

**TOWN OF UNION VALE
TOWN BOARD**

**RESOLUTION # 23 OF 2021
Annexation of Town of Beekman Parcels**

**RESOLUTION WITH FINDING RE ORDER AND
DETERMINATION OF PUBLIC INTEREST AND STATUTORY COMPLIANCE**

Date: January 21, 2021

WHEREAS, on October 1, 2020, the Town of Union Vale Town Board resolved to pursue, by Article 17 of the General Municipal Law, the annexation of five tax parcels consisting of 76.9 acres of Union Vale's 500 acre Tymor Park and Forest, which 76.9 acres are located in the Town of Beekman; and

WHEREAS, on October 9, 2020, Union Vale Town Clerk Andrea Casey delivered to the Town of Beekman Town Clerk copies of Union Vale Annexation Resolution #20-34 of October 1, 2020, and Union Vale's Annexation Petition with exhibits, including a Lead Agency Notice and Environmental Assessment Form Part 1; and

WHEREAS, on November 23, 2020, at the Town of Union Vale's Tymor Park Long Barn, a joint public hearing with the Town of Beekman was held pursuant to General Municipal Law §705 regarding the proposed annexation, notice of which public hearing was published in the Poughkeepsie Journal on October 21, 2020, emailed to the Town of Beekman Town Clerk on October 16, 2020, and posted on the Union Vale website, bulletin board, and Town Hall door. On October 23, 2020, it was mailed to the Arlington Central School District, the Union Vale and Beekman Fire Districts, the Dutchess County Water District and the Dutchess County Resource Recovery Agency; and

WHEREAS, the purpose of the Joint Public Hearing was to hear testimony and accept evidence and information regarding the Annexation Petition, whether the Petition complied with the provisions of Article 17 of the General Municipal Law, and whether it would be in the overall public interest to proceed with the Annexation after considering the interests of and impacts on the territory to be annexed, the Town of Union Vale, the area of the Town of Beekman outside of the parcels proposed to be annexed, and any school or other district or public benefit corporations which are either wholly or partly within the territory to be annexed; and

WHEREAS, the proceedings of the Joint Hearing, which were transcribed by the Union Vale Town Clerk, are annexed hereto as **Exhibit A**; and

WHEREAS, because the Union Vale Town Board by Resolution #20-34 of October 1, 2020, had determined to seek Lead Agency status for the SEQR review of this action, the Union Vale Town Clerk delivered notice of Union Vale's intent to seek Lead Agency status to the Town of Beekman Town Clerk on October 9, 2020, together with copies of the Environmental Assessment Form and the Annexation Resolution, Petition and Exhibits; and

WHEREAS, no involved agency (Town of Beekman) having given notice that it intended to seek Lead Agency status, the Town of Union Vale this day has by separate Resolution accepted Lead Agency status, and thereafter on this day also adopted a Negative Declaration and determination that this annexation will not cause any significant adverse environmental impacts; and

WHEREAS, the Union Vale Town Board has this day convened pursuant to General Municipal Law §711 to determine whether the Petition for Annexation complies with the provisions of Article 17 of the General Municipal Law, and whether, after considering the effects upon the lands to be annexed, the Town of Union Vale, the remaining area in the Town of

Beekman, and the aforesaid districts and public benefit corporations, it is in the overall public interest to approve and proceed with the proposed annexation, now therefore,

This Board having reviewed the Petition, Resolution, Notices, filings, and other documents relating to this proceeding, including the Transcript of the Joint Hearing at **Exhibit A**, and the documents received and annexed thereto,

FINDS, DETERMINES and RESOLVES, that the Petition for Annexation and the proceedings related thereto as detailed above were taken in compliance with Article 17 of the General Municipal Law, and pursuant to General Municipal Law §711 it is

FURTHER FOUND, DETERMINED and RESOLVED, that the proposed annexation is in the overall public interest for the reasons presented at the Joint Public Hearing and in the documents received by this Board, including:

- Beekman's inconsistent and intermittent history of taxing the people of Union Vale for the parcels proposed to be annexed in certain years, and not taxing them in others, and
- Limitations imposed by State law prohibit Union Vale Constables, notwithstanding the terms of the Town of Union Vale Code, from exercising authority beyond that of non-law enforcement personnel as to misdemeanors and petty offenses on the lands in Beekman, which impairs the ability of Union Vale to properly manage Tymor Park, including Furnace Pond, a fishing and picnicking site, portions of which are located in both Union Vale and Beekman, and inhibit the deterrence of vandalism in the Park, and require calls to the Dutchess County Sheriff's Department, which is a less efficient process for the Town of Union Vale and the County Sheriff's Department, and

- Union Vale will benefit from having both the governance authority, as well as the responsibility, which comes with the ownership of public parklands which were gifted by Jean McKinney Connor, as well as her husband Ralph L. Connor, without state or federal aid, and “dedicated in perpetuity to the recreation and nature conservancy uses of the People resident in the Town of Union Vale”, and
- A disagreement between the Town of Union Vale and Beekman regarding the use of a small portion of Union Vale’s Tymor Park lands located in Beekman for a cell tower, which was needed to eliminate a service gap and improve public safety, had a secondary impact on Union Vale of being the subject of an unsuccessful Article 78 proceeding brought by Beekman, which it has appealed. However, more important than the unrelated cell tower disagreement, and the ongoing expense of it to Union Vale, is the fact that this surprise disagreement alerted Union Vale to the fact that it could be subjected to Beekman’s propensity to interfere with Union Vale’s ability to govern its own lands, and
- There will be no impacts on the Town of Beekman, as the property in question is undeveloped parkland owned by Union Vale, and
- There are no residents or public services on these uninhibited lands, such that there will be no impact on the Arlington Central School District, the Beekman or Union Vale Fire Districts, the Dutchess County Resource Recovery Agency or the Dutchess County Water Authority, and it is
- The Town of Union Vale, as the owner of the land on which the Furnace Pond Dam is located, which land is in Beekman, is facing a significant restoration expense that will likely require the issuance of long term bond debt. Again, it is

important and in the interest of all the residents of Union Vale that we have jurisdiction over the lands which we own and are responsible for, and it is

FURTHER, FOUND, DETERMINED and RESOLVED, the Town of Union Vale Petition and proceedings for this annexation have complied with the provisions of Article 17 of the General Municipal Law, and it is

FURTHER, FOUND, DETERMINED and RESOLVED, that upon the completion of this annexation, because the parcels proposed to be annexed are vacant, wooded and unimproved, Union Vale is not required to assume any indebtedness or declared liabilities of Beekman, should there be any; and it is

FURTHER, FOUND, DETERMINED and RESOLVED, that the members of the Town Board of the Town of Union Vale shall endorse the annexed Order, and the Union Vale Town Clerk shall file a copy of said Order, the Resolution to proceed with annexation, the Petition for annexation with exhibits, this Resolution, the Notice of the Joint Hearing, and the Transcript of the Hearing with all written objections and documents received, in her offices and those of the Clerk of the Town of Beekman.

Dated: January 21, 2021
Moved: Supervisor Maas
Seconded: Councilman Frazier
Ayes: 5 Nays: 0

Councilman Frazier
Councilman McGivney
Councilman Durland
Councilman Welsh
Supervisor Maas

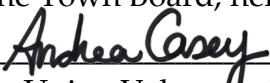
AYE	NAY
1	_____
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Resolution certified and filed: January 21, 2021
Dated



Andrea Casey, Town Clerk

I, Andrea Casey, Town Clerk of the Town of Union Vale DO, HEREBY CERTIFY that the foregoing is a true copy of a resolution offered by Supervisor Maas, seconded by Councilman Frazier and adopted at the meeting of the Town Board, held on January 21, 2021



Town Clerk, Union Vale – Andrea Casey

**Joint Public Hearing - Annexation of Tymor Park Parcels Owned by Union Vale
NOVEMBER 23, 2020 at 8 TYMOR PARK ROAD AND VIA ZOOM VIDEO
CONFERENCE 7:00 PM**

Town of Union Vale Officials:

Supervisor Betsy Maas

Town Council: Kevin Durland, Steven Frazier (ZOOM), Kevin McGivney, John Welsh

Town Clerk: Andrea Casey

Town Attorney: Jim Nelson

Town of Beekman Officials:

Supervisor Mary Covucci

Town Council: Ezio Battaglini, Werner Stiegler, Rob Swartz, Sharon Wohrman

Town Clerk: Laureen Abbatantuono

County Legislator: Faye Garito

Town Attorney: Paul Ackerman

Supervisor Maas (UV) opened the Annexation on the 2021 budget at 7:00 P.M. with a salute to the Flag.

Supervisor Maas (UV) welcomed everyone and thanked them for coming and all members of the respective Boards introduced themselves.

Councilman Frazier (UV) stated he would be attending via Zoom as he had a conflict with work.

Councilman Durland (UV) made a motion to nominate Supervisor Maas as Chairperson for the Public Hearing which was seconded by Councilman Welsh and all were unanimously in favor.

Supervisor Maas (UV) noted that the Resolution of the Board authorizing this public hearing and the affidavit of publication of the official notice have been entered into the record by the Town Clerk. Supervisor Maas also noted the rules of procedure for the public hearing. After the opening comments, from her and various Board member that would like to speak, they will have written comments read first those that arrived on time, the rest will be put into the record later. Everyone will have a chance to speak to express their thoughts about the proposed annexation. Speakers that have signed in on the sheet in front of her they have stated they would like to speak; they will be called on first after the written comments. At the end of those who have signed up, if anyone feels they would like to add comment or speak they will also be permitted to speak. She asks for those come up and identify themselves prior to speaking. All speakers will come up and sit in the chair in front of the computer and the Town Clerk will turn the microphone on. Speakers will be permitted to speak for 3 minutes. No one can cede their time to another speaker. There will be a 20 second warning for wrap up. Extra time may be given if the Boards consider it necessary. Whether you have signed up in advance or if you indicate by waving your hand on Zoom that you wish to speak, you will be called upon in that order.

Supervisor Maas (UV) began by reading an opening statement about the purpose of tonight's public hearing, they will be discussing the annexation of 76.90 of 500 gifted Union Vale parkland acres in Beekman, she and also pointed out there are several copies of printed maps illustrating the parcels to be annexed, parcels 1-5. Parcel 1: 50.45 acres, parcel 2: 22.20, parcel 3: 23.20, parcel 4: 4.9 deeded acres all in Beekman, parcel 5: 16.2 deeded acres and it abuts parcel 1 which straddles the Beekman and Union Vale line. What the Boards hope to gain tonight is to get some questions answered whether it is in the public's interest for the annexation to go ahead, or not. She also clarified a misnomer from what she has seen on social media and heard in conversation about Tymor Park. When Tymor Park was gifted to the Town of Union Vale, it started in 1971 and parcels were continually gifted until 1978. They were all gifted to the residents of the Town of Union Vale and their guests. This was given by Ralph and Jean Webster Connor in honor of her parents, Glenn Ford McKinney and his wife Jean Webster. Supervisor Maas read a note from 1975 written by the family and given to the Town.

"Tymor Forest was given as a public park to the People of Union Vale in memory of Glenn Ford McKinney and his wife, Jean Webster, by their children. Tymor Forest presently consists of 500 acres including Furnace Pond and over one mile of the length of Fishkill Creek, a natural trout stream of considerable fame. Most of the Park will remain forever wild as a nature preserve, but

modern recreation facilities have been provided by the donors at suitable locations, including a swimming pool, baseball fields, picnic grounds and a boat house.”

Supervisor Maas (UV) stated they would be going into more of a history of Glenn Ford McKinney next year and continued to read more from the note.

“Jean Connor and Ralph Connor, daughter and son-in-law of the McKinneys inherited Tymor Farm in 1934 and have lived there since 1949. Mr. Connor purchased additional properties now included in the Park. Tymor Farm planted over 600 acres of cropland and maintained a registered Jersey cattle herd of over 200 head.” Supervisor Maas mentioned the barn everyone is sitting in tonight is representative of those days. “Until the Tymor Jerseys were dispersed in August of 1971 the farm was widely known amongst Jersey breeders for a combination of high-volume milk production and show winning style. When farming on this scale in this location ceased to be profitable, Mr. and Mrs. Connor were encouraged by their daughter and son-in-law Sara and Alexander Hart, to seek a way to preserve for all time the unique beauty of Tymor’s setting in the Clove Valley. The entire family is grateful to the community for embracing their gift and treating it with such every-loving care.” Supervisor Maas said they go on to explain the history of the iron mines.

Supervisor Maas (UV) wanted to underscore the fact that the residents of Union Vale really love Tymor Park and do believe they treat it with ever-loving care and will continue to do so for many, many years to come. Next year is the 50th anniversary of Tymor Park and starting in August of 2021, the Town will have a celebration which is also the impetus for the discussion tonight because we thought after all these years, it would be wonderful to make Tymor Park in its entirety, into the Town of Union Vale. While the park was left to the Town of Union Vale Residents and their guests, it is also used by many neighbors such as hikers, day campers, fishermen and women at Furnace Pond, walkers, horseback riders and those that walk just to take in the natural beauty on either side of the elongated Clove Valley. The residents of Beekman have enjoyed all those actives, and enhanced property values for some living right next to the large uninhabited park. The residents of Beekman have always been welcome guests in Tymor Park and still are today. They have not however, paid for any maintenance of Tymor Park, they use it freely but without obligation, and that is important because this hearing is about determining whether it is in the public’s interest for the annexation to go ahead, or not. They will look at things like the benefits and the impacts to the land being annexed. From the Towns perspective, they will still be cared for and treated the same way they have been since 1971 as it is very important to the Town of Union Vale that they be properly cared for, and that will continue.

They will also be looking at the benefits and impacts to the Town of Union Vale. Union Vale residents will benefit from not being subject to the intermittent taxation depending on who the current Beekman administration is. After reviewing the prior tax bills, the Town has paid taxes on all Town owned property in Beekman, every decade since this land first became municipal property. This is not against the law, but typically, municipalities do not pay taxes and this has been a burden for the residents of the Town of Union Vale. Secondly, the Constables will have full jurisdiction of the entire park as opposed to what the Town has now which is the Union Vale part and they do what they can in the other part but the Constables have no jurisdiction. Typically, the DC Sheriffs are called in after the fact and this may be discussed later on but it is important to the Town the Constables have full jurisdiction. Thirdly, the annexation is independent, regardless of what others have said, of the prior cell tower application.

The cell tower was raised in the resolution and is raised tonight as an example of Beekman’s interference in Union Vale’s ability to determine the use of its own parklands. The cell tower was a 2020 budget item for the company Verizon who approached the Town in 2019 they said it was a 2020 budget item, now at the end of 2020 the Town has heard nothing about the future or 2021 budget. To reiterate, Supervisor Maas again said this hearing is independent of the cell tower regardless of what was on Beekman Rec’s Facebook Page or what some have said. There may be a misunderstanding and it is illustrative of what the Beekman Government has done in our place since it is our land and we own the land. As far as impacts to the Land, Judge Greenwald found when the Town was served with an Article 78 by the Town of Beekman. Judge Greenwald found, that Union Vale properly conducted “the environmental review which resulted

in a finding of no cell tower adverse environmental impacts and that it properly conducted its Monroe county evaluation finding that Union Vale was the proper body to conduct the review of the tower application” back when that was being reviewed. Supervisor Maas believes this decision is currently under appeal but, this does show that Union Vale took its duties very seriously.

We also want to look at the impacts to the Town of Beekman and the residents of Beekman. From our perspective, nothing changes, Union Vale is not on the tax rolls of Beekman currently, there is no financial change, the Beekman Residents use our park enjoy it, and have always been welcome. As a larger community it is important that none of those things will change. Impacts or benefits to the Union Vale Fire District, Beekman Fire District, the Arlington School District, Dutchess County wide Water District and Dutchess County Resource and Recovery, however the two County entities do not serve the Town owned parcels in the Town of Beekman so there is no impact on them whatsoever. We fully expect to continue to pay Beekman Fire District taxes, which the Town has always paid, and do not expect that to change because that is the district those parcels reside in. It appears to the Board the biggest impact will be on the residents of the Town of Union Vale for all the reasons that were previously described. Supervisor Maas then asked if any other Board members of either Town would like to share their thoughts.

Councilman Welsh (UV) said the Town has had engineers reviewing the dam at the end of Furnace Pond for about 10-12 years and the Town is getting close to a construction phase to repair it for safety reasons and based on that he believes it is very important that the property be part of the Town of Union Vale, not only for the overseeing of the construction and building permits but also to have Constables patrolling that property on a regular basis. He also believes this is in the best interest for Beekman as well, since this is an awkward situation. Where else is there two towns that have jurisdiction over the same piece of property, especially when one Town owns the property. He believes to improve relations with the wonderful neighbors to the south, he it would be better if the Town line covered these 5 parcels. These are his concerns and he hopes others see it this way as well.

Councilman Durland (UV) spoke and stated he agrees with his peers. He believes it is very important Union Vale is part of the process. The items that have already been discussed are a huge impact for Union Vale such as the Constable jurisdiction and he would like to see the Constables patrol all of the Towns land and sees this as a benefit to both Towns. For the DC Sheriff’s Dept. to be called to come into the Town’s Park when we already have Constables is an odd thing. The intermittent taxes are also an item of concern and he agrees that it does place both Towns in an awkward situation. He noted as Supervisor Maas mentioned, the cell tower being brought up on social media and going through this process in order to obtain the cell tower is actually a falsehood however, it merely gave a reason or prompted the Town to look at this process. As it currently stands that deal is off the table.

Councilman Frazier (UV) apologized for not being at the meeting in person, he explained he had a conflict with work. He stated he concurred with the points that have been made and would like to expand on the topic of the Constables jurisdiction. The dam at Furnace Pond is an attractive spot for after-hour gatherings, many of which the Town Constables have been called out to and they really do not have any authority to vacate those individuals in the Park after hours who should not be there. They would then have to call in the Sheriffs Dept. rather than handling it themselves due to the jurisdictional question due to the Town line. When Councilman Frazier first became a Councilman here in Union Vale, he approached the Beekman Town Board at a Board meeting and requested that the Town of Union Vale be exempt from those parcels to avoid paying the property tax on them. That Town Board did grant the exemption and he was under the assumption the parcels had been exempt since then, but apparently, this has gone back and forth depending on the whim of the Beekman Board at the time. This would be beneficial for Union Vale since it would alleviate the burden of property tax in the future and it would release Union Vale from the school district (taxes) that the Beekman Town Board cannot grant exemption from.

Public Comment:

Since no other Board members chose to comment, Supervisor Maas read an email submitted by a Union Vale resident.

Dennis Dunning, 7 Jordan Ct, Union Vale: wrote: As a resident of Union Vale I support Resolution 20-34.

Supervisor Maas explained Resolution 20-34 was the annexation resolution that the Union Vale Town Board unanimously approved.

Beekman Town Clerk, Laureen Abbatantuono, read aloud emails submitted by Beekman Residents for to be included in tonight's public hearing. She stated she received 5 emails from the Town of Beekman and read each aloud. (Attached to meeting minutes)

Supervisor Maas (UV) read aloud a second email submitted earlier by a Union Vale Resident, James Brzozowski, who was unable to attend at the last moment and asked that his email be read as part of the record.

Jamie Brzozowski, Blueberry Drive, Union Vale: I don't really have anything to say but I'm in favor of Union Vale taking full control over the Tymor lots that are in the town of Beekman. We don't need Beekman telling us what we are allowed to do with Tymor property. This is the same town that allows mobile home communities and cluster housing which I feel devalues a town.

Amery Bernhardt, DeForest Lane, Beekman: He stated he wanted to go over the talk about the cell tower. He knows it has come up and when he did a basic objective document analysis of the proposal, he came up with 6 reasons for the annexation. 1. The property is a gift you (Union Vale) owns it and it is cited twice in the document, support is given. 2. The property is continuous with the Town Property, continuity with the property line cited twice. 3. Beekman is taxing the property cited once. 4. Constable has no jurisdiction of patrol, cited once. 5. The cell tower construction is cited six times throughout the document equating 46% of the document is cell tower discussions 6. It is summed up that Union Vale does not have full use of the land. Those are the reasons and he believes it is why people think it is a cell tower construction proposal because 46% of the document says cell tower proposal. This seems like the driving factor of why people would believe that because it is the bulk of what was put into the document. He also had a few other things to discuss. He understands there are different opinions on patrol and jurisdiction and he understands the geographical area of employment and knows unless Union Vale entered into a contract with Beekman, the Constables cannot patrol those lands. He feels there are other ways besides the annexation, not necessarily easier ways, but other ways such as contracts and has seen this done in Westchester County. The cell tower really bothers him as a father and having young kids. As stated before, this is 76 acres and Tymor has 500 acres and he is the closest house to this tower at about 506 feet. He has found very few people, not everyone, but the majority of people he spoke with say they are sorry to hear that someone wants to put a cell tower 500 feet from his house, none have said "ah no big deal" some say "it will be alright". Speaking of cell towers, there are studies out there and he understands they cannot say causation, they say correlation, so he understands he cannot prove this in an evidence-based study. Some of these are very scrutinous to get to the facts and can take years like smoking and cancer, it took years before the studies got to that point. When he was looking at corollary studies and look at the things that revert, 400 meters, that's a safe distance he would say. That is what he is reading, not 500 feet. He understands the FCC says you cannot use health reasons, he understands that but, as a neighbor, if the tower does go forward even though he also understands this is not what this hearing is about, however he wants to be put on record. 400 meters is the safe distance for people. He felt last time was very discouraging when the tower was being discussed, people came and spoke and the information that came back was, there were zero Union Vale Residents that were opposed to the cell tower, all the residents opposed were from Beekman and it was in their backyard. He stated if you asked any of the Union Vale residents if it would be okay to put a tower 500 feet from their house and they have young kids, he also noted there are studies out there that show a huge correlation between RF ratings and kids, and as he stated he understands you cannot use health, he feels this is cumulative. In closing he hopes a place further than 500 feet from his house is considered, at least 400 meters.

Gina LaMonica, DeForest Lane, Beekman: Mrs. Lamonica stated she lives on DeForest Lane where one of these parcels are located. She disagrees with the annexation, strongly because this is a workaround to get the tower built. She feels the minute the Town annexes this property, Beekman no longer has a say, they can no longer appeal, or take to court or help the residents fight this. You (Union Vale) will not listen to us (Beekman Residents), we are not your constituents and you will erect this cell tower 500 feet from our homes. It is proven and the Lane Appraisals document but she feels it is incorrect, they are in cahoots she believes and this has been proven to affect property values and as previously stated, these homes are their life savings. Everything she has worked for, she is 57, is in this house and she feels Union Vale does not care and that Union Vale will put up the tower the minute the land is annexed. She stated the Town will call their friend at Homeland and get this started and they will have nothing to say about it. 90% of homebuyers and renters do not want to live under a tower, it's been proven and there are multiple studies. The US Dept. of Housing and Urban Development, (HUD) declares cell towers hazards and nuisances and you must document before they will let you have a mortgage that you are not living the fall radius of the tower and that you are a certain amount of feet away. She feels it is obvious why the Town is doing this because this property has belonged to Town of Union Vale for 50 years since Jean McKinney Connor deeded it. Now Union Vale is doing this to put up a tower without us (Beekman) having a say. It is so obvious that it is insulting to say that's not why you (Union Vale) is doing it because for 50 years, no one bothered. They do not disturb the land, it is natural, there are endangered species there and you will go in the minute you annex this and they live there. She has a picture of the computer rendering of what this monstrosity will look like, it is a visual nightmare, it will damage their views of the pastoral views from their homes with that monster up there. This is a crime, it is misleading, it does not provide WIFI, they have WIFI in their homes provided by their cable companies. Yes, you can access the internet but it is not free, data is expensive and no one wants to go over their data. The only reason the Town is trying to annex now is to get the property out of Beekman's hands for the cell tower to go up. As Mr. Bernhart mentioned it, it was mentioned six times in your resolution to petition.

Pat Cartelimi, Rose Court, Union Vale: Mr. Cartelimi wanted to echo some of the comments from the Town of Union Vale Board. He agrees the Town of Union Vale should move forward. He believes many people are confused as the cell tower was one of many processes that started this process, it is not the reasoning for this process the way he understands it. As with a cell tower being approved, it must go through a planning process in which neighboring communities and properties would be notified of this and have a say in the planning process. Again, he wants to echo the fact of the Constables having no jurisdiction and thinks this is dangerous thing to have as the response time of the DC Sheriff can be anywhere from 15-20 minutes to get to a piece of property if there is an issue. Also, to protect the park, the Town of Union Vale will have control over it at that point for all parcels owned. The Town of Union Vale has paid taxes over the years to own it's own property that is parkland and he does not feel this is correct. Everyone will still have access to the park, the Beekman Residents will have just as much access as they did before. With the 50-year anniversary coming up for the Town of Union Vale he thinks it's great the Town will be able to have the whole park as one whole entity. Also with the upcoming dam project he feels it is very important for Union Vale to have control of the property, at this point they do not know if the dam has to come down or fixed in place and this is an issue that will come up in the near future. This will protect the parkland and it will be used as a park from now until the foreseeable future. He feels it is best if this goes ahead and the Town of Union Vale will control it's park property.

Lisette Hitsman, North Clove Rd, Union Vale: Mrs. Histman stated she thought this was a public hearing on annexing the parcels the Town owns located in the Town of Beekman. And what it sounds like is a discussion of cell towers and that is not what this public hearing is about. Speaking as a former 20-year Town Supervisor. The following is her opinion on annexing the 5 parcels owned by the Town and located in the Town of Beekman. To annex these parcels is a logical move and should be carried out. To make these parcels part of the Town of Union Vale would be favorable both for jurisdictional purposes and financial purposes. In 2001 the Town of Beekman Board of Appeals reduced the assessment, because the Town was paying taxes on those parcels to, \$188,440 which is a lot of money for unapproved wild parcels. Paying Town, County and school taxes is costly. The Town of Union Vale petitioned and was granted to have

the parcels removed from the tax rolls in 2004 (except for Fire tax). This remained into effect until 2016 when they were put back on the tax rolls with no notification to Union Vale. That was wrong. This was done regardless of the fact that Town, County, State and Federal property is exempt from tax. These parcels are unimproved and uninhabited (except for wildlife), but are part of Tymor Park with walking roads mapped out and used. These parcels should be a part of our Town. Then decisions can be made by the Town Board for the benefit of the Town, neighboring Towns and Town Residents and carried out and not countermanded. I urge the Town Board to go ahead with the annexation process.

Corrina Kelley, West Clove Mtn Road, Union Vale: The topic of annexation of Union Vale land had come up prior to my term on the town board, during those years, and now continues after. While I feel this should have been addressed years ago, maybe even as early as the gifting of the land by the Connor Family, I am concerned over the timing of addressing it at this point. I believe transparency is always the best practice. While some may not agree, transparency allows the residents to see the thought process that went into the decision. Unfortunately, the decision to move forward with the land in Tymor Park to be designated for lease to the cell tower company due to conflicts between Union Vale and Beekman resulted in litigation. The land annexation from Beekman's jurisdiction at this time is an effort to circumvent the legal process and plow ahead despite the consequences. Over the past year, the Supervisor and Town Board have brought up issues of the operating budget and addressing shortfalls due to the Coronavirus Pandemic. In the current economic climate with no exact end date in sight, spending money voluntarily in legal fees seems unwise at best and detrimental at worst. The part I find offensive is that this public hearing is just a formality. The money to prepare the 96-page petition for annexation and the 105-page resolution for annexation has already been spent without the knowledge or approval of the residents of the town the board members are supposed to represent. Beekman has already presented litigation in response to the cell tower project and will likely pursue legal action against Union Vale that the town will need to spend additional funds to cover. In the Constant Contact communication, I received today" Union Vale Town Board will deliberate about your comments and decide if this is in our best interest." And in the same communication "Our Town Board found that altering our town boundary to include all Tymor parcels would be in the best interest of the residents of the Town of Union Vale." Since the Town Board has already concluded that this resolution is in the best interest of the residents of Union Vale the resolution, will be passed, most likely unanimously, without concern for any resident's input as has been the pattern of this Town Board.

Supervisor Maas (UV) noted that the resolution Mrs. Kelley was referring to did pass, Resolution 20-34 which was the beginning of this process. She wanted to make it clear since there was some confusion and pointed out that it is on the Town of Union Vale website.

Carol Ewin, Mayfair Road, Beekman: With respect the Town of Union Vale, this is supposed to be a meeting about annexation of property. Sadly, it coincides with the Town of Beekman Residents opposing a cell tower to be put on that property so it does smell a little bit. Mrs. Ewin was looking through the documents today and exhibit C was on the website, it was about a letter celebrating the 50th gifted 5 parcels of land "Our belief is that while the residents of Union Vale have much to gain by the annexing of our five parcels into our town, the residents of Beekman have nothing to lose.", she does not agree with this at all. She does not live on DeForest lane but she does have a cell tower a mile from her home near Route 52. When Verizon put that tower in, they publicly stated over and over again it would solve along this corridor here. Now they want to put another tower in. The Residents of Beekman do have a lot to lose, they have property values they can lose, not being able to sell a house, environmental and ecological concerns. There are major health concerns associated with living with living a small amount of space to cell towers. She understands this is supposed to be about annexing but it feels like its an in and around at a football game and she really encourages the Board to rethink. There are a lot of smart people in the Town of Beekman who see what has happened in the last year. She does not believe for a minute if this property is not annexed, that Union Vale will not get Verizon in here as soon as possible. Whether the Town has heard from them (Verizon) or if it's in their budget next year, it's a done deal. She encourages everyone to rethink this plan as there are a lot of residents in the Town of Beekman who have nothing to gain.

Mary Jean Calvi, Chestnut Ridge Road, Union Vale: Mrs. Calvi apologized for not being there in person but she is happy to join anyway. She feels if she is sitting here in the middle of two different meetings. One meeting which she wanted to attend that has to do with annexation of those 5 parcels and she does feel it would be nice to have the entire Tymor Park or Tymor Forest in the Town of Union Vale. She is a very long-term resident of Union Vale, has lived half her life here and raised her children here and spent many wonderful days and evenings at Tymor. The other meeting she appears to be at is about a cell tower and unfortunately, it seems whatever side of the boundary line you live on, that's the meeting you are talking about. She is sorry the Beekman Residents feel that way. She is not on the Town Board; she came tonight to hear more information about the annexation and unfortunately, she is hearing a lot about cell towers that haven't even been built. Where Mrs. Calvi lives in Union Vale, about a few years ago, about 1000 feet from her property they came through with huge monster towers that are supposed to provide electricity to somewhere possibly in Long Island, she was not certain. She does not believe it does anything for her property values but they came through anyway. Unfortunately, it seems this is just a part of modern technology, things happen, people don't want them to happen but she does not recall having a say in that matter as well. She wanted to hear more about the annexation not so much about cell towers that may or may not even be happening.

Betty Albrecht, Perkins Lane, Union Vale: Mrs. Albrecht said she has lived in both Beekman and Union Vale for the last 70 years. She has lived on Dorn Road for 30 years then after she married, she lived right across Bruzgul Road so she has always straddled the park and it has always been part of her family's interest. Hearing about all the different things tonight, the cell tower, she does not feel it is as much of an issue. Years ago, she knew Mr. Connor before the Park was given over in 1971 and he always had trouble with the Town of Beekman, even back then. For some reason he was against the Town of Beekman so he actually stopped Lime Mill Road right in the middle so the Beekman Residents weren't allowed to come into the Park and decided not to give the Park to both Towns which he was deciding before he gave it to Union Vale. There was always controversy with the Town of Beekman and Union Vale. Through these years the two towns have mellowed down and of course Town of Beekman is always allowed in the park. She worked as Secretary of the Recreation Center for 25 years and had never turned any resident away and have kind of gotten along all these years. It is important since Union Vale owns the property that the Town has the say to the property. Thinking on the different things such as Constables not being allowed to patrol over there, we want to work on the dam which will require lots of permits through the State. With all there is to do if the Town owns the property the Town can govern the property. It's very hard to when you have plans to have someone else tell you, you cannot do it. Being a resident in Union Vale, they elect the Town Board to make the decisions for our Town and right now they are asking for your permission to give this land over so we can truly control our land, and not someone else telling us what we have to do. She feels it will be beneficial if they would consider doing this for our Town, nothing changes on Beekman's end, thinking it would be best for the Town of Union Vale to decide what is best, not the Town of Beekman telling us what to do. She is in favor of whatever the Town Board would like.

Elfriede Tillman, Shaughnessy Road, Union Vale: If this annexation happens, will this open a can of worms? There are people worldwide, State lines going right through their homes. Is this going to cause any lawsuits? She questioned if anyone had thought about this. She does remember Ralph Connor being somewhat concerned about Beekman and other strangers coming in to use the park. At the beginning of the turnover of the properties, was that the park should be used by the members of the community. She does not think he ever thought about these little buttons of property that extend into Beekman being a problem down the line. She is sorry that is possibly turning out to be such. As far as the cell tower is concerned, she feels they need something as there is a dead zone on Route 55, not for her, she does not have a cell phone but for police, fire & recuse, and for the common good but we are not talking about cell towers tonight, we are talking about annexation. She agrees if the Town wants to do work in the park, they should have the say and that means the park must be within Union Vale Town lines.

Eric Gallow, DeForest Lane, Beekman: Mr. Gallow thinks that the annexation he would have no issues with, he gets it. He gets the property should be Union Vales, it's a beautiful park and he loves Tymor. During Covid he had no other place to go than hiking in the woods he enjoyed it

very much, as far as that is concerned, it's a no brainer. But, there is a huge "but", you went about this the wrong way. You went about it first with the cell tower, if it happens or not, he does not really care but now he has to oppose the annexation because of what the Town did, he loves the park, but it is the way the Town went about it, it leads him to believe that you are going to do some backdoor stuff that will affect his life and everyone on that road, so he must oppose it. It's a shame we are doing this, if the cell was never in the past of what he has had to deal with, then he would say it's a no brainer. He loves the park but since it went about that way it's leaving a bad taste in his mouth on what the future holds.

Joel Foley, DeForest Lane, Beekman: Mr. Foley stated he lives next to Mr. Bernhardt so this thing would be looming over his house as well. He works in the construction industry and he is around cell towers fairly often, it is not an accident that the two that have been around in the last 5 years have signs out 1000 feet from them telling them to stay away due to radio frequency. If you are running a big construction project and guys are working and they see that sign, nobody, not one of them will say "oh yeah that sounds like it's okay". He does not want his kids sitting underneath that thing, he does not want the people that someday when he retires and people drive up his driveway to potentially buy his home to look up on the hill and have the sun blocked, because it's going to be right there, looming over the top of his house. He asked "Besty would you buy a house with a cell tower right behind it? Mr. Nelson, Mr. Frazier, would any of you buy a house that had a cell tower 500 feet behind it?"

Supervisor Maas (UV) explained this was not a discussion it was to hear the views of those attending the hearing.

Mr. Foley (Beekman) went on to say those are his views, he does not believe anyone would buy a house with it and Union Vale is basically going to ruin his chances of ever being able to sell his home and retire someplace. That is all but this thing totally smells and he feels it is not an accident that this suddenly came up after the cell tower came up and he is really disappointed in everyone.

Susan Glavich, Lime Mill Road, Beekman: The road that she lives on is adjacent to one of the parcels. She is hearing some discussion of why Union Vale wants to annex this property. One of the points is that Union Vale will have control to do what they want to do with the land. Having lived there for almost 15 years, she does not think she has ever seen a situation where the Town of Beekman or the Town Board has ever interfered with anything the Town of Union Vale wants to do. She does not buy this argument, she is not sure it is valid but maybe there is something she is not aware of however, she has never seen a situation where on Beekman land, Union Vale could not do what they wanted to do. It supposed to be a Park for people to use and maintain wild so she does not buy that argument. The second point that Union Vale makes is that the Constables will have jurisdiction. Over the years, she has been in touch with both, Beekman and Union Vale Town Boards over situations where people from out of town, as evidenced by license plates, using the park, parking in front of her house, suspicious behavior she witnessed. She has asked for it to be patrolled and think the responses were, they didn't have Constables because the Town did not have money to pay them. She is not sure if Constables having jurisdiction is a valid argument either. She feels the Town has not shown any interest in patrolling that land anyway. The concerns she has expressed have fallen on deaf ears over the years and it seems to her that she agrees with those speaking about the cell tower the timing is strange that all of the sudden the Town wants to annex this land and oh by the way it happens to coincide with wanting to put up a cell tower and she feels this is probably the reason. She would oppose this annexation because she does not trust the current government to do the right thing.

There were no further comments from the Public.

Paul Ackerman, Town Attorney, Town of Beekman: Mr. Ackerman stated that before he read a prepared statement by the Town Board of Beekman, he began by addressing a few things that were raised at tonight's hearing. The first thing is the issue with the cell tower, he has heard a few times from members of the Union Vale Town Board and the Supervisor that this is not really an issue over the cell tower, if that is the case and Union Vale can take that off the table then there is an opportunity to discuss some of the remaining issues. He hears the remaining issues with regard to the Constable. The Town of Union Vale code already provides that Constables

have jurisdiction within the property within the Town of Beekman, if there are concerns with the regard of the legality of that, the Town of Beekman is happy to discuss that. He believes this is a new topic that has been raised to the Town of Beekman and there is definitely some ability to resolve that issue without annexation. There are multiple options that they can look at and work together with the Town of Union Vale to resolve that issue. The second issue is with regard to taxation. Clearly the taxation, the abatement of property, and exemptions is set by State law. If by some reason the Town of Union Vale was improperly taxed, and the exemption was not applied, there is a process to resolve that and if that happens, they can discuss that. That is set by State law and he does not feel the annexation of this property from the Town of Beekman into the Town of Union Vale is going to save on any tax dollars, the special assessments will continue to be paid and if for some reason the property was improperly taxed, it can be resolved and this will not happen in the future. These seem to be the 3 issues that were raised tonight by Town of Union Vale and he believes these are things that can be discussed and Beekman would be happy to work with Union Vale. As far as control of the property, Union Vale has complete control of their property from the perspective of a property owner. He thought someone mentioned before that they had not heard of any dispute between Union Vale and the Town of Beekman with regard to the control of their property. He has also asked around and got the same response and he does not think any members of the Beekman Town Board are aware of any disputes with regard to property owned by the Town of Union Vale by Town of Beekman with the exception of the cell tower issue. He will now read a brief statement on behalf of the Beekman Town Board. The Town of Beekman is opposed to the petition of annexation of properties from the Town of Beekman to the Town of Union Vale. If approved, this annexation will forever alter the historic boundaries of the Town of Beekman that has existed since 1827. This action which clearly arises based on a legal dispute over the placement of a telecommunications tower seems like a drastic remedy. The Town of Beekman fears that the motivation to settle legal disputes by annexation is a bad precedent to set. Since 1827 the historical boundaries of the Town of Beekman have been established. These boundaries define the Town of Beekman and have provided it with a unique identity. The Town has spent countless dollars, hours and resources building upon this identity by planning for its future. Those parcels which the Town of Union Vale proposes to annex to itself are all part of a valuable planning document such as the Town of Beekman Comprehensive Plan adopted in 2007, the Open Space Plan, adopted in 2005 and the Town Zoning Code updated in 2011. These parcels are specifically used in the Towns calculation for open space. Removal of these sensitive natural resources incorporated in these planning documents will forever change the Town's future. It is abundantly clear that the Town of Union Vale's motivation for this petition of annexation is an ongoing legal dispute over the placement of a telecommunication tower approximately 500 feet from a resident's home in the Town of Beekman. The Town of Union Vale has strategically located this tower in a place that minimizes the impact on residents of its Town but that mitigation comes at a maximum expense to residents of the Town of Beekman. This matter is a pending appeal which ultimately will be decided by the courts. In due course this matter will be resolved one way or the other and the parties will move on. It seems irrational to forever change history because of a legal dispute. Since the early 70's the Town has owned these properties in the Town of Beekman and there has never been any request to annex the properties to Union Vale. Until now, the parties have lived in harmony and the sightest in the land in the Town of Beekman was never an issue. It makes no sense to alter history now as the Town of Union Vale disputes the reason for this annexation petition is the placement of a cell tower, he asks the Town of Union Vale to agree that no cell tower will be built on these properties. The fact of the matter is the Town of Union Vale finds the land use regulation of the Town of Beekman onerous and does not believe they should apply to them. The Town of Beekman has determined that these parcels located in the Town of Beekman are bucolic and should remain open space and altered as little as possible by development. The Town of Union Vale does not like the fact that the Town of Beekman zoning code does not permit the erection of a 150-foot cell tower which would be used to generate revenue for the Town. Union Vale's annexation petition seems to be the proverbial 'I'll take my ball and go home'. He thinks if a private developer attempted to circumvent a municipalities land use regulation by annexing its property into a neighboring municipality for more favorable regulations there would be an uproar, why shouldn't the Town of Beekman be in uproar? Lastly, the Town of Beekman's Highway Superintendent correctly questioned the impact of the petition to the residents of Lime Mill Road. The petition seeks to annex a large area of land adjacent to

their properties along the road, that road is currently in the Town of Beekman and under the condition and supervisor of the Highway Superintendent. If the petition is granted that portion will be annexed into the Town of Union Vale leaving the residents with a question as to whether or not the properties will be landlocked or if they would have access to a road. For the forgoing reasons the Town of Beekman opposes the Union Vale petition for annexation.

Jim Nelson, Town Attorney for Town of Union Vale: Mr. Nelson wanted to make sure as a procedural matter that the Clerk has included certain documents in the record for this public hearing. Mr. Nelson has a copy of the Resolution 20-34 to proceed with the annexation with exhibits, as well as the annexation petition executed by the Supervisor on October 2, 2020 with exhibits. He asks that those be included in the Record.

Town Clerk Andrea Casey (UV) conformed they are included in the record.

Mr. Nelson (UV) stated in addition there is an affidavit of service dated October 9, 2020 of delivery to the Beekman Town Clerk of the Union Vale Resolution and petition with exhibits and the lead agency notice, EAF. He asks Clerk Casey if these will be included in the record to which Clerk Casey replied yes.

The Poughkeepsie Journal Affidavit of Publication, Notice of this Joint Hearing. Clerk Casey replied yes. The Union Vale Clerk's Affidavit of posting of the hearing petition resolution and exhibits on October 16, as well as the Union Vale Clerks affidavit of service by mail on October 23rd 2020 of the hearing notice to the Arlington School District, Union Vale & Beekman Fire Districts, the County Wide Water District, and the County Resource Recovery Agency. Clerk Casey replied yes.

There were no further comments for the public hearing. Supervisor Maas (UV) stated this concluded the public hearing and thanked everyone for their attendance and stated they appreciate everyone's thoughts. She closed the public hearing at 8:40 p.m.

Respectfully Submitted,

A handwritten signature in black ink that reads "Andrea Casey". The signature is written in a cursive, flowing style.

Andrea Casey
Union Vale Town Clerk

Joint Public Hearing on Annexation of
Town of Union Vale owned Property in the Town of Beekman
Public Hearing
November 23, 7:00 p.m.

1. Open Public Hearing
 - a. Welcome, Thank You's & Roll Call & Introduction of Town Boards
 - b. Request Nomination for hearing chairperson, motion & vote
 - c. Note - *resolution of the board authorizing the public hearing & the affidavit of publication of the official notice* have been entered into the record.
2. General Rules of Procedure –
 - a. Written comments will be read first
 - b. Everyone will get a chance to speak to express their thoughts about the proposed annexation
 - c. Speakers must have signed in or will be asked at the end if they now choose to speak
 - d. Speakers will be permitted to testify for 3 minutes
 - e. No one can cede their time to another speaker
 - f. Will give a 20 second warning for wrap up
 - g. Extra time may be given if a Board considers it necessary
 - h. Whether you have signed up in advance or if you indicate by waving your hand on Zoom that you wish to be heard....when you are called on please identify yourself, give your street name and town name so the Clerk can make a proper record.
3. Opening Presentation:
 - a. Purpose of hearing - annexation of 76.90 of 500 gifted Union Vale parkland acres in Beekman.
Parcel 1: 50.46 acres, 10.40 of which are in Beekman.

Parcel 2: All 22.20 acres are in Beekman. It abuts Parcel 1 which straddles the Beekman and Union Vale line.

Parcel 3: 23.20 acres of the of 87 deeded acres are in Beekman.

Parcel 4: All 4.9 deed acres are in Beekman. It abuts Lot 3 which straddles the Beekman and Union Vale line.

Parcel 5: All 16.2 deeded acres are in Beekman. It abuts Parcel 1 which straddles the Beekman and Union Vale line.
4. What the Board hopes to gain:

- a. History of Tymor Park gifting, when and for whom (Ralph & Jean Webster Connor, in honor of her parents)
- b. Read "Tymor Forest" and discuss 50th Anniversary next August 2021
- c. While the Park was left to the Town of Union Vale residents & their guests, the park has been used by many neighbors such: hikers, day campers, fisherman & women in Furnace Pond, walkers, horseback riders, etc.
- d. The residents of Beekman have enjoyed all of those activities in addition to enhanced property values for some, from living right next to a large uninhabited park.
- e. The residents of Beekman have always been welcome guests in Tymor Park, and still are today. They have not however, ever paid for any maintenance of Tymor Park. They use it freely but without obligation.
- f. This hearing is about determining:

Whether it is in the public interest for the Annexation to go ahead or not.

- **Benefits to/impacts on the land being annexed?** - They will be cared for & treated the same
- **Benefits to/impacts on Union Vale?** - Union Vale residents will benefit by
 - 1) not being subject to intermittent taxation depending on who the current Beekman Administration is; (we have paid taxes on all town owned property in Beekman every decade since the land became municipal property). Not that it is against the law, but it typically is not done.
 - 2) Constables will have full jurisdiction to patrol the park and ticket
 - 3) This Annexation is independent of the prior cell tower application.
 - It is raised simply as an example of Beekman's interference in Union Vale's ability to determine the use of its parklands. The cell tower was in 2020 Verizon budget nothing has been reported or communicated about 2021 or beyond.

4) As far as impacts, Judge Greenwald found that Union Vale properly conducted its environmental review, which resulted in a finding of no cell tower adverse environmental impacts, and that it properly conducted its *Monroe County* evaluation, finding that Union Vale was the proper body to conduct the review of the Tower application. This decision is on appeal.

- **Benefits to/impacts on the rest of Beekman?** - Nothing changes for the town of Beekman, (we are not on the tax roll currently) and they will continue to enjoy the park.
- **Benefits to/impacts on the Union Vale Fire District, Beekman Fire District ?, the Arlington School District, Dutchess Countywide Water District and Dutchess County Resource Recovery.** The two County entities do not serve the 76.90 acres. *We expect to keep paying fire taxes to the Beekman fire district, as always.*

5. Calling of Witnesses / Residents
6. Close Hearing After all Speakers/Residents Have Spoken

Laureen Abbatantuono

From: linda jacobs <lindajac_us@yahoo.com>
Sent: Monday, November 23, 2020 2:21 PM
To: Laureen Abbatantuono
Subject: Annexation of Lands in town of Beekman by Town of Union Vale

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern:

I am absolutely against the annexation of lands in Town of Beekman by Town of Union Vale. I do not want to potentially destroy the rural landscape of the area since Beekman would not have any input on the usage of the land and I feel it is not in the best interest of the Town of Beekman.

Furthermore, I don't believe that the town of Union Vale has acted as a responsible neighbor when they decided not to pay their fair share for the nearby library services that their residence use. Beekman's taxpayers have been subsidizing Union Vale residents use of their library. This is a sad reflection of Union Vale taking advantage of Beekman and the neighboring towns with wonderful libraries.

I am concerned that the intentions of Union Vale may be politically misguided and possibly driven by greed.

Sincerely,

Linda Jacobs

Laureen Abbatantuono

From: Robin Veitinger <rveit@frontiernet.net>
Sent: Sunday, November 22, 2020 10:57 AM
To: Laureen Abbatantuono
Subject: Public Hearing for Petition for annexation of lands in Town of Beekman by Town of Unionvale

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I can not attend the public hearing on Nov 23rd due to covid concerns but I wish to make my opinion officially known. Please read this at the meeting.

I am completely against the town of Unionvale being allowed to annex the 5 uninhabited properties which are situated in the town of Beekman but owned by Unionvale. This land is currently part of Tymor park, but if Unionvale is allowed to annex it, they will once again go to Albany and request "parkland alienation". If this is granted it means they will be able to use the property for purposes other than parkland. They will then rezone it and erect the cell tower that Beekman fought so hard against last year. This also means that Beekman would have no standing to protest the cell tower, since the land would now be part of Unionvale after annexation.

I am completely against this cell tower being built because it is so close to some Beekman residents' houses that it will lower the value of those properties, which is not fair to these residents of Beekman. The Town of Unionvale should not be allowed to annex this land. The Town of Beekman will receive no tax revenue or other compensation from this tower. All the profit will benefit Unionvale residents. Unionvale should find another place to put this tower. Tymor is a big park. They can find another place to put it that is not near our residents.

Thank you,
Robin Veitinger

Sent from Mail for Windows 10

Date: 11/22/20 1:01 PM (GMT-05:00)

To: Supervisor <Supervisor@townofbeekmanny.us>

Subject: Annexation of Tymor parcels

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The annexation and zoning change of the Tymor parcels to Unionvale appears to be to construct a cell tower based on information in documents from the Unionvale supervisor. I don't believe most people would want a cell tower within 500 ft from their yard. There are appraiser websites and realty websites that point out that these may affect property values as well. Therefore, I disagree with the annexation because of the potential of cell towers and the associated property value impact.

Realistically, I think it will happen. If that's the case, the best situation would be for them to use a parcel that is further away from the Deforest neighborhood. If Beekman town can do anything to influence this, it would be appreciated.

Thank you.
Maureen Mullaney

Laureen Abbatantuono

From: dveit@frontiernet.net
Sent: Sunday, November 22, 2020 11:42 AM
To: Laureen Abbatantuono
Subject: Tymor Park annexation objection

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I wish to have the following read at the town meeting at Tymor Park:

To the residents of Union Vale, the supervisor of the Town of Union Vale, and to whomever else it may concern;

I am unable to attend the public hearing regarding the annexation of Beekman property for the proposed cell tower, due to COVID-19 concerns and personal quarantine. *However*, let me assure you that if I was not quarantining, I would be the first to attend this meeting, and you would hear my voice then.

My first question is to the former corporate agent who now operates as the supervisor of Union Vale: why is it you would rather put the tower on the Beekman side of your park? Is it perhaps because the residents on the *other* side of the park live in Millbrook? And they have the money and the means to make you regret devaluing their property if you erect a giant cell tower in their back yard?

The houses that back up to Tymor Park on the Beekman side are small. They are most likely the occupants' life savings, whereas Millbrook can afford to stand the sight of a cell tower in the distance. Should they? Well, you have a *big* park. It has an equestrian range that's barely used, lots of nice mountain foothills--maybe find somewhere to erect your giant cell tower that *won't* impact the lives of a ton of residents who are seeing none of the tax revenue from this tower?

That's the other thing; for whatever reason, some of Tymor Park crosses onto Beekman property. You would steal part of our town to put up a tower of metal and wires, some gargantuan monstrosity? I work in the town of Beacon, on the Hudson River. There are *massive* towers there that are used by Stewart Airport. They're *ugly*. The house across from them is beautiful, and the property value there was *only* raised by the owners remodeling it dramatically, including an inground saltwater pool, and building on to it. It's still for sale. No one wants it *because there are giant towers directly across from it*. But that's cool to inflict on Beekman, right?

I get it, really. You would rather erect it on the Beekman end because you don't want to deal with the backlash that would come from Millbrook, a historically wealthy, upper-middle-class town. Because you're far more likely to win against us, and would rather not take the chance of losing against them.

But I want you to think of the people you're hurting with this. I would never buy a house with a massive tower directly behind it. No one else I've spoken to would, either. Union Vale was a town I've long been looking at buying a house in simply for its rural beauty and the hilly areas with lovely views, but I don't think I'd like to buy a house in your town anymore! I'll stick with my hometown of Beekman

instead. What's worse is that this land *belongs* to Beekman, whether it's part of your park or not. You'd like to steal it, *re-zone it* (it's parkland, currently, surrounded by residential, but you'd turn it commercial in a heartbeat) and completely crush the property value of the houses backing up onto it. The house on Dorn Rd that sold for \$415,000? It will not sell for that price again, not with a huge tower there. And really, that's not a major amount of money. Some people don't *have* a whole lot more than their houses. They hope to one day retire and sell their house and live relatively comfortably off of that money as well as a pension.

Would *you* buy a house with a cell tower casting a massive shadow over it? *I wouldn't*. Especially not when there's a great deal of Tymor park that *has* no houses near it, where you *could* put up a tower and have it relatively hidden by trees. Yes, we'd all have to look at it in the distance then, but at least it wouldn't be within a hop, skip and a jump of someone's home then. Seems like a fair trade! We all have to see it but it's not directly behind someone's house, property values in Beekman don't get trashed because you stole our land, and you get money! But God forbid you Union Vale residents have to suffer a *little* unpleasantness in the park's overall landscape for the tax revenue you're going to get from the tower.

Beekman objects strongly. *I object strongly*. Please consider alternatives, such as not putting the tower *in someone's back yard*.

Best regards,
A resident of Beekman, NY

AFFIDAVIT OF PUBLICATION FROM



Nicholas Penstorn

being duly sworn says that he/she is the principal clerk of **THE**

POUGHKEEPSIE JOURNAL, a newspaper published in the County of Dutchess and the State of New York, and the notice of which the annexed is a printed copy, was published in the newspaper on the date (s) below:

Zone:

Run Dates:
10/21/2020

Signature

Sworn to before me, this 21 day of October, 2020

Notary Signature State of Wisconsin County of Brown

5.15.23

My commission expires

NANCY HEYRMAN
Notary Public
State of Wisconsin

Ad Number: 0004426922

Ad Number: 0004426922

Run Dates: 10/21/2020

NOTICE OF HEARING
PETITION FOR ANNEXATION OF LANDS
IN TOWN OF BEEKMAN BY TOWN OF UNION VALE

WHEREAS, on October 1, 2020, the Town Board of the Town of Union Vale ("Union Vale"), Dutchess County, New York, resolved to proceed with the proposed annexation to it of five uninhabited real property tax parcels totaling 76.90 acres situated in the Town of Beekman ("Beekman"), Dutchess County, New York, which are owned by the Town of Union Vale, and
WHEREAS, an Annexation Petition was delivered to the Town of Beekman on October 9, 2020, regarding the parcels proposed to be annexed which are described as follows:

Addresses	Tax Map Parcel #s	Union Vale Owned Acres in Beekman
Duncan Road Rear	6759-00-017944	10.40
Duncan Road Rear	6759-00-016862	22.20
51 Lime Mill Road	6759-00-394850	23.20
177 Dorn Road	6759-00-425738	4.90
43 DeForest Lane	6659-00-960870	16.20

PLEASE TAKE NOTICE that on the 23rd day of November, 2020, at 7 o'clock p.m. at the Long Barn in Tymor Park at 8 Tymor Park Road, LaGrangeville, New York 12540 and on Zoom, a joint hearing on the Annexation Petition will be held by the Town Boards of the Towns of Beekman and Union Vale, and at such hearing all persons interested in the Annexation Petition may be heard. Evidence, testimony and information relating to the Petition, whether the proposed annexation is in the overall public interest, and any objections based on General Municipal Law §705 (1) (a) through (d) will be received. A copy of the Petition may be viewed on the Town of Union Vale Website www.unionvaleny.us or by contacting the Union Vale Town Clerk at townclerk@unionvaleny.us or (845) 724-5600, or on the Town of Beekman website at www.townofbeekman.com or by contacting the Beekman Town Clerk at townclerk@townofbeekmanny.us or 845-724-5300.

In addition to in-person viewing the public hearing will be held on Zoom and carried on the Town of Union Vale YouTube channel for live viewing (access at www.unionvaleny.us).

The invite for participating on Zoom will be posted on the Town of Union Vale website www.unionvaleny.us the morning of the public hearing or you may contact the Town Clerk at townclerk@unionvaleny.us or (845) 724-5600.

If you wish to be called upon to comment during the public hearing while participating on Zoom, you can place your name on the list by contacting the Town Clerk at townclerk@unionvaleny.us or (845) 724-5600. In-person attendees will be able to sign up when entering the hearing room. If you wish to comment during the public hearing and have not placed your name on a list, you may indicate your wish to speak using a function on Zoom which will be explained at the beginning of the meeting. The intention is to let all attendees, whether in-person or on Zoom who wish to speak, speak.

Please contact the Town Clerk with questions or for details: townclerk@unionvaleny.us or (845) 724-5600.

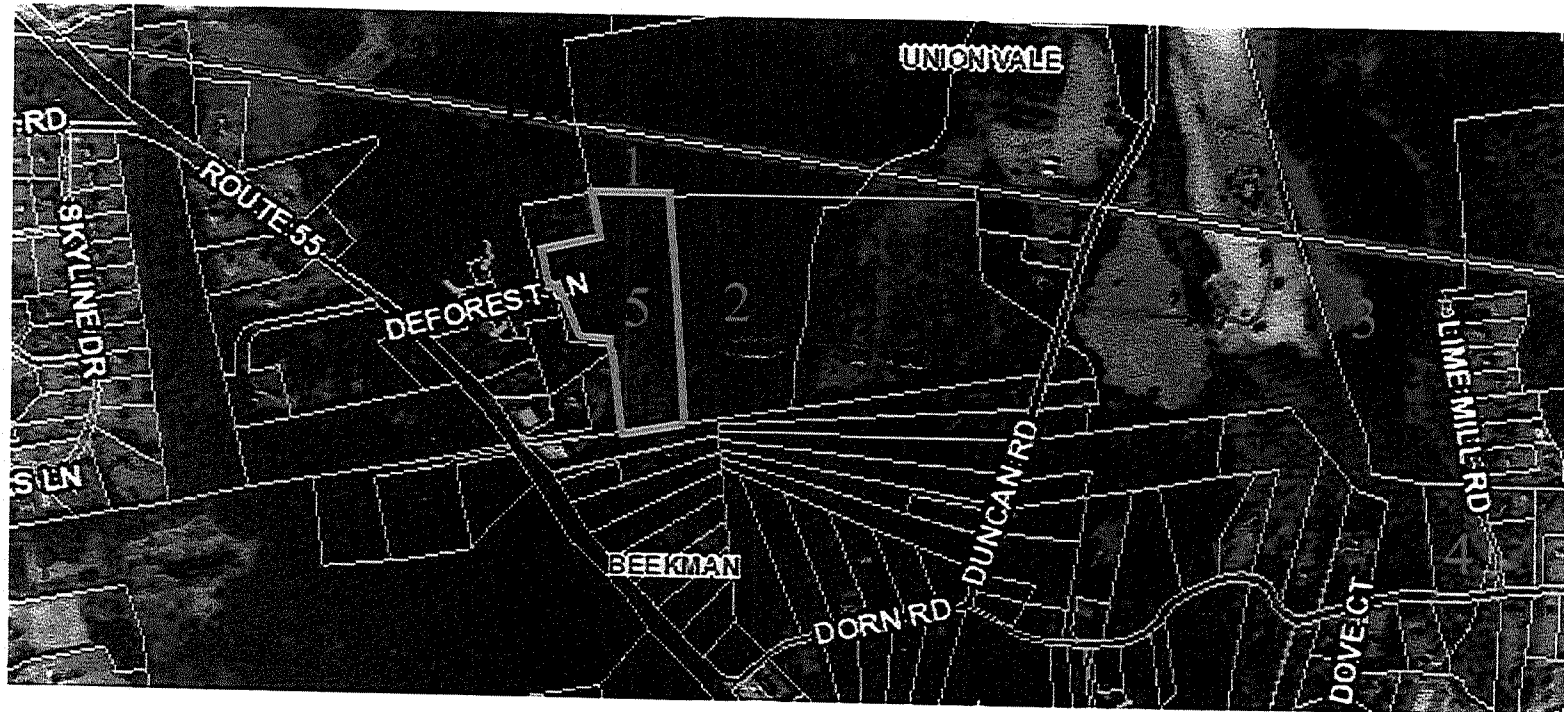
Dated: Union Vale, New York
October 21, 2020

BY ORDER OF THE TOWN BOARD OF
THE TOWN OF UNION VALE

BY: _____ Betsy Maas, Town Supervisor
BY: _____ Andrea Casey, Town Clerk

4426922

- Parcel #1 Duncan Road Rear - Tax Map ID# 6759-00-017944
- Parcel #2 Duncan Road Rear - Tax Map ID# 6759-00-016862
- Parcel #3 51 Lime Mill Road - Tax Map ID# 6759-00-394850
- Parcel #4 177 Dorn Road - Tax Map ID# 6759-00-425738
- Parcel #5 43 Deforest Lane - Tax Map ID# 6659-00-960870



STATE OF NEW YORK
COUNTY OF DUTCHESS

-----X
TOWN BOARD OF THE TOWN OF UNION VALE

Petitioner,

TO: THE TOWN OF BEEKMAN,

-----X
STATE OF NEW YORK)
) ss.:
COUNTY OF DUTCHESS)

I, the undersigned Clerk of the Town of Union Vale, DO HEREBY CERTIFY that the foregoing is true copy of an Annexation Petition with Exhibits attached dated October 2, 2020, with the original thereof on file in my office and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters herein referred to and that I caused copies of same to be hand delivered to the Town of Beekman on October 9, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 19th day of October, 2020.

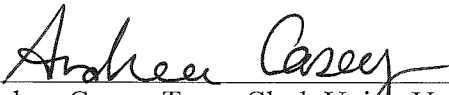
seal


ANDREA CASEY
TOWN CLERK

AFFIDAVIT OF SERVICE

State of New York)
) ss:
County of Dutchess)

Andrea Casey, being duly sworn, deposes and says I am over twenty-one years of age and am the Town Clerk of the Town of Union Vale, New York, and that in connection with the Union Vale Annexation I had delivered to the Town Clerk of the Town of Beekman, New York, Resolution 20-34 with exhibits dated October 1, 2020; A Petition of Annexation of territory with exhibits, dated October 2, 2020; Lead Agency Notification, dated October 9, 2020; and Short Form EAF Part 1, dated October 2, 2020.



Andrea Casey, Town Clerk Union Vale

Sworn to and subscribed before me
this 15th day of December, 2020



NOTARY PUBLIC





Resolution #20-34 Annexation

WHEREAS, between 1971 and 1978, the Town of Union Vale was deeded 500 acres by gift from Jean McKinney Connor, which lands make up the Town's Tymor Park and Tymor Forest, and

WHEREAS, 76.9 acres of Union Vale's Tymor Park and Forest, consisting of five tax parcels ("The Parcels"), are physically located in the adjoining Town of Beekman, and

WHEREAS, The Parcels are all unimproved and uninhabited, and taken together are contiguous to the Town of Union Vale. See the Deeds and Dutchess County Parcel Access map and printouts annexed at **Exhibit "A"** hereto and also to a proposed annexation Petition at Attachment 1 hereto, and

WHEREAS, three of The Parcels (#s 2, 4, 5) as deeded by gift to Union Vale are entirely in the Town of Beekman, and two (#s 1 and 3) were gifted to Union Vale by deeds which included lands located in both Union Vale and Beekman,

<u>Parcel #</u>	<u>Parcel Tax #s in Beekman</u>	<u>Union Vale Owned Acres in Beekman</u>
1	6759-00-017944	10 .40
2	6759-00-016862	22.20
3	6759-00-394850	23.20
4	6759-00-425738	4.90
5	6659-00-960870	16.20
Total Acres		76.90

and

WHEREAS, in the past, the Town of Beekman intermittently and without advance notice to the Town of Union Vale, chose to classify The Parcels as taxable property, which according to a review which only goes back to 2007, has cost the Town of Union Vale in excess of \$90,000 through 2019.

WHEREAS, because The Parcels are outside of the Town of Union Vale, our Constables, who patrol the Tymor Park and Forest, have no jurisdiction to act while on them, and as a result the parcels have not been regularly patrolled; and

WHEREAS, beginning in 2018, Union Vale attempted to erect a cellphone tower on one of The Parcels (43 DeForest Lane, Parcel # 5, Tax Parcel 960870), and

WHEREAS, the proposed tower would have filled coverage gaps and improved both emergency service response ability, as well as service to the residents of Union Vale, Beekman, surrounding towns and the travelling public, and

WHEREAS, Beekman opposed Union Vale’s effort to utilize its property, to the point of suing to block the project (*Town of Beekman v. Town of Union Vale Town Board*, Dutchess County Index No. 2019-53354), unsuccessfully, and

WHEREAS, State Supreme Court Justice Hal B. Greenwald on May 11, 2020, held that Union Vale’s SEQR process, and its determination that it should conduct the review of the cellphone tower project, following a *Monroe County Airport* Authority balancing analysis, were:

“Valid and of full effect, . . . not made in violation of lawful procedure or affected by errors of law, . . . neither arbitrary, nor capricious . . . and not made without or in excess of jurisdiction . . .,” copy at **Exhibit “B”**

and

WHEREAS, the Town of Beekman has appealed Justice Greenwald’s Order, but has yet to perfect that appeal, and

WHEREAS, Union Vale’s efforts to obtain state legislative approval for the use of the parkland Parcel 5 for the cell tower have been impeded and blocked, and

WHEREAS, in sum, the Town of Union Vale has for many years been unable to have full use of the lands which were gifted to it; and

WHEREAS, Union Vale, in order to assure that it will have governmental control of its lands, has proposed to proceed with a Petition under General Municipal Law Article §17 to annex The Parcels so they will be a part of the Town of Union Vale, and

WHEREAS, before formally proceeding with a Petition to annex, this Town Board requested that the Town of Beekman join Union Vale in the effort to annex The Parcels to Union Vale. A copy of the request letter as forwarded on August 20, 2020 is annexed at **Exhibit “C”** hereto, and

WHEREAS, the Town of Union Vale has received no response whatsoever from the Town of Beekman,

NOW, THEREFORE, BE IT RESOLVED that, after due deliberation, the consideration of the foregoing, and a review of the Environmental Assessment Form Part 1 annexed hereto as **Exhibit “D”**, Supervisor Maas is authorized to execute said Part 1 as drafted, and

BE IT FURTHER RESOLVED, that the Town of Union Vale hereby determines that the proposed annexation, involving less than 100 acres, is an Unlisted Action under SEQR, and

BE IT FURTHER RESOLVED, that the Town of Union Vale determines that it wishes to serve as the Lead Agency for a coordinated SEQR review of this annexation, and the Town

Clerk is authorized and directed to give notice thereof to the Town of Beekman, which is the only Involved Agency, together with copies of this Resolution, the Petition and the attachments thereto, and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to execute, publish, post and otherwise notice and proceed with the Petition for annexation which is annexed hereto as Attachment 1, and

BE IT FURTHER RESOLVED, that the Supervisor and Councilman Welsh are authorized to contact and meet with the Town of Beekman to attempt to set an agreed date, time and place for a joint hearing on the proposed annexation pursuant to General Municipal Law §704 (2), and

BE IT FURTHER RESOLVED, that failing their ability to reach an agreement as to such joint hearing, the Supervisor is authorized to schedule a hearing at the Town of Union Vale Town Hall within the dates allowed therefor by General Municipal Law §704(2).

Dated: October 1, 2020
Moved: Councilman Welsh
Seconded: Councilman Durland
Ayes: 5 Nays: 0

	AYE	NAY
Councilman Frazier	1	0
Councilman McGivney	1	0
Councilman Durland	1	0
Councilman Welsh	1	0
Supervisor Maas	1	0

Ayes 5 Noes 0 Resolution No. 20-34

I, Andrea Casey, Town Clerk of the Town of Union Vale DO, HEREBY CERTIFY that the foregoing is a true copy of a resolution offered by Councilman Welsh, seconded by Councilman Durland and adopted at the meeting of the Town Board, held on October 1, 2020.



Town Clerk, Union Vale – Andrea Casey

**Petition Received November 23, 2020 by Union Vale Town Clerk after close of hearing,
 annexed.- *Andrea Casey* **Petition to STOP Union Vale**

**From ANNEXING Beekman land and possibly
 build a CELL TOWER in our neighborhood!!**

NAME/ADDRESS	PHONE/EMAIL	SIGNATURE
Lisa Balline	23 Hammond PLz. Beacon	914 456 3101 Voicemail
Maureen Mulloney	Poughkeepsie NY	845 235 7071 Phone call
Virginia Young	78 Millers Hill Dr. Lagrangeville	914 475 2163 Voicemail
Mary Budget Anne	Bronx NY	FB sig
Amery Bernhardt	Rt 55 Lagrangeville	724 4888 phone sig
Lisa Bliss	102 Darren Rd Lagrangeville	914 474 7603 Phone call sig
Rachel Hendman	1793 Riverside Dr NYC	914 456 1446 Phone Virtual sig
Robin Zapp Vertinger	Snyp creation	FB Post sig
Michele McEnaney	22 DeForest LN	914 629 8570 Text sig
Declan McEnaney	22 DeForest LN	914 906 8878 Text sig
Daniel Maune	22 DeForest LN	845 264 4822 Text sig
Connor Maune	22 DeForest LN	Text sig
Cynthia Robinson	6 DeForest LN	Text 845 421 1214
Nick Gualtieri	6 DeForest LN	Text 845 421 2623
Nest Accella	PO BOX 354, Paulding, NY 12544	Text 845-475-8098
Gerald Accella	PO BOX 354, Paulding, NY 12544	Text 845-475-8098
Jerilyn Gelman	9 mtview Dr. Pl.	416 4850
Colleen Hayes	33 Duncan Rd	845 476 0792 Voicemail
Parker Hayes	33 Duncan	845 464 6541

Petition to STOP Union Vale

From ANNEXING Beekman land and possibly

build a CELL TOWER in our neighborhood!!

NAME/ADDRESS	PHONE/EMAIL	SIGNATURE
Gina LaMonica	16 DeForest Ln 845-724-3466	Gina LaMonica
Eric Galow	17 DeForest Ln	Text
Adrienne Galow	17 DeForest Ln	Text
Nicole Vera	46 DeForest Ln	Virtual Sig Text
Richard Drach	116 Indian Pass Stormville	718 679 2574 Voicemail Sig
Herb Landman	Tucson AZ	FB Virtual Sig
Sharon Landman	Tucson AZ	FB Virtual Sig
Christina LaMonica	Modrestown NJ	FB Virtual Sig
Palma Morgen	River Edge NJ	Text Virtual Sig
Kevin Morgen	River Edge NJ	Text Virtual Sig
Donna LaMonica Morgen	Westwood NJ	Text Virtual Sig/FB
Eric Morgen	Westwood NJ	Text Virtual Sig
Maria DeSimone	Yorktown NY	Text
George DeSimone	Yorktown NY	Text
Sue Henke	Shrub Oak NY	Text
Bob Henke	Shrub Oak NY	Text
Sandy Henke	Shrub Oak NY	Phone call
Max Orloff	Hopewell Jct. NY	Phone call
Patricia Larsson	PO 103 Garrison NY	Voicemail