

The Milan Town Board held their Regular Town Board meeting on 11/19/2012 at 7:30 PM the Milan Town Hall.

Present: Supervisor William Gallagher  
Councilpersons Jack Campisi, Roberta Egan, Jack Grumet, Marion Mathison

The Supervisor opened the meeting with the Pledge of Allegiance.

### **TRANSFER STATION BID**

The Town Clerk opened the Bid proposal from Welsh Sanitation. The Clerk gave the bid to the Supervisor for his review.

### **PUBLIC COMMENT**

G. Butler addressed one of the items on the agenda which was changing the retiree's health insurance share. He said that if it applied to new people he did not have a problem with it but if it applied to the people that started working in 2000 than he would strongly oppose it. He said that the people that are working now are already into the fifteen years of retirement, which was part of their compensation and changing now he felt was wrong.

Russell Frehling also addressed an item on the agenda that the town is going to accept Option A for the Election costs for 2011-2012. He said that he read the letter from the County Executive and appreciated the position that the town board was in. Mr. Frehling said that he was disappointed with going along with it although he understood that the town does not have a choice because of the risk. He felt that the county should give the town reasons for the charges and along with that the town should be able to audit bills that come in and do their job as elected officials.

George Carrothers announced that they are moving forward with the Cobble Pond Farm project. They hope to get preliminary approval in January. Mr. Carrothers also said that there will be an informational session on November 29<sup>th</sup> at 7PM at the Town Hall.

**MINUTES:** Regular Town Board Meeting – 10/15/2012 – **MOTION** by Supervisor Gallagher seconded by Council. Grumet to accept these minutes as written. Roll was taken and carried

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher

NO – 0

**MINUTES:** Special Mtg. Marc Molinaro, County Executive 10/22/2012 – **MOTION** by Supervisor Gallagher seconded by Council. Campisi to accept these minutes as written. Roll was taken and carried.

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher

NO – 0

**MINUTES:** Public Hearing 2% Tax Cap – 11/08/2012 – **MOTION** by Council.

Campisi to accept these minutes as written. Roll was taken and carried

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher

NO – 0

**MINUTES:** Public Hearing Preliminary Budget – 11/08/-12 – **MOTION** by Supervisor Gallagher seconded by Council. Grumet. Roll was taken and carried

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher

NO – 0

## **BUSINESS:**

### **HEALTH INSURANCE – RETIREES**

**MOTION** by Supervisor Gallagher seconded by Council. Campisi to change the retiree medical share from 80% (town's share) 20% (retiree share) for 2012 to 70 % (town's share) 30% (retiree share) for 2013. The Supervisor shared with the board the breakdown for each retiree. Roll was taken and carried

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher

NO - 0

### **WOODY ROW ROAD TOWER LEASE**

The Supervisor read an email from Angela Lore, Town Board Attorney regarding the lease agreement with the Dutchess County Sheriff's Department. It stated that the 2012 rent will be paid at \$440/month +\$40/mo. electric =\$480/mo.x12mos. = \$5,760 for 2012. The electric charges at \$40/month for the years 2009, 2010, and 2010 and 2011 total \$1,440.00. The rent/electric for 2012 of \$5,760.00 plus the past electric of \$1,440.00 total \$7,300.00. This amount will be paid to the town in a lump sum within 30 days of full execution of the agreement.

Rent for 2013 \$480/mo. + electric

Rent for 2014 and 2015 \$580/mo. + electric

Rent for 2016 \$580/mo. + electric

There is a five-year option to renew with a 3% increase in rent each year.

Electric charges are considered "additional rent" and are to be billed to the Sheriff's Office quarterly.

Insurance language will be the same as in the 911 lease. The Sheriff's Department transmit frequency will change on or about January 1<sup>st</sup> as they plan on stalling new equipment on the tower.

The Attorney told the Supervisor that she was hoping that this would be able to get on the agenda for this month.

**MOTION** by Council. Campisi seconded by Council. Grumet to authorize the Supervisor to sign the County lease agreement based upon the memo from the Town Board Attorney, Angela Lore. The Supervisor wanted to settle this issue as soon as possible. Roll was taken and carried

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher

NO – 0

### **ELECTION CHARGES**

**MOTION** by Council. Campisi seconded by Council. Egan to accept Option A in the County executive's letter dated September 4, 2012 and to authorize the Supervisor to issue a check from the General fund payable to Pamela Barrack, Dutchess County Commissioner of Finance, for the sum of \$6,937 as payment in full for the estimated cost of the elections for 2011 and 2012. Discussion followed. Council. Campisi said that this was an unacceptable way of treating the towns but we do not have a choice.

Roll was taken and carried

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher

NO - 0

### **COMPUTER CONSULTANT**

**MOTION** by Supervisor Gallagher seconded by Council. Campisi to appoint Millennium Information Systems as computer consultant at the rate of \$75.00 per hour for the remainder of 2012. The Supervisor said that Mr. Irby, the IT consultant came

very highly recommended by East Fishkill. He also works for the town of Stanford.  
Roll was taken and carried  
YES -5 Campisi, Egan, Grumet, Mathison, Gallagher  
NO – 0

### **ROCK CITY DAM – UPDATE**

The Supervisor said that to clean up the mess at site would cost in excess of \$100,000. The town is not in the position to entertain that kind of expense. He said what he would like to do is have the Highway Superintendent make repairs to the gate which would allow someone to open and close the gate. That would reduce the flow of the pond, which would then prevent the pond from overflowing from heavy rains and taking out Rock City Road and the bridge. The Supervisor said that he does not want to go any further than this repair but what he would like to do when that repair is done is sit down with the attorney, the engineer, the Highway Superintendent and Mr. Kovach and speak with him make him aware of why the town cannot afford this kind of repair. Discussion followed. The Supervisor said that his intention is to sit down with all the people that he just mention and explain it to the property owner to keep that level of water down and if he can't do it that he would have to get a family member or a friend to help him operate the gate. He has had letters from the DEC describing what the property owner is responsible for and our intention was to help him out because the town would end up losing a bridge and a road. The Supervisor said that the goal was to make sure that the property owner would be able to open the gate to lower the water level in the pond so it would not flow over. Discussion continued.

### **TIME CLOCKS**

**MOTION** by Supervisor Gallagher seconded by Council. Campisi to authorize the Supervisor to purchase two (2) time clocks form Time Clock Plus not to exceed \$4400.00. Discussion followed. Roll was taken and carried  
YES -5 Campisi, Egan, Grumet, Mathison, Gallagher  
NO – 0

### **NEW SERVER**

**MOTION** by Supervisor Gallagher seconded by Council. Campisi to authorize the Supervisor to purchase a new server for the Town Hall not to exceed \$3600. Roll was taken and carried  
YES -5 Campisi, Egan, Grumet, Mathison, Gallagher  
NO – 0

### **CABLEVISION UPDATE**

The Supervisor said that he spoke with Cablevision, and they said that they were behind with their work due to Hurricane Sandy. He said that he would have more information later next month.

## **APPOINTMENT**

**MOTION** by Supervisor Gallagher seconded by Council. Egan to appoint Deborah Mautone to the Board of Assessment Review for a five (5) year term ending 09/30/2017. Roll was taken and carried

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher  
NO – 0

**MOTION** by Supervisor Gallagher seconded by Council. Egan to authorize the Supervisor to send a letter to Doug Cook thanking him for his years of service on the Board of Assessment Review. Roll was taken and carried

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher  
NO – 0

## **TRANSFERS**

**MOTION** by Council. Campisi seconded by Council. Egan to transfer the following:

\$1,937 from 9010.8 (State Retirement) to 1450.4 (Elections)

\$2,074.50 from 9710.7 (Serial Bond Interest) to 1620.4 (Buildings)

\$1,500 from 9010.8 (State Retirement) to 1130.4 (Traffic Violations Bureau)

Roll was taken and carried

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher  
NO -0

## **LOCAL LAW # 5 OF 2012 – OVERRIDE 2% TAX CAP**

**MOTION** by Council. Campisi seconded b Council. Egan to adopt Local Law No. 5 of 2012 overriding the Two Percent (2%) Tax Cap for Fiscal 2013.

## **TOWN OF MILAN**

### **LOCAL LAW NO. 5 OF THE YEAR 2012**

### **TOWN OF MILAN, COUNTY OF DUTCHESS**

A local law to override the tax levy limit established by General Municipal Law Section 3-c.

#### **SECTION 1. LEGISLATIVE INTENT**

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Milan pursuant to General Municipal Law Section 3-c, and to allow the Town of Milan to adopt a budget for the fiscal year 2013 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law Section 3-c.

#### **SECTION 2. AUTHORITY**

This local law is adopted pursuant to subdivision 5 of General Municipal Law Section 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

**SECTION 3. TAX LEVY LIMIT OVERRIDE**

The Town Board of the Town of Milan, County of Dutchess, is hereby authorized to adopt a budget for the fiscal year 2013 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law, Section 3-c.

**SECTION 4. SEVERABILITY**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Roll was taken and carried

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher

NO - 0

**BUDGET FOR FISCAL 2013**

MOTION by Council. Campisi seconded by Council. Egan to adopt the 2013 Preliminary Budget as the 2013 Final Budget for the Town of Milan.

**MOTION** by Council. Campisi seconded by Council. Egan to make the following amendments to the following General Fund expenditure accounts:

- Create Account Line 1335.41 (County Charge Back) and fund with \$6,000
- Increase 1420.4 (Attorney) to \$35,000
- Increase 1620.4 (Building) to \$45,000
- Increase 5132.4 (Garage) to \$24,000
- Increase 8010.4 (Zoning) to \$ 4,000
- Increase 8020.4 (Planning) to \$ 4,500

Roll was taken and carried

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher

NO - 0

To make the following amendments to the General Fund revenue accounts:

- Increase 1090A (Real Property Tax Penalties & Interest) to \$ 8,000
- Increase 1120A (Sales Tax) to \$107,226
- Increase 2116A (ZBA Expense Reimbursements) to \$ 500
- Increase 2590A (Permits ZEO) to \$ 15,000
- Increase 3005A (Mortgage Tax) to \$ 55,000
- Reduce 2115A (Planning Application Fees) to \$ 1,000

Roll was taken and carried

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher

NO - 0

**MOTION** by Council. Campisi seconded by Council. Egan to increase the Fund Balance from \$124,965 to \$138,239. Roll was taken and carried

YES -5 Campisi, Egan, Grumet, Mathison, Gallagher

NO - 0

**MOTION** by Council. Campisi seconded by Council. Egan to vote on the main MOTION as amended. Roll was taken and carried  
YES -5 Campisi, Egan, Grumet, Mathison, Gallagher  
NO – 0

### **PUBLIC COMMENT**

G. Butler brought up the health insurance issue again asking the Supervisor if a memo was going out informing the retirees of the change.  
The Supervisor said that there would be a letter sent out.  
There was a brief discussion regarding this issue.

Rocky Mancini wanted the speed limit lowered at Rock City, Rt. 308 and Rt. 199 at the Milan Fire House.

### **HIGHWAY TRANSFER**

**MOTION** by Supervisor Gallagher seconded by Council. Egan to transfer \$6,000 from 5142.1DA (snow removal) to 5130.1DA(Machinery) and transfer \$6,000 from 5142.1DA (Snow removal) to 5140.1DA (Miscellaneous). The Supervisor said these transfer for payroll coverage. Roll was taken and carried  
YES -5 Campisi, Egan, Grumet, Mathison, Gallagher  
NO -0

**BILLS** – Bills were presented to the Board for their audit and review. **MOTION** by Council. Campisi seconded by Council. Egan to pay General Abstract # 11 Claims 389 thru 435, totaling \$\$65,186.23- Highway Abstract # 11 Claims 163 thru 178, totaling \$61,432.42. Roll was taken and carried  
YES -5 Campisi, Egan, Grumet, Mathison, Gallagher  
NO – 0

**MOTION** by Supervisor Gallagher seconded by Council. Campisi to adjourn this meeting.  
(8:30 PM). Roll was taken and carried  
YES -5 Campisi, Egan, Grumet, Mathison, Gallagher  
NO – 0

Respectfully submitted,

Catherine Gill, Town Clerk