TOWN OF STANFORD TOWN BOARD   
MINUTES of FEBRUARY 9th, 2023

The Town of Stanford Town Board met for their monthly meeting on Thursday, February 9th, 2023, at the Town Hall. Supervisor Burton called the meeting to order at 7:00 PM with the Pledge of Allegiance led by high school student Scarlett Rhea.   
 The Supervisor stated that this meeting was dedicated to Gary Lovett, an advocate for the Town who was dedicated to public service, who passed away over a month ago. There have been a lot of deaths in the last ten days: John Danko, Bonny Hughes, Alberta Funk and Gary Johnson. Supervisor Burton asked for a moment of silence for them all.

Councilwoman Margaret Fallon spoke of Gary Lovett’s beautiful memorial service that was recently held at the Cary Institute. People from all aspects of his life, neighbors, co-workers, students, told amazing stories of his talents, deep kindness and joy of life. Ms. Fallon then read the tribute she had written for Gary’s service. Anne Bernstein also spoke of working with Gary on the Town CAC and the depth of grief and loss that she felt, and of attending his memorial service as well, and how he had impacted so many lives. He added that she was grateful for her time with him, was inspired to work harder and not be afraid to do something.

Supervisor Burton added that the Town was planning a fitting memorial for him along with the CAC.

Roll call: Wendy Burton – present

Anne Arent - present

Margaret Fallon – present

Nathan Lavertue - absent

Also in attendance was Town Attorney Robert Butts.

LIAISON REPORTS:

Margaret Fallon stated that the CAC had voted to have Greg Williams as the new Chair and Curtis DeVito as the Vice Chair. They were also working on having nature lectures at the Library and were planning on having the annual road-side clean-up on April 22nd. She added that you can follow the CAC’s activities and information on Instagram.

Anne Arent said that the ZBA had held two public hearings on variance applications and both were approved.

SUPERVISOR’S REPORTS: Supervisor Burton stated that she had given the Board members two payroll verification reports, her bank reconciliations and her January ‘23 report. She added that the website now has a new page for disaster preparedness and recovery, and that the Town Board was still working on the building’s boiler replacement with several recommendations and various suggestions that an engineer will have to discuss.

PRIVILEGE OF THE FLOOR:   
 Jim King, 176 Charwill Drive – spoke of an expanding commercial construction business at 158 Charwill in the RR zone that was wrong for the area, is causing many problems, ramifications, even though the Building Inspector has allowed it. Asked the Board to visit the site and take appropriate action.

Kathy Zeyher, 158 Shelley Hill Road – speaking as ZBA chair and on the ZBA since 2015, had gone over the process of selecting a new member, advertising the vacancy, receiving letters of interest, interviewed the candidates, considering our criteria and discussed them and am now sending our recommendation to the Town Board. Our candidate has been part of other organizations in town, understands the future of the Town and knowledge of the proposed Master Plan. Our recommendation is on the Board’s agenda tonight.

Jim Myers, 402 Jameson Hill Road – also on the ZBA, and has been since 2011, discussed the applicant they had spoken with, was hoping you would vote on the matter tonight. Asked if there was a conflict of interest with Mrs. Arent being on the school board, and was told no.

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

NEW BUSINESS:  
1. APPROVE BOOKS OF THE BUILDING INSPECTOR, THE COURT AND THE TOWN CLERK: Patty Koch presented the books for (former) Town Justice Weber and Carolyn Harklerode presented the books for Town Justice Dennis Smith. A motion was made by Wendy

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Burton, seconded by Anne Arent, to approve them to the best of their knowledge. Motion carried with all present voting in favor. Town Clerk Ritamary Bell presented her books and records to the Town Board. A motion was made by Wendy Burton, seconded by Margaret Fallon, to approve them to the best of their knowledge. Motion carried with all present voting in favor. The Building Inspector was not available to bring in his books.

2. APPOINT NEW MEMBERS TO VARIOUS BOARDS AND COMMISSIONS: The following appointments were made:

* To the CAC: Natalie O’Malley – motion made by Wendy Burton, seconded by Anne Arent. Motion carried.
* To the Recreation Commission: Nicole Clanahan - motion made by Wendy Burton, seconded by Anne Arent. Motion carried.
* To the Board of Assessment Review – Lori Downing - motion made by Wendy Burton, seconded by Margaret Fallon. Motion carried.
* To the Zoning Board of Appeals: Divo Martini – motion made by Margaret Fallon, seconded by Wendy Burton. Role call vote: Wendy Burton – yes; Anne Arent – abstained; Margaret Fallon, - no; Nathan Lavertue – absent. No vote. Supervisor Burton suggested that the ZBA run another ad and look for more applicants. Ms. Fallon explained that the Board usually takes a committee’s recommendation but doesn’t see that job as a rubber stamp; was elected to represent the Town and doesn’t think this applicant would best represent our Town.

DISCUSSION: Pat Tierney, Jameson Hill Road, ZBA member – stated that their choice was a good fit for the ZBA, personality should not count but rather their qualifications, experience and care; the board could handle if there was a problem. Met or spoke with 6 candidates and he was their choice.

Ben Rathjen, 158 Charwill Drive – also a ZBA member, spoke with the applicants regarding availability, some were part-time residents or new to the area; felt that that was not a good fit for the ZBA.

Supervisor Burton – added that this was an unfortunate position and that the ZBA is probably the most effective committee in town; Kathy Zeyher knows the zoning better than anyone. Do not view this as a rebuke of the ZBA and had spoken with Kathy regarding this passionate person but has a history of volatility. We’re looking at what’s best for the Town. The former Town Board had turned down other recommendations and added that there was much soul searching in our decision, and asked how they could move forward. She suggested that the position be advertised for again, bring the ZBA down to three members: make no decisions tonight but want to hear from you and hope that all of you stay on.

* To the Climate Smart Task Force – Teddy Secor, Abrielle Hamilton, Tracy Springer and Nate Kimball - motion made by Wendy Burton, seconded by Margaret Fallon. Motion carried.

3. PROCUREMENT POLICY UPDATE: This policy update was read by Supervisor Burton as follows:

Purchasing Policy (03)

Proposed amendment Feb 2023

Replace Standard 7 with the following:

**Standard 7.** Under certain statutory exceptions to the bidding, quotation and proposal requirements of State law and this policy, the Town is authorized to consider other expedient procurement methods as follows:

(a) through certain State and Federal contracts per GML §104;

(b) through certain county contracts, except contracts involving services subject to Article 9 of the New York State Labor Law, per GML §103(3);

(c) Preferred Source providers pursuant to State Finance Law §162;

(d) purchases through the NYS Office of General Services (“OGS”), Preferred Source organizations and OGS pre-qualified contractors pursuant to GML §104;

(e) pursuant to any New York State Law enacted as an exception to the requirements of GML §103.

Notwithstanding Standard 3, where procurement is expedited under this Standard 7, if no public bid solicitation is required under the applicable exception listed above, then no RFP is required under this policy.

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Motion to accept this Purchasing Policy update was made by Wendy Burton, seconded by Margaret Fallon. Motion carried with all present voting in favor.

4. GARY LOVETT PARK RENAMING: Tabled until March.

5. CARPET/FLOORING REPLACEMENT BIDS: Bids had been solicited to replace the carpeting in the main hallway and the Town Board Room. The lowest bid received was from Foster’s Flooring in the amount of $16,059. Motion to approve this bid for the new flooring was made by Wendy Burton, seconded by Anne Arent. Motion carried with all present voting in favor.

6. REVOLUTIONARY WAR MEMORIAL: Ms. Burton explained that an old tombstone had been found on the farm of Clarence Knapp and the Historical Society wished that it be moved to the Town Hall Memorial Park. Motion made by Wendy Burton, adding her thanks to Mr. Knapp, seconded by Margaret Fallon. Motion carried with all present voting in favor.

7. PART-TIME EMPLOYEE HOLIDAY PAY POLICY: The first reading of this policy was done by Supervisor Burton, as follows:

Holiday Pay Policy

Policy Section: (04) Personnel Approval Date: \_\_\_\_\_\_\_\_\_

Policy: (04) (c) Holiday pay

**Summary:** Establishes standards, parameters, definitions, and eligibility for non-union employee holiday pay.

Purpose: The Town Board appreciates that certain national holidays may fall on days when employees would normally work, with the effect of depriving them of pay. This policy allows holiday pay when a Designated Holiday (as defined below) falls on a day when an eligible employee normally works.

Eligibility: Holiday pay is available to part-time non-union employees

whose positions require 12 hours or more per week; and

who have been employed by the Town for at least 90 days.

Temporary employees and employees who work fewer than 12 hours per week are not eligible for holiday pay.

An employee who holds more than one position with the Town may aggregate the hours worked in all positions to determine eligibility.

Application: This policy applies only to "Designated Holidays." Designated Holidays are New Year's Day, Independence Day, Labor Day, Thanksgiving, Veterans' Day and Christmas, all as observed.

Holiday pay is paid when a Designated Holiday falls on a day that is a work day in the employee's standard work week. Applicability of this policy cannot be established by shifting a standard work day to a holiday.

Holiday pay applies only to the number of hours an employee would work on that day in his/her standard work week.

**Effective date:** This policy is effective as of \_\_\_\_\_\_\_ \_\_, 2023.

**Construction**: In the event of conflict between this policy and Part 6 of the Town's Employment Policies and Practices Manual, this policy shall govern.

This policy update will be voted on at the March meeting.

8. RESOLUTION #2A OF 2023: TO TRANSFER FUNDS FOR THE HEALTH REIMBURSEMENT ACCOUNT

Supervisor Burton read the following resolution:

RESOLUTION TO TRANSFER FUNDS FROM HIGHWAY FUND & General fund TO CDPHP account #3006535

[THE HEALTH REIMBURSEMENT ACCOUNT]

**Whereas the Town Board of the Town of Stanford** needs to replenish funds for the full-time Highway employees Health Reimbursement Account [CDPHP]

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**Now therefore be it resolved that** the Town of Stanford Town Board authorizes $20,000 be transferred from the Highway Account, #837720 to the CDPHP [Health Reimbursement Account], #3006535 and

**Be in further it resolved that** the Town of Stanford Town Board authorizes $2,000 be transferred from the General Account, #837720 to the CDPHP [Health Reimbursement Account], #3006535

Roll call vote as follows: Wendy Burton - yes, Margaret Fallon - yes, Anne Arent - yes, Nathan Lavertue – absent.

Resolution #2A of 2023 adopted by the affirmative votes of the Town of Stanford Town Board members present and certified this 9th day of February 2023. *Ritamary Bell, Town Clerk*

9. RESOLUTION #2B OF 2023 – LITIGATION SETTLEMENT: The following resolution was read by Supervisor Burton

Resolution # 2B 2023 to PLACE IN ESCROW LITIGATION SETTLEMENT FUNDS WITH MACKEY BUTTS & WHALEN  
 **Whereas** theTown of Stanford is concluding settlement of a litigation under the previous administration, and  
 **Whereas** the Town's share of such settlement is $70,000.00, plus $17,500 to be paid to NYMIR,  
 **Whereas** theTown wishes to pay its share of such settlement from 2022 funds, and  
 **Whereas** the Town's accounting records for the year 2022 will close on January 31, 2023, and  
 **Whereas** the settlement documents are not likely to be signed by January 31, 2023,  
 **Now therefore** be it resolvedthat the Town Board of the Town of Stanford will escrow with the law firm of Mackey Butts & Whalen $87,500, with instruction that the amount be held in the firm's escrow account until the settlement documents are fully executed and delivered, and that the placement of these funds in escrow as of 1/31/23 be ratified by the Town of Stanford Town Board  
 **Be it further resolved** that the Town Supervisor is authorized to release the escrow upon such execution and delivery.  
Roll call vote as follows: Wendy Burton - yes, Margaret Fallon - yes, Anne Arent - yes, Nathan Lavertue – absent.  
Resolution #2B of 2023 adopted by the affirmative votes of the Town of Stanford Town Board members present and certified this 9th day of February 2023. *Ritamary Bell, Town Clerk*

10. RATIFY SETTLEMENT AGREEMENT: As stated in the above resolution, a motion was made by Wendy Burton, seconded by Anne Arent, to ratify the settlement agreement on the case of Meghan O’Connor vs. Joseph Norton as Supervisor. Motion carried with all present voting in favor.

11. RESOLUTION #2C OF 2023 – SPECIAL AMBULANCE DISTRICT: Supervisor Burton

explained that even though we have an extraordinary volunteer fire company, we still had to contract with Northern Dutchess Ambulance as an outside service, which brought the fees up dramatically. After speaking with the Fire Commissioners and others in the County, we will try to help them out in the future if it is ever needed.

Resolution # 2C OF 2023 to create a special ambulance district for the town of Stanford in the event it is needed in the future **Whereas** theTown Supervisor met with members of the Stanford Fire District Commissioners to discuss the future of contracted ambulance service to meet the needs of our citizens, and **Whereas** the Town Supervisor and the Stanford Fire Commissioners are working to find an equitable solution for the contracting of an outside ambulance service, and **Whereas** theTown Attorney and the Attorney for the Fire District recommend the prophylactic measure of creating a Special Ambulance District for taxation purposes in the event that the Town of Stanford needs to take over the contracting of the service before budgets are written for 2024, and **Whereas** the creation of this District would prevent the Town from exceeding the mandatory Tax Cap as set by New York State,

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**Now therefore** be it resolvedthat the Town Board of the Town of Stanford work with attorney Brad Pinsky to create this separate district, at a fee of $3,000.  
 Roll call vote as follows: Wendy Burton - yes, Margaret Fallon - yes, Anne Arent - yes, Nathan Lavertue – absent.  
Resolution #2C of 2023 adopted by the affirmative votes of the Town of Stanford Town Board members present and certified this 9th day of February 2023. *Ritamary Bell, Town Clerk*12. RESOLUTION #2D OF 2023 – GENERAL AND HIGHWAY FUNDS BUDGET RESOLUTION: the following resolution was read by Supervisor Burton:  
 **Budget Resolution # 2D of 2023**  
 **Whereas** the Town of Stanford has expenditures for the adopted 2022 General Fund and Highway Fund budget lines that will exceed the amount of fund available in these certain budget lines, and  
 **Whereas**, the General and Highway Funds have funds available in other lines and needs to transfer such funds to provide for expenditures,  
 **Now therefore be it resolved** that the Town of Stanford Town Board hereby amends and transfers from and to budget lines listed below for FY 2022:  
ACCOUNT DESCRIPTION INCREASE DECREASE

00-01-1110-42 Security +$200.00

00-01-1110-40 Justice Contractual -$200.00

00-01-1410-40 Town Clerk Contractual +$32.59

00-01-1410-13 Record Retention Clerk -$32.59

00-01-1930-40 Judgement & Claims +$5,000.00

00-01-1420-40 Attorney Contractual -$5,000.00

00-01-1620-40 Building Contractual +$1,105.11

00-01-1670-40 Central Printing Contractual -$1,105.11

00-04-5182-40 Garage Street Lighting +$37.95

00-04-5132-40 Garage Contractual -$37.95

00-06-7140-40 Playground/Rec Contractual +$188.54

00-06-7310-40 Youth Program Contractual -$188.54

00-07-8160-40 Refuse Contractual +$4,797.51

00-07-8160-10 Refuse Salaries -$4,797.51

**Total Funds General: $11,361.70 -$ 11,361.70**

**HIGHWAY**

01-04-5130-40 Clothing +$73.54

01-04-5130-41 Tools -$73.54

01-04-5130-42 Parts +$743.83

01-04-5130-41 Tools -$743.83

01-04-5130-45 Outside Repairs +$3,432.11

01-04-5130-46 Blades -$3,432.11

01-04-5130-47 Supplies +$219.30

01-04-5130-46 Blades -$219.30

01-04-5130-48 Fuel +$1,303.59

01-04-5130-46 Blades -$1,303.59

**Total Funds Highway +$5,772.37 -$5,772.37**

Roll call vote as follows: Wendy Burton - yes, Margaret Fallon - yes, Anne Arent - yes, Nathan Lavertue – absent.

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Resolution #2D of 2023 adopted by the affirmative votes of the Town of Stanford Town Board members present and certified this 9th day of February 2023. *Ritamary Bell, Town Clerk*

13. APPROVE LED LIGHTING BID NOTICE FOR APRIL: The Town Board approved the bid notice for the replacement LED lights and related work on a motion made by Wendy Burton seconded by Anne Arent. Motion carried with all present voting in favor. The Town Clerk will send the ad into the Poughkeepsie Journal for a bid opening of April 13, 2023 at 10AM.

14. APPROVAL OF FEBRUARY 2023 ABSTRACTS #2A and 2B: A motion was made by Wendy Burton, seconded by Margaret Fallon, to approve the February 2023 Abstracts as follows: #2A for 2022 post year - General Fund: $114,443.95   
 Highway Fund: $12,016.77  
 Bangall Lights: $1,122.74  
 Escrow: $322.00  
 Total for Abstract #2A: $127,905.46   
 #2B for 2023 current year - General Fund: $75,271.09  
 Highway Fund: $28,707.63  
 Total for Abstract #2B: #103,978.72  
Motion carried with all present voting in favor.

15. APPROVAL OF MINUTES: The Minutes of the Dec. 29th End of Year meeting (by Councilwoman Fallon) were approved as written on a motion made by Wendy Burton, seconded by Margaret Fallon; the Minutes of the January 9th Reorganizational Meeting (by Deputy Clerk Brown) were approved as written on a motion made by Wendy Burton, seconded by Anne Arent; and the January 12th meeting ( by Deputy Clerk Brown) were approved as written on a motion made by Wendy Burton, seconded by Margaret Fallon. Motions carried on all three sets of Minutes.

PRIVILEGE OF THE FLOOR:

Jim Myers, 402 Jameson Hill Road – asked the Town Board why the ZBA wasn’t included in the beginning about the Master Plan, as well as the recently enacted Local Law for private driveways; now you won’t accept our recommendation for a new member. Its clear what you think of us. Ms. Burton replied that copies of the Master Plan were given to the ZBA over a year ago. Discussion continued with Mr. Myers asking for an explanation for not appointing their candidate, with Ms. Fallon responding that she did not think he was the best candidate for the job, and not the best person to represent the Town and be welcoming.

Ms. Zeyher, 18 Shelly Hill Road – not accurate that we didn’t go over the Master Plan; took it home and discussed it at some meetings. Was on the original Master Plan committee years ago and all other boards were asked in the initial process. Input is irrelevant now as there will be significant zoning changes and the ZBA has that insight. The Town Board should come to the ZBA meetings. Ms. Burton just wanted feedback from the ZBA but would still welcome comments. After the Board has completed their review, there will be a pubic hearing, then back to the Town Board for passing, then a zoning commission will be convened.

EXECUTIVE SESSION: A motion was made by Margaret Fallon, seconded by Anne Arent, to close the regular meeting and go into an Executive Meeting regarding personnel at 8:40 PM. Motion carried with all present voting in favor.

The Board exited their Executive Session at 9:25 PM on a motion made by Margaret Fallon, seconded by Anne Arent. Motion carried with all present voting in favor.

A motion was then made by Wendy Burton, seconded by Margaret Fallon, to appoint Dennis Buchal as the Town Justice for one year to replace Frank Weber who resigned in January. Motion carried with all present voting in favor.

With no other matters, a motion was made at 9:27 PM by Margaret Fallon to adjourn the meeting, seconded by Wendy Burton. Motion carried with all present voting in favor.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Ritamary Bell, Town Clerk