

TOWN BOARD MEETING
May 18, 2006 - 7:00 PM

The meeting was called to order by Supervisor Reagon at 7:00 p.m.
Salute to the Flag was conducted.
Emergency Exits were pointed out by the Supervisor.

Roll Call:

Councilwoman Perotti	Present
Councilman Euvrard	Present
Councilwoman Doyle	Present
Councilman Russell	Present
Supervisor Reagon	Present

RECOGNITION PLAQUE TO EMERGENCY SERVICES VOLUNTEERS

Supervisor Reagon recognized the Amenia and Wassaic Emergency Medical Services volunteers as the true "unsung heroes" of our town with the presentation of an engraved plaque.

The squad member names on the plaque are:

Amenia Emergency Medical Technicians: Blake Hale, Mary Maillet, Andrew Murphy, Stephanie Murphy, Phil Thompson.

Amenia Drivers: Matthew Deister, Warren Gordon, Richard Howard, Richard Howard, Jr., Shawn Howard, Brian Hunt, Jim Lambertson, Fred Lattrell, John Macura, Tony Maillet, Laurie Miller, Larry Murphy, Joel Pelkey, Gary Stossel.

Wassaic Emergency Medical Technicians: Mary Ann Lamay, Richard Lamay, Paul Voorhees.

Wassaic Drivers: Tom Ackerman, Lindsley Eggers.

The plaque will hang in a place of honor in town hall. The presentation of the plaque to squad representatives was accompanied by an enthusiastic and appreciative round of applause from the audience. As an additional recognition, Supervisor Reagon read a framed poem entitled "I'll Show You a Volunteer" which detailed many of the characteristics of volunteers. At the end of the poem, the volunteers stood to accept another round of applause.

Supervisor Reagon also thanked the employers who allow the volunteers to leave work to respond to calls. Next year, this annual recognition ceremony will include the employers. In closing, the supervisor commented that in September of this year, the Wassaic squad will be celebrating their 75th anniversary.

PUBLIC COMMENTS - AGENDA ITEMS ONLY

Bill Carroll:

- Allen Property: if the Town buys the land and gets the mining permit, who does the reclamation? Michael Hayes clarified that the seller (Richard Allen) would continue to be responsible for the reclamation.
- There would be additional costs to the Town of purchasing the Allen property: adding drainage, burying electric lines, building a road to Route 22, etc.
- Where will the new town hall go? The Town already owns 47 acres at Beekman Park.

Pat Nelligan:

- Why must we spend tens of thousands of dollars for a Phase II study? Last time the Town went to referendum without a Phase II study.

Sharon Kroeger:

- Wassaic speed limit: posting a 30 mph zone on Furnace Bank Road may mislead drivers into thinking that it is safe to drive that road at 30 mph when they should actually be going slower between the highway and the railroad.

Michael Collins:

- Allen property: How much would the Phase II study cost? Supervisor Reagon responded that the cost of the Phase II study would be addressed in a later part of the agenda.

HIGHWAY BID AWARD

The Town received three bids for the surplus highway equipment which consists of two Mack trucks, a 1983 and a 1980 (used for parts):

Jack Horner	\$3,055.01
Hollenbeck	\$4,000.
Wheels Used Cars	\$1,784.78

ACCEPT BID FROM HOLLENBECK FOR SURPLUS HIGHWAY EQUIPMENT

MOTION: C/Euvrard
SECOND: C/Perotti
ROLL CALL: C/Perotti - AYE C/Doyle - AYE
 C/Euvrard - AYE C/Russell - AYE
 S/Reagon - AYE
MOTION CARRIED 5 to 0.

SPEED LIMIT IN WASSAIC

Supervisor Reagon read the resolution which proposed to set the maximum speed limit in the hamlet of Wassaic to 30 mph. The roads affected are Furnace Bank Road, Nelson Hill Road, Firehouse Road, Old Cross Road, Under Mountain Road, and Borden's Lane. Without a speed limit sign, the default is 55 miles per hour. Although a lower speed limit may be desirable, 30 mph is the lowest permitted outside a school zone.

RESOLUTION # 23 OF 2006: SET SPEED LIMIT IN WASSAIC HAMLET TO 30 MPH

MOTION: S/Reagon
SECOND: C/Euvrard
ROLL CALL: C/Perotti - AYE C/Doyle - AYE
 C/Euvrard - AYE C/Russell - AYE
 S/Reagon - AYE
MOTION CARRIED 5 to 0.

STOP SIGNS IN WASSAIC - BORDEN'S LANE AND NELSON HILL ROAD

Supervisor Reagon read the resolution to place a STOP sign on Borden's Lane at the intersection with Nelson Hill Road.

RESOLUTION # 24 OF 2006: PLACE STOP SIGN ON BORDEN'S LANE AT NELSON HILL ROAD INTERSECTION

MOTION: S/Reagon
SECOND: C/Russell
ROLL CALL: C/Perotti - AYE C/Doyle - AYE

C/Euvrard - AYE C/Russell - AYE
S/Reagon - AYE
MOTION CARRIED 5 to 0.

STOP SIGNS IN WASSAIC - FURNACE BANK ROAD AND NELSON HILL ROAD

Supervisor Reagon read the resolution to change the YIELD sign to a STOP sign at the intersection of Nelson Hill Road and Furnace Bank Road. Supervisor Reagon noted that Greg Hart from NYS DOT and the county engineer both agreed that the YIELD sign was adequate. Since the request to change the sign came from a citizen, the Town Board responded by taking official action.

RESOLUTION # 25 OF 2006: CHANGE THE YIELD SIGN TO A STOP SIGN AT NELSON HILL ROAD AND FURNACE BANK ROAD

MOTION: S/Reagon
SECOND: C/Perotti
ROLL CALL: C/Perotti - AYE C/Doyle - NO
 C/Euvrard - NO C/Russell - NO
 S/Reagon - AYE
MOTION FAILED WITH 2 IN FAVOR AND 3 OPPOSED.

STOP SIGNS IN WASSAIC - FURNACE BANK ROAD AND FIREHOUSE ROAD

Supervisor Reagon read the resolution to change the YIELD sign to a STOP sign at the intersection of Firehouse Road and Furnace Bank Road in Wassaic. NYS DOT felt that there was adequate sight distance and that the YIELD sign was sufficient.

RESOLUTION # 26 OF 2006: CHANGE THE YIELD SIGN TO A STOP SIGN AT FURNACE BANK ROAD AND FIREHOUSE ROAD

MOTION: S/Reagon
SECOND: C/Russell
ROLL CALL: C/Perotti - AYE C/Doyle - NO
 C/Euvrard - NO C/Russell - NO
 S/Reagon - NO
MOTION FAILED WITH 1 IN FAVOR AND 4 OPPOSED.

MYGATT ROAD SPEED LIMIT

Supervisor Reagon read the resolution to set an area speed restriction on Mygatt Road of 30 mph. Additionally, it was mentioned that the corners are posted at 20 mph. The reduced speed limit was needed for several reasons, one of which was usage of Indian Rock Schoolhouse by school children on a regular basis.

RESOLUTION # 27 OF 2006: SET MAXIMUM SPEED LIMIT ON MYGATT ROAD TO 30 MPH

MOTION: S/Reagon
SECOND: C/Euvrard
ROLL CALL: C/Perotti - AYE C/Doyle - AYE
 C/Euvrard - AYE C/Russell - AYE
 S/Reagon - AYE
MOTION CARRIED 5 to 0.

COUNTY ROUTE 81 SPEED LIMIT

Supervisor Reagon read the resolution to set an area speed restriction of 35 mph on County Route 81 (Old Route 22) from the curve before Powderhouse Road to the intersection of County Route 81 and NYS Route 22.

RESOLUTION # 28 OF 2006: SET MAXIMUM SPEED LIMIT ON COUNTY ROUTE 81 FROM POWDERHOUSE ROAD TO NYS ROUTE 22 TO 35 MPH

MOTION: S/Reagon
SECOND: C/Doyle
ROLL CALL: C/Perotti - AYE C/Doyle - AYE
C/Euvrard - AYE C/Russell - AYE
S/Reagon - AYE
MOTION CARRIED 5 to 0.

CHANGE FUND FOR TOWN CLERK

Supervisor Reagon read the resolution creating a 'change fund' for the Town Clerk office to be used to make change for cash transactions. This fund (consisting of \$100) was the recommendation of the NYS Comptroller's office auditor who is currently conducting an audit of the Town Clerk office.

RESOLUTION # 29 OF 2006: CREATE A CHANGE FUND OF \$100 FOR TOWN CLERK

MOTION: S/Reagon
SECOND: C/Russell
ROLL CALL: C/Perotti - AYE C/Doyle - AYE
C/Euvrard - AYE C/Russell - AYE
S/Reagon - AYE
MOTION CARRIED 5 to 0.

RECREATION PROGRAM CONTRACT WITH MILLERTON

Supervisor Reagon opened the discussion by noting that the contract with Millerton for the summer recreation program had an increase of \$3,000 over last year, which is also \$3,000 over the amount budgeted for this item. Since the program does not start till the end of June, it was decided to 'table' the resolution until more facts could be gathered, especially the reason for the increase. Also, it may be possible to pass some of this increase on to the families of campers, rather than use money from contingency. Although the contract stated a maximum of 50 campers from Amenia last year, in fact 72 Amenia children participated in the program. The registration fee is \$65 per camper and the money goes directly to the Village of Millerton.

Additionally, Amenia must pay \$600 for one of the field trips. Councilwoman Perotti questioned why this charge was not included in the contract. Pete Clair was instructed to get the total cost to the Town and give it to the Town Board in time for the June workshop meeting.

TABLE RESOLUTION # 30 OF 2006: SIGN THE RECREATION CONTRACT WITH MILLERTON

MOTION: C/Russell
SECOND: C/Euvrard
ROLL CALL: C/Perotti - AYE C/Doyle - AYE
C/Euvrard - AYE C/Russell - AYE
S/Reagon - AYE
MOTION TO TABLE CARRIED 5 to 0.

ALLEN PROPERTY PHASE II INVESTIGATION

Supervisor Reagon read the resolution which authorized the expenditure of up to \$23,000 (from contingency) to cover the cost of the Phase II study for the Allen property. She then detailed the need for the study:

- In any real estate deal, the rule of thumb is "buyer beware". And, as Michael Hayes confirmed, it is up to the buyer to learn all they can about

the property. The seller is under no obligation to make a full disclosure about the state of the property. In order to avoid possible costs later, the town must do "due diligence" before they go any further toward the purchase of the property.

- Some of the questions to be answered by the Phase II study include:
 - a) Did anything migrate from the Old Amenia Landfill (across the street) to the Allen property? NYS Department of Environmental Protection (DEC) says that nothing migrated, but the town must be sure.
 - b) Did any toxic materials from the old Gasland gas station end up on the Allen property?
 - c) Is the material on the Allen property suitable to serve as cover material for the Old Amenia Landfill? Although Allen property material has already been used to cover three other landfills in Harlem Valley, Carmel, and North East, the town must be sure that the material is suitable for the Old Amenia Landfill.
 - d) If the material is suitable for the Old Amenia Landfill cover, how much material is available for this purpose? The amount of material available effects how much material may have to be purchased elsewhere at a (presumably) greater cost. All of which effects the value of the Allen property to the Town of Amenia.

Supervisor Reagon explained the method by which Amenia will get reimbursed for up to 75% of the cost of the clean-up of the Old Amenia Landfill. The Town must front the money and then submit receipts to the state for reimbursement. Related to the landfill reclamation, the biggest savings from using the Allen property materials are:

- Cost of purchasing cover material;
- Cost of transportation of cover material.

The Town has received two proposals for the Phase II study:

1. Roy Budnick \$15,000
2. John Conrad (Conrad Geoscience) \$19,000 - \$23,000.

Councilwoman Perotti was concerned that the Town had not yet received the specs from DEC for the Old Amenia Landfill cover material. Supervisor Reagon expressed her confidence that the lab results of the Phase II study would clear this up completely. The Phase II study will take between four and six weeks.

Michael Hayes explained the need for the Phase II from his point of view. A buyer must always do "due diligence" because the seller is not obligated to reveal and there is no recourse for the buyer if the seller does not reveal something significant. The two main reasons for a Phase II study are:

1. Due diligence.
2. Environmental clean-up laws apply to any owner who ever owned a property whether or not that owner contributed to the pollution. This could result in a huge liability for the town should some serious contamination be found on the property after the Town purchased it.

Additionally, the Phase I study clearly stated five reasons to do a Phase II study.

In response to public comments about the appropriateness of spending additional monies on a project that the voters already rejected in the November 2005 referendum, Supervisor Reagon pointed out that many of the voters who were

against the proposition opposed it because they lacked enough information to make an informed decision. The Phase II study would provide that information. Councilman Euvrard disagreed and stated that the Phase II study should be done only after another referendum in which the voters approved of the continuation of the project.

RESOLUTION # 31 OF 2006: APPROPRIATE \$23,000 FROM CONTINGENCY (A00-01-1900-430) FOR PHASE II INVESTIGATION OF ALLEN PROPERTY

MOTION: S/Reagon
SECOND: C/Russell
ROLL CALL: C/Perotti - NO C/Doyle - AYE
C/Euvrard - NO C/Russell - AYE
S/Reagon - AYE
MOTION CARRIED 3 TO 2.

After the vote, it was agreed that Supervisor Reagon would contact Roy Budnick to do the Phase II study.

NEW WATER TOWER

Supervisor Reagon announced that the Environmental Assessment Form (EAF) for the new water tower had been completed. In order to allow maximum public input on this topic, it was decided to hold a public hearing on Thursday June 15 at 7:00 immediately preceding the Town Board meeting. Copies of the EAF will be available at Town Hall for review.

AUTHORIZE TOWN CLERK TO ADVERTISE PUBLIC HEARING ON EAF FOR NEW WATER TOWER ON JUNE 15 AT 7:00

MOTION: C/Euvrard
SECOND: C/Russell
ROLL CALL: C/Perotti - AYE C/Doyle - AYE
C/Euvrard - AYE C/Russell - AYE
S/Reagon - AYE
MOTION CARRIED 5 TO 0.

MINUTES

The minutes of the April 20 and May 3, 2006 Town Board meetings were approved:

APPROVE MINUTES OF MAY 3, 2006

MOTION: C/Doyle
SECOND: C/Perotti
ROLL CALL: C/Perotti - AYE C/Doyle - AYE
C/Euvrard - AYE C/Russell - AYE
S/Reagon - AYE
MOTION CARRIED 5 TO 0.

APPROVE MINUTES OF APRIL 20, 2006

MOTION: C/Euvrard
SECOND: C/Russell
ROLL CALL: C/Perotti - AYE C/Doyle - AYE
C/Euvrard - AYE C/Russell - AYE
S/Reagon - AYE
MOTION CARRIED 5 TO 0.

COMMITTEE REPORTS:

RECREATION COMMITTEE

Pete Clair reported:

- Thank you to Stan Whitehead and highway crew for the quick response to a parking problem at the Beekman Park ball field. To allow for access by emergency vehicles, the concession stand area and the sides of the access roads are not to be used for parking.
- Drawings came in for improvements to Beekman Park and they appear very affordable using state bid contracts.
- Could the cell tower money from Verizon be earmarked for one year for Borden Park improvements? This would total \$12,000 for the year.

ENHANCEMENT COMMITTEE

Councilwoman Doyle reported:

1. Planting Day is scheduled for Saturday May 27 from 10:00 to 1:00. Andy Durbridge is in charge and the meeting place is Four Brothers parking lot.
2. Councilman Euvrard asked why the \$6,000 in the Townscape account could not be used to purchase materials for the planting. After clearing up some confusion about the money and the mechanism to access it, it was decided that Councilman Euvrard would ask George Fenn, the new treasurer, about the money.

ASSESSOR OFFICE

Ron Gazzoli reported that he has been working with John Watch of MJW Consulting on the revaluation project:

- Data mailers will go out in the next couple weeks, with a return date of the end of June. This mailing consists of a photo of the property and a simple form to verify the data. All property owners should return the mailing, whether or not there are errors in the data. If there is an error, property owners should contact the Assessor's office immediately. The purpose of the mailing is to get the most accurate data possible which will result in a more accurate assessment.
- Impact notices indicating tentative assessments will go out at the end of August or early September. This will allow eight months for adjustments.

HIGHWAY DEPARTMENT

Highway Superintendent Stan Whitehead reported:

1. Working on dirt roads.
2. All potholes will be fixed by next week.
3. The trees on Lake Amenia Road will be looked at by an arborist.

WATER DISTRICT

Supervisor Reagon reported:

- The MPA test (comparing well water to wetland water) was completed with the results due in about 5 to 6 weeks.
- John Lazarony (town engineer) has completed the new wetland permit application for the new well and it has been signed and sent to DEC.
- Gary Bonds advised the board that within a month of obtaining the permit, he could be getting water from the new well, even if some minor work remained to be done.

- The town garage property cleanup continues. What became of the grant to help with the cleanup? Supervisor Reagon responded that the town garage cleanup project did not qualify for the Brownfield's grant and no other grant could be found.

TOWN CLERK REPORT

Town Clerk Gail Hermosilla gave the attached report.

TOWN BOARD COMMENTS:

Councilwoman Perotti reported that she is looking for grants for electronic records retention.

Councilwoman Doyle mentioned several grants:

- Transportation Enhancement Program grant is due soon. The focus of this grant is to improve pedestrian routes rather than use roads. The town may submit a grant application regarding the Mechanic Street sidewalk and the rail trail parking. Other suggestions include a sidewalk from the hamlet to Food Town plaza or a sidewalk from Broadway to Beekman Park. This grant requires only a 20% match from the town, the rest of the money is federal money although it is administered by the state DOT. This grant application will be discussed at the next workshop meeting.
- A \$100,000 matching grant has been awarded but no contract has been signed yet. Once the contract is signed, we have about a year to complete the project.
- Patrick Manning has announced openings in the DEC summer camp program for economically disadvantaged youth aged 12-14 and 15-17. This is a week-long camp about science and nature; transportation can be provided.
- IES (Institute for Ecosystem Studies) has openings in their day camp program; transportation can be arranged.
- St. Francis Hospital in Poughkeepsie has money available for home care for persons with dementia or Alzheimer's disease.

Supervisor Reagon reported:

- The Metro-North contract for permission to install the Wassaic lights has been signed with a June 1 start date. The town insurance person, Byron Barnes, was able to obtain insurance for the installation period at a very reasonable rate.
- Voting machine technology will be placed on the agenda for the next Town Board workshop. The decision on the type of voting machines to use in Dutchess County is made by the County Board of Elections. The Town Board may wish to take an official position on this issue, as some other jurisdictions have done.
- Donna Mills was scheduled to make a proposal tonight on insurance options for town employees and volunteers. What would be most beneficial would be group health insurance for town volunteer rescue workers; however, this is not allowed at this time. Perhaps the Town should ask the County Legislature to look into this since it is a common problem throughout the county, state and nation.
- Pat Manning is scheduled to attend the Amenia Memorial Day Commemoration on Monday May 29 at 11:00 at Fountain Square.

- Justine Winters, former superintendent of Webutuck School District, passed away today. Since Justine had many friends in the area, details will be posted on the town website.

PUBLIC COMMENTS

Tom Werner:

- Old Amenia Landfill and Allen Property: if the Town buys the Allen property (and the material usable for the landfill cover) how can we be sure that the landfill cover will be purchased from the Town and not from another vendor? Michael Hayes replied that the Town would be the 'contractor' for the project and responsible to put the DEC plan into effect. The Town must run the project to be eligible for the 75% reimbursement from the state.
- Supervisor Reagon added that the ten parties involved in the Old Amenia Landfill case are highly motivated to agree and to sign a consent order with DEC. If they do not all sign, then the DEC would be the contractor, would do the clean-up, and then sue each party to cover their costs. This would represent years of litigation and large sums of money. The consent order should be signed by all parties within 6 to 12 months.

Hugh O'Handley:

- Allen property: if the Allen's use the material on their property to do the required reclamation of the mined area, how much material will be left to be used as cover for the Old Amenia Landfill? Supervisor Reagon replied that Helene Duda (State DEC) felt that less than half of the material on the Allen site has been mined.
- What has become of the impact fees from building permits? Supervisor Reagon responded that the fees needed to be increased and that the new Recreation Master Plan was the first step towards justifying an increase in fees. Currently any subdivision of four or more lots must pay \$450 per lot. This money goes through the Planning Board.

Arlene Iuliano:

- Old Amenia Landfill: why doesn't anyone know the specs for the soil type for the cover? There is a feasibility study attached to the Reclamation plan that contains details.
- Gail Borden Park is a tiny piece of land. The other larger piece is properly called Elsie Borden Park, although it is often referred to as "Wassaic Park". Inconsistencies in the use of proper names can cause havoc with someone trying to do historical research.
- To get the Town Board minutes from the website requires Adobe Acrobat.

Dawn Marie Klingner:

- As a school bus driver, I must stop at all railroad crossings, whether or not there is a gate and/or flashing lights. The railroad crossing in Wassaic is active.
- Saturday May 20 is the fishing derby at Ralph Vinchiarella's pond and also Kids Day at Little Professors Daycare. There will be many fun activities for the whole family.

Peter Clair:

- Allen property: Before a potential buyer (e.g. the Town of Amenia) spends money on a property, they usually have a written agreement from the seller that the property will not be sold to someone else. Supervisor Reagon assured him that the Allen's said they would not sell to any other buyer until the Town said they do not want the property. Peter Clair restated his opinion that such an agreement should be in writing.
- What happened to the Dick Stearn's property for the salt shed? Supervisor Reagon responded that the Stearn's property might be adequate for the salt shed, but it is not adequate for the town garage, according to town engineer Pete Setaro. Councilman Euvrard disagreed stating that a properly constructed salt shed would hold the salt and that Stan Whitehead shared this opinion. Councilwoman Doyle clarified that the town engineer acknowledged that the salt shed could be located on that property at an additional cost of at least \$100,000, above and beyond the cost of the building itself. In the opinion of the engineer, this was not a practical idea. Peter Clair reiterated that the Stearn's property was a better idea than the Allen property.
- Silo Ridge: the Master Plan includes a resort overlay where 80% of the land is designated as open space and 20% as developed, although these figures are probably negotiable. Why doesn't the Town work with Silo Ridge? Councilwoman Doyle responded that the overall project for the salt shed and highway garage require a stamped engineer's plan, so we cannot just take anyone's word for what land is appropriate for these structures.

ADJOURNMENT

The motion to adjourn was approved unanimously.

Respectfully submitted,

Gail Herмосilla,
Amenia Town Clerk

Draft given to TB: 5/20/06
Approved by Town Board: 7/27/06

C:\Town Board\minutes\2006-05-18.doc, 7/27/06

Town Clerk Monthly Status Report for April 2006
Presented May 18, 2006

Regular Monthly Activity:

Dog licenses	8
Marriage licenses	1
Marriage certified copies	0
Birth certificate copies	0
Death certificate copies	6
Zoning books sold	9
Miscellaneous copies	37
Transfer station permits	17
Bulk permits sold	21
Transfer station coupon books	123
Burning permits issued	34
FOILs received	11
Legal notices/public hearing sent	0
Handicap parking permits	5
Bids advertised	0
Documents notarized	0
Trailer Park permits	0
Gathering permits	0
Wagering fees	0
Peddler permit	1
Hunting/fishing license sold	32

As a result of this activity, we gave the Supervisor \$ 4,102.40 for last month.

Burning Permits

Burning permits are now being issued with an expiration date of August 1 in anticipation of dry conditions at that time.

Firemen's Carnival

The Town Clerk Office is busy getting the licenses for Bingo, Games of Chance, etc. ready for the Carnival.

Tax Collector

Last week we sent out 200 "unpaid letters to people who had not paid their property tax yet. We will still collect taxes up until May 31; after that, payment must be arranged with the county.

Board of Assessment Review

Steve Benardete has completed his training and has been certified and sworn in as the newest member of the Board of Assessment Review.

Thank you.

C:\Town Clerk\status reports, monthly\2006-04 Town Clerk Status Report for April.doc, 5/20/06