluated and a decision needs to be made in order to move forward. Everyone agreed this is an ongoing problem and needs to be addressed sooner than later. Both firms have already spent much time and energy researching the dam and meeting with the DEC representative reviewing the case. After further discussion it was decided to go with MILONE & MACBROOM.

MOTION TO APPROVE DAM ENGINEERING FIRM

Councilman Welsh made a motion to approve MILONE & MACBROOM contingent on getting the FEMA model for the lower cost, seconded by Councilman McMorris and all were unanimously in favor.

In the event they were unable to do so Councilman Frazier made a motion to change the work session on May 3, 2019 to a business meeting so that they may move forward which was seconded by Councilman Welsh and all were unanimously in favor.

Approve Budget Adjustments, Transfers, Warrants, Pay Bills

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

Public Comment on Town Issues -None

Motion to Adjourn

Councilman Welsh made a motion at 9:24pm to adjourn the meeting which was seconded by Councilman Welsh and all were unanimously in favor.

Next Scheduled Meetings: May 2 – Work Session; May 16 – Town Board Regular Meeting

Respectfully Submitted,
Andrea Casey
Town Clerk

(Resolutions attached)



RESOLUTION # 19-22 ESTABLISHING A CAPITAL RESERVE FUND
TO FINANCE HIGHWAY EQUIPMENT

WHEREAS, The Town Board and the Highway Superintendent of the Town of Union Vale recognize the future financial needs of the Highway Department will entail large expenditures for expensive equipment used for the sole purpose of maintaining town roads; and

WHEREAS, the establishment of reserve funds are excellent financial planning tools for towns to save for future expected expenditures; and

WHEREAS, funding of reserves can come from appropriations, surplus funds (excess revenues over expenditures) and investment income;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 6-c of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the "Highway Equipment Reserve Fund" (hereinafter "Reserve Fund"). The purpose of this Reserve Fund is to accumulate moneys to finance the cost of a type of equipment. The type of equipment to be financed from the Reserve Fund is the acquisition of replacement equipment for the Highway Department.

The chief fiscal officer or Supervisor is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The chief fiscal officer or Supervisor may invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the Town of Union Vale. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The chief fiscal officer or Supervisor shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render the Board a detailed report of the operation and condition of the Reserve Fund.

Except as otherwise provided by law, expenditures from the Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. Such moneys may be expended from this Reserve Fund only on order of the Town of Union Vale Highway Superintendent, upon audit, and with the consent of the Town Board and such additional actions or proceedings as may be required by Section 6-c of the General Municipal Law or any other law.

The preceding resolution was offered by Councilman McMorris, who moved its adoption, 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:

Supervisor Maas Aye

Councilman Frazier Aye

Councilwoman Kelley Aye

Councilman McMorris Aye

Councilman Welsh Aye

Ayes 5

Noes 0

 Andrea Casey

Andrea Casey, Town Clerk

Dated: April 18, 2019



**RESOLUTION # 19-23: SEQRA NEGATIVE DECLARATION AND
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE**

WHEREAS, the Town of Union Vale Town Board proposes to enter into an Option and Ground Lease Agreement with Homeland Towers, LLC for the lease of real property identified as tax map parcel 132200-6659-00-960870-0000 and by the street address of 43 Deforest Lane for purposes of installation and maintenance of a 150-foot monopole telecommunications tower and related equipment, subject to Homeland Towers, LLC, obtaining all necessary approvals; and

WHEREAS, this determination of non-significance, i.e. negative declaration, is prepared in accordance with Article 8 of the Environmental Conservation Law: the State Environmental Quality Review Act ("SEQRA") and its implementing regulations set forth in 6 NYCRR Part 617 ("Regulations"); and

WHEREAS, the Town Board is directly undertaking the Action (authorizing execution of the Option and Ground Lease Agreement), is the only agency involved in making the Option and Ground Lease Agreement and is the lead agency in this SEQRA review; and

WHEREAS, the Town of Union Vale Town Board has classified this Action as an Unlisted action pursuant to 6 NYCRR § 617.6 and has caused the preparation of a Short Environmental Assessment Form ("EAF") for review of the Action; and

WHEREAS, the Town of Union Vale Town Board has reviewed the Action and all relevant supporting information and documentation and has determined that there will be no significant adverse environmental impacts associated with the Action; and

WHEREAS, this negative declaration is supported and substantiated by the following conclusions of the Agency: The Action involves only the authorization to execute an Option and Ground Lease Agreement, which is then subject to Homeland Towers, LLC, obtaining all necessary approvals. A separate environmental review will be conducted for the actual application to install and maintain the telecommunication tower and equipment.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Union Vale Town Board has determined that the Action will not have any significant adverse impact on the environment, adopts the attached Short EAF and authorizes the execution and filing of same; and

BE IT FURTHER RESOLVED, that the Town of Union Vale Town Board hereby issues this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and its implementing Regulations; and

BE IT FURTHER RESOLVED, that the Town of Union Vale Town Board hereby authorizes the filing this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and 6 NYCRR § 617.12 of its implementing Regulations.

Councilman Welsh introduced the following resolution, which was seconded by Councilman McMorris, as follows:

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

Supervisor Maas	Aye
Councilman Welsh	Aye
Councilman Frazier	Aye
Councilwoman Kelley	Aye
Councilman McMorris	Aye

Aye: 5 Nay: 0

DATED: April 18, 2019

Andrea Casey
Town Clerk, Union Vale – Andrea Casey



RESOLUTION # 19- 24 : EXECUTION OF OPTION AND GROUND LEASE AGREEMENT FOR CELL TOWER AND RELATED EQUIPMENT ON TOWN-OWNED PROPERTY

WHEREAS, the Town of Union Vale Town Board has negotiated an Option and Ground Lease Agreement with Homeland Towers, LLC for the lease of real property identified as tax map parcel 132200-6659-00-960870-0000 and by the street address of 43 Deforest Lane for purposes of installation and maintenance of a 150 foot monopole telecommunications tower and related equipment, subject to Homeland Towers, LLC, obtaining all necessary approvals; and

WHEREAS, a copy of the Option and Ground Lease Agreement between the Town of Union Vale and Homeland Towers, LLC, is on file with the Town Clerk; and

WHEREAS, the Option and Ground Lease Agreement and its execution require approval by the Town Board and is subject to permissive referendum;

NOW, THEREFORE, IT IS HEREBY RESOLVED, as follows:

1. The Town Board approves of the Option and Ground Lease Agreement, and authorizes the Supervisor to execute it in the same or substantially the same form.

2. This resolution is subject to permissive referendum and the Town Clerk is directed to publish the notice required by NYS Town Law Section 90.

Councilman Frazier introduced the following resolution, which was seconded by Councilman Welsh , as follows:

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

Supervisor Maas	Aye
Councilman Welsh	Aye
Councilman Frazier	Aye
Councilwoman Kelley	Aye
Councilman McMorris	Aye

Aye: 5 Nay: 0
DATED: April 18, 2019

Andrea Casey
Town Clerk, Union Vale – Andrea Casey



RESOLUTION # 19-25: NOTICE OF LEAD AGENCY DESIGNATION AND DIRECTION FOR PUBLIC HEARING, INCLUDING "MONROE" ANALYSIS

WHEREAS, the Town of Union Vale Town Board has negotiated an Option and Ground Lease Agreement with Homeland Towers, LLC for the lease of real property identified as tax map parcel 132200-6659-00-960870-0000 and by the street address of 43 Deforest Lane for purposes of installation and maintenance of a 150-foot monopole telecommunications tower and related equipment, subject to Homeland Towers, LLC, obtaining all necessary approvals and subject to permissive referendum; and

WHEREAS, a copy of the Option and Ground Lease Agreement between the Town of Union Vale and Homeland Towers, LLC, is on file with the Town Clerk; and

WHEREAS, the Town has received an application from Homeland Towers, LLC, seeking approval for the installation and maintenance of such improvements; and

WHEREAS, the application includes a Full EAF for purposes of beginning the environmental review of the application and the Town of Union Vale Town Board intends to serve as Lead Agency in the environmental review; and

WHEREAS, the subject real property is owned by the Town of Union Vale and located in the Town of Beekman, and the Town of Union Vale Town Board has historically controlled use and development of all of its town-owned property; and

WHEREAS, the Town of Union Vale Town Board intends to assess, after public hearing, whether the of installation and maintenance of a 150 foot monopole telecommunications tower and related equipment on said real property owned by the Town of Union Vale and located in the Town of Beekman should be exempt from local land use regulations under the standards set forth in Matter of Monroe County (72 N.Y.2d 338; 533 N.Y.S.2d 702) and subsequent case law and/or whether the Town of Union Vale Town Board shall conduct the review of such application and issue any approvals deemed necessary;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town of Union Vale Town Board hereby classifies the application as an unlisted action, declares its intent to serve as Lead Agency in the review of this matter under the State Environmental Quality Review Act (SEQRA) and its implementing regulations (6 NYCRR 617) and authorizes the circulation of the application to involved and interested agencies.

2. The Town of Union Vale Town Board shall review, at the above referenced public hearing, whether the installation and maintenance of a 150-foot monopole telecommunications tower and related equipment on said real property should be exempt from local land use regulations under the standards set forth in Matter of Monroe County (72 N.Y.2d 338; 533 N.Y.S.2d 702) and subsequent case law and/or whether the Town of Union Vale Town Board shall conduct the review of such application

3. The Town Clerk is hereby authorized and directed to cause the notice of said public hearing to be published once in an official newspaper of said Town, and posted in the manner prescribed by law, which notice shall be given not less than 10 days before the date of public hearing, in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Town of Union Town Board will hold a public hearing at the Town Hall, 249 Duncan Road, LaGrangeville, NY 12540 (in the Town of Union Vale) on Tuesday, May 21st, 2019 at 7 o'clock, p.m., prevailing time, to review whether the installation and maintenance of a 150 foot monopole telecommunications tower and related equipment on real property owned by the Town, identified as tax map parcel 132200-6659-00-960870-0000 and by the street address of 43 Deforest Lane, should be exempt from local land use regulations under the standards set forth in Matter of Monroe County (72 N.Y.2d 338; 533 N.Y.S.2d 702) and subsequent case law and/or whether the said Town Board shall conduct the review of such application.

Councilwoman Kelley introduced the following resolution, which was seconded by Councilman McMorris, as follows:

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

Supervisor Maas	Aye
Councilman Welsh	Aye
Councilman Frazier	Aye
Councilwoman Kelley	Aye
Councilman McMorris	Aye

The resolution was thereupon declared duly adopted.

Aye: 5 Nay: 0
DATED: April 18, 2019

Andrea Casey
Town Clerk, Union Vale – Andrea Casey