TOWN OF STANFORD TOWN BOARD
MINUTES of NOVEMBER 10th, 2022

 The Town of Stanford Town Board met for their monthly meeting on Thursday, November 10th, 2022, at the Town Hall. Supervisor Burton called the meeting to order at 7:00 PM with the Pledge of Allegiance.
 This meeting was dedicated, with gratitude, to the election inspectors and the poll workers who did such a wonderful job here on Election Day.

Roll call: Wendy Burton – present

 Anne Arent - present

 Margaret Fallon – present

 Nathan Lavertue - present

 Frank Pepe – absent

 Also in attendance was Town Attorney Robert Butts.

LIAISON REPORTS:

 Margaret Fallon stated that the CAC had set a date for their fall events at the Wildlife Preserve, planting trees and getting rid of invasive species. Sign up at Duchess Land Conservancy or the CAC’s Instagram account, and a lunch will be served to the volunteers. This is the second event that the DLC and the CAC have collaborated on.

 Nathan Lavertue reported that the Haunted Fortress had 2,000 people go through and brough in $25,000; they are now working on “winterization” of the fortress as well as talking about a winter “walk through” as well as internet access and storage. There will also be special guest at the Holiday of Lights on Dec. 3rd. The Rec. Commission was also working on an adult get-together over the winter and discussed indoor pickle ball at Cold Spring.

 Anne Arent had no report from the ZBA.

SUPERVISOR’S REPORTS: Wendy Burton stated that there was not much to report but that ballot Proposition #2 had passed and there would be no cannabis dispensaries in the Town. She added that the Town Board had nothing to do with the confusing wording of the proposition but glad they took the path to have the voters decide this issue and not the five Board members. The October Fire District discussed their budget, with the biggest cost being the EMS service, and the District’s budget is a line item in the Town budget. She also mentioned that the cost of volunteer fire departments is a problem everywhere and hoped that the County can assist them.

 For her financial report, she stated that revenues are at 114% for the year with outstanding revenues coming in from sales tax, Clerk’s fees, court fines and Building Dept. fees. The only revenue that wasn’t at expected levels was the cable franchise fees but more would be arriving early next year. For budget appropriations through October, the Town has used almost 75% of the General Fund, and 77% for the Highway so all are in good shape.

PRIVILEGE OF THE FLOOR:
 Dennis Buchal, 25 Thompson Lane – speaking as assistant Fire Chief, the largest increase to the budget was for the paid EMS responders, and is asking the Town Board to press the County to have a County-wide EMS system, which would offer more such as benefits and better pay. Stanford was also instrumental with the Ukrainian donations, sending over the first

shipment of fire and EMS gear and medical supplies. With Russia attacking their grid system, we are looking for donations of warm adult clothing, shoes, blankets and sleeping bags and will accept these items for the next month or so at the Fire House on Mondays at 7 PM.

 Nancy Kryzak, 458 Hobbs Lane – read a letter from many of the residents on Hobbs Lane regarding the timber harvesting. Lengthy discussion followed regarding the hours of operation, oversight of the project, the access road in and out of the property and other concerns. Ms. Kryzak thanked the Board for their time and effort on this.

 Corey Clanahan, 477 Hobbs Lane – also thanked the Board but had concerns over the project’s oversight.

MOTION TO APPROVE AGENDA: A motion was made by Wendy Burton, seconded by Nathan Lavertue, to approve the agenda. Motion carried with all voting in favor.

NEW BUSINESS:
1. 2023 PRELIMINARY BUDGET: Supervisor Burton stated that the Preliminary Budget needed to have the new Library amount figured in to the document so the vote had to be

Town Board Minutes

11/10/22, page 2

postponed. Councilwoman Fallon also stated that the salary for the Supervisor’s position had not been increased in over 12 years had been raised from $15,000 to $19,000 as that was the lowest supervisor salary in the entire County, with some getting more than twice that figure. Supervisor Burton added that she had recused herself from that vote. The Board agreed to hold a Special Meeting on Tuesday, November 15th to vote on the 2023 Budget.

2. RECREATION DOCK BIDS RESCINDED: As a matter of information for the Board, the bids that were sent out for new docks for the pond had to be rescinded as the funding for the project was from a grant and needed to be approved by the County. After that approval the bid would be posted with the Empire State Purchasing Group.

3. RECEIPT OF 2022 HIGHWAY INVENTORY: Mention was made that the Highway Inventory had been received by the Clerk and the Town Board members.

4. RESOLUTION #11A OF 2022 – TAX CERTIORARI-ROSSE: The following resolution was offered by Wendy Burton, seconded by Margaret Fallon:

**RESOLUTION #11A OF 2023**

**TO APPROVE THE ROSSE/ROSSE TAX CERTIORARI**

 Whereas the Supreme Court of the State of New York, County of Dutchess, has come to an agreement in the assessment dispute between the parties Rosse and Rosse and the TOWN OF STANFORD, the BOARD OF ASSESSMENT REVIEW and the ASSESSOR OF THE TOWN OF STANFORD,
Now therefore be it resolved that the Town Board of the Stanford Town accepts the decision as follows:

   At an IAS Term of the Supreme Court of the State of New York held in and for the County of Dutchess, at 10 Market Street, Poughkeepsie, New York on the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_, 2022.

PRESENT: Hon. James V. Brands, JHO

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF DUTCHESS

---------------------------------------------------------------------------X

In the Matter of the Application of

PETER ROSSE and KRISTY ROSSE, **CONSENT JUDGMENT** Petitioners, Index No.: 2022-52422

‑ against ‑

TOWN OF STANFORD, a Municipal

Corporation, its ASSESSOR and its

BOARD OF ASSESSMENT REVIEW,

Respondents.

For Review of the Assessment of Certain Real

Property under Article 7 of the Real Property

Tax Law.

---------------------------------------------------------------------------X

The above petitioners having heretofore served and filed a Petition and Notice to review the tax assessment fixed by the Town of Stanford for the assessment roll of 2022, upon certain real property located in the Town of Stanford, Dutchess County, New York, and designated as Tax Map No: 135200-6668-00-156901-0000, located at 402 Market Lane, (hereinafter, Property), on the Official Assessment Map of the Town of Stanford, and

The petitioners having appeared by Stenger, Diamond & Glass, LLP, Karen E. Hagstrom, Esq., and the respondents having appeared by Mackey Butts & Whalen, LLP, Ian S. MacDonald, Esq., Attorney for the Town of Stanford, and the parties having made their settlement, it is hereby

ORDERED, that the assessment on the Property, be and the same is hereby reduced, corrected and fixed for the 2022 assessment roll as follows:

DESCRIPTION (TAX MAP NO.): 135200-6668-00-156901-0000 – 402 Market Lane

Assessment Original Settlement Amount of

Roll Assessment Assessment Reduction

2022 655,000 550,000 105,000

and it is further

 ORDERED, that the officer or officers having custody of the assessment roll upon which the above‑mentioned assessment for the Property and any taxes levied thereon are entered shall correct the said entries in conformity with this Order and shall note upon the margin of said roll, opposite of said entries, that the same have been corrected by the authority of this Order, and it is further

ORDERED, that there shall be audited, allowed and paid to the petitioners by the DUTCHESS COUNTY COMMISSIONER OF FINANCE, for the Property the amounts of Dutchess County taxes and ad

Town Board Minutes

11/10/22, page 3

valorem Special District Taxes, if any, paid by the petitioners as taxes against the said erroneous assessment in the excess of what the taxes would have been had the said assessment made in the aforesaid year been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, provided, however, notwithstanding any other provision herein to the contrary, interest shall be waived in the event that payment is made within sixty (60) days from the date of service of this Order with notice of entry, and it is further,

ORDERED, that there shall be audited, allowed and paid to the petitioners by the DUTCHESS COUNTY COMMISSIONER OF FINANCE, or the TOWN OF STANFORD, for the Property, the amounts of Town taxes and ad valorem Special District Taxes, if any, paid by the petitioners as taxes against the said erroneous assessment in the excess of what the taxes would have been had the said assessment made in the aforesaid year been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, provided, however, notwithstanding any other provision herein to the contrary, interest shall be waived in the event that payment is made within sixty (60) days from the date of service of this Order with notice of entry, and it is further,

ORDERED, that there shall be audited, allowed and paid to the petitioners by the PINE PLAINS CENTRAL SCHOOL DISTRICT, for the Property, the amount of School taxes, and Library taxes if applicable, paid by petitioners as taxes against the said erroneous assessment in the excess of what the taxes would have been had the said assessment made in the aforesaid year been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, provided, however, notwithstanding any other provision herein to the contrary, interest shall be waived in the event that payment is made within sixty (60) days from the date of service of this Order with notice of entry, and it is further

ORDERED, that unless paid within sixty (60) days from service of this Order and of the Audit and Demand for payment all tax refunds are to be made with statutory interest from the date the taxes indicated herein were paid, pursuant to Section 726 of the Real Property Tax Law of the State of New York, and it is further

ORDERED, that all tax refunds hereinabove directed to be made by the Dutchess County Commissioner of Finance, Pine Plains Central School District, the Town of Stanford, and/or any of the various taxing authorities, be made by check or draft payable to the order of Stenger, Diamond & Glass, LLP, as attorneys for the petitioners, who is to hold the proceeds as trust funds for appropriate distribution, and who is to remain subject to the further jurisdiction of the Court in regard to its attorney’s lien, pursuant to Judiciary Law Section 475, and it is further

ORDERED, that to the extent any taxes or assessments are unpaid and have already been billed for the Town, School, County and special districts in accordance with the original assessed valuation, the officer or officers having custody of the assessment rolls and/or the tax rolls shall forward to the petitioners a new bill or bills, taxing said petitioners on the basis of the final total assessed valuation as stipulated herein, and it is further

ORDERED, that this Order hereby constitutes and represents full settlement of the tax review proceeding herein, and there are no costs or allowances awarded to, by or against any of the parties, and that upon compliance with the terms of this Order, the above‑entitled proceeding be and the same is settled and discontinued.

Dated: Poughkeepsie, New York

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2022

E N T E R, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

HON. JAMES V. BRANDS, JHO

Signing and entry of the within

Order is hereby Consented to:

STENGER, DIAMOND & GLASS, LLP

BY: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 KAREN E. HAGSTROM, ESQ.

 *Attorney for Petitioners*

 1136 Route 9

 Wappingers Falls, NY 12590

 (845) 298-2000 x133

 khagstrom@sdglaw.com

MACKEY, BUTTS & WHALEN, LLP

BY: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 IAN S. MacDONALD, ESQ.

 *Attorney for Respondents*

 319 Mill Street

 Poughkeepsie, NY 12601

 (845) 452-4000

 IMacDonald@MBWLawyers.com

Furthermore the Town Board grants Attorney Ian MacDonald the right to sign the agreement.

Town Board Minutes

11/10/22, page 4

 Motion carried with a roll call vote: Wendy Burton – yes; Anne Arent – yes; Margaret Fallon – yes; Nathan Lavertue – yes; Frank Pepe – absent.
 Resolution #11A of 2022 unanimously adopted by the affirmative votes of the Town of Stanford Town Board and certified this 10th day of November 2022. *Ritamary Bell, Town Clerk*

5. RESOLUTION #11B OF 2022 – TO TRANSFER FUNDS TO THE HIGHWAY VEHICLE RESERVE FUND: The following resolution was approved on a motion made by Wendy Burton, seconded by Anne Arent, as follows:

**Resolution #11B 2022 TO TRANSFER FUNDS FROM THE HIGHWAY FUND #837720 TO THE HIGHWAY VEHICLE RESERVE FUND #3011022**

 **Whereas** the Town Board of the Town of Stanford approved the purchase of a Highway WildKat Hydraulic Boom Mower to be delivered in January 2024 for the amount of $148,184.80 in May 2022, and

 **Whereas**, the current balance in the Highway Vehicle Reserve Fund will not sufficiently cover this purchase, and

 **Whereas** the current balance in the Highway Fund #837720 is c. $600,000 with additional funds coming in through C.H.I.P.S. reimbursement, and

 **Whereas** the 2023 Property Taxes will be available to the Highway Fund at the beginning of March 2023 and estimated expenditures for intervening months will be under $300,000

 **Now therefore be it resolved** that the Town Board of the Stanford Town Board approves the transfer of $200,000 from the Highway Fund #837720 to the Highway Vehicle Reserve Fund

#3011022

ACCOUNT FROM AMOUNT TRANSFER TO ACCOUNT

**Fund 01 Fund 16-5031**

**Highway Fund**  $200,000.00 **Highway Vehicle Reserve**

#837720 #3011002

Motion carried with a roll call vote: Wendy Burton – yes; Anne Arent – yes; Margaret Fallon – yes; Nathan Lavertue – yes; Frank Pepe – absent.
Resolution #11B of 2022 unanimously adopted by the affirmative votes of the Town of Stanford Town Board and certified this 10th day of November 2022. *Ritamary Bell, Town Clerk*

6. RESOLUTION #11C – GRANGE FOOD PANTRY FROM A.R.P.A. FUNDS: A motion was made by Wendy Burton, seconded by Nathan Lavertue, to approve the following resolution:

**RESOLUTION #11C – GRANGE FOOD PANTRY DONATION
FROM A.R.P.A. FUNDS**

 **Whereas** the United States Treasury has issued its Final Rule on the allowed uses for distribution of American Rescue Plan Funds, and

 **Whereas** one of the allowed uses is to assess nonprofits that were negatively financially impacted by the COVID 19 pandemic, and

 **Whereas**, the Stanford Grange #808 is a nonprofit community organization whose Food Pantry provides food to those within Stanford who suffer from food insecurity, and whose own funds need replenishing as demand on the food they supply has greatly increased, now

 **Therefore be It Resolved** that the Town Board of the Town of Stanford approve the a donation of $4,000 from the American Rescue Plan Fund account to provide assistance to the Stanford Grange #808 in its ongoing mission of serving those in our community who are in need of the assistance that the Food Pantry provides.

00-510 Estimated Revenue +4,000.00

00-4089 Federal Aid ARPA

00-960 Appropriations +4,000.00

00-01-1650-40 Communications Contractual

00-200 Cash +4,000.00

00-209 Cash- ARPA

 Motion carried with a roll call vote: Wendy Burton – yes; Anne Arent – yes; Margaret Fallon – yes; Nathan Lavertue – yes; Frank Pepe – absent.
 Resolution #11C of 2022 unanimously adopted by the affirmative votes of the Town of Stanford Town Board and certified this 10th day of November 2022. *Ritamary Bell, Town Clerk*

7. RESOLUTION #11D OF 2022 - PROPOSED LOCAL LAW #2 OF 2022 - AMENDING VARIOUS SECTIONS OF CHAPTER 140 OF THE TOWN CODE ENTITLED SUBDIVISION OF LAND WITH RESPECT TO PRIVATE ROADS, HOMEOWNERS’ ASSOCIATIONS AND CONSERVATION DENSITY SUBDIVISIONS: Attorney Butts stated that this proposed Local Law #2 of 2022 had been introduced and had public hearings on it as well.

**NARRATIVE TO BE ANNEXED TO PART 1 OF THE EAF FOR THE LOCAL LAW AMENDING CHAPTER 140 OF THE TOWN CODE ENTITLED “SUBDIVISION OF LAND”**

Town Board Minutes

11/10/22, page 5

 Chapter 140 of the Town of Stanford Town Code contains the regulations the Town Planning Board is required to apply to applications for the Subdivision of Land. The existing version of Chapter 140 includes provisions allowing Private Roads or Private Streets and Common Driveways in residential subdivisions. The Town Board has determined that it is in the best interest of the Town and its residents to update some of those provisions to provide greater clarity and remove inconsistencies among the provisions, and to confirm the Planning Board’s discretion to allow a mechanism other than a Homeowners’ Association to have the responsibility to maintain such Private Road or Roads.

 This amendment to Chapter 140 of the Town Code is not expected to adversely affect any environmental resources in the Town of Stanford. The Town Board has considered the potential environmental impacts of enactment of this Local Law in relation to the criteria contained in 6 NYCRR §617.7 and the responses to the questions set forth in Part 2 of the EAF and determined that enactment of this Local Law will have no adverse environmental impacts.

 A Short Environmental Assessment form was completed and the following resolutions were offered:

**RESOLUTION #11D OF 2022**

**RESOLUTION OF SEQR DETERMINATION**

**FOR LOCAL LAW No. 2 OF 2022 AMENDING CHAPTER 140 OF THE TOWN CODE ENTITLED SUBDIVISION OF LAND**

 At a meeting of the Town Board of the Town of Stanford (“Town Board”), held at the Town of Stanford Town Hall on the 10th day of November, 2022, at 7:00 p.m., Town Supervisor Wendy Burton called the meeting to order, and she, seconded by Councilwoman Margaret Fallon, moved the following resolution, containing the findings and determination under the New York State Environmental Quality Review Act (“SEQRA”) for the enactment of the local law, to be known as Local Law No. 2 of 2022, entitled “A Local Law Amending Various Sections of Chapter 140 of the Town of Stanford Town Code entitled ‘Subdivision of Land’, With Respect to Private Roads, Homeowners’ Associations and Conservation Density Subdivisions,”

 WHEREAS, the Town Board has introduced and is considering the enactment of a Local Law which would amend various provision of Chapter 140 of the Town Code entitled “Subdivision of Land” (“the Action”); and

 WHEREAS, the Town Board has prepared Part 1 of a Short Environmental Assessment Form (“EAF”), pursuant to the requirements of 6 NYCRR Part 617; and

 WHEREAS, there are no involved agencies other than the Town Board; and

 WHEREAS, the enactment of a Local Law amending various provisions of Chapter 140 of the Town Code entitled “Subdivision of Land”, is an Unlisted Action under the New York State Environmental Quality Review Act (“SEQRA”); and

 WHEREAS, the Town Board duly advertised, held and closed the public hearing on the Local Law during its meeting on November 7th, 2022; and

 WHEREAS, the Town Board has thoroughly reviewed and considered the Local Law; and

 WHEREAS, the Town Board has conducted its SEQRA review by (1) considering the criteria contained in subdivision (c) of 6 NYCRR §617.7 to identify any relevant areas of environmental concern, (2) thoroughly analyzing the identified relevant areas of environmental concern to determine if the action may have a significant adverse environmental impact and (3) completing Part 2 of the EAF and adopting Part 3 of the EAF, which includes a narrative articulating the reasons supporting the Town Board's SEQRA determination;

 NOW, THEREFORE, BE IT RESOLVED that the Town Board shall serve as Lead Agency and the Town Board hereby determines that the Action is an Unlisted Action under SEQRA and it is not necessary to conduct a coordinated review; and

 BE IT FURTHER RESOLVED, that for the reasons set forth in Part 3 of the EAF the Action will not result in any significant adverse impacts on the environment and, therefore, that an Environmental Impact Statement need not be prepared and a Negative Declaration therefore be issued.

 BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized to execute any such documents and take any such lawful actions as she may deem convenient, necessary or advisable in order to effectuate the foregoing Resolution.

The foregoing resolution was voted upon with all Board members voting as follows:

 Motion carried with a roll call vote: Wendy Burton – yes; Anne Arent – yes; Margaret Fallon – yes; Nathan Lavertue – yes; Frank Pepe – absent.
 Resolution #11D of 2022 unanimously adopted by the affirmative votes of the Town of Stanford Town Board and certified this 10th day of November 2022. *Ritamary Bell, Town Clerk*

**RESOLUTION #11E of 2022**

**To Enact Local Law #2 of 2022**

**AMENDING VARIOUS SECTIONS OF CHAPTER 140 OF THE TOWN CODE ENTITLED SUBDIVISION OF LAND WITH RESPECT TO PRIVATE ROADS, HOMEOWNERS’ ASSOCIATIONS AND CONSERVATION DENSITY SUBDIVISIONS** At a meeting of the Town Board of the Town of Stanford (“Town Board”), held at the Town of Stanford Town Hall on the 10th day of November, 2022, at 7:00 p.m., Town Supervisor Wendy Burton called the meeting to order,

Town Board Minutes

11/10/22, page 6

and she, seconded by Councilwoman Margaret Fallon, moved the following resolution, to enact the following local law, to be known as Local Law No. 2 of 2022, entitled “A Local Law Amending Various Sections of Chapter 140 of the Town of Stanford Town Code entitled ‘Subdivision of Land’, With Respect to Private Roads, Homeowners’ Associations and Conservation Density Subdivisions” as follows:

**WHEREAS,** the following Local Law was introduced as Proposed Local Law No. 2 of 2022, at a meeting of the Town Board held on October 13, 2022; and

**WHEREAS,** a properly noticed public hearing was held before the Town Board during the meeting on November 7, 2022, on this Local Law; and

**WHEREAS,** the Town Board has conducted a SEQRA review of the proposed action and has determined that the action will not result in any significant adverse environmental impacts and has issued a negative declaration;

**NOW THEREFORE, BE IT ENACTED**, by the Town Board of the Town of Stanford as follows:

**Section 1.**  Declaration of intent. Chapter 140 of the Town of Stanford Town Code contains the regulations the Town Planning Board is required to apply to applications for the Subdivision of Land. The existing version of Chapter 140 includes provisions allowing Private Roads or Private Streets in residential subdivisions. The Town Board has determined that it is in the best interest of the Town and its residents to update some of those provisions and to give the Planning Board the discretion to allow a mechanism other than a Homeowners’ Association to have the responsibility to maintain such Private Road.

**Section 2.** Section 140-03 of the Town of Stanford Town Code entitled “Definitions” is hereby amended to repeal the existing definition of “Private Street” under subparagraph “B” of the definition of “Street” and replace it with the following language.

 “**B.** **PRIVATE STREET**

A street proposed for long-term ownership and maintenance by a private entity, e.g., a homeowners' or condominium association or other mechanism acceptable to the Planning Board and the Town Attorney, and including, without limitation, streets which have been offered for dedication but which have not been accepted by the Town.”

**Section 3.**  Section 140-18 of the Town of Stanford Town Code, entitled “Design standards”, is hereby amended to repeal the existing Section 140-18(A)(6)(d) and replace it with the following language.

“(d) The maximum number of residential lots gaining access through any portion of a private road shall be eight. Limited resub division may be authorized by the Planning Board, only to the extent that the total number of residential lots served by the private road never exceeds eight.”

**Section 4.** Section 140-18 of the Town of Stanford Town Code, entitled “Design standards”, is hereby amended to repeal the existing Section 140-18(A)(6)(i) and replace it with the following language.

“(i) A homeowners' association (HOA) or other mechanism acceptable to the Planning Board and the Town Attorney must be created to own and provide for the perpetual care and maintenance of the private road. The Planning Board shall have discretion to determine whether a performance bond must be posted by the applicant to ensure the proper completion of the private road and, if so, how much the performance bond shall be and what form it should take.”

**Section 5.** Section 140-18 of the Town of Stanford Town Code, entitled “Design standards”, is hereby amended to repeal the existing Section 140-18(A)(6)(j) and replace it with the following language.

“(j) Such HOA or other mechanism must have the power to assess the subdivision lot owners for their share of the maintenance costs of the private road. The HOA or other mechanism shall ensure that the road will always be maintained and kept open to permit emergency vehicle access.”

**Section 6.**  Section 140-18 of the Town of Stanford Town Code, entitled “Design standards”, is hereby amended to repeal the existing Section 140-18(A)(6)(k) and replace it with the following language.

“(k) In the event that the HOA or other mechanism does not ensure that the road is properly maintained, the Town of Stanford may assume maintenance responsibilities and charge the HOA or Lot owners for all reasonable costs thereof. Such costs, if unpaid for more than 60 days, shall, along with attorneys’ fees for their collection, become a lien on the Lots and be enforceable in the same manner as a property tax lien.”

**Section 7.**  Section 140-18 of the Town of Stanford Town Code, entitled “Design standards”, is hereby amended to repeal the existing Section 140-18(A)(6)(l) and replace it with the following language.

“(l) The private road can only be offered for dedication to the Town of Stanford if it conforms to the Town highway specifications for private roads in effect on the date of the offer of dedication. However, the Town Board shall be under no obligation to accept such an offer of dedication, even if the road conforms to Town highway specifications. In the event such dedication becomes necessary to ensure public safety, the cost of bringing the road up to Town highway specifications shall be borne by the HOA, if any, or by the Lot owners, as the case may be.”

**Section 8.**  Section 140-25 of the Town of Stanford Town Code, entitled “Conservation Density Subdivision”, is hereby amended to repeal the existing Section 140-25(B) and replace it with the following language.

“B. Minimum lot area. A conservation density subdivision shall require a minimum lot area of five acres and a minimum average lot area of 25 acres. All lots created within a conservation density subdivision shall be permanently restricted by a conservation easement from further subdivision and shall, by virtue of the expressed language of said easement, be restricted to the development of one principal

Town Board Minutes

11/10/22, page 7

single-family dwelling unit and permitted accessory buildings and structures per approved lot, including a guest cottage, except as may be otherwise authorized on active farm parcels.”

**Section 9.**  Section 140-25 of the Town of Stanford Town Code, entitled “Conservation Density Subdivision”, is hereby amended to repeal the existing Section 140-25(C) and replace it with the following language.

“C. Maximum number of lots. The maximum number of lots and/or principal residences within a conservation density subdivision shall be eight.”

**Section 10.**  Section 140-25 of the Town of Stanford Town Code, entitled “Conservation Density Subdivision”, is hereby amended to repeal the existing Section 140-25(D)(5) and replace it with the following language.

“(5) The subdivider should also consider the applicability of § 352-e and related sections of Article 23-A of the General Business Law of the State of New York, and whether the filing of an Offering Plan or other submission with the Attorney General's office or the receipt of a no action letter from that office may be required.”

**Section 11.**  Section 140-26 of the Town of Stanford Town Code, entitled “Common Driveways”, is hereby amended to repeal the existing Section 140-26(M)(3) and replace it with the following language.

“(3) The subdivider should also consider the applicability of § 352-e and related sections of Article 23-A of the General Business Law of the State of New York and whether the filing of an Offering Plan or other submission with the Attorney General's office or the receipt of a no action letter from that office may be required.”

**Section 12.**  This local law shall take effect immediately upon filing with the New York Department of State.

The foregoing resolution was voted upon with all Board members voting as follows:

 Motion carried with a roll call vote: Wendy Burton – yes; Anne Arent – yes; Margaret Fallon – yes; Nathan Lavertue – yes; Frank Pepe – absent.
 Resolution #11D of 2022 unanimously adopted by the affirmative votes of the Town of Stanford Town Board and certified this 10th day of November 2022. *Ritamary Bell, Town Clerk*

8. CO-LOCATION OF CELL TOWER ON QUARTER HORSE WAY: According to Attorney Butts, this application was just for adding an antenna on a pre-existing cell tower on Quarter Horse Way with a concrete pad on the ground and a generator, and had been mistakenly sent to and reviewed by the Planning Board. Mr. Butts’ office will reach out to the applicant and get the process corrected expeditiously with the correct procedures, with any fees being paid through an escrow account.

9. TIMER HARVESTING APPLICATION: A new application for a timber harvesting permit and been completed so as to gather more information for any new applications. Discussion followed.

10. ALARM LAW CHANGES: The Fire Company had requested updates and changes made to the existing Fire Alarm law which upped the penalties for any false alarms that may come in. The following resolution was read by Supervisor Burton:

**RESOLUTION No. 11F of 2022**

**To Introduce Local Law #3 of 2022**

**AMENDING CHAPTER 56 OF THE TOWN CODE ENTITLED “ALARMS”** At a meeting of the Town Board of the Town of Stanford (“Town Board”), held at the Town of Stanford Town Hall on the 10th day of November, 2022, at 7:00 p.m., Town Supervisor Wendy Burton called the meeting to order, and she, seconded by Councilwoman Anne Arent, moved the following resolution, to introduce the following proposed local law, to be known as Proposed Local Law No. 3 of 2022, entitled “A Local Law Amending Chapter 56 of the Town of Stanford Town Code entitled ‘Alarms’”, as follows:

BE IT ENACTED by the Town Board of the Town of Stanford as follows:

**Section 1.**  Declaration of intent. The Town of Stanford Town Board has determined that several provisions of Chapter 56 of the Town Code entitled “Alarms” need to be updated. Therefore, the Town Board has determined it is in the best interest of the Town and its residents to amend Chapter 56 of the Town Code to bring it up to date.

**Section 2.** Chapter 56 of the Town of Stanford Town Code entitled “Alarms” is hereby repealed in its entirety and replaced with the following language.

 “Article I **Regulation of Externally Audible Alarms**

[§ 56-1 **Legislative purpose.**](https://ecode360.com/12907359#12907326)

Town Board Minutes

11/10/22, page 8

The Town of Stanford recognizes the need for externally audible alarms as a protection against and as a deterrent to the burglary of structures or fires or other emergencies for structures located in the Town of Stanford. The Town of Stanford declares, however, that the reasonable objectives of externally audible alarms are accomplished when the sound associated with their operation persists for not more than 20 minutes. The operation of externally audible alarms for more than 20 minutes does not serve any legitimate objective or purpose. The sound associated with the operation of an externally audible alarm becomes unreasonable after 20 minutes of operation and constitutes a public nuisance.

[§ 56-2 **Definitions.**](https://ecode360.com/12907359#12907327)

For the purposes of this article, the following terms shall have the meanings respectively ascribed:

[**ALARM**](https://ecode360.com/12907328#12907328)

Shall include any burglar, theft, fire, heat or other emergency alarm which emits audible noise, whether internally or externally in a structure, business or dwelling, including, but not limited to, alarms with automatic dialers to central station monitoring facilities or emergency response agencies.

 [**EXTERNALLY AUDIBLE ALARMS**](https://ecode360.com/12907329#12907329)

Any warning device designed to produce an audible sound when triggered by the unauthorized entry into or tampering with the structure to which it is affixed. An externally audible alarm may be located wholly within a structure, provided that it emits a sound which is audible outside of the structure.

 [**OPERATION**](https://ecode360.com/12907330#12907330)

The continuous or intermittent emission of a sound from an alarm.

 [**OWNER/LESSEE**](https://ecode360.com/12907331#12907331)

Any natural person, partnership, corporation, association or other legal entity.

 [**SOUND**](https://ecode360.com/12907332#12907332)

The noise produced by a horn, siren, bell, buzzer, voice recording or any other device the principal purpose of which is to create a noise to attract attention or to give warning.

 [§ 56-3 **Permit required; application.**](https://ecode360.com/12907359#12907333)

[**A.**](https://ecode360.com/12907334#12907334) No person shall affix an alarm to or install an alarm on or within any structure within the Town of Stanford or cause the same to be done without first securing a permit from the Town of Stanford.

[**B.**](https://ecode360.com/12907335#12907335) Applications for permits shall be made by the owner or lessee or person employed in connection with the proposed work. Every person desiring to obtain said permit shall file with the Town of Stanford Building Inspector a written application upon a blank form prepared and furnished by the Town of Stanford. An application must be accompanied by a fee of $50 before a permit is issued.

 [**(1)**](https://ecode360.com/12907336#12907336) Such application shall contain the following information:

[**(a)**](https://ecode360.com/12907337#12907337) The name, residence address and telephone number of the owner/lessee of the premises, and the Tax Grid number of the property on which the alarm is installed, along with the Dutchess County E-911 property address for the premises for which the alarm is installed.

[**(b)**](https://ecode360.com/12907338#12907338) The name, address and telephone number of three (3) people other than the owner/lessee who are authorized to respond to an emergency and open the building where the alarm system is installed to reset the alarm.

[**(c)**](https://ecode360.com/12907339#12907339) In the case of a business location, the owner/lessee shall provide the names of at least three (3) persons to contact in case of an emergency and who have access to the building to reset the alarm.

[**(d)**](https://ecode360.com/12907340#12907340) A statement that the external audible alarm is capable of and shall automatically terminate its operation within 20 minutes of its being activated.

[**(2)**](https://ecode360.com/12907341#12907341) The owner/lessee shall update said form as necessary so that the Town of Stanford has current information as requested by Subsection [**B(1)(a)**](https://ecode360.com/12907337#12907337) through [**(d)**](https://ecode360.com/12907340#12907340) of this section.

 [§ 56-4 **Penalties for offenses.**](https://ecode360.com/12907359#12907342)

It shall be unlawful for the owner/lessee having possession or custody of any structure to which an externally audible burglar alarm is connected or affixed to permit to suffer or allow the operation of that externally audible alarm for a period in excess of 20 minutes. Such operation constitutes a public nuisance. In addition to any other penalty permitted or allowed under the laws of the State of New York, any person convicted of a violation of this section shall pay a fine of $50 for the first offense, $100 for the second offense and $200 for each offense thereafter.

 [Article II **Regulation of Alarm Systems**](https://ecode360.com/12907343)

 [§ 56-5 **Legislative purpose.**](https://ecode360.com/12907359#12907344)

The Town of Stanford recognizes the need and legitimate purpose of alarm systems to detect the burglary of structures or fires or other emergencies in buildings and structures in the Town of Stanford which may be connected directly to a central monitoring system, Dutchess County Emergency Response (E-911) or the Sheriff or State Police. The Town of Stanford finds, however, that there have been frequent false alarms to the Stanford Fire District, including the Stanford Fire Company or Rescue Squad, because of alarm malfunctions. This has resulted in the unnecessary response by the Stanford Fire Company or the Rescue Squad to alarms and needless waste of fire, rescue and law enforcement resources which are necessary to protect the public safety, health and

Town Board Minutes

11/10/22, page 9

welfare. This section is designed to remedy the problem of false alarms to the Stanford Fire District, including the Stanford Fire Company or Rescue Squad.

 [§ 56-6 **Definitions.**](https://ecode360.com/12907359#12907345)

For purposes of this article, the following terms shall have the meanings respectively ascribed:

 [**ALARM SYSTEM**](https://ecode360.com/12907346#12907346)

Any mechanical or electrical device or system which is designed or used for the detection of any unauthorized entry into a building, structure or facility or used for mechanically or electronically alerting others to the commission of an unlawful act, burglar, theft, fire, heat or other emergency whether installed within or without the building. This system produces a signal, message or warning directly to Emergency Response (E-911), to some other location which is then reported, referred, telephoned, transmitted or in some other manner communicated to Dutchess County Emergency Response (E-911), by any method whatsoever, including but not limited to the owner of a business or his/her employee or representative, an alarm company or its representative, or an answering service or any other person reacting to or responding to said signal, message, warning or any audible alarm which requires immediate investigation and response by the Department. Said alarm system shall include but not be limited to telephonic or wireless alarm systems, which are defined to mean any mechanism, equipment or device which is designed to operate automatically through the use of public telephone, radio, satellite or wireless communication facilities to transmit a signal, message or warning to another location.

 [**FALSE ALARM**](https://ecode360.com/12907347#12907347)

The activation of the alarm system because of but not limited to mechanical failure, malfunction, improper installation or negligence by a person or when activation results in a response by the Stanford Fire District, including the Stanford Fire Company or Rescue Squad, where an emergency does not exist. False alarms do not include alarms caused by hurricanes, tornadoes or other violent weather conditions.

 [**PERSON**](https://ecode360.com/12907348#12907348)

A natural person, firm, partnership, association or corporation or representative or agent of said entities who is the owner or lessee of an alarm system.

 [§ 56-7 **Permit required; application.**](https://ecode360.com/12907359#12907349)

[**A.**](https://ecode360.com/12907350#12907350) No person shall install an alarm system on or within any structure within the Town of Stanford or cause the same to be done without first securing a permit from the Town of Stanford.

[**B.**](https://ecode360.com/12907351#12907351) Applications for permits shall be made by the owner or lessee or person employed in connection with the installation of the alarm system. Every person desiring to obtain said permit shall file with the Town of Stanford Building Inspector a written application upon a blank form prepared and furnished by the Town of Stanford. An application must be accompanied by a fee of $50 before a permit is issued.

 [**(1)**](https://ecode360.com/12907352#12907352) Such application shall contain the following information:

[**(a)**](https://ecode360.com/12907353#12907353) The name, residence address and telephone number of the owner/lessee of the premises, and the Tax Grid number of the property on which the alarm is installed, along with the Dutchess County E-911 property address for the premises for which the alarm is installed.

[**(b)**](https://ecode360.com/12907354#12907354) The name, address and telephone number of three (3) people other than the owner/lessee who are authorized to respond to an emergency and open the building where the alarm system is installed to disconnect or reset the alarm.

[**(c)**](https://ecode360.com/12907355#12907355) In the case of a business location, the owner/lessee shall provide the names of at least three (3) persons to contact in case of an emergency and who have access to the building to reset the alarm.

[**(d)**](https://ecode360.com/12907356#12907356) Name, address and telephone number of the installer of the system and company who will monitor the alarm system and report alarms to Dutchess County Emergency Response (E-911).

[**(2)**](https://ecode360.com/12907357#12907357) The owner/lessee shall update said form as necessary so that the Town of Stanford has current information as requested by Subsection [**B(1)(a)**](https://ecode360.com/12907353#12907353) through [**(d)**](https://ecode360.com/12907356#12907356) of this section.

[**(3)**](https://ecode360.com/12907358#12907358) Any electrical security gate on the driveway for said residence or business with an automatic fire alarm installed shall be automatically opened by the activation of the automatic fire alarm and/or activated by the sound of fire sirens on emergency vehicles and should be programed to stay open until manually closed by the homeowner or property caretaker.

**(4)** All persons operating or maintaining an existing alarm system must obtain a permit within 90 days after the effective date of this article.

 [§ 56-8 **Penalties for offenses.**](https://ecode360.com/12907359#12907359)

[**A.**](https://ecode360.com/12907360#12907360) The failure of any person to comply with the provisions of this article requiring the filing for and obtaining of a permit shall result in a fine in the amount of $100.

[**B.**](https://ecode360.com/12907361#12907361) Penalties for false alarms.

[**(1)**](https://ecode360.com/12907362#12907362) Upon the second false alarm in any one calendar year, a person shall be subjected to a fine of $250 for that false alarm, $500 for the third false alarm and $1,000 for each false alarm thereafter.

[**(2)**](https://ecode360.com/12907363#12907363) Written notice by certified mail through the United States Postal Service shall be sent from the Building Inspector or Code Enforcement Officer to the person who is listed as the owner or lessee of the alarm system after the first false alarm in any one calendar year stating that fines in the

Town Board Minutes

11/10/22, page 10

amounts of $250, $500 and $1,000 will be payable for subsequent false alarms. The failure of such written notice to be sent or received shall not act as a bar to the enforcement of this regulation.

[**C.**](https://ecode360.com/12907364#12907364) Violators shall be prosecuted and penalties shall be collected in the manner prescribed by law or ordinance effective in the Town of Stanford, including the right of a fire official, Building Inspector or Zoning Enforcement Officer of the Town of Stanford to issue an appearance ticket for Town of Stanford Justice Court for a violation of this article. A violation of this article is punishable by a fine as set forth in Subsections [**A**](https://ecode360.com/12907360#12907360) and [**B**](https://ecode360.com/12907361#12907361) of this section.

**Section 3.**  This local law shall take effect immediately upon filing with the New York Department of State.

Town Supervisor Wendy Burton advised the Town Board that, pursuant to the Municipal Home Rule Law of the State of New York, it was necessary to hold a public hearing upon this proposed local law.

 WHEREAS, Supervisor Burton has introduced this proposed local law for the Town of Stanford, to be known as Town of Stanford Proposed Local Law No. 3 of 2022, entitled “A Local Law Amending Chapter 56 of the Town of Stanford Town Code entitled ‘Alarms’.”

NOW, THEREFORE BE IT FURTHER RESOLVED, that a public hearing be held in relation to the proposed local law as set forth in the form of notice, hereinafter provided, at which hearing parties in interest and citizens shall have an opportunity to be heard, to be held at the Town Hall on Monday, December 5, 2022, at 7 o’clock p.m., and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of Stanford by the Town Clerk, at least five (5) days before such hearing and that such notice shall be in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Stanford will hold a public hearing at the Town Hall, 26 Town Hall Road, Stanfordville, New York 12581, on Monday, December 5, 2022, at 7 o’clock p.m., Prevailing Time on Proposed Local Law No. 3 of 2022, entitled “A Local Law Amending Various Sections of Chapter 56 of the Town of Stanford Town Code entitled ‘Alarms.’”

 TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the Town of Stanford Town Hall, 26 Town Hall Road, Stanfordville, New York, during normal business hours on all business days between the date of this notice and the date of the public hearing.

TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: Stanfordville, New York

 November 10, 2022

 Motion carried with a roll call vote: Wendy Burton – yes; Anne Arent – yes; Margaret Fallon – yes; Nathan Lavertue – yes; Frank Pepe – absent.
 Resolution #11F of 2022 unanimously adopted by the affirmative votes of the Town of Stanford Town Board and certified this 10th day of November 2022. *Ritamary Bell, Town Clerk*

11. APPROVAL OF MINUTES: The Minutes of the October 13th, 2022 Town Board Meeting and the October 27th Special Town Board Meeting were approved as written on a motion made by Nathan Lavertue, seconded by Wendy Burton. Motion carried with all voting in favor.

12. APPROVAL OF ABSTRACT #11 FOR NOVEMBER 2022: The November 2022 Abstract of Claims was approved for payment on a motion made by Nathan Lavertue, seconded by Margaret Fallon, as follows:

 General Fund: check #s 6763-6800, in the amount of $63,974.96
 Highway Fund: check #s 4205-4218, in the amount of $15,648.28

Stanfordville/Bangall Light District: check #3055 in the amount of $967.28

[Escrow account: ck # 1029 in the amount of $975.00]

Highway Vehicle Reserve Fund: check #2698 in the amount of $7,594.00

 Grand total of Abstract #11 of 2022: $89,159.48

Motion carried with all voting in favor.

PRIVILEGE OF THE FLOOR:

 Roberta Kemp, 149 Creamery Road – spoke of the speeding vehicles and large truck traffic that had been on Creamery Road.

Town Board Minutes

11/10/22, page11

EXECUTIVE SESSION:

 With no other comments, Wendy Burton made a motion at 8:18 PM to close the regular meeting and go into an Executive Session regarding litigation. Second by Anne Arent. Motion carried with all voting in favor.

 A motion was made at 8:32 PM by Wendy Burton, seconded by Nathan Lavertue, to close the Executive Session and go back into the regular meeting.

 With no action taken, a motion was made at 8:33 PM by Margaret Fallon to adjourn the meeting, seconded by Anne Arent. Motion carried with all voting in favor.

Respectfully submitted,

Ritamary Bell, Town Clerk