

UNION VALE TOWN BOARD MEETING **JUNE 16, 2016**
TOWN HALL 249 DUNCAN ROAD LAGRANGEVILLE 7:30 PM

Present: Supervisor Patricia Tompkins
Councilmen Steven Frazier, John Welsh, Corrina Kelley

Absent: Councilman David McMorris

The meeting was opened with the flag salute.

MOMENT OF SILENCE / MARGARET FETTES AND ORLANDO TRAGEDY

Supervisor Tompkins asked for a moment of silence for former County Legislator Margaret Fettes who passed away this month and for the victims of the Orlando, Florida shootings.

William McCabe spoke about the many services that Margaret Fettes had performed for Dutchess County and the Town of Union Vale.

Elfriede Tillman also spoke regarding Mrs. Fettes' many contributions to the Town and the Union Vale Fire Company.

Damar Osika spoke about Mrs. Fettes contributions and also she was a cancer survivor and involved the Cancer Society Relay for Life.

OPEN MEETING TO PUBLIC COMMENT ON AGENDA ITEMS ONLY

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

SUPERVISOR REPORT

Supervisor Tompkins mentioned that Community Day was successful and she thanked the Councilmen John Welsh, Steve Frazier, David McMorris and Rob Mattes for joining her in going in the dunk tank. Ms. Tompkins also thanked everyone who contributed to the fireworks display. There is an opening on the County Transit Development Plan Advisory Committee and Peter Bonk has submitted an application. Time clocks are being purchased for the Town Hall the park and highway department. Requests for Proposals are being published for Town Planner and Town Engineer.

Councilman Frazier stated that the detour on Route 55 for the bridge re-construction is a failure and is causing traffic problems. The State Troopers and Deputy Sherriff are there writing tickets.

Councilman Frazier offered a motion that a formal complaint regarding these traffic problems be sent to the State on town stationary. The motion was seconded by Councilman Welsh and passed unanimously.

Councilwoman Kelley mentioned that the Town has a number that residents can call with problems regarding this bridge reconstruction.

Councilman Welsh mentioned that he will be talking with the grant writer regarding shared services and also regarding funding for revamping the salt shed at the highway garage.

HIGHWAY REPORT

Mr. Wisseman reported that the men have added material, graded and rolled the dirt roads. They spread calcium chloride on the dirt roads for dust control. The men spread about 40 tons by hand. They patched Oswego Road and Mallory Road, spread 70 tons by hand and rolled it. Cleaned and re stoned the ditch at Oswego and Cole Roads. Roads that were patched so far are: North and South Parliman Roads; Mennella Road; Still and Pleasant Ridge Extension, Walsh Road, West Clove Mountain Road and Jennifer Hill. The inside turns on Wisseman Road were touched up. Replaced some signs. Mowed one pass around the whole town, both sides of the road where needed. Boom mowed brush and tree limbs that were encroaching into the road. Repaired some drainage at 273 Barmore Road. Repaired drainage and two catch basins on Darren Road. Did drainage work at 20 Walsh Road. Fixed a black top curb and swale in Cooper Drive. Picked up a couple bags of garbage that town residents had filled from road side clean up. Thank you to the

Foley family and John and Loretta Ryan. Caught several code violations and reported them to George Kolb. Replaced the muffler on truck 3. Ordered the big pipe for Meadow ridge. The arch pipe that is being donated to us from the Town of Poughkeepsie will be disassembled into three pieces next week. We will move it to the town garage after that.

BOOKKEEPER REPORT

No report.

RECYCLING

No report.

DOG CONTROL REPORT

The Dog Control Officer reported responding to complaints regarding 2 lost dogs, 2 dogs found and 2 dogs running loose. One prior written complaint was brought to Town Court and re-scheduled for next month. A second inspection was completed on May 19, 2016 by NYS Agriculture and Markets Animal Health Inspector Kim Volpe and Union Vale was found to be in satisfactory compliance with Ag and Markets requirements.

TOWN CLERK REPORT

Conservation Licenses - \$165.33, Marriage Licenses -\$0.00, New York State Neutering Fund - \$57.00, Town Fees - \$52,618.17 was collected for a total for May of \$52,840.50.

ZONING BOARD REPORT

\$250.00 was taken in for application fees for the month of May.

PLANNING BOARD REPORT

\$1,250.00 was taken in for variance fees for the Month of May.

CODE ENFORCEMENT OFFICE REPORT

George Kolb submitted a report showing 33 Building Permits issued, 62 Inspections performed, 7 complaints received and 5 acted on, 19 hours spent on plan reviews, 0 Fire Call Out, 4 Violation Notices issued, 3 Violations abated, 0 Appearance Tickets issued, 26 Certificates of Occupancy and Certificates of Compliance issued, 11 applicant meetings, 8 Municipal Searches issued and 15 old permits were closed for May.

TAX COLLECTOR

Edna Bonk, Tax Collector reported collecting \$147,414.55 for the month of May. \$255,259.10 was paid to Dutchess County and \$5,613.10 in penalties and \$88.00 in postage was turned in to the Supervisor. Unpaid tax bills were returned to the Dutchess County Commissioner of Finance on June 9, 2016. Any unpaid taxes must be paid to the County, no more tax payments accepted by the Town.

MEDIA

Andrea Casey reported that she has updated the Web site. When she tried downloading the last meeting to the Web site she was not able to due to a corrupt file. Discs of the meeting are available through the Clerk's office. A trip to the Town of Dover last Friday was very helpful.

PARKS AND RECREATION

No report

APPROVE ASSISTANT AQUATICS DIRECTOR SUMMER POSITION

Councilman Frazier offered a motion to approve the appointment of Amy Moran as Assistant Aquatics Director for summer 2016, also add to the list as swimming instructors, Loren and Sean Foley. The motion was seconded by Supervisor Tompkins and passed with a unanimous vote.

APPROVAL OF PARK MEMORIAL APPLICATION FORM

An application was submitted by Salvador and Carl Esposito to purchase a Japanese red maple to be planted at Tymor Park in memory of Michael Esposito with a small plaque. Councilwoman Kelley mentioned that the Town Board has not approved the application form yet. Councilwoman Kelley said that there is wording on the application that is not in the Town's policy and she feels that the policy and application should line up. Supervisor Tompkins offered a motion to approve the application as written and submitted by Robert Mattes. The motion on the application was seconded by Councilman Frazier. Councilwoman Kelley stated that the line that says 'rational for memorial placement, please list any significant achievements/contributions to the community made by the honoree' is not in the policy and should not be on application. The policy states that the person honored and the donor should both be residents of the Town of Union Vale and that should be on the application. Councilman Frazier asked the Town Attorney Thomas Jacobellis for his opinion this matter. Mr. Jacobellis stated that he doesn't feel that the policy and application need to match verbatim.

Supervisor Tompkins offered a motion to approve the application submitted by Mr. Mattes. The motion was seconded by Councilman Frazier. Roll call vote follows:

Patricia Tompkins, Supervisor	Voting	Aye
Steven Frazier, Councilman	Voting	Aye
John Welsh, Councilman	Voting	Nay
Corrina Kelley, Councilwoman	Voting	Nay
David McMorris, Councilman		Absent

Councilwoman Kelley offered a motion to pass the application with it stating that if applicable, list any significant achievements or contributions. Supervisor Tompkins seconded the motion and roll call vote follows:

Patricia Tompkins, Supervisor	Voting	Aye
Steven Frazier, Councilman	Voting	Aye
John Welsh, Councilman	Voting	Nay
Corrina Kelley, Councilwoman	Voting	Aye
David McMorris, Councilman		Absent

Supervisor Tompkins offered a motion to approve the application submitted by Salvador and Carl Esposito to purchase a Japanese red maple to be planted at Tymor Park in memory of Michael Esposito. The motion was seconded Councilwoman Kelley and roll call vote follows:

Patricia Tompkins, Supervisor	Voting	Aye
Steven Frazier, Councilman	Voting	Nay
John Welsh, Councilman	Voting	Nay
Corrina Kelley, Councilwoman	Voting	Aye
David McMorris, Councilman		Absent

MOTION TO PURCHASE PICNIC TABLES / TYMOR PARK

The purchase of picnic tables was tabled until Mr. Mattes is present to answer any questions.

RESOLUTION TO RENEW 11 TYMOR PARK ROAD RENTAL LEASE

There was discussion regarding renewing the lease for 11 Tymor Park Road and the fact that the renters have a trampoline set up in their yard. Supervisor Tompkins offered a motion to request proof of insurance by the homeowners covering the trampoline or removal of it before signing renewal. The motion was seconded by Councilwoman Kelley and passed with a unanimous vote.

RESOLUTION OF TAX CERTIORARI / FOUNTAINS OF MILLBROOK

The following Resolution was introduced by Councilman John Welsh and seconded by Supervisor Patricia Tompkins:

WHEREAS, a tax certiorari proceeding was commenced by Fountains Millbrook SL LLC ("Petitioner") in the Supreme Court, County of Dutchess, under Index # 2015/51337, seeking a reduction in the real property tax assessment for assessment year 2015, upon certain real property located at Flint Road, Town of Union Vale, and designated as tax grid no. 135400-6863-00-309055-0000 and tax grid no. 135400-6863-00-432278-0000; and

WHEREAS, the owners of the above mentioned parcel have agreed to withdraw the petition requesting a reduction for said tax roll; and

WHEREAS, the Special Counsel and the Town Assessor each recommend the settlement of the tax proceeding as set forth herein; and

WHEREAS, the Town Board believes that it is in the best interest of the Town to settle the above-referenced tax certiorari in accordance with the negotiated settlement.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The recitations above set forth are incorporated in this Resolution as if fully set forth and adopted herein.
2. The Town Board of the Town of Union Vale hereby approves a settlement of the above-captioned tax proceeding for the 2015 tax year for tax grid no. 135400-6863-00-309055-0000 and tax grid no. 135400-6863-00-432278-0000 as follows:

	Assessment	Original		New
Tax Grid Number	Year	Assessment	Reduction	Assessment
135400~6863-00-309055-0000	2015	\$18,946,400	-0-	\$18,946,400
135400-6863-00-432278-0000	2015	\$ 1,553,600	-0-	\$ 1,553,600

3. The Town Board hereby approves an assessment of this property for the 2015 tax year for tax grid no. 135400-6863-00-309055-0000 of \$18,946,400 and tax grid no. 135400-6863-00-432278-0000 of \$1,553,600.

4. The Town Supervisor, Town Assessor and Special Counsel to the Town are hereby authorized to take all action necessary and appropriate to effectuate the terms of this resolution, including that the Special Counsel to the Town, or any member of his firm, is authorized to execute a Stipulation of Settlement by and on behalf of the Town.

The foregoing was put to a vote which resulted as follows:

Patricia Tompkins, Supervisor	Voting	Aye
Steven Frazier, Councilman	Voting	Aye
John Welsh, Councilman	Voting	Aye
Corrina Kelley, Councilwoman	Voting	Aye

David McMorris, Councilman Absent

Dated: LaGrangeville, New York June 16, 2016

The Resolution is hereby duly declared adopted.

Mary Lou DeForest, Town Clerk

**RESOLUTION AUTHORIZING SETTLEMENT OF TAX CERTIORARI
SKY ACRES ENTERPRISES, INC**

At a regular meeting of the Town Board of the Town of Union Vale, Dutchess County, New York, held at Town Hall, 249 Duncan Road, Lagrangeville, New York, on the 16 day of June, 2016, at 7:00 P.M. The meeting was called to order by Patricia Tompkins, Supervisor, and upon roll being called, the following were:

Present: Supervisor Tompkins

Councilmen: Steven Frazier
John Welsh
Corrina Kelley

Absent: Councilman David McMorris

The following Resolution was introduced by Councilwoman Corrina Kelley. and seconded by Supervisor Patricia Tompkins:

WHEREAS, a tax certiorari proceeding was commenced by Sky Acres Enterprises, Inc. (“Petitioner”) in the Supreme Court, County of Dutchess, under Index No. 2015/2768, seeking a reduction in the real property tax assessment for assessment year 2015, upon certain real property located at Airway Drive, Town of Union Vale, and designated as tax grid nos. 6662-00-286245 and 6662-00-173280; and

WHEREAS, the Special Counsel has negotiated with counsel for Petitioner and the Special Counsel and the Town Assessor each recommend the settlement of the tax proceeding as set forth herein; and

WHEREAS, the Town Board believes that it is in the best interest of the Town to settle the above-referenced tax certiorari in accordance with the negotiated settlement.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The recitations above set forth are incorporated in this Resolution as if fully set forth and adopted herein.
2. The Town Board of the Town of Union Vale hereby approves a settlement of the above-captioned tax proceedings for the 2015 tax years for tax grid no. **6662-00-286245** as follows:

Assessment Year	Original Assessment Assessment	Reduction	New
2015	\$1,350,000	\$430,000	\$920,000

3. The Town Board of the Town of Union Vale hereby approves a settlement of the above-captioned tax proceedings for the 2015 tax year for tax grid no. **6662-00-173280** as follows:

Assessment Year	Original Assessment	Reduction	New Assessment
2015	\$610,500	-0-	\$610,500

4. The Town Supervisor, Town Assessor and Special Counsel to the Town are hereby authorized to take all action necessary and appropriate to effectuate the terms of this resolution, including that the Special Counsel to the Town, or any member of his firm, is authorized to execute a Stipulation of Settlement by and on behalf of the Town.

The foregoing was put to a vote which resulted as follows:

Patricia Tompkins, Supervisor	Voting	Aye
Steven Frazier, Councilman	Voting	Aye
John Welsh, Councilman	Voting	Aye
Corrina Kelley, Councilwoman	Voting	Aye
David McMorris, Councilman	Absent	

APPROVAL OF PAYMENT OF BILLS

Councilman Frazier offered a motion to pay the General Fund Claims, the Highway Fund vouchers the Capital Projects Claims and the Miscellaneous Fund. The motion was seconded by Councilman Welsh and passed unanimously.

OPEN MEETING TO COMMENT ON NON-AGENDA ITEMS

Malia and Mary Fredrickson spoke regarding their disapproval of Mr. Mattes policy regarding the number of lifeguards scheduled for the summer and for the training programs. Councilman Frazier and Councilman Welsh both stated that this policy was Mr. Mattes decision to make.

Councilman Welsh thanked everyone who donated to the cost of the fireworks.

As there were no further comments on non-agenda items the regular order of business was resumed.

MOTION TO ADJOURN

Councilman Welsh offered a motion to adjourn at 8:10 p.m. The motion was seconded by Councilman Frazier and passed unanimously.

Respectfully Submitted,

Mary Lou DeForest

Mary Lou De Forest, Town Clerk