

Regular Town Board Meeting held by the Milan Town Board on 03/09/09 at 7:30PM at the Milan Town Hall.

Present: Supervisor Richard Barrett

Councilpersons David Byrne, Roberta Egan, Diane May & Ross Williams

The Supervisor opened the meeting with the pledge of allegiance.

PUBLIC COMMENT

Lori Hiemier, a resident stated that everyone needs to stop bickering.

Jack Grumet, ZBA Chairman stated that at the last ZBA meeting there were some concerns regarding Milan Market and said that they were in violation since last summer. Mr. Grumet said that he had spoken with the Supervisor regarding the issue of the sign and cars still on the property. He felt that this was a total disregard for the zoning law and he must comply. Mr. Grumet said that just recently, he did take the sign down, but as of today, there were three cars on the property. In addition, there should be some recourse from the town when the laws are ignored. He suggested that for Milan Market it might be a good idea to set up a probationary period to give him some time to abide by the town laws and see if he complies with the laws in a period of time required rather than just jumping in for an application.

The Supervisor agreed and stated that Milan Market would not be on the agenda unless they were in compliance. In January, he was sited and had a court appearance. The attorney assured the town that the vehicles would be removed and they were not. The discussion continued regarding the removal of the vehicles.

Milan Markets attorney, Karen Hagstrom wanted to speak now and the Supervisor said that he wanted to wait until it was their time on the agenda.

More discussion continued whether they should have been on the agenda at all since there were vehicles still on the premises.

Rocky Mancini, a resident of Milan stated that he wanted to commend this board for doing positive work and not creating law after law.

George Carrothers stated that there was a long history with Milan Market and zoning changes. There was a request for a traffic light at one time but they decided to change the curbing instead. He felt that the town should be more business friendly and should help the small business person.

Bill May brought up the finances from last month. He referred to a statement that the Supervisor made regarding the financial report from the December, 2006 and an addendum page that was added in March. He said that the addendum page that was added that the Supervisor referred to was the AUD report, which flows from the year end financial report. Mr. May said it is not a change - it's added in March because it is due February 28th. He said that either The Supervisor did not know that or he misled us.

The Supervisor stated that he did not mislead him nor did he not know what it was. The information that he received was dated January 23rd and Council. Williams indicated that it was January 27th. He said that it was the December, 2006 report that was noted to be very praise worthy from Council. Williams. The Supervisor suggested that he would give the board exactly the same report that was contained in 2006 and attached to the 12/ 2006 financial report was the statement addendum; it did not say

AUD, the AUD is the Annual Update Document that is required to be sent to the state by February 28. He stated that it was an addendum to the 12/ 2006 report. The Supervisor continues to say that he did ask for a sixty-day extension.

Bill May also brought up extending the term of the Highway Superintendent. He felt that it was political, that it would be costly to the town, and that there was no money in the budget to pay for it and the town should stop spending money that we do not have.

Sheila Buff brought up the town's website.

The Supervisor said that the Mr. Wambach is now redesigning the entire website offline while maintaining the web site as we move forward.

Jim Jeffreys brought up the term of office for the Highway Superintendent which was brought up about six years ago. He said that you probably should have a five to seven-year plan in moving forward with the highway. He did not think it would be beneficial to the town to be looking at things on a two-year basis. Mr. Jeffreys said that you would want to provide them with enough breathing room so they are able to take on a capital project. He went on to say that people should remember that the town spent well over \$4,000 on a road side refreshment stand law for one person and we will probably be waiting about ten or twenty years to get that money back. Mr. Jeffreys stated that it is a very small sum of money to spend that will take care not only the town but the highway superintendent and secure the position so the person can act responsibly.

Paul Doherty stated that there was a greater demand for sand this past year and Rock City Sand and Gravel was the only one that had any left. He had to supply 27 towns this past season. He wanted the town to reconsider their view on the value of having mining as a natural resource that would benefit the entire county, as opposed to the alternative, a 28- home subdivision.

Council. Egan wanted to recognize Russ Balletto, who passed away recently. She said that he was a former Town Board member who had a passion for the community and the environment.

Tax Collector, Pamela Johnson submitted her February, '09 monthly report to the board. She collected \$400,000.00

Council. Byrne stated that there would be a Service Project at the Rec. Park on 03/28/09 at 10AM.

MINUTES: Regular Mtg. of 01/12/09 – MOTION by Council. Byrne seconded by Council. Egan to accept these minutes as written. Roll was taken and carried.

YES - 4 Egan, Byrne, Williams, Barrett

NO – 0

ABSTAIN – 1 May

MINUTES : Special Mtg. of 01/12/09 – MOTION by Council. Williams seconded by Council. Byrne to accept these minutes with changes. Roll was taken and carried.

YES - 5 Egan, Byrne, May, Williams, Barrett

NO - 0

MINUTES: Public Hearing of 02/09/09 – MOTION by Council. Byrne seconded by Council. May to accept these minutes as written. Roll was taken and carried.

YES - 5 Egan, Byrne, May, Williams, Barrett

NO – 0

MINUTES : Regular Town Board Mtg. 02/09/09 – MOTION by Council. Byrne seconded by Council. Egan to accept these minutes with changes. Roll was taken and carried.

YES - 5 Egan, Byrne, May, Williams, Barrett

NO – 0

MINUTES : Special Mtg. of 02/17/09 – MOTION by Council. Byrne seconded by Council. Williams to accept these minutes as written. Roll was taken and carried.

YES - 4 Egan, Byrne, Williams, Barrett

NO – 0

ABSTAIN – 1 May

CORRESPONDENCE:

COURT PROSECUTOR

The Supervisor read a letter from Dutchess County DA, William Grady. This was regarding the appointment of a prosecutor for the town of Milan. It stated in his letter that their office does not handle the prosecution of vehicular traffic offenses but would be happy to assist the town. The Supervisor stated that he spoke with Mr. Grady and discussed the hiring of Kelly Flood-Myers for this position and that Mr. Grady would be delighted to endorse her.

MOTION by Supervisor Barrett seconded by Council. Byrne to appoint Kelly Flood-Myers Town of Milan prosecutor, at the rate of \$125/hr. effective immediately – appointment to be reviewed at year-end. Discussion. Council. Williams wanted to know where the money would come from. The Supervisor said it would initially come from the 1420.4 attorney line, then come from Fines and Forfeitures. Discussion continued and various comments were made on the how the prosecutor would be paid and how it would benefit the town. Roll was taken and carried.

YES - 3 Egan, Byrne, Barrett

NO – 2 May, Williams

The Supervisor received a memo from Paggi, Martin & Del Bene, the town's Engineer regarding Salisbury Turnpike. They did another inspection of that bridge and it continues to deteriorate. The Supervisor said that he would keep in contact with them. The Supervisor had a letter from Valerie Sommerville, Dutchess County Budget Director. In the letter Ms. Sommerville states that sales tax revenue for 2008 declined by nearly \$1.4million or 1.1% compared to prior year actual sales tax revenue, she also said that the county's year-to-date 2009 sales tax revenues are down by \$807,000 or 7.6% less than the same period one year ago. It also stated in her letter that mortgage tax revenues were 33% less than 2008 adopted budgeted and down 51% so for 2009. The Supervisor continued to discuss this issue.

Council. Williams said that it is important to note that our sales tax revenue came in, according to the last quarter substantially higher than we had thought it might. He continued to say that we exceeded our budgeted sales tax revenue for 2008 which puts more surplus into the town budget and we significantly lowered the anticipated sales tax revenue for 2009. Council. Williams stated that the town is in very good shape – last year and this year.

Council. May asked about the letter regarding Mitchell Lane. The Supervisor stated that he had not sent that letter out yet.

The Clerk had correspondence from the Red Hook Town Clerk regarding a Draft Scoping Document- Proposed Adoption of amendments to Town Zoning Law, Subdivision Law and Comprehensive plan for Centers and Greenspaces Plan. Public Session will be held on 03/10/09 at 7:45PM. It states that comments submitted in writing must be received by the close of business on 03/16/09.

Resolution from the Town of Pine Plains Commencing Review of Proposed Zoning Law and that the amended final draft Zoning Law is ready for public review.

FINANCIAL REPORT

The Board reviewed and commented on the Financial Report for the months of January and February. Each board member had various comments and changes that needed to be made to both reports.

PASTURE ROCK EASEMENT AGREEMENT

Pamela Richardson, the Town Board Attorney provided to the board the Resolution, the letter of credit, the Security Agreement and the Irrevocable Offer of Cession for the Pasture Rock 11 Subdivision. Ms. Richardson reviewed with the Board the documents that she handed out. Discussion.

RESOLUTION # 23-09 Pasture Rock Subdivision (Declaration of Covenants & Restrictions, Easements& Maintenance Agreement)

Resolution offered by Supervisor Barrett seconded by Councilperson Byrne

WHEREAS, in connection with an application submitted by David Borenstein (“Applicant”) on or about 02/06/06 to the Town of Milan Planning Board (the “Planning Board”), the Planning Board adopted a resolution of conditional final approval of the Pasture Rock II Subdivision on or about 04/02/08 (the “Approval Resolution”); and

WHEREAS, by resolutions dated 09/10/08 and 12/03/08, the Planning Board granted two ninety (90) day extensions for the Applicant to satisfy conditions contained within the Approval Resolution (the extensions, together with the Approval Resolution, collectively, the “Subdivision Approval”); and

WHEREAS, in accordance with the applicable provisions of the Town Code of the Town of Milan, and the Town Law of the State of New York, the Applicant, as an alternative to the installation of infrastructure improvements may post security sufficient to cover the full cost of the installation of the infrastructure improvements, and

WHEREAS, the security must be provided pursuant to a written security agreement benefitting the Town, approved by the Town Board and also approved by the Attorney to the Town as to form, sufficiency and manner of execution; and **WHEREAS**, an acceptable form of security may be an irrevocable letter of credit from a bank located in and authorized to do business in this State, and

WHEREAS, the Applicant has provided a Letter dated March 9, 2009 from Stissing National Bank of Pine Plains (the “Bank”) confirming the Bank’s intention to issue an irrevocable letter of credit from Stissing National Bank of Pine Plains benefitting the Town, in the amount of three hundred eighty one thousand five hundred dollars and no/100 (\$381,500.00) (the “Letter of Credit”), the full amount of the Bond Estimate as provided in the Report dated February 20, 2008, prepared by David Clouser & Associates, engineers for David Borenstein, which is attached hereto as Exhibit “A” (the “Work”), and approved by Paggi Martin & Del Bene, engineers for the Town, by letter dated January 28, 2009, to the Planning Board; and

WHEREAS, the Attorney to the Town has reviewed the form of the Letter of Credit and has approved it as to form and sufficiency; and

WHEREAS, the Attorney to the Town has reviewed the form of the written security agreement, guaranteeing Applicant’s performance of the work necessary to complete the infrastructure improvements, and has approved it as to form and sufficiency; and

WHEREAS, pursuant to the Approval Resolution, the Applicant is required to deliver to the Town certain easements (the “Easements”) providing access to and rights

of installation, repair and maintenance of certain drainage improvements to be constructed in the Subdivision (the "Improvements"); and

WHEREAS, the Applicant has provided drafts of such Easements, approved by the Attorney to the Town as to form and sufficiency; and

WHEREAS, in lieu of accepting the Easements at this time, the Applicant has delivered to the Town, an Irrevocable Offer of Cession for the Easements of the Subdivision, and has attached thereto the form of Easements.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby approves the form of the irrevocable letter of credit to be provided by the Stissing National Bank of Pine Plains, and BE IT FURTHER

RESOLVED, that the Town Board hereby approves the form of Security Agreement annexed hereto, and BE IT FURTHER

RESOLVED, that the Town Board hereby accepts for filing the irrevocable offer of cession, in substantially the same form as attached hereto, and BE IT FURTHER

RESOLVED, that the Town Board hereby approves the form of the Easements attached to the irrevocable offer of cession; and BE IT FURTHER

RESOLVED that the Applicant shall deliver the final, signed and issued letter of credit, in form and content as approved by the Attorney to the Town, prior to the expiration of the Subdivision Approval, and BE IT FURTHER

RESOLVED that unless the final, signed and issued letter of credit, in form and content as approved by the Attorney to the Town, is actually delivered to the Attorney to the Town in substantially the same form as attached hereto, prior to the expiration of the Subdivision Approval, the Chairman of the Planning Board is hereby precluded from signing the Subdivision Plat and the Building Department is hereby precluded from issuing a Building Permit for any of the lots in the subject subdivision, and BE IT FURTHER

RESOLVED that unless the final, signed Security Agreement, in form and content as approved by the Attorney to the Town, is actually delivered to the Attorney to the Town in substantially the same form as attached hereto, prior to the expiration of the Subdivision Approval, the Chairman of the Planning Board is hereby precluded from signing the Subdivision Plat and the Building Department is hereby precluded from issuing a Building Permit for any of the lots in the subject subdivision, and BE IT FURTHER

RESOLVED, that the Chairman of the Planning Board is hereby precluded from signing the Subdivision Plat until delivery of a fully executed and notarized Offer of Cession in form for recording, signed by all parties, to the Town, in substantially the same form as attached hereto, and BE IT FURTHER

RESOLVED, that until the Declaration of Covenants and Restrictions, Easements and Maintenance Agreement is signed by all parties and recorded in the Office of the Dutchess County Clerk, in substantially the same form as attached hereto, the Building Department is hereby precluded from issuing a Building Permit for any of the lots in the subject subdivision.

Roll was taken and adopted

YES – 5 Egan, Byrne, May, Williams, Barrett

NO -0

PASTURE ROCK ESCROW

The Supervisor informed the Board that Jay Paggi, town Engineer had set a \$5,000 fee for inspection for the Pasture Rock Subdivision. After extensive conversation between the Supervisor, the applicant and the Planning Board Secretary as to the necessity of the \$5,000, the applicant has offered \$2,000 and agreed to replenish the account so the balance remains at \$2,000.

MOTION by Supervisor Barrett seconded by Council. Byrne to set the Pasture Rock escrow account at \$2,000 and upon **payment** of any invoice causing the balance to fall below \$2,000, the applicant will replenish account before further expense is incurred.

Discussion. The Supervisor amended the **MOTION** seconded by Council. Byrne to state . . . upon **receipt** of any invoice causing the balance to fall below \$2,000 the applicant will replenish account before further expense is incurred. Discussion followed. Roll was taken and carried.

YES - 5 Egan, Byrne, May, Williams, Barrett

NO – 0

HIGHWAY RIGHT OF WAY

The Board discussed the Highway Right of Way Utility Work Permit Policy with the attorney. They also discussed the performance bond requirement. After various comments Council. May made the **MOTION** seconded by Council. Williams to forward the agreement to the attorney for her review. Roll was taken and carried.

YES - 5 Egan, Byrne, May, Williams, Barrett

NO -0

HIGHWAY SUPERINTENDENT TERM OF OFFICE

Since there was a difference of opinion as to whether or not you can change the term of office of the Highway Superintendent from two to four years with a resolution or a local law, the Board decided to discuss this at the April meeting so the attorney could research this further.

CELL TOWER – WOODY ROW ROAD

Dave Groth talked to the board about the cell tower lease contract overview. Mr. Groth stated radio station WKZE wants a lease to construct a translator at the Woody Row tower to broadcast on 99.1 Mhz at a low power level. He explained to the board what the lease would entail and when the rent would commence and the installation would be done. The rent would be approximately around \$200 to \$400 a month. The attorney would review the lease and get back to the board as soon as possible.

The board then went back to reviewing the financial report. Council. May stated that there would be another revision for January. The Supervisor said yes that he had noted the changes. Council. May wanted to discuss the February report which included bookkeepers payroll, retirement, escrow and others. Discussion continued.

RESOLUTION 24-09 FINANCIAL REPORT OF SUPERVISOR

Resolution offered by Council. May seconded by Council. Williams

Whereas the board has not received a final December 2008 Financial Report from the Supervisor, and

Whereas the board has not received an Annual Financial Report for 2008 from the Supervisor due to the Board on January 20, 2009,

Now therefore I make the motion directing the Supervisor to finalize the December 2008 Financial Report, to be submitted to the Board by 3/13/09, 4:00 and further to schedule a Special Board Meeting for 3/16/09 7:30 for the board's approval of the December 2008 Financial Report, and

Further direct the Supervisor to finalize the Annual Financial Report for 2008, to be submitted to the Board by 3/13/09, 4:00 and further to schedule a Special Board Meeting for 3/16/09 7:30 for the board's approval of the Supervisor's Annual Financial Report for 2008. Discussion followed. Roll was taken and defeated.

YES - 2 May, Williams

NO – 3 Egan, Byrne, Barrett

Council. May asked when we might have this information.

Supervisor stated that you will have the information sometime this month. He said by the end of this month the board will have the end of year close out Dec. '08 document. Council. May wanted to know the date for the annual financial report. The Supervisor said that that would follow. Council. May also asked about the financial report for January '09. The Supervisor again responded saying that when he finishes December and if that report necessitates changes, then the January and February '09 report changes will follow, and when I have them complete you will get the report.

Council. Williams had some questions regarding the finances – parcel reimbursements. He asked the Supervisor if the interest had been brought up to date on all accounts. The Supervisor said that they are working on that one. Council. Williams asked about the service charges taken care (\$728.28). The Supervisor stated that the bank credited the town for that amount of money. They continued to discuss the Wilcox Trust.

The Supervisor brought up money that was not transferred since 2004. He spoke with State Comptroller and they told the Supervisor that he could transfer the money now. MOTION by Supervisor Barrett seconded by Council. Egan to transfer \$3,580.02 from the Trust & Agency to 5031.A General Fund Revenue. Discussion followed. Roll was taken and carried.

YES - 3 Egan, Byrne, Barrett

NO – 0

ABSTAIN – 2 May, Williams

RESOLUTION # 25-09 Paying of Claims in Advance

Resolution offered by Supervisor Barrett seconded by Council. Byrne that the Town Board authorizes the payment in advance of audit of claims for public utility services such as gas, electric, fuel oil and telephone services, as well as for postage, freight, and express charges – claims of these payments shall be presented at the next regular meeting for audit. Discussion. Roll was taken and adopted.

YES - 5 Egan, Byrne, May, Williams, Barrett

NO -0

RESOLUTION # 26-09 Appointment of Van DeWater & Van DeWater

Resolution offered by Supervisor Barrett seconded by Council. Byrne to appoint Van DeWater & Van DeWater a special counsel for continuing legal matters for the appeal being handled by the Attorney General's office in the matter of Red Wing v. Milan conditioned on Resolution #66-08 which states that the town will continue to move forward with this appeal given continued public financial support for it, and that the town agrees to account for and return any monies not utilized in this appeal effort. Discussion followed. Council. May wanted to amend this resolution seconded by Council. Williams to appoint Van DeWater & Van DeWater as special counsel for continuing legal matters for the appeal being handled by the Attorney General's Office in the matter of Red Wing v. Milan. Discussion followed and there were various comments made by the board members concerning this issue. Roll was taken on the amendment and defeated.

YES - 2 May, Williams

NO – 3 Egan, Byrne, Barrett

Roll was taken on the original resolution and adopted.

YES - 3 Egan, Byrne, Barrett

NO – 2 May, Williams

Council. Williams had another resolution that he wanted to offer to the board.

RESOLUTION #27-09 Refund of Milan Concerns Donation

Resolution offered by Council. Williams seconded by Council. May that the Town was surprised by the unfavorable decision in Red Wing v. Milan and had not budgeted for attorney fees to cover the costs of an appeal, and The Town Board believed it was short of funds in 2008 to cover such expenses , and Members of the community were interested in seeing the appeal prosecuted , and Milan Concerns, a community organization, did offer to assist the Town by funding the appeal expenses in the absence of available funds, and Bill Jeffway, on behalf on Milan concerns, did offer funds unconditionally to cover the town’s expenses for the appeal, and Mr. Jeffway did express the desire that the funds e returned if alternative funding were found to be available, and The Town Board of the Town of Milan did vote to proceed with appeal of the matter, and Milan Concerns did donate funds in the amount of \$3,006.25, and The Town of Milan was subsequently successful in obtaining the assistance of the Attorney General of the State of NY, whose office is paying the cost of the appeal beyond those limited initial expenditures, and The Town of Milan, in fact, had a surplus in its general fund operations for 2008 approaching \$250,000,

Now therefore, It is moved that the Town of Milan refund the donation made by Milan concerns, and further be it moved that the Town of Milan will cover further costs of the appeal from available funds, and further, be it moved that the Town of Milan appreciates the good will of Milan Concern and its citizens who stepped to assist the town in its time of need. Discussion followed. Roll was taken and defeated.

YES - 2 May, Williams
NO – 3 Egan, Byrne, Barrett

FOIL FEE

MOTION by Supervisor Barrett seconded by Council. Byrne waive the payment of the FOIL fee for William May. Roll was taken and carried.

YES - 5 Egan, Byrne, May, Williams, Barrett
NO – 0

APPOINTMENT - ATTORNEY

RESOLUTION 28-09 Appoint – Gellert & Klein

Resolution offered by Council. May seconded by Council. Williams Whereas, the Town Board of the Town of Milan has not appointed an attorney to the Town for the year 2009 other than on an interim basis, Now therefore, I move to appoint Gellert & Klein as Attorney to the Town at a rate of \$140.00 per hour, and Further, I move to appoint Gellert & Klein as attorneys for the Planning Board & Zoning Board of Appeals at the rate of \$140.00 per hour. Discussion followed. Roll was taken and defeated.

YES - 0
NO – 2 May, Williams
ABSTAIN – 3 Egan, Byrne , Barrett

The Town Board recessed for 5 minutes!

Council. Williams brought up the proposed Local Law – Amendment to Article X. He stated that since the Planning Board requested an additional 45 days of review to prepare a more comprehensive set of recommendations; Council. Williams made the **MOTION** seconded by Council. May to table this until April's meeting. Discussion. Roll was taken and carried.

YES - 5 Egan, Byrne, May, Williams, Barrett

NO -0

Council. Williams inquired about the appeal regarding Mr. May - if the Committee on Open Government was notified of the decision by the board. The Supervisor said that he would get that done.

MILAN MARKET

MOTION by Council. Williams seconded by Council. May that Milan Market be removed from the agenda and the discussion with Mr. Rabadi and his attorney as a result of failure to comply and table this for another month to see if there is compliance in the next month. Discussion followed. They reviewed what was on the property again. Council. May stated that we need to take this off the agenda and it does not warrant discussing it any further. Council. Egan felt that they have been sitting here all night and she wanted to hear what Mr. Rabadi had to say. Council. Egan said that the time to table this would have been at the beginning of the night. Discussion continued. Supervisor made a MOTION to call the question and call the roll seconded by Council. Egan – Board voted – Roll was taken and carried.

YES - 3 Egan, Byrne, Barrett

NO - 2 May, Williams

The Board then voted on the original MOTION – Roll was taken and defeated .

YES - 2 May, Williams

NO – 3 Egan, Byrne, Barrett

The Supervisor stated is not happy with the fact that the conditions have not been met repeatedly. However, the applicant and the attorney have been here the whole night and he wanted to hear what they had to say.

Mr. Rabadi's Attorney, Karen Hagstrom wanted to discuss guidelines which should be set up and followed so we can all reach a mutual understanding so there would not be any conflicting information.

Council. Byrne stated that what he wanted to hear tonight was why the cars were still on the property. This was brought to the attention of the board back in November of 2008. There was a memo from the Zoning Board to the Code Enforcement Officer regarding the violation. He said there might have been some misunderstandings as to what was illegal and the board could go back and look at that; but from the board's standpoint the town has set forth standards and you have not complied with that. Council. Byrne said that he needed to come into compliance before the board could move forward.

Mr. Rabadi informed the board what each of the three cars were used for – one was waiting to be towed away, the other truck belong to him and the other was sold and he was waiting for the person who purchased it to pick it up.

The discussion continued and Mr. Rabadi attorney stated that everything would be done within a two week period.

Council. Williams said that the issue here was that he was selling cars illegally since November. He said that Mr. Rabadi has ignored the town law.

Ms. Hagstrom stated that she was receiving mixed messages from the town.

Council. May suggested to the Attorney, Ms. Hagstrom that when she is told to do something, please ask the Building Inspector to write what his instructions and information are and when you have questions to put it in writing also.

Ms. Hagstrom that should would be glad to do that.

MOTION by Council. Byrne seconded by Council. Williams to table the Milan Market issue until the board receives a confirmation from Don Smith, Building Inspector and or Jack Grumet, ZBA Chairman through the Supervisor in a written format that these requirements have been met and after that point put on the agenda at the next meeting. Roll was taken and carried.

YES - 5 Egan, Byrne, May, Williams, Barrett

NO – 0

The Board discussed an inspection with Don Smith and Jack Grumet of Milan Market.

MOTION by Supervisor Barrett seconded by Council. Williams to pay the interest due in the amount of \$29,432.90 for the Machinery Acquisition Serial Bond. Roll was taken and carried.

YES - 5 Egan, Byrne, May, Williams, Barrett

NO -0

HIGHWAY

TRANSFER STATION GATE:

MOTION by Council. Williams seconded by Council. Byrne to relocate the barrier gate accessing the transfer station and to erect a sign stating “Barrier Ahead”. Roll was taken and carried.

MOTION by Council. Williams seconded by Council. May in 9080.8DA delete OSHA from the heading. Discussion. Roll was taken and carried.

YES - 5 Egan, Byrne, May, Williams, Barrett

NO - 0

MOTION by Council. Williams seconded by Council. May to send three Highway Department employees for tanker endorsement; cost \$20.00 per man. Discussion followed. Roll was taken and carried.

YES - 5 Egan, Byrne, May, Williams, Barrett

NO -0

MOTION by Council. Williams seconded by Council. May to transfer \$60.00 from 5130.4DA to 9080.8DA to pay for tanker endorsement training. Discussion. Roll was taken and carried.

YES - 5 Egan, Byrne, May, Williams, Barrett

NO – 0

The Supervisor informed the Board that there must be an establishment of a standard work day for retirement – they are the following:

Highway Superintendent

Town Clerk

Assessor Chairman

The Supervisor stated that the town board must authorize by resolution the maximum total number of days per month based on the standard workday and the record of activities that will be reported for the elected or appointed officials. The Board then discussed the hours worked for the above positions. The Supervisor said that he has to adopt this resolution within 90 days of the first of the year or they will lose their retirement. Discussion continue. G. Butler said that the state changed the law and now it must be done every year according to the NYS and Local Retirement System.

RESOLUTION # 29-09 Standard Workday – Retirement

Resolution offered by Council. Byrne seconded by Council. ? that the Town Board be and hereby establishes the following as a standard work day for elected and appointed officials for the purpose of determining days worked reportable to the New York State and Local Employees’ Retirement System: Highway Superintendent, Town Clerk, Assessor Chairman. And to authorize the Supervisor to get a break down of the Assessor Chairman of his daily hours and submit this resolution to the comptrollers office. Council. May wanted to amend this Resolution seconded by ? to say to clarify that the resolution is updated yearly at the reorganization meeting. The Board decided to **WITHDRAW the RESOLUTION #29-09 WITH THE AMENDMENT!**

RESOLUTION #30-09 STANDARD WORKDAY – RETIREMENT

Resolution offered by Supervisor Barrett seconded by Council. May that the Town Board be and hereby establishes the following as standard work day for elected and appointed officials for the purpose of determining days worked reportable to the New York State and Local Employees’ retirement System and this shall be done annually at the reorganization meeting :

- Highway Superintendent – 5 day work day/8 hour day
- Town Clerk 5 day work day/6 hour day
- Assessor Chairman 5 day work day/3 hour day

Discussion followed. Council. Byrne said that there are certain paper requirements that need to adhere too. Roll was taken and adopted.

YES - 5 Egan, Byrne, May, Williams, Barrett
NO -0

SERVICE PROJECT – RECREATION PARK

Council. Byrne informed the Board that the Milan Youth group will host a program on Saturday, March 28th, 2009 from 10AM to 4PM followed by a BBQ.

Emergency Response Plan

Council. Byrne gave an update from his meeting with the All Hazard Mitigation Plan (AHMP). He stated that he had met with Gregg Becker, Milan Fire Chief and they discussed the course of action for a response plan and training that would involve scheduling of meetings and would require participation from members of the Town Board.

There was a discussion regarding the meeting of the Highway committee.

Council. Williams received a fax from a company that does Notary training in Fishkill. The Board discussed this and wanted made available for the Planning Secretary, Town Clerk or Deputy Town Clerk. **MOTION** by Council. Williams seconded by Council. Byrne to make the funding available for two people for Notary training. Roll was taken and carried.

YES - 5 Egan, Byrne, May, Williams, Barrett
NO -0

Council. Williams received an email from the Attorney Generals office regarding the appeal and forwarded it along to the board members!

BILLS – Bills were presented to the board for their audit and review. **MOTION** by Council. Williams seconded by Council. May to pay General Abstract #3 Claims 35 thru 76 totaling \$12,627.14 – Highway Abstract #3 Claims 20 thru 38 totaling \$29,913.05 –

Escrow Abstract #8 thru 13, with the exception of Escrow funds due to Rocky Mancini, totaling \$5,016.34 and Capital Projects Abstract # 3 Claim #3 totaling \$4,447.11. Roll was taken and carried.

YES - 5 Egan, Byrne, May, Williams, Barrett

NO -0

MOTION by Council. Williams seconded by Council. May to adjourn this meeting.

(11:12 PM)

Roll was taken and carried.

YES - 5 Egan, Byrne, May, Williams, Barrett

NO -1

Respectfully submitted,

Catherine Gill, Town Clerk

