

A Town Board Meeting was held March 9, 2009 at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York

PRESENT: Ronald K. Hotaling, Jr., Supervisor
Dawn Rogers, Councilwoman
Thomas A. Boehm, Councilman
James C. Youmans, Councilman
Richard N. Touchette, Councilman

ALSO PRESENT: Diane L. Millious, Town Clerk
Greg Darlington, Chief of Police
Winthrop Irwin, Planning Board Member
Albert Deering, Highway Superintendent (arrived late)

Supervisor Hotaling opened the meeting and led the Pledge of Allegiance.

OPENING COMMENT

Supervisor Hotaling stated that the record should reflect the presence of a full Town Board in addition to Town Clerk Millious, Police Chief Darlington and Planning Board Member Winthrop Irwin and continued by giving an overview of the agenda.

AGENDA

- Proclamation
 - March Eye Donor Month
- Public Announcements
- Public Comment
- Approval of Minutes
 - Public Hearing, February 23, 2009
- Old Business
 - Biers Road Relocation
 - Village of Ravena 2009 Sewer Bill
 - Martins Hill Water District Update
- New Business
 - Farmers Market at Coeymans Landing
 - Discussion of Agreement for Coeymans Hollow Fire District Gas Purchase
 - Leachate Plant Inspection
 - Coeymans Sewer District Annual I&I Report
 - Contract re: Limekill Road Tower
 - Council Member Request to Attend SYSOSC Advanced Accounting School
 - Request to Attend Board of Elections Meeting
 - Request to Attend NYS Town Clerk's Association Annual Conference
- Resolutions
 - Approval of Biers Road Relocation
 - Authorize Town Clerk to Attend NYS Town Clerk's Association Annual Conference
 - Amend Budget re: Bullet Proof Vest Program
- Correspondence
 - Community Advocates for Safe Emissions
- Town Board Workshops/Meetings
 - Town Board Workshop, March 17, 2009, 6:00pm
 - Town Board Meeting, March 23, 2009, 7:00pm
 - Town Board Meeting, April 13, 2009, 7:00pm
- Executive Session

PRESENTATION

Proclamation – March Eye Donor Month

Supervisor Hotaling stated that he wanted to recognize the work of a great organization that has been in the community for a number of years and added that they do great work collecting eye glasses from those who are disposing them to make them available to people who aren't able to buy their own. He continued by saying that he wanted to read a proclamation and then asked that Mr. Bill Schwartz, president of the Ravena Lions Club to come forward and then read the following:

WHEREAS, President Ronald Reagan declared the first National Eye Donor Month in 1983, and

WHEREAS, one of our most important senses is to be sighted. Restoring this sense to those not so endowed is the honorable goal of the Sight Conservation Society of Northeastern New York, Inc., and

WHEREAS, the Eye Bank Association of America seeks to raise awareness of the need to donate eyes, and

WHEREAS, the Eye Bank in this area supported by the Lions Club, a member of the Sight Conservation Society of Northeastern New York, Inc., and

WHEREAS, the success of the Eye Bank Program is dependent on eye donors, and

WHEREAS, the Town Board wishes to urge our community to consider participation in the Eye Donor Program,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans, proclaims the month of March as Eye Donor Month in the Town of Coeymans for 2009.

Supervisor Hotaling stated that the proclamation was signed March 9, 2009 and added that it is presented with great respect for the Lions Club and what they do. He continued by asking that Mr. Schwartz say a few words about the Lions Club.

Mr. Schwartz thanked Supervisor Hotaling and the Town Board for bestowing the honor on the Greater Ravena Lions Club and added that it is very meaningful to them. He continued by saying that the Lions Club has been involved in sight conservation and Eye Donor Programs since their inception and the Greater Ravena Lions Club will be celebrating their 50th Anniversary in the community this fall. He went on by saying that they are one of the few service organizations remaining in this community and in addition to the Sight Program they do a great deal with scholarships in the schools, help a number of food pantries and do a number of other things to help people in their community. He continued by saying that their motto is that they serve, which they take very serious and are delighted to offer the opportunity to do so and added that there is also an opportunity for anyone in the community to join their organization. He went on by saying that they are combining the Eye Donor Month Program with a membership drive to encourage new members and added that as a former educator he has always impressed upon students the need for community service and getting involved to give back to the community. He concluded by saying that they will continue to do their work with the Eye Donor Program and help people determine what they want to do in terms of donating organs like eyes, and other various sight conservation things that they do along with the other services that they provide and reiterated that he wanted to thank the Town Board for recognizing their work as well as appreciating what the Town Board does for the community.

Supervisor Hotaling stated that it sounds like in the Fall it will be time for another proclamation for their 50th Anniversary in the community and added that the Town Board would like to recognize that milestone. He then asked Mr. Schwartz what the criteria was for joining the Lions Club.

Mr. Schwartz stated that a willingness to get involved, to serve and give back to your community is what it takes to become a productive and effective member of the Lions Club. He continued by saying that there will be notices in the paper and they will be contacting individuals and if anyone knows people that would be interested in serving in an organization such as the Lions Club they can contact him or any other member of the Club for further information.

Supervisor Hotaling thanked Mr. Schwartz.

PUBLIC COMMENT

Supervisor Hotaling invited the public to comment at this time, hearing none he moved to the next item on the agenda.

APPROVAL OF MINUTES

Supervisor Hotaling stated that there was one set of minutes for Town Board approval, a Public Hearing on February 23, 2009, the Public Hearing on the Snow Emergency Law and then asked for a motion to approve the minutes.

MOTION

On motion of Councilman Youmans, seconded by Councilwoman Rogers, the Public Hearing Minutes of February 23, 2009 were accepted as read.

VOTE – AYES 5 – NAYS 0 – SO MOVED

OLD BUSINESS

Biers Road Relocation

Supervisor Hotaling stated that at the last meeting they had a resolution prepared to go and added that during the discussion phase there were some issues raised regarding the decision of the Planning Board and as it relates to the understanding of the Highway Superintendent in terms of how to move on and get the road accepted by the Town Board. He added that at the conclusion of the last meeting he put a memorandum together dated February 26th to Peter Foronda, Chairman of the Planning Board and asked him whether or not the decision of the Planning Board was to direct the extension of the culvert by 5 feet, which Highway Superintendent had indicated that he would not be doing but rather adding riprap as well as clarifying as to if the Planning Board's expectations are that all costs associated with the completion by the Town of Coeymans forces of the punch list items in their decision should be born by Mr. Palange. He concluded by saying that at the last meeting the Town Board was concerned that if all costs including labor were to be included, the \$3,500.00 would not be sufficient and added that the Planning Board met the following Monday and then asked that Planning Board Member Irwin talk about the meeting.

Planning Board Member Irwin stated that at the last Planning Board Meeting he offered a motion to amend their resolution for the acceptance of the Palange application and added that it was changed to say either a 5 foot section or stone that would adequate. He continued by saying that it was discussed with Highway Superintendent Deering and it was determined that the stone would be adequate and as a result it was changed to read:

“The downstream easterly end of the newly installed arched culvert under Biers Road shall be lined with stone for protection from possible erosion.”

Planning Board Member Irwin continued by saying that in his memo to the Planning Board, Supervisor Hotaling had asked about the \$3,500.00 and continued by reading the Planning Board's reply.

“The portion of the motion establishing a \$3,500.00 Escrow Account for the completion of the 4 stipulations was not amended as this cost figure was presented to our Board by Mr. Palange's engineer and the Highway Superintendent. These costs were agreed upon by those individuals using their respective combined road construction knowledge.”

Planning Board Member Irwin stated that after much deliberating, talking and reviewing their minutes it was determined that it did indeed include the labor cost associated with the completion of the project as well as there being a clear understanding between Mr. Ingalls, Mr. Palanges engineer, and the Planning Board that any additional costs associated that would go over the \$3,500.00, because he personally brought up the fact that he didn't think \$3,500.00 was an adequate amount to do the work, he assured them that with their knowledge and expertise that it would be and added that it was clear that Mr. Palange would bear any additional cost over and above that.

Supervisor Hotaling asked Highway Superintendent if this was his understanding as well.

Highway Superintendent Deering stated that it was.

Supervisor Hotaling asked that Highway Superintendent Deering keep track of all the associated equipment uses, materials and labor and added that his understanding is that the \$3,500.00 will be placed in escrow after they consider and pass the resolution with the full knowledge of the Planning Board's intent and the modification to the 5 foot extension. He continued by saying that there were also some deeds that were talked about which they have.

Planning Board Member Irwin stated that there is one thing that he believes that they should know and added that in their motion they determined to call it a collector road and added that there was a Public Hearing that was attended by the public from that area and the Planning Board listened to their concerns and complaints with the old road and their looking for a better road that won't flood. He concluded by saying that making it a collector road would ensure to them that the usage that it is currently being used to haul farm equipment and other waste, would still be able to be done and reiterated that as a Planning Board they determined that it was a collector road.

Supervisor Hotaling stated that some of the different designations require that certain specifications be met.

Planning Board Member Irwin interjected that this is why the one curve has to be modified with a wider radius.

Supervisor Hotaling thanked Planning Board Member Irwin and then asked if there were any additional comments.

Councilman Boehm inquired as to whether guide rails were a consideration for the culvert.

Planning Board Member Irwin stated that Highway Superintendent Deering had said that it was something that he would be installing after the road was completed.

Councilman Boehm inquired as to if it was part of the \$3,500.00.

Highway Superintendent Deering stated that it isn't and added that he has guide rails and it will be taken care of without a problem.

Councilman Boehm interjected that it is part of the cost.

Highway Superintendent Deering stated that it isn't.

Councilman Boehm stated that it's the Town's guard rails.

Highway Superintendent Deering stated that the guard rails were given to him.

Councilman Boehm inquired as to whether the engineer gave him the guard rail.

Highway Superintendent Deering stated that he had them given to him over the years.

Supervisor Hotaling asked if there were any other questions.

Councilman Touchette stated that it has been a long process and added that the Planning Board has done their homework and have been diligent in deliberations and have treated the decision fairly and did a great job putting the resolution together.

Planning Board Member Irwin thanked him.

Supervisor Hotaling stated that they would be doing the resolution later in the meeting.

Highway Superintendent Deering interjected that the Planning Board did a good job.

Supervisor Hotaling stated that the Planning Board was brought in at the later part and added that it was a necessary component and they tackled it willingly and professionally. He continued by saying that hopefully it was to the satisfaction of Mr. Palange as well as the Town and added that it was a necessary effort that he feels was fairly done and applied.

Village of Ravena 2009 Sewer Bill

Supervisor Hotaling stated that the Town sent a Sewer Bill to the Village for the period of January 2009 through June 2009 in the amount of approximately \$261,000.00 that had been authorized by the Town Board in a December resolution. He continued by saying that the bill did provide for payment to be received by March 10th and added that he can report that they have received so far, separate and apart from the bill, payment for \$204,000.00, which represents the Village's 50% portion of the Capital Construction Project for the original clarifier, which was the 1.1 million dollar project that commenced in 2005 and was concluded in late 2007. He went on by saying that bills have been compiled and sent to the Village with supporting documentation pursuant to stipulations of the last agreement that expired in June 2008 and continued by saying that they did receive in a timely fashion a review of the Village and a check for \$204,000.00. He added that there also was an additional check for approximately \$14,000.00 and he is awaiting contact from Village Attorney Michael Biscone to provide some clarification as to what it is to be attributed to and he cannot speak to whether or not the check was for a payment of what was relieved for the second half of 2008, which is \$144,000.00. He concluded by saying that as they had said previously, the Town is in receipt of that money through the relevy by withholding from the County the portion of taxes collected by the Town Clerk and conveyed to the County of Albany and reiterated that he does not know if the \$14,000.00 was designed for that or whether it was designed for a portion of the \$261,000.00 and added that when he gets the information from Attorney Biscone with some clarity he will report back to the Board because there are some issues in either case, whether or not the acceptance, in particular the \$261,000.00, of partial payment would be appropriate and will be asking the Town Board for their input as to how they should accept or not accept the partial payment.

Martins Hill Water District Update

Supervisor Hotaling stated that he received earlier in the day a copy of a letter sent by Robert Hafner from Miller, Mannix and Hafner who is the Town's attorney representing establishing the Water District, to the State Comptroller. He added that a package of material was sent pursuant to Section of Town Law 209F, which was that statute under which the Martins Hill Water District was created. He continued by saying that the prospective cost of the project is above the threshold of what the State Comptroller will permit without review and approval and went on by saying that the cost, because it is

only 21 parcels is intended to be somewhere around \$305,000.00 which is a combination of the debt service and cost of water for those individuals. He reiterated that it exceeds the threshold that the Comptroller sees as appropriate on an annual basis and as a result it does require Comptroller approval and added that the appropriate submission of documents for review has been undertaken with the letter of transmittal. He went on by saying that in addition to that he wanted to report to the Board that the Martins Hill Project, recognizing that the people have been without potable water for a number of years, may not be in a position to have it approved by the Comptroller because of the high cost. He continued by saying that the intent of the Stimulus Bill of the Federal Government was to go to infrastructure projects like this where there is dire need that they be done and added that he simultaneously instructed C.T. Male, the engineers for the project, to make sure that the Martins Hill Water District is now placed on the Intended Use Plan of the Environmental Facilities Corporation because he is advised that as the money starts flowing from DC through New York State and hopefully to local communities, they are going to use the Intended Use Plan to determine what projects should be granted, what projects could be a combination grant/loan or what projects will remain as a loan. He reiterated that they are going to be on it for the Martins Hill Water District even though it is by comparison a paltry sum of \$305,000.00, which is not very big for a stimulus package and added that they want to be on it in case they start throwing money around or after giving billions to one project they might have \$305,000.00 left over. He continued by saying that as the Board knows, because he has talked to them individually, he is attempting to put together other components of submissions to the powers that be relative to the stimulus and it was discussed earlier in the day about the concept of having Rte. 143 sandwiched with two road projects and have the road in the condition that it is by Osterhout's and the Grange and continued by saying that it's all about money and the fact that they could not afford it and had to cut back projects and added that maybe they should turn their attention to that component. He stated that another component is infrastructure for the second trunk line going down to service the Waste Water Treatment Plant to relieve the flow not only from the Village lines but also the Hamlet lines going through to get to the plant and continued by saying that they have been under a moratorium since 2001 and would like to be in a position to get out of the moratorium to allow appropriate plan development. He went on by saying that the line going across the Coeymans Creek heading to the P&M Port of Coeymans is something that is going to be required given the fact that already 12 businesses are making their home there with the anticipation that more businesses will come and it will be a more vibrant place that will require the infrastructure necessary to support it as well as the often delayed and ever increasing cost of the Old Ravena Road north bridge that was suppose to be under 3 million dollars when it was originally proposed and bids were just received by Albany County between 7.29 and 8.39 million dollars and the County only has at this point committed 6.9 million dollars for the entire project with the low bid coming in over what the commitment was and added that they should put that on a list for possible payment of not only the County 15% but also and most importantly the Town's 5%. He continued by saying that when it was a 3 million dollar bridge the Town's 5% was \$150,000.00, which was a lot of money but by comparison the 8 million dollar bridge will cost the Town of Coeymans residents \$400,000.00 and added that it makes sense that they put it out there as well. He went on by saying that they are going to be peppering representatives from the State and Federal Governments getting them to recognize that there are some infrastructure problems and continued by saying that the infrastructure of water in the Hamlet also needs to be addressed because the fire protection quality of those in the Hamlet and places such as the Port of Coeymans need to be assured and the way to assure them is to take the 100 year old infrastructure and replace it with lines that will support the fire protection of the people that live there as well as the industrial growth. He concluded by saying that there is a whole array of possibilities and as Councilman Boehm had said, the hope is to throw them all against the wall to see what sticks and added that hopefully a couple of the major ones will stick and they will get some positive responses back and continued by saying this is the first start, getting the small and very shovel ready project before the Feds and see if they will throw some money at this one and obligate the need for those 21 families to go in debt for 40 years trying to support a project that they should have gotten done 35 years ago.

Councilman Youmans stated that he wanted to clarify something and added that Supervisor Hotaling called it a paltry sum and compared to an 8 million dollar bridge

project it is but as he had stated these folks are going to go in debt for 40 years for \$1,000.00 a year, which is not a paltry sum to those people. He added that he wants everyone to know that Supervisor Hotaling has done everything that he can to help alleviate the cost.

Supervisor Hotaling stated that they all have and added that they have tried to move it ahead as quickly as possible, which has not been as quick as they all wanted and added that it should not have been theirs to do and it should have been handled years ago and concluded by saying that it wasn't handled and they are here and have the opportunity to do it. He then asked if there were any other comments, hearing none he stated that he added to the agenda a late entry of the Highway Department Alarm System and then continued with that topic.

Highway Department Alarm System

Supervisor Hotaling stated that earlier in the day he got Highway Superintendent Deering's memorandum about the fact that he now has design plans as well as it saying that he received the equipment.

Highway Superintendent Deering stated that he has the equipment and added that it has to be put out to bid to be installed.

Supervisor Hotaling stated that Simplex provided the equipment and design, which conformed to NYMIR's concerns about the lack of an automatic fire alarm and added that it is an alarm and not a sprinkler system. He then asked that Highway Superintendent tell them a bit about it.

Highway Superintendent Deering stated that he didn't really know much about it because it was his Deputy that did it.

Supervisor Hotaling inquired as to what they are talking about in terms of cost.

Highway Superintendent Deering stated that he believes that it would be around \$5,000.00.

Supervisor Hotaling inquired as to if the \$5,000.00 covered the cost of the equipment as well.

Highway Superintendent Deering stated that it is separate from the equipment.

Supervisor Hotaling stated that the cost for the installation is \$5,000.00 and added that the cost of the equipment is in place.

Highway Superintendent Deering stated that the equipment cost a little over \$2,000.00.

Supervisor Hotaling stated that projections are that in order to take the design plans and have it constructed by someone it would be \$5,000.00 for installation.

Highway Superintendent Deering stated that it is what he would guess and added that he didn't have the paperwork with him.

Supervisor Hotaling stated that the memo indicated that Highway Superintendent Deering is awaiting a decision from the Board and added that because it is \$5,000.00 they should put it out to bid and then asked Highway Superintendent Deering if there is a set of specs that they can advertise for.

Highway Superintendent Deering stated that he can get them.

Supervisor Hotaling asked Highway Superintendent Deering if he knows whether or not Simplex will be concerned about the installer and if it has to be an acceptable installer before the warranty will be valid.

Highway Superintendent Deering stated that he didn't know.

Supervisor Hotaling stated that he is a little fuzzy on this and added that it sounds like Simplex is trying to weasel their way into being the installer.

Highway Superintendent Deering interjected that it is probably true and added that he can't tell him that.

Supervisor Hotaling asked the Town Board whether or not they should get the specs and advertise for installation and added that they are probably talking about needing an electrician and continued by saying that there are a number of electricians in the area that might want to bid on an installation project.

Councilman Touchette stated that he thought that they had hired someone to do the specs some time ago.

Supervisor Hotaling stated that it was Simplex that did it and added that the plans are done and the equipment is in and they are now at a point where it has to be installed. He continued by saying that the question is whether or not they have Simplex install, which he is sure that they would be willing to do, or because of the cost of \$5,000.00 should they take what he thinks is the more prudent course and put it out to bid as long as it does not void any warranties from Simplex. He concluded by saying that he wanted to introduce it to the Board and added that he had just gotten it earlier in the day.

Highway Superintendent Deering stated that he didn't have any paperwork with him.

Supervisor Hotaling asked that Highway Superintendent Deering have his Deputy Scott Searles call Simplex and see if there are any restrictions as to the installers and if they have to be a certain type in order to make the warranty valid and in turn he can get back to him and he will report it to the Board so they can make a decision.

Supervisor Hotaling asked if there were any other Old Business topics.

Councilman Boehm stated that he wanted to bring up the Parking Law and continued by asking Town Clerk Millious if it went to the Secretary of State.

Town Clerk Millious stated that it had and added that she is awaiting their letter back to her.

Councilman Boehm inquired as to if Highway Superintendent Deering had gotten the signs and whether or not he will be putting them up this year.

Highway Superintendent Deering stated that it has to be approved and added that it has to go to the State.

Councilman Boehm interjected that it went to the State.

Supervisor Hotaling stated that they are waiting for the call back from the Secretary of State.

Highway Superintendent Deering stated that as soon as it is approved he will get the signs and added that he does not know if there is money for them.

Councilman Boehm stated that it is all set and approved and continued by asking if he should install the signs this year.

Supervisor Hotaling stated that as soon as Town Clerk Millious gets certification back it will be on file with the Secretary of State and at that point it will be official and continued by saying that they should not sign it until then.

Town Clerk Millious stated that as soon as she gets the letter back she will cc it to Highway Superintendent Deering.

Supervisor Hotaling stated that someone had asked him if the Snow Emergency Law impacts people who park on what is essentially Rte. 144, Main Street in Coeymans and added that his sense was that it does not because it is not a Town road. He added that people park in front of their homes and there is limited parking and reiterated that they do not have to be mindful of a 3 inch snowstorm and move their vehicles because it is a State Highway.

Highway Superintendent Deering stated that it is only for Town roads.

Supervisor Hotaling stated that it is not even County roads.

Chief Darlington stated that it is anything that the Town Highway Department plows.

Supervisor Hotaling asked if there were any other Old Business topics.

Councilwoman Rogers inquired about the sign on Ringwald.

Highway Superintendent Deering stated that he didn't do what was requested but did do it so you can see it and added that there are two signs.

Councilwoman Rogers inquired as to if it is where it is supposed to be.

Highway Superintendent Deering stated that it is and reiterated that there are two signs but not like it was in the drawing and added that they are up so you can identify each road.

Supervisor Hotaling asked if there were any other Old Business topics, hearing none he moved to the next item on the agenda.

NEW BUSINESS

Farmers Market at Coeymans Landing

Supervisor Hotaling asked that Councilman Touchette discuss the Farmers Market at Coeymans Landing.

Councilman Touchette stated that they had discussed this previously and Supervisor Hotaling had asked that he speak with their Insurance Agent, which he did, as well as speaking with NYMIR. He added that he talked to Mr. Rick Reith about the insurance requirements and continued by saying that his recommendation is that any vendor needs to have a certificate naming the Town as an additional insured as well as having some sort of waiver or disclaimer. He went on by saying that as far as the insurance requirement he is satisfied that they are ok with that.

Supervisor Hotaling stated that who ever participates needs to provide a certificate stating that the Town of Coeymans is also insured.

Councilman Touchette stated that he was told that a farmer will have that coverage in place and there will be no further cost to him to provide that certificate.

Supervisor Hotaling stated that Councilman Touchette believes that they can get 3-5 farmers as a good start as well as having some recruiters that can help.

Councilman Touchette stated that Mr. Tom Dolan had told him that at Cornell Cooperative Extension they have someone who does this and added that they can help recruit some farmers. He continued by saying that he was told that 3-5 farmers is a good start for a market and went on by saying that it was also suggested that they should start the first week in July when the sweet corn arrives and have it go until September.

Councilman Boehm stated that they had also talked about doing it in conjunction with Evenings on the Green where people could arrive early or stay late.

Supervisor Hotaling stated that typically they are Saturday mornings.

Councilman Touchette stated that they are different days at different locations and added that if they could piggy back on an event that they already sponsor, it would be a good thing.

Supervisor Hotaling stated that in terms of logistics they also have a boat launch down there and continued by asking if it would be on the green behind the gazebo or in the parking lot.

Councilman Touchette stated that that it should be on the green and people could park in the parking lot, which would be safer for pedestrians.

Supervisor Hotaling stated that they got authority from DEC to fill in from the parking lot edge to the tree line, which is approximately 18-20 feet and added that this might be a good spot.

Councilman Youmans stated that there are a lot of possibilities as to where it can actually be and added that it is a minor detail. He continued by saying that he commends Councilman Touchette for working on it.

Supervisor Hotaling agreed and added that they can work out logistics. He continued by saying that as he recalls the Historic Coeymans Landing Neighborhood Association had offered to coordinate the effort as well and then asked if they believe that it is something that they should do or do they want to continue to keep it at a Town Board level.

Councilman Touchette stated that if they are willing to manage it, it would be a good thing for them as well as the Town Board.

Councilwoman Rogers interjected that they are interested in doing it.

Supervisor Hotaling stated that the Historic Coeymans Landing Neighborhood Association has a meeting coming up and they should be advised that the Town Board is on board with the Farmer's Market concept

Civill Senior Housing P.I.L.O.T. Agreement

Supervisor Hotaling stated that in January 1996 they engaged with the Civill Housing Development Fund Company and Civill Senior Housing Assoc. in a P.I.L.O.T. Agreement, which is a payment in lieu of taxes to help the first few years of what, is now a 28 unit building. He continued by saying that it was formerly owned by the Coeymans Fire Department and then renovated with some Federal and State dollars by a not-for-profit and then turned over to Civill Senior Housing. He reiterated that they have been engaged in a P.I.L.O.T. Agreement since 1996 whereby Mr. Duncan Barrett, President of Civill Senior Housing Associates, has been required to pay a percentage of his gross rental income, which typically is a smaller amount than he would have paid were he on the tax roll for that 20 year period. He continued by saying that it was designed to go until 2016 but in the last several years there have been some payment issues and he has had several meetings with Mr. Barrett to try to impress upon him that the fact that the P.I.L.O.T. is a good thing and they should continue to have it and added as his fiduciary role as Supervisor he cannot allow it to continue to go on unpaid. He went on by saying that with the Boards approval there have been some draft letters for Board review and one was just sent dated March 6th to Mr. Barrett indicating that he needs to pay and is in arrears for \$54,174.41, which has to be paid within 60 days. He added that the majority of it, approximately 75% goes to the school, 15% to the County and 10% stays with the Town and continued by saying that the Town is the collector but only the beneficiary of 10%. He went on by saying that when he came in office, there had been several years that the school had not been provided some funds and most recently, about 1 ½ years ago they settled up with the school and presented a check for approximately \$72,000.00. He

continued by saying that they are now behind in collecting \$54,174.41 and reiterated that they have given Mr. Barrett 60 days to comply as well as indicating that failure to make such payment will essentially force the Town to rescind the property tax exemption conferred under the P.I.L.O.T. Agreement under Section 577 in Private Housing Finance Law and will then restore that premises to the Tax Roll because they cannot continue to support that kind of delinquent payment. He concluded by saying that he put it out there not only for the Board's finalization, because the Board had approved the wording, but also to let the public know that the Town would love to continue it but needs to receive some revenue and see a good faith effort to comply.

Discussion of Agreement for Coeymans Hollow Fire District Gas Purchase

Supervisor Hotaling stated that some time ago the Coeymans Fire District and Coeymans Hollow Fire Districts had come to the Town to talk about the possibility of piggy backing onto the Town's fuel supply at the Highway Department to be able to refuel their fire trucks and equipment at a much lower rate than they were ordinarily being charged by going to a diesel stop. He continued by saying that they thought that it was an interesting way to share some services and as a result they approved a Intermunicipal Agreement to be devised and added that he has a proposed Agreement and would like to get the Board's feelings as to whether or not they are comfortable with it and if so direct him to forward it to Coeymans Hollow for their review and signature. He went on by saying that it will provide for an opportunity for them to go across the street to get diesel fuel and gasoline for equipment and added that they will operate within the same system of the key system that they currently have at the Highway Garage, which identifies the vehicle, the operator and keeps track of the gallons going into each vehicle and in turn they would bill them at the rate that the Town pays under State Contract. He continued by saying that they will get to save money and most importantly in their contemplation of building a new Fire House one of the major costs associated with the construction was potentially \$60,000.00 to \$70,000.00 to put together a fuel tank and the protections and environmental protections that are responsible now given the fact that the City of Albany's water line runs through there with an easement. He concluded by saying that this is a benefit to them and would also be a benefit to Coeymans but the distance washes their ability to entertain it and then asked the Town Board if they wanted to continue the discussion or authorize him to forward it to Coeymans Hollow and if they do sign in turn the Town Board would authorize him to sign and execute the agreement, which they could then commence.

Councilwoman Rogers interjected that she believes that it is a good agreement.

Councilman Boehm stated that he thinks that it is a great shared service and added that it is a win-win for both. He continued by saying that the Fire Department will be able to get lower cost fuel as well as avoiding the cost when they put in a new Fire House of a diesel tank. He reiterated that it is a great opportunity and then offered a motion.

MOTION

On motion of Councilman Boehm, seconded by Councilwoman Rogers, authorizing the Supervisor to forward the Intermunicipal Agreement to Coeymans Hollow Fire Department for signature.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Hotaling inquired as to if it included, if they do sign it, not having to bring it back to the Board but rather sign it and move it along.

Collectively the Town Board agreed.

Supervisor Hotaling asked if there was any other discussion.

Councilman Youmans stated that Councilman Boehm had mentioned sharing services and saving the Fire Department money and continued by saying that the cost that would be saved is directly born by the taxpayers that live within that Fire District, which is a win for the taxpayers as well.

Councilman Boehm stated that he wanted to be clear as to if it was offered to the Coeymans Fire Department.

Supervisor Hotaling stated that it was and added that logistically it was not close enough and continued by saying that it might work out at some time that they can incorporate them as well.

Leachate Plant Inspection

Supervisor Hotaling stated that he had received a report on the Leachate Plant Inspection, which is a report of the inspection of the Leachate Plant that exists at the former Jarvis Road Landfill. He continued by saying that the inspection and report were done by Carrie Buetow, Environmental Program Specialist and it stated that the plant is well operated and the record books and calibration logs were good and detailed. He added that there were some areas of concern, which were not a surprise, with dirt bikes going in and tearing up the rubber membrane and went on by saying that if anyone gets caught doing it they will be prosecuted to the fullest extent of the law because it costs thousands of dollars each time it is done.

Councilman Boehm stated that they are in leachate from a landfill.

Councilman Youmans interjected that it is garbage juice from 40 years ago.

Supervisor Hotaling stated that they will continue to try and deter it and added that he does not know if they will be successful because if they are insistent on getting in, there is no locked gate or fence around it and dirt bikes or pedestrians have the opportunity should they choose to trample through the rubber membrane. He continued by saying that it also states that the effluent concentration sometimes exceeds the permit limits and Chief Operator Breedlove is attempting to decrease the number of times that it does and concluded by saying that all-in-all it's not a bad report.

Councilman Boehm inquired as to how long the leachate goes on and whether or not it is for life.

Supervisor Hotaling stated that it was intended that the Leachate Plant would operate for five years and the leachate would stop and there would not be a need for it anymore.

Councilman Boehm inquired as to how many years it has been there.

Supervisor Hotaling stated that in 2011 it will be 20 years.

Councilman Boehm inquired as to if it the ground water in the landfill is causing the leachate.

Planning Board Member Irwin stated that it works its way through and added that it use to pool up down at the bottom in the rock.

Supervisor Hotaling stated that the landfill has a cap on it and in taking a look at the surrounding area it is shale and added that the shale will allow water to run through it and find its way to the 40 year old garbage, which turns it bright orange and in turn it will leach out into the pond.

Planning Board Member Irwin stated that they had dealt with DEC who thought that the longest amount of time would be 10 years.

Councilman Boehm stated that there are propane tanks running, which is also a cost.

Supervisor Hotaling reiterated that overall it was a good inspection report.

Coeymans Sewer District Annual I&I Report

Supervisor Hotaling stated that he was in receipt of a letter from Carrie Buetow reminding him/them that he/they are late with the 2008 I&I Report. He continued by saying that he had a discussion with Mr. Vopelak, who is in the process of putting together the data for the submission and added that he has every intention of having it in Ms. Buetow's hand by the 30 day deadline, which would be on or about March 27th.

Waste Water Treatment Plant Inspection

Supervisor Hotaling stated that this topic was not on the agenda and continued by saying that there was an inspection of the Waste Water Treatment Plant as well and added that he has a meeting later in the week to go over the inspection report, which was not as good as the leachate one. He added that he is not saying that it is bad but there are some issues that he needs to discuss with Chief Operator Breedlove to get a plan of attack as to how they can resolve them.

Contract re: Limekill Road Tower

Supervisor Hotaling stated that he gave to the Town Board the essence of the contract that was signed when the tower was placed on Limekill Road and asked that Chief Darlington bring them up to date as to the nature of how they got there and where they are now.

Chief Darlington stated that when the then Bell Atlantic NYNEX was constructing the tower one of the agreements in the construction was that they would be provided space for their emergency communications. He added that through the process and the signing of the contract they found that what was suppose to be a free cost to the Town of Coeymans became a costly adventure in that they had very specific requirements of the building that the radio would have to go in. He continued by saying that as such they chose not to go on the site, which was in 1998 and went on by saying that the Chief of Police at that time, Scott Giroux abandoned the project and at that point he was not aware of the contract, which came to light when a letter was received by Supervisor Hotaling. He added that he emailed the Attorney who was handling this and indicated that she had asked if they were still interested in the agreement, and continued by saying that he advised that they were not and had never gone on their site. He went on by saying that the Attorney handling the agreement had requested that he send a letter of withdrawal and as a result had asked Supervisor Hotaling if Attorney for the Town Wukitsch would be the appropriate one to draw it up to make sure that the language was proper. He concluded by saying that their concern was that if they changed their mind there would be cost or fees and by ignoring it, it could incur

Supervisor Hotaling stated that the tower has not been useful to the Town at all and added that most recently the efforts on Gedney Hill are coming together. He then asked that Chief Darlington give an update as to what is happening there.

Chief Darlington stated that they got the generator running after several months of Francisco working with the manufacturer to try and figure out what it was. He added that when they got it running and transferred the power over it blew the transfer switch and he currently has a call in to Mr. Bullock to look at it and come up with a cost and continued by saying that hopefully it can be repaired.

Supervisor Hotaling asked if he had installed the original one.

Chief Darlington stated that he did and added that they are on his work list and added that he expressed an emergency so it can get done.

Supervisor Hotaling stated that it could be within 8-10 days when they could be up and running and continued by asking what they have on the tower and what they are ready to go with for a test.

Chief Darlington stated that the Highway Department, Police Department, and what is currently considered the town-wide Clarksville, which is the north-west corner of the town will go on it.

Supervisor Hotaling stated that they will be paying \$200.00 a month to be on it.

Chief Darlington stated that the Highway Department is also paying rent and added that on an average it will be between a \$300.00 to \$400.00 savings by having their own.

Supervisor Hotaling stated that if it works out to be an appropriate location, and there is no indication that it is going to be anything other than that, there are plans to offer it up for other people as well.

Chief Darlington stated that R-C-S has authorized money to be spent for their radio system to be temporarily put there and tested and added that once the generator is running it will be done as well as Albany County Sheriffs looking at it and possibly others.

Supervisor Hotaling stated that it would potentially be a source of revenue to the Town of Coeymans and added that the important thing is that it eliminates to the extent possible the dead zones that they, along with the Highway Department and R-C-S have experienced because of the terrain and expansive nature of the Town, which were problematic in certain areas to certain organizations. He continued by asking Chief Darlington if he believes that it will be eliminated.

Chief Darlington stated that it will be to the extent possible and added that they are hoping that it will alleviate the need for two towers that they currently operate with one in the Village and one out in back.

Highway Superintendent Deering stated that the Highway Department tried to get on the tower that Chief Darlington was talking about and added that he never heard back from them.

Supervisor Hotaling inquired as to if they still have a cell phone presence on the tower.

Chief Darlington stated that they do and added that it was Bell Atlantic NYNEX Mobile and he believes that it is now Verizon or Nextel.

Supervisor Hotaling stated that the question before them is whether or not they will authorize the Chief to work with Attorney for the Town Wukitsch to prepare a letter to indicate that they no longer want to be included in the contract as an option to put any communication equipment there.

Councilman Boehm inquired as to if they should wait until the tower on Gedney Hill is fully functional.

Chief Darlington stated that his only concern budgetary wise is that he does not know if they would ever be able to afford the requirement and added that the brackets that they require the cables to be attached were almost \$20.00 each in 1998.

Councilman Boehm inquired as to if they will be losing any money if they wait until Gedney Hill is up and running to opt out of the agreement.

Chief Darlington stated that he was not sure and added that he thinks that they are waiting for a decision one way or the other.

Councilwoman Rogers interjected that they have never used it.

Chief Darlington stated that it is expired and has been for a couple of years.

Councilman Boehm asked if the other tower might be a possible option if something does not work out on Gedney Hill.

Chief Darlington stated that the only place that it truly provided coverage for was the lower Hamlet and the Village of Ravena and added that it did not create any better coverage in the Coeymans Hollow, Alcove area where most of the dead spots are because of the terrain. He added that the problem is that in trying to go from the Village out over the hill, there are four large hills that they are trying to get radio frequencies to go over and down into and went on by saying that this is why they have to come in more from the south and go into the valleys with it.

Supervisor Hotaling stated that they can hold off for another month and continued by asking Chief Darlington if he thinks that they will be up and running and testing on Gedney Hill by the end of the month.

Chief Darlington stated that he hoped so.

Councilman Boehm interjected that they should keep their options open.

Councilman Touchette interjected that the contract is expired.

Supervisor Hotaling stated that they have never been on it anyway and added that it really is not and has not been an option to them. He added that they have regular coverage now, albeit with dead zones and going on that tower would not eliminate the dead zones.

Councilman Touchette stated that he agrees that they can postpone it for a month and added that he does not believe that there is not much urgency in canceling an expired contract.

Supervisor Hotaling stated that he would set it up for the second meeting in April when Attorney for the Town Wukitsch will be present and added that if they instruct him to write a letter he will be present to talk about it. He then asked Town Clerk Millious the date of the meeting.

Town Clerk Millious stated that it is April 27th.

Council Member Request to Attend NYSOSC Advanced Accounting School

Supervisor Hotaling stated that he was in receipt of a request from Councilman Touchette to attend Advanced Accounting School and added that it is worthwhile for anyone, particularly someone of Councilman Touchette's expertise in accounting to be able to attend to become more responsive to municipal accounting. He then asked for a motion.

MOTION

On motion of Councilman Youmans, seconded by Councilman Boehm, authorizing Councilman Touchette to attend the Advanced Accounting School given by the Office of the State Comptroller May 19-29, 2009.

VOTE – AYES 4 – NAYS 0 – ABSTAIN 1 (Touchette) SO MOVED

Supervisor Hotaling stated that it is a three day course with a cost of \$85.00 and added that it is in the Town of Colonie and he will be commuting. He continued by saying that he can have a Town vehicle at his avail for the commute or if he preferred it would be appropriate for him to put in for mileage.

Councilman Touchette stated that he would be abstaining from the vote.

Request to Attend Board of Elections Meeting

Supervisor Hotaling stated that he was in receipt of a request for Town Clerk Millious to attend a Board of Elections Meeting on March 11th held at the Gateway Diner, 899 Central Avenue in Albany. He continued by saying that it is a HAVA update and added that they are about 4 years behind in Albany County and then asked Town Clerk Millious what the update is about.

Town Clerk Millious stated that it sounds like they are going to use the old machines again because they were asking about the status of them.

Supervisor Hotaling stated that he would offer the motion because he is interested to see what she comes back with.

MOTION

On motion of Supervisor Hotaling, seconded by Councilman Touchette, authorizing Town Clerk Millious to attend the HAVA update at the Gateway Diner on March 11th.
VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that any cost associated with travel she is authorized for as well and added that she is also free to use a Town vehicle.

Request to Attend NYS Town Clerk's Association Annual Conference

Supervisor Hotaling stated that Town Clerk Millious has also requested to be approved for attendance at the Town Clerk's Association Annual Conference. He continued by saying that she had announced secretly that she has been elected President of the Albany County Town Clerk's Association and added that he wanted to publicly congratulate her for doing it and added that he knows that she will serve them well. He went on by saying that the New York State Town Clerk's 27th Annual Conference will be held in Rochester NY from April 26th to April 29th and added that it makes sense for the President of the Capital County in the State of NY to attend this conference. He continued by saying that she has allocated and the Town Board approved her attendance to this in her 2009 Budget and the estimated total to attend the Conference is \$622.72, with \$443.72 being for lodging with all meals included except dinner on Monday night, \$135.00 for Conference Registration and Monday night's dinner with approximately \$44.00 for mileage reimbursement. He concluded by saying that he had a discussion with Town Clerk Millious earlier in the day and she advised that the Town of Guilderland's Clerk has graciously offered to provide transportation and added that the mileage reimbursement will be for transportation to and from her home in Schenectady and then asked Town Clerk Millious if she had anything to add.

Town Clerk Millious stated that they will also be sharing a room, which will also be a savings and added that it is good that she attends because she gets updates from the State Agencies that she deals with. She concluded by saying that it is important the she attends.

Supervisor Hotaling stated that there was no question about it and added that even if she weren't President of the Albany County Town Clerk's Association it would be important as well as it being important for Town Board members to attend the training in New York City or the Police Chief keeping updated on his work in addition to Highway Superintendent Deering's Highway School coming up in June. He concluded by saying that it is important to interact with other municipal leaders around the state and bring back to your hometown the opportunity to share what you have learned and then asked for a motion.

MOTION

On motion of Councilman Boehm, seconded by Councilwoman Rogers, to reimburse Town Clerk Millious for her transportation, meals and mileage for the Town Clerk's Annual Conference held in Rochester NY on April 26th through April 29th.
VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Hotaling asked if there was any other New Business to bring before the Board, hearing none he moved to the next item on the agenda.

RESOLUTIONS

Supervisor Hotaling stated that the first resolution was a postponed one from the last meeting and added that now that they have had a presentation from Planning Board Member Irwin they are ready to accept the road.

RES. #48-09 APPROVE BIERS ROAD RELOCATION

On motion of Councilman Touchette, seconded by Councilman Youmans, the following resolution was APPROVED – VOTE – AYES 5 – NAYS 0 – SO MOVED

WHEREAS, the Town of Coeymans Highway Superintendent and Mr. John Palange have had many discussions and collaborations on the possible relocation of a portion of Biers Road in the Town of Coeymans, and

WHEREAS, Mr. Palange has funded the construction for this realignment of Biers Road, and

WHEREAS, Mr. Palange has complied with all requirements set forth by the Highway Superintendent and the Planning Board pertaining to this relocations, and

WHEREAS, a proposed deed has been prepared to convey the property to the Town of Coeymans, and

WHEREAS, the Highway Superintendent has approved the relocation and realignment of Biers Road, and

WHEREAS, an Escrow/Performance Bond Account of \$3,500.00 has been agreed to by the Planning Board, Mr. Palange, and the Town of Coeymans Highway Superintendent.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans will accept the relocated Biers Road, provided a deed with easements in proper form is submitted with a \$3,500.00 Performance Bond/Escrow Account, and will draw from the account to complete the punch list identified by the Planning Board and Highway Superintendent, including the deed filing fees required by the State of New York.

BE IT FURTHER RESOLVED, that upon completion of all conditions set forth herein Biers Road, as located, is declared a Town road.

BE IT FURTHER RESOLVED, that Mr. Palange or his legal representative is directed to provide the Attorney for the Town with an executed deed with easements conveying the property to the Town and required forms for filing with the County Clerk for the approved Biers Road.

Supervisor Hotaling asked that Highway Superintendent Deering reach out to Internal Control Officer Purinton to ask him the means by which the \$3,500.00 should be conveyed.

RES. #49-09 AMEND BUDGET RE: BULLET PROOF VEST PROGRAM

On motion of Councilman Boehm, seconded by Councilwoman Rogers, the following resolution was APPROVED – VOTE – AYES 5 – NAYS 0 – SO MOVED

WHEREAS, the Town has received notice from the New York State Division of Criminal Justice Service (DCJS) and the U.S. Department of Justice of a Bullet Proof Vest Partnership Program, and

WHEREAS, the Town had not provided for the revenue or related expenditure of the grant in the Town's 2009 Budget, and

WHEREAS, the Town anticipates the entire cost of the grant will be reimbursed by the grant,

NOW, THEREFORE, BE IT RESOLVED, that the 2009 Budget be amended as follows: Increases the revenue State Aid Account A3089 by \$3,000.00, increase the Federal Aid Account A4389 by \$3,000.00, and increase the expenditure account A3120.2 by \$6,000.00.

Supervisor Hotaling asked that Chief Darlington explain the resolution.

Chief Darlington stated that every year they put in for anticipated expenses for bullet proof vests for the Officers, which is mainly for new officers and added that he believes that the State also pays a portion for replacement vests. He continued by saying that once they receive notification as to how much they will be entitled, this is what they draw from for all of the bullet proof vests and went on by saying that last year they purchased over \$3,000.00 in vests and didn't have to pay a penny. He concluded by saying that they also did it last year but neglected to put it in this year's budget.

Supervisor Hotaling stated that he has it earmarked for next year to put in his budget request.

Councilman Touchette inquired as to if there currently are Officers that don't have a bullet proof vest.

Chief Darlington stated that the two recruit Officers that are in the Academy don't have their vests.

Councilman Touchette inquired as to how long it will take to get them.

Chief Darlington stated that if they are in at stock at Rosen's Uniform, who have the State Contract, he will be able to pick them up that day.

Supervisor Hotaling inquired as to if there is a fit test.

Chief Darlington stated that they use to do measurements but now there is a basic vest.

Supervisor Hotaling asked if there was any other discussion, hearing none he moved to the next item on the agenda.

CORRESPONDENCE

Community Advocates for Safe Emissions

Supervisor Hotaling stated that each Town Board Member received a letter via e-mail from C.A.S.E. who was present at the last meeting with an extensive presentation. He added that Elyse Griffin, a Steering Committee Member was the primary spokesperson and continued by saying that she conveyed to the Town Board their concerns about Lafarge and the mercury emissions as well as other alleged contaminants coming out of the stack. He added that the request at that time was for the Town Board to become active in communicating with DEC and/or the Department of Health in order to implore them to employ the best possible strategies and technologies to insure that the residents are safe and any modernization of the plant will be done and conducted with the safest technology and science. He continued by saying that they are also asking that a Joint Comprehensive Study be done by the Department of Health and DEC on the full range of Lafarge's emissions and analysis of the cumulative health impacts on Town residents, in particular young children in our schools. He concluded by saying that there were also sample letters that they would like the Town to consider for sending and added that he didn't want to make a decision as to whether or not they will send the letters but rather having the Town Board let him know over the next couple of weeks how they feel about how they should communicate the issues raised by C.A.S.E. to both the Health Department and DEC and whether or not the letters meet the criteria and if not a suggestion for a format to convey it.

TOWN BOARD WORKSHOPS/MEETINGS

- Town Board Workshop, March 17, 2009, 6:00pm
- Town Board Meeting, March 23, 2009, 7:00pm
- Town Board Meeting, April 13, 2009, 7:00pm

ADDITIONAL COMMENTS

Supervisor Hotaling asked if there were any additional comments.

Chief Darlington stated that the new car that was purchased in October 2008 has arrived and has been striped as well as the plate reader being placed on it with a trunk mount, which they went to and added that it will probably be in service by the end of the week.

Supervisor Hotaling interjected that it is also paid for.

Chief Darlington stated that the President has accepted New York's appeal for the Ice Storm and Albany County is now considered for Disaster Funds and they will be receiving more reimbursement. He added that he met with his Public Assistant Liaison (PAL) are they are suppose to meet again to reorganize everything and continued by saying that there were some minor things that they went over as far as the Town's funding. He continued by saying that one of the important things is that they were using the old numbers, which didn't reflect the high gas prices and it is actually a lot higher than they put in for.

Supervisor Hotaling stated that it is good that he identified it and added that Chief Darlington has assumed the project with great fervor in terms of getting the job done and has accepted the challenge as well as devising some forms that facilitate all employees for reporting their efforts on behalf of the clean up for the ice storm. He concluded by saying that he believes that it is reflected in his relationship with his PAL through FEMA and added that there is now a line of communication that previously did not exist, which he appreciates very much.

Councilman Boehm inquired as to if he has a rough idea as to how much money will be coming back.

Chief Darlington stated that he doesn't because when they initially met they had individual projects for highways, law enforcement, and parks and added that he believes that it is going to be piled into one. He continued by saying that he knows what he had asked for and went on by saying that he believes that there was a drastic change and he believes that it almost doubled from what they originally asked for. He continued by saying that they put in for one machine at \$12.00 an hour and it was changed to \$25.00 an hour.

Supervisor Hotaling stated that just recently the Highway Department was picking up debris from the storm and then asked Highway Superintendent Deering if he was documenting to be turned over to Chief Darlington.

Highway Superintendent Deering stated that he is.

Supervisor Hotaling asked how the effort is going and how long they might be doing it.

Highway Superintendent Deering stated that he figured a couple of weeks and added that it depends on the weather and continued by saying that for some of it they will have to wait for warmer weather because some of it is frozen in the ground.

Supervisor Hotaling stated that he should encourage people to pile their debris by the side of the road and in turn the Highway crew will pick it up. He continued by saying that if there is a circumstance, and it has to be demonstrated, that on private property there is a dangerous situation that exists and the homeowner is either physically unable or unable to

bear the cost and in turn has to be deemed either by Highway Superintendent Deering or himself as a health and safety hazard, authority may be given to enter private property. He added that in most instances any of those requests are probably not going to rise to that level and went on by saying that he does not want to discourage anyone from asking but to keep in mind that the threshold is pretty high in determining that. He concluded by reiterating that anything dragged out to the edge of the road will be picked up.

Chief Darlington inquired as to if it would include any road or just Town roads.

Highway Superintendent Deering stated that it would be for any road.

Chief Darlington stated that he believes but will confirm that now it has become a disaster instead of an emergency and that it opens up to private citizens getting reimbursement for certain damages.

Supervisor Hotaling asked if there were any additional comments.

Town Clerk Millious stated that at the end of the week she will be sending out reminder notices for unpaid property taxes.

Supervisor Hotaling stated that those who have not paid get a reminder notice and added that they have until March 31st to pay.

Town Clerk Millious stated that if taxes are not paid with her, it is then forwarded to Albany County and you would then have to contact them. She continued by thanking the Town Board for allowing her to attend the Town Clerk's Annual Conference.

Supervisor Hotaling asked if there were any additional comments, hearing none he stated that he wanted to make a motion to adjourn to Executive Session.

ADJOURNMENT TO EXECUTIVE SESSION

MOTION

On motion of Supervisor Hotaling, seconded by Councilman Boehm, to adjourn the public session to convene an Executive Session for the purpose of discussing a stipulation of settlement in the case of Powell vs. Town of Coeymans.

APPROVED – VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that Chief Darlington will also attend the Executive Session and added that he would convey notes to Town Clerk Millious the following morning as a result of the Executive Session. He added that they will not be returning to conduct public business but will be convening for the purpose in public session to entertain a motion to adjourn.

Time: 8:23pm

EXECUTIVE SESSION

Supervisor Hotaling stated that he opened the Executive Session at 8:26pm in his office with all member of the Town Board present as well as Police Chief Darlington and the purpose of the Executive Session was to review a draft Stipulation of Settlement between the Town of Coeymans and former Police Officer Marvin Powell. He added that the Union representing Mr. Powell, Council 82 had initiated arbitration as a result of Mr. Powell's dismissal and termination for conduct that was in violation of Administrative Policy as well as violations of the law. He went on by saying that the Stipulation of Settlement calls for a withdrawal of the grievance and the demand for arbitration on the part of the Union in return for payment of the accrued leave due Office Powell, which

would be 282 hours at \$24.69 per hour for a total of \$6,962.58 and once executed by all parties, payment shall be made in 10 business days of the execution of the Stipulation of Settlement. He continued by saying that upon review of all the information and recommendations made by Police Chief Darlington, the Town Board voted in Executive Session to accept the Stipulation of Settlement on a motion made by Councilman Boehm and seconded by Councilman Touchette with a vote of Ayes 5, Nays 0. He concluded by saying that this issue was the only issue before the Board in Executive Session and as a result Executive Session was adjourned.

ADJOURN EXECUTIVE SESSION

Supervisor Hotaling asked for a motion to adjourn from Executive Session.

MOTION

On motion of Councilman Youmans, seconded by Councilwoman Rogers the Executive Session was adjourned.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time: 8:32pm

RECONVENE MEETING & ADJOURNMENT

Supervisor Hotaling called the meeting back to order at 8:35pm and announced that they had just reached agreement on the Stipulation of Settlement in the case of Town of Coeymans vs. Marvin Powell. He added that the Stipulation of Settlement will be sent to Mr. Powell and his Union representative at Council 82 with a request to affix their signatures and upon return the Town Board authorizes the Supervisor to also execute his signature and initiate the elements of the Stipulation of Settlement. He then asked for a motion to formally adjourn.

MOTION

On motion of Councilwoman Rogers, seconded by Councilman Boehm, to adjourn the Town Board Meeting.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time: 8:37pm

Respectfully Submitted,

APPROVED:

Diane L. Millious, Town Clerk