

The Milan Town Board held their Regular Town Board meeting on 10/20/14 at 7:30 PM at the Milan Town Hall.

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

The Supervisor opened the meeting with the Pledge of Allegiance.

**MINUTES:** Regular Town Board meeting – 09/15/14 – **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:** Special Meeting (2) 10/03/14 – Tentative Budget and Court Clerk vacancy. **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

#### **CORRESPONDENCE:**

- The Supervisor informed the Board that he had received a letter from Department Homeland Security stating that they opened a Customer Service Mobile Site in Newburgh Armory in Newburgh. He said that the site will be opened on Friday every other week, 8 AM to 4 PM.
- He also received a letter from Cablevision informing him that they have more channels now in Spanish.
- The Supervisor congratulated Justice Kremenick for being the recipient of the “Pins of Recognition”, which is given out by the NYS Town and Village Justice Courts. The Supervisor thanked him for his 30 years of dedicated service as Town Justice for the Town of Milan.

#### **BUSINESS**

Greg Pulver, County Legislator informed the board that there was Make a Difference Day in Milan on Saturday, October 25, 2014 on Ferris Lane. He said that he did not have a time right now. Apparently they spend the day doing little projects on different homes. Mr. Pulver also said that on October 28<sup>th</sup> County Executive, Marc Molinaro will announce the County’s Tentative budget for 2015 and that night they will have the unveiling of the draft for the Farmer’s Protection Plan for Dutchess County at the Farm & Home Center at 7PM.

Council. Mathison gave an update on the transmission lines. She said that there was a presentation on Saturday, October 18, in Columbia and it was the presentation by Dr. Gidon Eshel on his research and findings about the need for the transmission lines. She said it was a great success with approximately 100 people in attendance. There will be another presentation on Saturday, November 1, at 2 PM at Bard College and, County Executive Marc Molinaro will be doing the opening comments. The deputy supervisor from Livingston will do the introductory speaking.

The Board discussed the Asset Management Program with Chris Lo Brutto. Mr. Lo Brutto said that his estimate was 55 hours at \$65.00 per hours to catalog the assets in the town hall and property. The Supervisor asked if that would include the Highway Department. Mr. Lo Brutto said that it would not, that Highway was only on an as needed basis at \$65/hr. He said that he did a test run on the Assessor's office so he knew how long it would take to do each asset. Mr. Lo Brutto said that they estimated that there were about 26 different areas in the town hall. This will all go into a data base. He explained the procedure to the town board and said that the town has to contract with Web DPW (Dept. of Public Works) and to get the data base working. Council. Egan wanted to know what the charge would be. Mr. Lo Brutto said that it would cost \$150 per month for (2) two seats. The discussion continued regarding how many seats the town needs. The board felt that they should move forward with one seat. MOTION by Council. Campisi seconded by Council. Mathison that the Supervisor be authorized to enter into the contract with Web DPW for one seat. Discussion continued. It was discussed that the password would be changed every so often for security reason with only one seat. Roll was taken and carried.  
 YES - 5 Campisi, Egan, Grumet, Mathison, Gallagher  
 NO - 0

**SALE OF DUMP TRUCK**

**MOTION** by Supervisor Gallagher seconded by Council. Egan to authorize the Highway Superintendent to advertise to sell a 2001 Dodge Ram Dump Truck and snow plow. Roll was taken and carried.  
 YES - 5 Campisi, Egan, Grumet, Mathison, Gallagher  
 NO - 0

**HIGHWAY MATERIALS**

**MOTION** by Supervisor Gallagher seconded by Council. Campisi to award the following Highway Materials for FY'15 recommended by the Highway Superintendent:

**A. Colarusso & Son, Inc. (Blacktop)**

Type 5 Asphalt FOB.....	71.85/ton
12.5MM 1/2" Top FOB.....	62.10/ton
9.5MM 1/4" Top FOB.....	67.25/ton
Winter Mix FOB.....	80.00/ton

**A. Colarusso & Son, Inc. (Quarry)**

Washed Stone 1/4" Delivered.....	17.10/ton
Washed Stone 1/2" Delivered.....	17.10/ton
Stone Dust Delivered.....	14.85/ton
Crusher 1" Minus FOB.....	8.75/ton
Crusher 1" Minus Delivered.....	14.85/ton
Light Stone Fill Delivered.....	17.10/ton
Medium Stone Fill Delivered.....	23.00/ton
Heavy Stone Fill Delivered.....	23.00/ton
# 4 Stone Fill FOB.....	11.00/ton
# 4 Stone Fill Delivered.....	17.10/ton

**Callanan Industries Inc.**

Washed Stone 1/2" FOB.....	11.75/ton
Stone Dust FOB.....	10.50/ton
Item 4 Crusher Run FOB.....	9.00/ton
Item 4 Crusher Run Delivered.....	14.60/ton
Light Stone Fill FOB.....	12.00/ton
Medium Stone Fill FOB.....	14.00/ton
Heavy Stone Fill FOB.....	15.00/ton
#2 Crushed Stone FOB.....	10.50/ton
#2 Crushed Stone Delivered.....	16.10/ton
#3 Crushed Stone FOB.....	11.00/ton
#3 Crushed Stone Delivered.....	16.60/ton
Type 1 Asphalt FOB.....	58.50/ton
Type 3 Asphalt FOB.....	59.50/ton
Type 6 Asphalt FOB.....	63.75/ton
Type 7 Asphalt FOB.....	68.50/ton
Winter Mix Delivered.....	110.60/ton

**Dutchess Quarry & Supply Co., Inc.**

Washed Stone 1/4" FOB.....	13.50/ton
Washed Stone 3/8" FOB.....	13.25/ton
Washed Stone 3/8" Delivered.....	21.50/ton

**Red Wing Properties Inc.**

Ice Control Sand Delivered.....	13.00/ton
Item 4 Gravel Delivered.....	14.50/ton
Bank Run Gravel FOB.....	6.50/ton
Bank Run Gravel Delivered.....	10.50/ton

**Rock City Sand & Gravel, Inc.**

Ice Control Sand FOB.....	12.00/cu. yd.
Item 4 Gravel FOB.....	12.00/cu. yd.
Roll was taken and carried.	
YES - 5 Campisi, Egan, Grumet, Mathison, Gallagher	
NO - 0	

**HIGHWAY EMPLOYEE STATUS**

**MOTION** by Supervisor Gallagher seconded by Council. Campisi to approve permanent status of Paul Rathjen, Highway employee on 10/20/2014 at pay rate of \$22.19 per hour. Roll was taken and carried.  
YES - 5 Campisi, Egan, Grumet, Mathison, Gallagher  
NO - 0

**WEIGHT LIMITS ON TOWN ROADS**

There was a brief discussion among the Highway Superintendent and the Town Board regarding weight limits on North Road, Fitzsimmons Road and Odak Farm Road. Glenn Butler, Highway Superintendent explained to the board that these roads are often used by trucks as through roads to get to a job site locally. He said that he has gotten complaints from residents about these trucks. Mr. Butler said that these roads are not

designed for the weight loads on that kind of frequency. He felt it would be a good idea to look into it. The Supervisor wanted to know what he would have to do. Mr. Butler said that the town would have to pass a law stating the weight limit for each road. He said that usually that requires an engineering study but he suggested that the board look at a state law that already states what has to be done. Mr. Butler said that he would look into that first and see if we could use that weight limit first instead of using our own engineering study because the state has already done the study. The board advised Mr. Butler to look into it and then come back to the board with his findings. Council. Egan said that she would like to know how much an engineering study would cost if the town had to go that way.

**MOTION** by Supervisor Gallagher seconded by Council. Egan to declare Wilbur Flats Road a Seasonal Limited use Highway from the 1<sup>st</sup> of December, 2014 to the 1<sup>st</sup> of April, 2015. Roll was taken and carried.

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

NO – 0

#### **HIGHWAY/ADDITIONAL COUNTY ROADS**

The Town Board discussed the possibility of the Highway Department taking on additional county roads during the winter. Mr. Butler said that he has a meeting with Director Gary Cooper, and they will be looking over maps of the area where he is having difficulties. He said that he really is not interested in taking on any additional mileage because we are maxed out right now. The maximum he said that he would take would be an additional (4) four miles tops; another one mile would be easy. Discussion continued. Mr. Butler said that he would come back to the board with more information.

#### **APPOINTMENT**

**MOTION** by Supervisor Gallagher seconded b Egan to re-appoint Arthur Garger to the Assessment Board of Review for a (5) five year term. Roll was taken and carried.

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

NO – 0

#### **RESOLUTION # 12 OF 2014 - EXAMINATION OF COURT RECORDS**

Resolution offered by Supervisor Gallagher seconded by Council. Egan that as per Section 2019-a of the Uniform Justice Court Act an examination of Court Records for calendar year has been conducted. Roll was taken and carried.

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

NO – 0

#### **RESOLUTION # 13 OF 2014 – Justice Christensen/Missing Cash Receipts Journal**

Resolution offered by Council. Campisi seconded by Council. Mathison that the Supervisor notify the Comptroller of the State of New York that during a routine audit conducted by his office of the financial records of the Milan town justices, his office discovered that the following financial records are missing:

Justice Francis G. Christensen’s Cash Receipts Journal, January – November, 2013

And further, the Milan Town Board directs that copies of this report be sent to the Inspector General of the State of New York and the town board’s attorney. Roll was taken and carried.

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

NO – 0

## **TENTATIVE BUDGET**

**MOTION** by Council. Campisi seconded by Council. Egan to adopt the 2015 Tentative Budget as the 2015 Preliminary Budget for the Town of Milan. Roll was taken and carried.

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

**MOTION** by Council. Campisi seconded by Supervisor Gallagher the following amendments to the proposed 2015 Preliminary Budget:

Increase 1010.10A (Town Board Personal Services) by \$88 for a revised total of \$17,840,

Increase 1110.11A (Town Justices Personal Services) by \$162 for a revised total of \$33,870,

Increase to 1220.14A (Supervisor Personal Services) by \$82 for a revised total of \$16,936,

Increase 1330.10A (Tax Collector Personal Services) by \$21 for a revised total of \$4,367,

Increase 1355.12A (Assessors Personal Services) by \$105 for a revised total of \$21,363,

Increase 1410.11A (Town Clerk Personal Services) by \$124 for a revised total of \$25,450,

Increase 5010.10A (Superintendent of Highways Personal Services) by \$285 for a revised total of \$58,256,

And decrease 9040.8A (Workers Compensation Insurance) by \$867 to a revised total of \$8,133

Roll was taken and carried.

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

**MOTION** by Council. Campisi seconded by Supervisor Gallagher to adopt the Preliminary Budget as amended. Roll was taken and carried.

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

**MOTION** by Council. Campisi seconded by Supervisor Gallagher to set the public hearing on the Town of Milan's 2015 Preliminary Budget for November 6, 2014 at 7:15 PM at the Milan Town Hall. Roll was taken and carried.

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

**RESOLUTION # 14 OF 2014 – Amending Chapter 67/ Procurement Policy**

Resolution offered by Council. Campisi seconded by Council. Egan the adoption of Local Law No. 5 of 2014 Amending Chapter 67. Procurement Policy as follows:

Section 67-2. Formal Bids

Delete the sentence beginning “All purchases of supplies or equipment. . .” and replace with the following: All purchases of supplies or equipment costing twenty thousand dollars (\$20,000) or more in the fiscal year or public works costing thirty five thousand dollars (\$35,000) or more in the fiscal year shall be formally bid pursuant to General Municipal Law.

Section 67-3. A.

Delete subsections (1), (2) and (3) in their entirety and replace with the following:

1. Less than twenty thousand (\$20,000), but ten thousand (\$10,000) or more shall require a written request for a proposal (RFP) and written quotes from three (3) vendors.
2. Less than ten thousand (\$10,000), but five thousand (\$5,000) or more shall require a written request for a proposal (RFP) and written quotes from two (2) vendors.
3. Less than five thousand (\$5,000), the Milan Town Board shall provide by resolution for any estimated purchase.

Section 67-3 B.

Delete subsections (1), (2) and (3) in their entirety and replace with the following:

1. Less than thirty five thousand (\$35,000), but twenty thousand (\$20,000) or more shall require a written request for a proposal (RFP) and written quotes from three (3) vendors.
2. Less than twenty thousand (\$20,000), but ten thousand (\$10,000) or more shall require a written request for a proposal (RFP) and written quotes from two (2) vendors.
3. Less than ten thousand (\$10,000), the Milan Town Board shall provide by resolution for any estimated public works contract. Council. Campisi stated that this is a Type II Action and does not require SEQ. R.

Roll was taken and carried.

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

NO - 0

**RESOLUTION # 15 OF 2014 – To Amend Chapter 200 – Zoning - Article II – Definitions, article V – Supplementary Regulations and Attachment 1 Table Z Schedule of Use Regulations**

Resolution offered by Council. Campisi seconded by Council. Mathison

I move the adoption of Local Law No. 6 of 2014 Amending Chapter 200 Zoning as follows:

200-5. Bed and Breakfast

Delete “A single structure” and replace with the following: No more than two (2) structures.

200-5. Refreshment Stand

Delete the sentence in its entirety and replace with the following: Any business where any refreshment is sold or offered for sale at retail from a motor vehicle, trailer or tent.

200-17. Accessory apartments

C. Owner occupancy.

Add after the words “commercial structure” in the second sentence, the following: or in a separate accessory structure on the same lot as the commercial structure,

E. Eligible structures.

After the word dwelling in the final sentence of the paragraph, delete the period and add the following: or commercial structure.

200-20. Bed and breakfast dwelling A

(1) Delete in its entirety and replace with the following: A bed and breakfast shall be limited to two (2) structures affording overnight accommodations and limited food services to guests, and one of which structures shall be the actual residence of the property owner/applicant.

(3) Delete “dwelling” and replace with the following: Bed and Breakfast.

(6) Add after “dwelling” the following: or dwellings

200-49 .vending of refreshments

A. License requirements

(2) Delete the sentence in its entirety and replace with the following: Vending licenses shall be valid from the date of issue or May 1<sup>st</sup> whichever is later and shall expire on October 31<sup>st</sup> of the same calendar year.

(1) License fees. Delete only the phrase: for the entire period of the license

200-49. C. Operating requirements

1. Delete the sentence in its entirety and replace with the following: Refreshment stands shall be permitted to operate on any day or days during the license period.

2. Delete sentence in its entirety and replace with the following: Refreshment stands are only permitted on properties that abut a New York State Highway or a Dutchess County Highway.

3. Delete the second sentence in the paragraph in its entirety and replace with the following: It shall be unlawful to operate a refreshment stand on any property abutting any Town of Milan road or right of way.

(5) Delete the following from the first sentence in the paragraph: “in the Hamlet District and Highway Business District” and replace with the following: on properties that abut a New York State Highway or a Dutchess County Highway.

(12) Delete sentence in its entirety and replace with the following: A refreshment stand may remain on the property for which it has a license during the time period provided for in said license, but in no event later than November 5 of the calendar year of the license, by which time the refreshment stand shall be removed from the property or stored on the premises in a building.

200. Attachment 1 Table A Schedule of Use Regulations:

Under Residential Uses, 1-family dwelling, change Column LC to B\*.

Under Refreshment stand, change Columns A5A and A3A to P<sup>13</sup>.

Council. Campisi stated that this is a Type II Action and does not require SEQR.

Roll was taken and carried.

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

NO - 0

#### **BID/ WELSH SANITATION**

**MOTION** by Council. Campisi seconded by Supervisor Gallagher to accept the bid of Welsh Sanitation Service to operate the Milan Transfer Station beginning January 1, 2015 and ending June 30, 2017. Roll was taken and carried.

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

NO - 0

#### **SHARED SERVICES**

Supervisor announced that Milan and three other towns received grant money in the amount of \$265,000 to purchase a paver and a roller through shared services.

#### **TRANSFERS/HIGHWAY**

**MOTION** by Supervisor Gallagher seconded by Council. Campisi to make the following transfers:

\$8,500 from 5130.2 to 5130.1

\$ 530 from 5130.2 to 9030.8

\$ 125 from 5130.2 to 9035.8

Roll was taken and carried.

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

**BILLS** – The bills were presented to the Board for their audit and review. **MOTION** by Council. Campisi seconded by Council. Egan to approve General Abstract # 10 Claims 368 thru 430, totaling \$36,736.10 – Highway Abstract # 10 Claims 146 thru 163, totaling \$89,227.19 and Escrow Abstract # 10 Claim # 15, totaling \$2,334.86. 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.

(8:42 PM). Roll was taken and carried.

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

Respectfully submitted,

Catherine Gill, Town Clerk