

TOWN BOARD MEETING
July 27, 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

PUBLIC COMMENTS - AGENDA ITEMS ONLY

Tom Werner:

The Recreation Commission did not accomplish all it set out to do this year, but the Recreation Plan will give the Commission a tool to accomplish more.

Sondra Friedman:

What is the definition of "open furnace"? Does it include sweat tents, etc.?

Anthony Battista:

Neighbor has an outdoor wood burning furnace which creates so much smoke that Anthony needed treatment for burning eyes and his girlfriend has asthma attacks. The neighbor seems insensitive to these concerns and, when questioned, replied "this is free hot water for me." Supervisor Reagon noted that the Conservation Advisory Council (CAC) is looking into this issue and will have a report later in the meeting.

Arlene Iuliano:

The Town Board should address legal aspects of the Recreation Plan since we have a Master Plan already.

Diana King:

Thanks to everyone for supporting the Hidden Gardens of Amenia tour which generated over \$2,000 for the Garden Club. The lovely posters have become a collector's item. 20,000 flower bulbs will be available to plant in yards around town. These will produce blue flowers that can be mowed right over with no messy leaves to deal with. Councilwoman Doyle added her thanks to the Master Gardeners for helping with Dolores Holland's East-West Bamboo Garden.

COMMUNITY DAY - September 30

Ann Linden described some of the many family-oriented activities: morning walk for juvenile diabetes, Farmer's Day with tractors and other farm equipment, Amenia Lion's Club chicken BBQ at 2:00, FFA (Future Farmers of America) hot dog sale, Farmer's Market at \$15 per table for an 8 ft by 8 ft section of grass to sell anything you want to sell. Sign up at IndianRockSchool@AOL.com. In case of bad weather, Webutuck High School is the back-up site. Supervisor Reagon

asked Ann to send a letter to the Town Board requesting the road closures needed for the day.

ACCIDENT AT TOWN HALL ON 7/15/06

Supervisor Reagon described the accident that happened in the early morning on Saturday July 15. A driver hit the Town Clerk office and did significant damage to the building. The impact severed a baseboard hot water heating pipe which sent water throughout the office and down the hallway of town hall. Thankfully, no one was injured and no critical data was lost due to the newly installed server and computer network.

The firemen were wonderful - Warren Gordon, Chief Shawn Howard, and the whole team. Flood's Sanitation responded quickly to clean up the portable toilet contents. Town insurer Byron Barns got a company to clean up the office and decontaminate as needed. Town Hall staff worked heroically through the long hot day to deal with the emergency. Special recognition to Patty Barron, Lana Anguin-Cohen, Mike Segelken, Dawn Marie Klingner, Victoria Perotti, Roger Russell, Leon Vincent, and Jim Devine.

Within an hour of meeting with the Supervisor and inspecting the situation, Arnoff Movers had a crew on the scene who packed up and moved all the Town Clerk records to safe storage in Pleasant Valley. Town Hall was officially closed for one week until the Board of Health gave their approval to re-open. Instrumental in setting up the temporary town clerk office were: Patty Barron, Claudia Rinaldi, Dawn Marie Klingner, and Scott Beyer. Other towns, especially North East and Fishkill were helpful. The Highway Department picked up all the debris including the siding to put in the dumpster. Ducillo Construction came to secure and stabilize the building and to put plywood over the air conditioner hole. We are grateful for everyone's support, kindness, and patience. The cost to date is estimated at \$18,000 which is expected to be covered by insurance. Supervisor Reagon closed by saying that she was proud of the people of Amenia for pulling together in this emergency.

REVALUATION PROCESS UPDATE

Assessor Ron Gazzoli reported:

- Apologized for lateness of data mailers and asked everyone to return them as soon as possible even if there were no corrections.
- The assessments should be out in the second week in September.
- Many property owners are throwing the data mailers away because they were not sent first class mail and do not look important. Also, the text of the mailer did not clearly state that the mailer should be reviewed and returned. However, the Assessor is still hoping for a 40% to 50% return rate.
- Councilman Euvrard pointed out that almost every mailer had an error and that the mailer for his own property had several significant mistakes even though his data card in the Assessor's office is correct.
- Councilwoman Perotti mentioned that she received two blank data mailers with nothing on them. She also questioned why we can't review the mailer before it goes out. Assessor Gazzoli responded that he wanted to keep to the schedule.
- There was some confusion over addresses. The Assessor insisted that his addresses were up to date, yet many of the mailers reportedly went to wrong (old?) addresses.

- Councilman Russell observed that the viability of the entire revaluation project depends on correct data, so a second mailing should be done. Correctness is more important than adhering to an arbitrary time table.
- Councilwoman Doyle expressed her frustration that the field data (which is key to the whole process) was not collected properly. Several estate properties had photos taken of the caretaker's house not the main house. Why are we paying this company if the work is not being done in a satisfactory manner?
- Town Attorney Michael Hayes asked the Assessor why we were paying Mr. Watch (MJW, Inc.) to collect data if, in case of a discrepancy, the Assessor was using his own data rather than the data collected by the company.
- The attorney went on to explain the terms of the contract and the procedure to retain part of the fee if the work is not satisfactory. Ron Gazzoli is the project administrator and he can elect to retain 10% of the fee if the project is not on schedule. An additional 10% can be retained if needed. If MJW does not fix a documented problem within 30 days, the town can terminate the agreement (after written notices and proper procedures).
- Supervisor Reagon instructed Ron Gazzoli and Councilwoman Perotti to meet with Attorney Michael Hayes and John Watch. The town is not getting the return they expected because of JMW incompetence. If the town does not get satisfaction, we should take action according to the terms of the contract.

MAXON MILLS SETTLEMENT

Supervisor Reagon read the resolution which approved the plea agreement as settlement with WHAC, Inc. regarding the Maxon Mills property and the 24 violations noted by the building inspector. WHAC asked to settle the matter by paying a fine of \$250 for each violation, resulting in a \$6,000 fine being held in escrow. Bids are currently being put together to get the building up to code.

RESOLUTION 38 OF 2006: WHAC (MAXON MILLS) SETTLEMENT APPROVAL

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.

RECREATION PLAN APPROVAL

Supervisor Reagon read the resolution which called for the adoption of the Recreation Plan of 2006 as amended by the Recreation Commission. Councilman Euvrard pointed out several errors: (1) \$129,000 is not the average price of a home in Amenia; (2) the Lions Club is not a recreational organization. Councilwoman Doyle explained that statistics (such as average home price) change all the time and are not quoted in grant applications without verification. She noted that the responses from the community survey were well documented. Supervisor Reagon emphasized that the Rec Plan is needed as a tool to improve our recreational facilities and that the approval should not be held up for non-substantive errors. Councilwoman Perotti added that we could always amend the plan in the future.

RESOLUTION 39 OF 2006: RECREATION PLAN APPROVAL

MOTION: C/Russell
SECOND: C/Perotti
ROLL CALL: C/Perotti - AYE C/Doyle - AYE
C/Euvrard - ABSTAIN C/Russell - AYE
S/Reagon - AYE
MOTION CARRIED 4 to 0 with 1 abstention.

ROAD NAME CHANGES FOR PRIVATE ROADS

Supervisor Reagon read the resolution requesting name changes to two private roads: Sugar Kain Lane for the access road within the Richard Breyette subdivision and Oak Hill Road for the access road to the Randalls Road Properties subdivision. These changes will be given to the Highway Department and to Emergency Response 911:

RESOLUTION 40 OF 2006: ROAD NAME CHANGES FOR PRIVATE ROADS

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.

BUILDING PERMIT FEE EXEMPTION FOR SENIORS AND VETERANS

Supervisor Reagon reported on a suggestion to exempt senior citizens and veterans from paying building permit fees. Attorney Michael Hayes brought the discussion to a quick close by stating that the Real Property Tax Law does not allow building permit fees to be waived for seniors and veterans.

AMENIA ISLAND CEMETERY

Supervisor Reagon announced that this discussion would be deferred until August. The letter of intent requested by the board of the Amenia Island Cemetery would simply state what the Town was mandated to do anyway, including mow the property at least twice a year.

TECHNOLOGY SPECIALIST

Discussion deferred to the August workshop meeting.

INSTALLATION OF LIGHTS IN WASSAIC

Supervisor Reagon asked if the Board wanted to advertise for bids for the installation of the street lights in Wassaic. Councilwoman Doyle explained that a formal process was not needed and we could just get three bids, since this is not grant money. No bids have been submitted yet according to Stan Whitehead.

OLD AMENIA LANDFILL CLEANUP FINANCING

Supervisor Reagon noted that the Town will need to finance the Old Amenia Landfill cleanup project. Sal Pennini of Public Finance Associates, Inc. is highly recommended and she moved to hire his firm:

AUTHORIZE HIRING SAL PENNINI OF PUBLIC FINANCE ASSOCIATES

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.

OUTDOOR WOODBURNING FURNACES (OWB)

Elizabeth Whaley announced that the CAC (Conservation Advisory Council) is officially advising the Town to ban the use of outdoor wood burning furnaces. This decision is the result of an in-depth study of the research on 22 different manufacturers' units, none of which got a favorable review. If a neighbor has a problem he can (1) go to the Board of Health; (2) ask the OWB owner to modify the unit to burn better (e.g. get a better smoke stack or add a catalytic converter). Only two states (Vermont and Washington) regulate OWBs at all. Within New York state, more towns have banned OWBs than have regulated them.

Attorney Michael Hayes reported on his research of half a dozen different laws related to this topic. These laws fall unto two categories - ban or regulate (e.g. smoke stack height, months of operation, permit required, etc.).

Building Inspector Mike Segelken noted that you cannot ban existing OWBs but you can regulate them. Importantly, the device that Mr. Battista is complaining about is not technically an OWB but rather an "indoor furnace" which falls under different regulations. Indoor furnaces are smaller units and always manufactured to meet EPA standards. After Elizabeth Whaley noted that the furnace was in a special accessory structure, Michael Hayes said that it could be considered an OWB if it is used to heat the main building. Regardless, if the Town drafts a law it will contain a detailed definition of an OWB. Even if the furnace in question meets EPA standards, the Town could still ban its use during certain months, probably May 15 through September 15 as other towns have done.

The "grandfathered" furnaces (those already in operation) could be regulated with required inspections and so on. This non-conforming use can be put on an amortization schedule based on the depreciation of the item (not on the life span of the item).

Councilman Russell observed that he saw no evidence that the OWB were cheaper than oil to provide heat. What they put into the air is an immense amount of harmful substances. As a community, we have to do what is right for the whole community, not just a few individuals. Councilman Euvrard added that although he is never in favor of new laws, the Town Board is responsible for the health of the citizens. Councilwoman Perotti voiced her opinion that regulations are needed because as the price of oil goes up, more and more of these OWBs may come into use.

Supervisor Reagon instructed Michael Hayes to look into drafting legislation to ban the outdoor wood burning furnaces.

NEW BUSINESS RECEPTION

Supervisor Reagon reported that the reception for new businesses will probably be held on September 14 or 21, allowing time to plan.

MINUTES

The following minutes of the Town Board meetings were presented for approval:

APPROVE MINUTES OF MAY 18, 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.

APPROVE AMENDED MINUTES OF JUNE 15, 2006

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

MOTION CARRIED 4 to 0 with 1 abstention.

APPROVE MINUTES OF JULY 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:

CONSERVATION ADVISORY COUNCIL (CAC)

Elizabeth Whaley reported:

- CAC has reviewed the EAF (Environmental Assessment Form) for the Amenia Subdivision and has requested to be an "interested agency".
- August 12 clean-up of Wassaic Creek old dump to improve fishing.
- September 30 training for organism survey to be held at Listening Rock Farm by the Housatonic Valley Association.
- NYS CAC conference to be held near Ithaca this year and local member may attend since there is budget money provided.
- Environmental Resource Directory will be purchased from CAC funds. This document lists many organizations and saves hours of research time.

COMPREHENSIVE PLAN IMPLEMENTATION COMMITTEE (CPIC)

Will meet July 31 and August 7 (Town Board invited).

DEPARTMENT REPORTS:

HIGHWAY DEPARTMENT

Highway Superintendent Stan Whitehead reported:

- June 29 Tower Hill and Deep Hollow roads were flooded.
- Sidewalks were weed whacked but have a lot of gravel on them from sanding. Councilman Euvrard commented that property owners should clean their own sidewalks.
- New Wassaic sidewalks have cars parked on them. Perhaps Town Constable Leon Vincent should issue parking tickets.
- The Main St. drain is a small underground drain pipe that becomes clogged easily. Although it is a state drain (beside a state highway and a state sidewalk), the property owners should clean it out. Councilwoman Doyle noted that in April volunteers clean the sidewalks of gravel and sand that were put there for the winter ice. Elizabeth Whaley noted that in the Town of Stanford, home owners sweep their sand into the street and a town street cleaner comes by to sweep it up. Betty Rooney added that the property owners in

Millbrook, Sharon, and Millerton all take care of their own sidewalks, including weed removal.

- Councilwoman Doyle mentioned a suggestion to put a trash can near Fountain Square, especially since there is a volunteer willing to empty it.

SALT SHED, ALLEN PROPERTY

Councilman Euvrard reminded everyone that the salt shed issue is still unresolved and we must act soon to avoid losing the grant. Supervisor Reagon replied that the Town was taking steps to see if the Allen property could be used for the new salt shed and town garage. The Phase II study confirmed that there is no contamination on the property (except for the oil tank which is still being used) and the material is suitable for the landfill cover (needed for reclamation of the Old Amenia Landfill located right across the street). As a result of these new developments, the question to purchase the Allen Property may be put to a second referendum. If the Town purchases the property, the salt shed construction could go on concurrently with the landfill reclamation. We already have salt shed plans that require only two weeks to be made site-specific. Pete Setaro had estimated four months to put up the salt shed which would be an attractive wooden structure with a wooden roof.

Councilman Euvrard reiterated his request to get the steps going to put the new salt shed on the current site. Supervisor Reagon reminded him that the town engineer had determined that it would cost a lot of money to put the salt shed and new highway garage on the existing property. Property would have to be acquired for the salt shed, and the land is not suitable for building a new highway garage. (Pylons would be needed since the land base is not sufficiently firm to hold the weight of the building.)

OLD AMENIA LANDFILL

In response to Councilman Euvrard's claim that the Old Amenia Landfill clean-up will cost \$100,000 a year, Supervisor Reagon replied that it was impossible to know the cost since the consent order has not yet been signed. Until the bids go out, we won't know the total cost of the project. We do know that one of the biggest costs for the reclamation is the cover material. As PCB-laden soil is dredged from the pond, it must be covered every day. Finally, a cap must be placed over the site. If the Town owned the cover material, it would offset the cost of the project. Since Amenia is responsible for one fourth of the total cost, the savings could be significant.

Fortunately, this is a favorable time to borrow money due to the high return on certificates of deposit and Sal Pennini will get the Town the absolutely best deal for the taxpayers.

WATER DISTRICT

Supervisor Reagon asked people to conserve water during this hot weather.

TOWN CLERK REPORT

Town Clerk Gail Hermosilla gave the attached status report.

TOWN BOARD COMMENTS:

Councilwoman Doyle:

- We received a request for the Highway Department to cut down the "Christmas tree" in the Wassaic island which an arborist has

diagnosed as diseased. The tree will be replaced with a small spruce or, in the worst case, a cut tree will be used for the December decorations.

- Where can we place a tree and memorial stone for Dolores Holland? Fountain Square is already crowded. Perhaps we could plant a tree near the rail trail and eventually create a memorial garden like the one at Coleman Station Road.

Councilman Euvrard:

- Has Scott Beyer the assistant bookkeeper been working with Rose? Supervisor Reagon responded that Scott had almost finished the conversion. Training costs will be low because the bookkeeper from North East will train our staff.

SUPERVISOR'S REPORT

Supervisor Reagon reported:

- The Town Court now has a dedicated fax line and can accept credit card payment of fines. This will expedite the fine payment process benefiting both the Town and the court system clients. To reach Justice Moore, dial extension 110; for Justice Devine, dial 116.
- The budget process will start at the end of August. We plan to purchase budget preparation software for about \$200.
- Special Town Board meeting will be held on August 10 (workshop night) to open the Wassaic lighting bids.

PUBLIC COMMENTS

Lou Cesa:

- Thanks to everyone for cleaning up Town Hall and the Town Clerk office while we were out of town visiting our new grandchild.

Katherine Dunlop:

- I have never seen the Amenia Town Clerk office as well run as it is now, and I have a lot of experience in this town. These remarks were made as a response to Councilman Euvrard's claim that the Town Clerk does not work enough hours. Councilman Russell remarked that there are certain arenas to discuss personnel issues and the open Town Board meeting is not one of them.

Arlene Iuliano:

- It is obvious that some people in the audience can speak out and others can't. Supervisor Reagon apologized for this perceived unfairness.

ADJOURNMENT

The motion to adjourn was approved unanimously at 9:50 p.m.

Respectfully submitted,

Gail Hermosilla,
Amenia Town Clerk

Approved by Town Board: 8/17/06
Given to Town Board to review: 8/7/06

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Town Clerk Monthly Status Report for June 2006
Presented July 27, 2006

Regular Monthly Activity:

Legal notices:			
Public Hearing	0		
Bids/job openings	1		
Transfer Station:			
Transfer station permits	19		
Bulk permits	22		
Coupon books	180		
Licenses sold:			
Bingo/games of chance	4		
Dog	15		
Hunting/fishing	4		
Permits issued:			
Burning	34	Fireworks	0
Handicap Parking	10	Gathering	0
Peddler	0	Junkyard	1
Trailer park	0		
Vital Statistics:			
Marriage licenses	5	Birth certificate copies	0
Marriage certified copies	6		
Death certificates copies	34		
Miscellaneous:			
FOILS received	2		
Zoning books sold	5		
Photocopies, misc.	53		

As a result of this activity, we gave the Supervisor \$ 5,465,63 for last month.

Tax Collector

We have 'settled' with the County Commissioner of Finance and essentially "closed the books" for the 2006 property tax collection period. As a result of the resolution last year allowing us to keep the \$5.00 duplicate tax bill fee, we collected an extra \$125 this year. This is part of the money turned over to the supervisor at the end of the tax collection season.

Audit of Town Clerk Office

The auditors from the State Comptroller's Office are now auditing the Tax Collector records from prior years. We will change office procedures as needed should they discover anything that is still applicable in 2006.

Thanks to new inventory control procedures instituted as a result of the Town Clerk records audit, we discovered that 4 books of transfer station coupons (total value \$70) were missing. Before the new procedures, this type of loss would not have been detected.

Town Clerk Temporary Office

By now everyone has heard about the accident that caused town hall to be closed all last week. Thanks to a coordinated effort by everyone, the Town Clerk office is "up and running" in the former conference room next to the supervisor's office. Deputy Town Clerk Patty Barron gets major credit for salvaging the critical parts of our office and setting them up in the temporary space. She was helped by Claudia Rinaldi, Dawn Klingner, and Scott Beyer, among others. We were most fortunate to have recently moved all our computer files to the new server in the back of town hall. As a result, we were able to save all of our electronic data. Some paper files were destroyed and are being replaced as appropriate.

Fishing/Hunting/Dog licenses

We are not able to issue hunting or fishing licenses until further notice. Our DECALS special-purpose computer was lost in the accident. We suggest going to Amenia Archery to purchase these licenses. However, we are able to issue dog licenses for both renewals and new licenses.

Thank you, Gail Hermosilla, Town Clerk

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