TOWN OF STANFORD TOWN BOARD   
MINUTES of July 13th, 2023

The Town of Stanford Town Board met for their monthly meeting on Thursday, July 13th, 2023, at the Town Hall. Supervisor Burton called the meeting to order at 7:00 PM with the Pledge of Allegiance led by Greg Arent.   
 This meeting was dedicated in memory of John Stalker, a town resident who unexpectedly passed away on July 5, 2023. John had strong connections to the community through his family and sports. We send our condolences to his family and ask for a moment of silence in his memory.

Roll call: Wendy Burton – present

Anne Arent - present

Margaret Fallon – absent

Nathan Lavertue – present

Corey Clanahan - present

Also in attendance was Town Attorney Robert Butts.

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

LIAISON REPORTS:

Corey Clanahan reported that he was unable to attend the Planning Board meeting.

Anne Arent attended the Fire District meeting stating there was more discussion about the Ambulance Agreement with NDP. There is a contract for June through December and then they will create a new contract for 2024. She also mentioned that there are two new junior members.

Nathan Lavertue gave a Recreation Commission report. They met on the 14th, updating that the sheds need electric, new lifeguard chairs have been ordered, docks are here and need to be installed. The art show has been delayed. The Haunted Fortress may utilize other structures belonging to the town and the Recreation will be participating in Community Day.

SUPERVISOR’S REPORTS: The Supervisor wanted to thank everyone for all of the kind notes and prayers on behalf of the community after her husband’s surgery. It really meant a lot to them. Supervisor Burton had been asked to join the Executive Committee of the Association of Towns, which services all of the towns in the state, which she has accepted, and was deeply honored to be asked. This means that for the first time ever, this corner of Northern Dutchess will have someone at the table speaking to our local concerns. There has been no contract signed with the Pine Plains Police Department yet. After it is received, there will be more discussion about this. The Supervisor stated that she hopes the cost will be offset by the revenue and that it will alert drivers to slow down. There are two electronic speed monitoring signs placed on Layton Road. It is difficult to get placement for these needing homeowners’ permission. The State and County roads are more difficult to get permission on. Nathan asked a question pertaining to the ARPA funding. The Rec Fundraising Committee is close to submitting a grant for $500,000.00. Hopefully after adding components that were lacking in the last application, they will have a better chance of getting it. Finally for her Liaison Report, the ZBA had a Public Hearing for an eight-foot side set back on 25 Trestle Lane and also for property interpretation regarding Ben Rathjen’s property at 158 Charwill Drive. Comments went on from the Public for about an hour and a half. The meeting was closed and then the Board voted unanimously to approve the property for Nursery and Horticultural use and changed the designation from a contractor’s yard. Supervisor Burton was unable to attend the Climate Smart Task Force meeting. Bank reconciliations have been done and were off by $ .40, which she will continue to work on. There were no red flags as far as expenditures for the first two quarters of 2023 and she is still monitoring revenues throughout the Town.

PRIVILEGE OF THE FLOOR:

Jim King, 176 Charwill Drive – Gave a letter to the Town Board two years ago with no results. Subsequently, Ben Rathjen was appointed to the ZBA Board after his complaint, which was unethical. He then expanded his contractor’s yard which increased the noise and truck traffic in the area. Two years later this is still a very big commercial operation. Last night at a ZBA Public Hearing held to alter the use of this commercial property, now to be considered a horticultural business, photos and documents were presented along with statements of devalued property value substantiated by their assessments. After no discussion of public comment, Mr.

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Rathjen was permitted to continue his questionable operations. Mr. King stated that the Town Board is responsible for making the roads around Charwill Drive unsafe. This is due to the significant amount of traffic, especially large truck traffic, reported by several mothers at last night’s meeting.

Kathy Zeyher, 158 Shelley Hill Road – I am the Chairperson of the ZBA, not representing, and asked that her comments be included in the Minutes, as follows:

I want to further report on the ZBA meeting/public hearing from last night.  The ZBA members carefully listened to many citizen comments regarding the property determination appeal for 158 Charwill Drive with respect and made the decision based on zoning law, to emphasize the ZBA has the ability to only interpret current zoning law.

This appeal was complicated by the direct involvement by the Town Board.  Primarily the supervisor who became supportive with one side of the issue

The proper process directs all complaints regarding zoning to be reported to the Building Inspector for action, does not include Town Board notifications.

This Town Board involvement and “taking sides” in such property, neighborhood issues does not reflect the election of the Town Board members to represent all citizens equally.

Also noted this behavior does not follow the motto as quoted from the Democrat website of:

Community over politics is rooted in our conviction that there is no place for politics and divisiveness in local government.  Our goal is to continue to unite all Stanford residents and to nurture a sense of togetherness, community and civility.

We are dedicated to preserving Stanford’s rural character and beauty, protecting the environment, supporting all local businesses and keeping our neighbors and families healthy and safe.

Jim Griffin, 71 Charwill Drive – Feels that he is seeing people being treated differently based on whether they are members or not. Mr. Griffin mentioned another meeting where Ms. Zeyher had to recuse herself and sees different ways that people are being handled.

Divo Martini, 337 Charwill Drive – Asked the Supervisor to clarify the 14 Hour per week traffic police. Wendy stated that it will be contracted if agreed, and on a trial basis, and can determine if it will be effective.

The Supervisor read a letter from Diane Duffus that she would like to read it into the record:

Dear Wendy,

I am both appalled and deeply disappointed in the protocol and outcome of tonight‘s public hearing regarding the disruptive commercial activity on Charwill Drive.

Residents in attendance, and those who made sure that their insights were shared by others if they could not attend, spent significant time to research and document the facts, prepare their extremely compelling presentations, and produce assorted documents and visuals based on their direct experiences to present to the ZBA. Numerous residents provided their opinions, the majority of which were in opposition to this type of activity in a previously quiet, rural residential neighborhood.

What became quickly evident to me in hearing the thoughtfully shared information and concerns is that this is not just a Charwill neighborhood issue, but rather a town-wide issue. Given the current allowances, this scenario could very easily occur in any of our town neighborhoods. And the decision made by the ZBA, which should have been made after post hearing committee deliberations that took into account all of the information presented, would certainly set a precedent for all future zoning scenarios in our town moving forward.

At the conclusion of the hearing, without any pause whatsoever, the ZBA Chair simply changed the designation from commercial contractor site to horticultural business, which is allowable without permits under the current zoning regulations. There was absolutely no discussion, no consideration of the facts brought to their attention. Their decision was pre-determined, and the Chair read it from a pre-typed document. This is not how public hearings should be conducted. It felt very dismissive of the words and experiences of our fellow residents. It is worth mentioning too that the business owner is a current ZBA member whose activities were favorably voted on by fellow committee members prior to this hearing.

A commercial landscaping business contractor yard simply should not be permitted on a rural residential property.

While I am uncertain at present about what specific actions must be taken in order to move forward with what has been observed and learned this evening, it is clear that the proceedings of tonight’s hearing should not be repeated, and that our town’s zoning plan needs significant review and revision. The latter should be a priority.

I would kindly ask that you share this letter with the ZBA, should you deem it appropriate.

Thank you, Diane Duffus

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With no additional comments, the Supervisor made a motion to close Privilege of the Floor, seconded by Nathan Lavertue, with all members present in favor.

NEW BUSINESS:

1. INTRODUCE REVISION OF LOCAL LAW #1 of 2023, NOW LOCAL LAW #3, ALARMS AND SET PUBLIC HEARING DATE: Attorney Robert Butts has copies of revisions for everyone and outlined the changes. There were some minor formatting changes and changes to Section 5 and Section 6. Following a hearing, this can be adopted, and this will have a new Local Law number, #3. A public hearing date was set for August 10, 2023. Nathan Lavertue made a motion to adopt the introduction of Resolution 7A to create a new Local Law for Alarms, seconded by Anne Arent, as follows:

**RESOLUTION No. 7A of 2023**

**To Introduce Amendments to**

# CHAPTER 56 OF THE TOWN CODE ENTITLED “ALARMS”

# AS LOCAL LAW #3

At a meeting of the Town Board of the Town of Stanford (“Town Board”), Town Councilman Nathan Lavertue, seconded by Anne Arent, moved the following resolution, to introduce amendments to 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 certain provisions of Chapter 56 of the Town Code entitled “Alarms” need to be amended technically. Therefore, the Town Board has determined it is in the best interest of the Town and its residents to make technical amendments to said Chapter 56, as follows:

**Section 2.** In §56-4, line 2, the word "burglar" shall be deleted.

**Section 3.\_** In §56-8A, line 1, the word "law" shall replace the word "article".

**Section 4.\_** In §56-8, A new subsection "D" shall be added, as follows:

"**D.** If a penalty is imposed under this Article II, no penalty shall imposed be under Article I."

**Section 5.\_** In Section 3, the heading "Article I **Effective Date"** shall replace the heading "Section 3".

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 the amendments being introduced.

**WHEREAS**, Supervisor Burton has introduced these proposed amendments to Chapter 56 of the Town of Stanford Town Code entitled "Alarms,"

**NOW, THEREFORE, BE IT RESOLVED**, that a public hearing be held in relation to the proposed amendments 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, at the Town Hall on 2023, 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:

Motion carried with a roll call vote: Wendy Burton – yes; Anne Arent – yes; Margaret Fallon – absent; Nathan Lavertue – yes; Corey Clanahan – yes.   
 Resolution #7A of 2023 was adopted by the affirmative votes of the Town of Stanford Town Board members present and certified this ­­­13th day of July 2023.

*Doreen Brown, Deputy Town Clerk*

2. FIREMAN’S EXEMPTION LAW #2 OF 2023 AND SET A PUBLIC HEARING DATE: Supervisor Burton stated that there had been previously a law on file for this, but the Town has been mandated by the Governor to redo it. Wendy introduced the Law tonight and read it aloud with Anne Arent, setting the public hearing date for August 10, 2023. A motion was made by Wendy Burton for the introduction of this Local Law #2, seconded by Corey Clanahan, as follows:

**TOWN OF STANFORD**

**LOCAL LAW NO. FOR THE YEAR 2023**

**A LOCAL LAW AMENDING CHAPTER 144 OF THE TOWN CODE TO AUTHORIZE A PROPERTY TAX EXEMPTION FOR**

**VOLUNTEER FIREFIGHTERS AND VOLUNTEER AMBULANCE WORKERS UNDER SECTION 466-a OF THE NEW YORK STATE REAL PROPERTY TAX LAW**

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Be it enacted by the Town Board of the Town of Stanford as follows: Section 1. Statutory Authority

The purpose of this Local Law is to grant a partial exemption from taxation to qualifying volunteer firefighters and ambulance workers in the Town of Stanford as authorized by § 466-a of the NYS 2022 Real Property Tax Law.

Section 2. Amendment of Chapter 144

Chapter 144 of the Town Code of the Town of Stanford is hereby amended by inserting a new Article III as follows:

Article III Volunteer Firefighters and Volunteer Ambulance Workers Exemption

§144-6 Exemption Granted

Any enrolled member who has been certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or voluntary ambulance service as an enrolled member of such incorporated volunteer fire company, fire department, or voluntary ambulance service, and such company, department, or service provides service to the Town of Stanford, will be entitled to a ten percent (10%) reduction in the taxable value of their primary residence for town tax purposes.

Any member who has achieved over 20 years of accumulated service shall be considered a life member and this exemption will continue for the remainder of their life for so long as the property serves as their primary residence.

Any un-remarried spouse of a volunteer who was killed in the line of duty shall continue to receive the exemption if:

The authority having jurisdiction certifies that the un-remarried spouse is an un- remarried spouse of a volunteer who was killed in the line of duty and who was eligible for the exemption; and

The volunteer had accumulated five (5) years of service; and

The residence at which the volunteer resided continues to be the primary residence of the un-remarried spouse.

Any un-remarried spouse of a volunteer who passed away shall continue to receive the exemption if:

The authority having jurisdiction certifies that the un-remarried spouse is an un- remarried spouse of a volunteer who passed away and who was eligible for the exemption; and

The volunteer had accumulated twenty (20) years of service; and

The residence at which the volunteer resided continues to be the primary residence of the un-remarried spouse, and is in the county of service.  
 Other Terms and Conditions

The exemption provided for pursuant to §144-6 shall not be granted until a volunteer has achieved a minimum of two (2) years of service.

The property for which the exemption is applied shall be entirely or partially owned by the volunteer or their un-remarried spouse, and must be used exclusively for residential purposes; provided, however, that in the event any portion of such property is not used exclusively for residential purposes, such non-residential portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption.

Application for the exemption shall be filed annually by the person seeking the exemption, on or before the taxable status date, with the assessor responsible for preparing the assessment roll for the Town of Stanford, on the form as prescribed by the New York State Commissioner of Taxation and Finance. The Town of Stanford shall maintain written guidelines, available upon request, as to the requirements of an enrolled volunteer member relating to this exemption.

If the volunteer has claimed a credit on their New York State income taxes pursuant to Tax Law §606(e-1), no exemption may be granted.

Certification Procedure

The Town Board of the Town of Stanford is authorized to adopt a certification procedure by resolution, as it deems necessary and appropriate.

Remainder

Except as hereinabove amended, the remainder of the Code of the Town of Stanford shall remain in full force and effect.

Severability

The provisions of this Local Law are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared

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to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Effective Date

This Local Law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Motion carried with a roll call vote: Wendy Burton – yes; Anne Arent – yes; Margaret Fallon – absent; Nathan Lavertue – yes; Corey Clanahan – yes.   
 Resolution #7B of 2023 was adopted by the affirmative votes of the Town of Stanford Town Board members present and certified this ­­­13th day of July 2023.

*Doreen Brown, Deputy Town Clerk*

3. COMPREHENSIVE REVIEW PLAN AND SET PUBLIC HEARING DATE: July 31, 2023 was set as a new date for the Comprehensive Plan public hearing at Cold Spring School with a motion made by Wendy Burton, seconded by Anne Arent, with all present voting in favor. The meeting time will be 7:00PM.

4. TRANSFER OF FUNDS FOR FLOORING AT TOWN HALL: The following budget resolution was offered by Nathan Lavertue, seconded by Corey Clanahan as follows:

**RESOLUTION #7C OF 2023**

**TO TRANSFER FUNDS FROM BUILDING RESERVE FUND ACCOUNT NY CLASS NY 01-0010-0006 AND MOVE THE FUNDS TO THE GENERAL FUND #3900018**

**Whereas the Town of Stanford** has funds to install new linoleum tile from Fosters Flooring at Town Hall hallway entries, and

**Whereas** the NY Class Account 01-0010-0006 Building Reserve Account contains funds for this purpose, and

**Whereas** the Town of Stanford will transfer funds from NY Class Account 00-0010-006 Building Reserve to the Millbrook General Fund Account 3900018.

. **Now therefore be it resolved**, the Supervisor is authorized to complete the following budget modifications and transfer the funds from the Building Reserve Account to the General Fund.

00-510 Estimated Revenue +22,500.00

00-5031 Interfund Transfer

00-960 Appropriations +22,500.00

00-01-1620-20 Town Hall Equipment

Motion carried with a roll call vote: Wendy Burton – yes; Anne Arent – yes; Margaret Fallon – absent; Nathan Lavertue – yes; Corey Clanahan – yes.   
 Resolution #7C of 2023 was adopted by the affirmative votes of the Town of Stanford Town Board members present and certified this ­­­13th day of July 2023.

*Doreen Brown, Deputy Town Clerk*

5. HAUNTED FORTRESS – BID TO FIX CATTAIL BRIDGE: Nathan Lavertue questioned what is included in the bid. After clarification from Greg Arent, a motion was made by Wendy Burton, seconded by Anne Arent, with all members present in favor to approve the bid for $5,200.00 by Hudson Valley Works.

6. ACCEPT LETTER OF RESIGNATION FROM BOOKKEEPER KIM ACARD: On a motion by Wendy Burton, seconded by Nathan Lavertue, a resignation letter from Bookkeeper Kim Acard, dates 7/3/23, was accepted with all members present voting in favor. Kim has moved to Florida and will be greatly missed.

7. APPROVAL OF MINUTES: The Minutes of the June 8th, 2023, meeting were approved as written on a motion made by Anne Arent, seconded by Nathan Lavertue. Motion carried with all present voting in favor.

8. APPROVAL OF JULY ABSTRACT #7 OF 2023: A motion was made by Wendy Burton, seconded by Margaret Fallon, to approve the June Abstract of Claims as follows:

General Fund: check #s 7162-7219 in the amount of $143,781.14

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Highway Fund: check #s 4344-4359 in the amount of $34,982.24  
 Bangall Lights: check #3063 in the amount of $838.66

Highway Vehicle Reserve Fund: check # 2804 and 2806 in the amount of $201,953.67

Total of July 2023 Abstract #7: $381,555.71

Motion carried with all present voting in favor.

PRIVILEGE OF THE FLOOR:

Kathy Zeyher, 158 Shelley Hill Road – Three questions. Have we got input back from the County regarding the Comprehensive Plan? Bob Butts stated that he expected to have it here tonight and it is in the works. Next question regarding the possibility of having police, you said “if it’s successful”, how will you judge this program? Wendy Burton stated that she cannot speak to that yet because they have not discussed it yet, but we do know that they will set up some guidelines to see if it is effective. And an observation, on May 24th the State police were down by the Pharmacy and they gave out no tickets. Questioning covering the cost? Supervisor Burton stated that the police would be strategically placed so they would be giving out speeding tickets. And lastly, for the Haunted Fortress, there are structural limitations on reclaimed wood and wants to bring that to the Boards attention.

Jim Griffin, 71 Charwill Drive – We had a Broadband Committee in town, and I’d like to see that get going again because kids will be returning to school, and our access has not improved. I will volunteer to help. He will reach out to Michelle Hinchey.

Wendy added she was speaking with a gentleman today that lives on Upton Lake and is 4th generation, who was deeply upset with the language on the proposition for the Cannabis Vote. Wendy will research the Language with Rita and get back to him. He said that people who have lived here for their whole lives think that you are fair. Wendy thought that was a wonderful comment. She believes that she hasn’t been partial in any hearings and does her best to be neutral.

Wendy Burton made a motion to close the privilege of the floor, seconded by Nathan Lavertue, with all present voting in favor.

At 8:00 PM a motion was made by Wendy Burton, seconded by Anne Arent, to close the regular meeting and go into an Executive Session regarding personnel. Motion carried with all present voting in favor.

On a motion made by Wendy Burton, seconded by Nathan Lavertue, a motion was made to close the Executive Session at 8:43 PM. Motion carried with all present voting in favor. No action was taken during this session.

With no further business to attend to, Wendy Burton made a motion to adjourn the meeting at 8:44 PM, seconded by Nathan Lavertue. Motion carried with all present voting in favor.

Respectfully submitted,

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Doreen Brown, Deputy Town Clerk