

TOWN BOARD MEETING
August 10, 2006 - 5:30 PM

The meeting was called to order by Supervisor Reagon at 5:35 p.m.

Roll Call:

Councilwoman Perotti	Present
Councilman Euvrard	Present
Councilwoman Doyle	Present (late)
Councilman Russell	Absent
Supervisor Reagon	Present

ADJOURN TO EXECUTIVE SESSION

Supervisor Reagon moved that the Board go into executive session for the purpose of privileged and confidential communication with attorneys on the Old Amenia Landfill Proposed Settlement:

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

MOTION CARRIED 3 to 0.

RETURN TO REGULAR MEETING

The Board returned to the regular public meeting at 7:10 p.m.:

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

MOTION CARRIED 4 to 0.

Salute to the Flag was conducted.

Emergency Exits were pointed out by the Supervisor.

PUBLIC COMMENTS - AGENDA ITEMS ONLY

Bob Meade:

- Outdoor wood-burning furnaces (OWF) can be a good idea for the Town if they are properly regulated. Their use is more and more desirable.
- The OWF industry is young and establishing standards for emissions, new technology, etc. There are 33 manufacturers.
- Amenia is diverse - each situation is unique. In high density areas, it may be inappropriate to use OWF, or when children are playing outside.
- I do not have, nor do I intent to have an outdoor wood-burning furnace. I am speaking from conviction of what is best for the Town as a whole.

Joe Casey:

- I have had an outdoor wood-burning furnace since 2001. I got a building permit and a certificate of occupancy for the furnace.
- I have had no complaints from the neighbors.
- My stove goes off June 1 through October, and I think it is reasonable to have time restrictions.

- The Town should look into other issues such as the burning of paper and garbage in barrels.
- If you outlaw outdoor furnaces, you must look at indoor furnaces and stoves also.

Charlotte Murphy:

- Be careful of regulating outdoor furnaces because they save money and energy.
- Amenia Island Cemetery: is it "abandoned"? Supervisor Reagon replied that it was not abandoned, and the Town was merely looking into providing a letter of intent.

Pat Nelligan:

- Burning barrels are a serious issue because people burn Styrofoam, plastics, etc.
- If the Town purchases the Allen property, how do we 'sell' the soil for use as cover at the Old Amenia Landfill?
- Purchasing the Allen property at twice its value is a bad idea.

REVALUATION PROCESS UPDATE

Assessor Ron Gazzoli announced that the impact notices would be sent out the first or second week in November, with ample time before Grievance Day.

John Watch reported:

- Met with Supervisor Reagon and Councilwoman Perotti to discuss the revaluation.
- The last time data mailers were sent out was in 1991.
- If residents don't respond to the data mailer, the database can't be fixed.
- Expecting a 40% to 50% response rate.
- New values will be received well in advance of the legal date of March 1.
- The assessor does not levy the tax; he just makes sure everyone pays a fair share.
- In the Town of Washington, 85% of the taxes stayed the same or went down.

Councilman Euvrard expressed his opinion that the 40 - 50% response rate seemed very high. About 80% of the people with whom he spoke said that their data mailer was wrong. Councilman Euvrard's data mailer was wrong even though his data card was correct.

John Watch continued:

- In 2002 or 2003, the county switched from DOS to a relational database. This caused the introduction of some errors into the database, e.g. the counting of half bathrooms.
- A second mailing in the Town of North East yielded only 10 responses.
- In November or December data mailers will be resent to those people who did not return the first one.
- Agricultural properties are of two types: vacant or with improvement. About 120 agricultural properties got the wrong data mailer (missing questions).

- About 30 parameters go into the valuation; the data mailer is only one of them.
- Recently-split or merged parcels may get an incorrect data mailer if the county is not yet aware of the change.
- The State has rules and regulations and will not certify the roll until they are satisfied.
- MJW has done eight towns and retains 99% of value, that is, fewer than 1% of taxpayers end up in small claims court. In the Town of North East only two taxpayers went to small claims court. In Millbrook, a total of 28 property owners filed small claims or certiorari (about 8 are certiorari).
- A porch that is less than 100 sq. feet does not effect the valuation.
- The property tax valuations form a bell curve; without intervention, 5% of the properties will be undervalued.

Supervisor Reagon enumerated the four chances that property owners have for input:

1. data mailer response.
2. valuation (impact mailer).
3. Grievance Day in May with the Board of Assessment Review.
4. small claims or certiorari.

Anyone with a question should contact the assessor on Monday or Tuesday.

OLD AMENIA LANDFILL PROPOSED SETTLEMENT

Attorney Kimberlea Rea gave a detailed explanation about the Proposed Settlement to the Old Amenia Landfill:

- In 2000, the Amenia Landfill Group was formed with 11.25 parties (the .25 was the Martin family). Other parties included: Sharon, Amenia, and 8 companies. 2 additional parties were discovered and added later.
- Investigative field work was done on the landfill: soil borings, wetland sediment studies, etc.
- DEC was the lead agency on the Feasibility Study.
- ROD (Record of Decision) prescribed how the cleanup should be done:
 - (a) Cap required over footprint of landfill.
 - (b) Ground water does not have to be treated.
 - (c) No contamination in off-site wells.
 - (d) Small amount of PCBs in the stream can be dredged and put on the landfill and capped.
 - (e) DEC has engineering specs for landfill covers. The 'cap' must be at an angle to avoid pooling of water on the top; the side slopes can't be too steep.
- The State wants Amenia to acquire the landfill for the purpose of cleaning it up. The State would provide Environmental Quality Bond Act (EQBA) funding for up to 75% of the clean-up which will carry a total cost of about \$ 5 million. This does not include operation or maintenance costs which could run about \$ 37,000 a year.
- Industrial generators would pay about 30% of the State's 75% share.
- Amenia may decide to acquire the 28 acres which are currently owned by two entities, not including the two acres owned by the propane

company. Even if Amenia does not buy the two acres, we have statutory rights of access.

- Landfills are not usually reused. However, the State wants us to consider reusing this property for passive recreation such as hiking, picnicking, etc. It is a beautiful piece of property that is in the Town's interest to acquire.
- DEC was the lead agency on the Feasibility Study.
- This settlement is fair and equitable. The landfill will be cleaned up within a finite amount of time with the Town providing engineering oversight.
- Curtis Wright (former owner of the landfill) sued the Town to enforce indemnification. As a term of this proposed settlement, Curtis Wright would dismiss his case "with prejudice".
- To cover the landfill will require at least \$ 800,000 worth of contouring material with the State sending back \$ 600,000 (75%). If Amenia owned the material (soil), we would still get the \$ 600,000 from the State.
- In response to a statement by Councilman Euvrard, Attorney Rea clarified that the material would not have to be "mixed". The State specs call for:
 - (1) embankment fill;
 - (2) clean fill - about 8,000 cubic yards;
 - (3) vegetative top soil;
 - (4) loamy soil (for the cover) - about 32,000 cubic yards.

Supervisor Reagon added that Roy Budnick had determined that the Allen property material meets state specs. Also, the Allen property material has already been used to cover a landfill in the Town of North East. Councilman Euvrard cautioned that there is not enough top soil at the Allen property.

- Kimberlea Rea pointed out that this is a unique settlement done before the cleanup.
- The Sharon Board of Selectmen has agreed to approve the settlement, subject to Town Board approval.

In conclusion, Kimberlea Rea suggested that the Town Board approve and authorize the settlement and authorize bond funding. If Amenia does not do an EQBA cleanup soon, NYS will do it for us and then sue us for the cost. No referendum is needed because this is an enforcement action done to avoid litigation.

AUTHORIZE ATTORNEYS REA AND HAYES TO DRAFT A RESOLUTION FOR THE OLD AMENIA LANDFILL SETTLEMENT ACCEPTANCE

MOTION: S/Reagon
SECOND: C/Doyle
ROLL CALL: C/Perotti - AYE C/Doyle - AYE
C/Euvrard - AYE C/Russell - absent
S/Reagon - AYE
MOTION CARRIED 4 to 0.

AMENIA ISLAND CEMETERY

Supervisor Reagon read the letter of intent addressed to the Board of the Amenia Island Cemetery which confirms that the Town will fulfill its statutory obligation if the cemetery becomes "abandoned". Councilman Euvrard expressed his opinion that the whole project was a waste of time for the Town Board and the Attorney, since the letter merely states what the Town would do anyway. Councilwoman Doyle noted that in cases such as this, documentation is helpful for the organization (Amenia Island Cemetery), and the Town Board was simply responding to a request for such a letter.

AUTHORIZE SUPERVISOR TO SIGN LETTER OF INTENT TO AMENIA ISLAND CEMETERY

MOTION: S/Reagon
SECOND: C/Doyle
ROLL CALL: C/Perotti - AYE C/Doyle - AYE
C/Euvrard - NO C/Russell - absent
S/Reagon - AYE
MOTION CARRIED 3 to 1.

WASSAIC LIGHTS INSTALLATION

Deferred to next week.

COMPREHENSIVE PLAN AND ZONING ENVIRONMENTAL IMPACT ASSESSMENT PROPOSAL

Supervisor Reagon informed the Board that someone was needed to develop the SEQR documents. We will wait until next week to allow time to get at least two proposals.

OUTDOOR WOOD-BURNING FURNACES

Supervisor Reagon commented that she had received a lot of input from the community on the topic of outdoor wood-burning furnaces. Attorney Michael Hayes is working on a draft of a local law to ban new furnaces and to regulate existing ones. Councilman Euvrard said that his research indicated that if you burn dry wood properly and keep the temperature adjusted, the furnace will burn better with less smoke. Although some regulation is needed, he is against banning. Supervisor Reagon asked the attorney to prepare two versions of the draft local law, one with regulation only and one with regulation and banning. She also thanked the people who spoke up during the Public Comment period. We must also consider the Town's limited enforcement resources. The Supervisor invited the public to comment on this topic and reminded them that if a local law is considered, there would be a public hearing.

COMMITTEE REPORTS:

RECREATION COMMISSION

Peter Clair reported:

- There will be a dedication ceremony on Saturday August 26 at 11:00 to honor everyone who helped with the Beekman Park renovations. This event is a joint venture with the Lions Club and will include two ceremonial baseball games, girls softball at 1:00, fire trucks, face painting, concessions, etc.
- Although the Beekman Park renovation project cost \$70,000 (including donations), it did not cost the taxpayers a penny.
- Recreation Commission is asking the Town Board to increase the subdivision fees to match neighboring towns.
- Some of the fall (October to March) recreation programs planned include: open basketball and volleyball nights, scrap booking/crafts, sewing class, walking program, aerobic class, Tai

Kwon Do class, chess club, and so on. Amenia Elementary is being considered for some of these programs.

- Insurance companies will not issue a policy to the Intermunicipal Recreation Commission if ski club is included. But even without the ski club, the insurance carriers are slow to give quotes. Councilwoman Doyle asked why each town could not insure their own students with the school named as additional insured (without the ski club). Supervisor Reagon remarked that if we can't cover skiing, we don't need an additional policy. The current policy will cover us. Since the ski program is small and most people drive to the slopes, few students were using the bus anyway.

DANCE INSTRUCTOR

Councilwoman Doyle reported that two good candidates had been interviewed for the dance program (which is covered by two grants). The mid-week after-school program proposed by June Kaufman and her assistant seems best for Amenia.

HIRE JUNE KAUFMAN FOR DANCE INSTRUCTOR

MOTION: C/Doyle
SECOND: C/Euvrard
ROLL CALL: C/Perotti - AYE C/Doyle - AYE
C/Euvrard - AYE C/Russell - absent
S/Reagon - AYE
MOTION CARRIED 4 to 0.

TOWN CLERK REPORT

Town Clerk Gail Hermosilla gave the attached status report.

TOWN BOARD COMMENTS:

Councilwoman Doyle:

- Therese Sanford is working on a calendar of events which will include:
Dec. 2, 2006 tree lighting in Wassaic
Dec. 3 tree lighting in Amenia
Sept. 30, 2006 Community Day at Indian Rock School
Sept. 15, 2007 Community Day at Borden Park in Wassaic, including Gridley Chapel, bee hive ovens, Maxon Mills, etc.

Councilman Euvrard:

- Is an employee allowed to take a laptop home to work on Town business (addressed to Attorney Hayes)? Supervisor Reagon commented that Lana Anguin-Cohen has a laptop so she can work at home for the Planning Board.
- The contingency fund was \$ 7,000 in the red as of the July 31st printout. It is illegal to have an account in the red. Supervisor Reagon responded that she was meeting with the bookkeeper to get this cleared up.
- Larry Buckley sent a letter about fill near the old Chateau. Supervisor Reagon said that she would follow up on this concern.

SUPERVISOR'S REPORT

Supervisor Reagon reported:

- Saturday August 12 is the date of the River Restoration Project with CAC and Trout Unlimited. Volunteers will meet at the Pines Restaurant at 9:00 and walk to the site of the clean up.

- In response to a question from Councilman Euvrard, the Supervisor noted that Scott Beyer was originally hired for 20 hours a week. Recently he had to work all week to set up the Town Clerk temporary office, even though this was outside his job description. For this service he was paid extra because it will be covered by insurance.
- In response to Councilman Euvrard's remark about the amount of time Scott and bookkeeper Rose Greer spent together, the Supervisor said that Scott and Rose have been talking and working together. Scott is a CPA and grasps things quickly; some activities Rose has requested to keep for herself.
- A budget software program has been ordered from Cornell University.
- Charlie Meyer (Data 2000) has installed the water district software on the new server.
- Vince DiMoro of Enhanced Business Systems predicts the new software will be up and running by September 1. Amenia will pay Beth, the bookkeeper from the Town of North East, to data enter the payroll and do the training. All data entry will be done at Town Hall so that payroll data does not leave the premises.
- The tape back-up system will be the last thing installed. The bookkeeping data will be stored with Vince DiMoro, in addition to being stored on the regular server back-up.
- The conversion to the new hardware and software took more money than expected.
- Laura Dillan from St. Francis Home Care Services will speak at the next meeting.
- National Incident Management System courses must be completed online by September 15 by the Town Board members.
- PERMA training is scheduled for September 28. Amenia is eligible for the full potential discount because of our good track record and zero claims last year.
- CDBG (Community Development Block Grant) home program applications are due September 22. What do we want to apply for this time? These are 80 - 100% grants. Councilwoman Doyle reminded the Board that the West Lake Amenia Road bridge project for \$ 150,000 is an outstanding CDBG project that has not been funded. The top priority for these grants is affordable housing, with infrastructure second.
- Budget time is coming. The Supervisor will meet with the departments to get a draft ready by mid-September.

PUBLIC COMMENTS

Charlotte Murphy:

- Burn barrels: DEC regulates and permits the use of burn barrels in towns the size of Amenia.

ADJOURNMENT The motion to adjourn was approved unanimously at 10:10 p.m.

Respectfully submitted,

Gail Hermosilla,
Amenia Town Clerk

Approved by Town Board: 9/21/06, Draft to Town Board: 8/17/06
C:\Town Board\minutes\2006-08-10 Special - Old Amenia landfill.doc, 9/25/06

Town Clerk Monthly Status Report for July 2006
Presented August 10, 2006

Regular Monthly Activity:

Legal notices:			
Public Hearing	0		
Bids/job openings	0		
Transfer Station:			
Transfer station permits	7		
Bulk permits	21		
Coupon books	156		
Licenses sold:			
Bingo/games of chance	0		
Dog	17		
Hunting/fishing	0		
Permits issued:			
Burning	?	Fireworks	0
Handicap Parking	4	Gathering	0
Peddler	1	Junkyard	0
Trailer park	0		
Vital Statistics:			
Marriage licenses	1	Birth certificate copies	0
Marriage certified copies	2		
Death certificates copies	6		
Miscellaneous:			
FOILS received	1		
Zoning books sold	1		
Photocopies, misc.	0		

As a result of this activity, we gave the Supervisor \$ 4,101.43 for last month. This amount is lower than usual because the Town Clerk office was closed for a week after the accident at Town Hall.

Town Clerk Temporary Office

The Town Clerk office is up and running in our temporary location beside the supervisor's office.

Fishing/Hunting licenses

We are not able to issue hunting or fishing licenses until further notice. There is a list in town hall and also on channel 22 of places to purchase these licenses.

Dog Licenses

Just a reminder that dog licenses must be renewed every year. You should receive a renewal notice from the State. Next month the Town Clerk will be sending out "Friendly Renewal Letters" as an extra minder.

Thank you, Gail Hermosilla, Town Clerk

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