

A Town Board Meeting was held February 23, 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
Dave Wukitsch, Attorney for the Town
Albert Deering, Highway Superintendent
Greg Darlington, Chief of Police
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 as well as Town Clerk Millious, Attorney for the Town Wukitsch and Chief of Police Darlington being present.

AGENDA

- Presentation
 - NYMIR, Presentation of Check
- Public Comment
- Approval of Minutes
 - Town Board Meeting, January 26, 2009
 - Town Board Meeting, February 9, 2009
- Supervisor's Report – January 2009
- Department Monthly Reports
 - Building Department – January 2009
 - Police Department – January 2009
 - Sewer Department – January 2009
 - Town Clerk – January 2009
- Old Business
 - Biers Road Location
- New Business
 - Photo Copy Purchase and Service Contract
 - Residential Occupancy Permit Code
 - Prepay Sewer UV Capital Projects Bills
 - Request to Attend Police Training Course
 - Letter of Recommendation Request, Albany County Rural Housing Alliance
- Resolutions
 - Authorize Justice Court Renovation Project
 - Approve Biers Road Relocation
 - Adopt Local Law #2-09 Snow Emergency
 - Appoint Court Clerk
 - Appoint Parks & Recreation Maintenance Supervisor
 - Appoint Part Time Assessment Aide
 - Approve Amended Abstract, January 2009
 - Approve February Abstract, February 2009
- Correspondence
- Town Board Workshops/Meetings

- Town Board Meeting, March 9, 2009, 7pm
- Town Board Workshop, March 17, 2009, 6pm
- Town Board Meeting, March 23, 2009, 7pm

PRESENTATION

NYMIR Presentation of Check to Town

Supervisor Hotaling stated that this topic was left off the agenda and added that he wanted to turn the floor over to Mrs. Susan O'Rourke, Marketing Director for New York Municipal Insurance Reciprocal (NYMIR). He continued by saying that in 2004 or 2005 the Town of Coeymans shifted insurance companies to an organization that was established in conjunction with the Association of Towns. He went on by saying that from the Association of Towns perspective there would be a benefit of having an insurance company that was formed to service just municipalities and in turn the opportunity became available to the Town. He added that it required them to buy in for a five-year period to become a partner/owner and over the years NYMIR has grown to a large organization representing a number of municipalities and as a result Mrs. O'Rourke has good news for the Town Board and taxpayers of the Town of Coeymans. He then turned the microphone over to Mrs. O'Rourke.

Mrs. Susan O'Rourke thanked Supervisor Hotaling and the Town Board for the opportunity to attend the meeting and added that as Supervisor Hotaling had said they did join NYMIR in 2004. She continued by saying that when you join NYMIR they ask that you make a certain commitment to a risk management philosophy that they have and if you do so as a group you will benefit from it. She added that she commends the Town for doing an excellent job in that regard and went on by saying that they greatly appreciate the hard work that they have put in. She continued by saying that they also asked that the Town work with them on a claims philosophy that they had in taking a long term goal and in looking at their claims they would right fraudulent, frivolous, and non-merited claims. She added that since the Town joined NYMIR in 2004 their surplus has grown significantly to the point that at their November 2008 Board Meeting the Board of Governors elected to start returning the capitalization that the Town originally paid when they joined NYMIR. She went on by saying that Supervisor Hotaling had indicated that the Town is an owner of NYMIR and paid capitalization into NYMIR and as a result the Board of Governors voted to start returning 75% of the original capitalization over the next three years. She concluded by saying that it will be paid in installments after renewal, which is January and added that she wanted to present the first check in the amount of \$8,382.00.

Supervisor Hotaling thanked Mrs. O'Rourke.

Mrs. O'Rourke thanked Supervisor Hotaling and the Town Board for all of their hard work.

Supervisor Hotaling stated that they are looking forward to seeing her next year and added that it is a good organization to work with and they provide good guidance and representation in areas where in the past some municipalities have been subjected to frivolous law suits that have not resulted in unkindly dispositions in term of the taxpayers.

PUBLIC COMMENT

Supervisor Hotaling invited the public to comment at this time and added that anyone wishing to speak should raise their hand, wait to be called upon, go to the microphone and state your name and where you are from for the record and make your comment to the Board.

Ms. Sylvia Lawler stated she lives in the Hamlet of Coeymans and is starting to feel like the squeaky wheel. She continued by saying that the noise from the Port of Coeymans started on Wednesday, February 11th and in turn she called the police in the evening because she wanted it to go on the record. She continued by saying that Wednesday, Thursday and Friday evenings she believes that they were loading a barge and added that on Friday a Sergeant was kind enough to sit at the Yacht Club for approximately 45 minutes and when she called the police they recommended that she file a written complaint, which she did and in turn they took her name, address and phone number. She concluded by saying that she asked three times if she could write out the complaint as to the hours that were just heavy equipment, the hours that were the loading of the barge and the hours that she believed were appropriate and inappropriate and was told that it would not be necessary because they had her name.

Supervisor Hotaling inquired as to if she had asked a telecommunicator or Police Officer.

Ms. Lawler stated that it was a Police Officer and added that she found it to be curious. She continued by saying that she had looked at the Town's Zoning and found that it said that residential properties are to be protected visually and physically from those of non-residential use and added that she believes they have discussed the fact that there is not a proper buffer between the Industrial Zone in which the Port of Coeymans lies and the residential community of the Hamlet. She concluded by saying that there is not enough of a buffer and the reflective quality of the water makes it louder and went on by saying that they have to encourage quieter industry and there needs to be an opportunity to sit down with Mr. Laraway and the Board because it is getting to be a bit much to bear.

Ms. Elyse Griffin stated that she is a member of Community Advocates for Safe Emissions and continued by reading the following:

C.A.S.E. came together last year as a group of local citizens concerned about the toxic emissions of the Lafarge Cement Plant and the impact they may be having on the health and welfare of our community. We are especially concerned for our children, for it is they who are most vulnerable to even the most minimal toxic exposure. First we would like to make it clear that C.A.S.E. does not seek Lafarge to shut Lafarge down. We are aware that Lafarge is an important economic engine for the Town of Coeymans. We understand the role it plays in our local economy and the contribution Lafarge makes to the tax base of this town. We know that many families rely on paychecks from Lafarge. At the same time we cannot ignore the fact that in 2007 the U.S. Environmental Protection Agency ranked the Lafarge Cement Plant in Ravena, NY the 4th worst mercury polluter in the country. From 2003-2006 Lafarge emitted an average of 380 to 400 pounds of mercury per year into the air. Mercury is a very potent neurotoxin that causes neurological and developmental delays particularly in children and developing fetuses. In 2008 Lafarge issued a voluntary report claiming 98.7% of its mercury emissions are in the form of elemental mercury. According to the World Health Organization the main route of exposure to elemental mercury is by inhalation, and 80% of inhaled elemental mercury is absorbed through the lungs. Elemental mercury is lipid soluble so it easily distributes throughout the body and readily penetrates biological membranes including the blood-brain barrier. Metabolism of mercury compounds to other forms of mercury can occur within the tissues of the body. Elemental mercury has the ability to readily cross the placental barrier as well, putting a developing fetus at risk. C.A.S.E. is concerned not only about mercury but about other heavy metals, carcinogens and other harmful substances being emitted by Lafarge. I think one of the reasons this issue is so alarming is we do not know the full range of toxins coming out of the smoke stacks. What we do know thought is pretty alarming too, according to the EPA's Toxic Release Inventory, in 2006 Lafarge produced 22 tons of lead and land-filled it across the street on site, across the street from two schools. They also emitted 65 tons of ammonia, which is a respiratory irritant, 60 tons of hydrochloric acid, which is an eye, skin and mucus membrane irritant, 620 pounds of lead and we all know that lead is a poisonous neurotoxin related to severe neurological problems, kidney damage, seizures and a variety of gastrointestinal disorders, 400 hundred pounds of mercury, a dangerous neurotoxin, 170 pounds of polycyclic aromatic compounds, a carcinogen particularly related to lung cancer and just under 1 gram of dioxins, which are developmental toxicants causing skeletal deformities, kidney defects and weakened immune responses

and also a probable carcinogen. We also know that according to the 2002 EPA Hazardous Air Pollutants Report, Lafarge emitted 14,804 tons of sulfur dioxide, which causes respiratory illness and aggravates existing heart disease. Also in 2002 Lafarge was one of the top polluters in New York State of nitrogen oxide, releasing 5,348 tons, which is an eye, ears and throat irritant as well as altering genes, 1,145 tons of particulate matter, which causes irritation of pathways, airways, difficulty breathing, decreased lung function, aggravated asthma, 480 pounds of selenium, making them the second worst selenium polluter in New York State in 2002, selenium is a heavy metal that causes respiratory effects, and 100 pounds of arsenic making them the fourth worst arsenic polluter in New York State in 2002. Arsenic causes gastrointestinal effects, central and peripheral nervous system disorders and is also a carcinogen. All of this dumped on our community one year at a time through 47 consecutive years. To our knowledge the New York State Department of Environmental Conservation has never taken a single soil sample to determine the cumulative environmental and health impact of these emissions within a given radius around the smoke stack. Nor, to our knowledge, has the New York State Department of Health studied the health impact of long term chronic exposure to these toxins individually and certainly not the combined health affects of all these toxins since in general, in concert with one another their toxicity increases. Adding to the urgency of this issue is the close proximity to the district schools, approximately 2,300 children attend school each day within a four mile radius of the smoke stack and 1,200 of whom spend their days immediately across the street from the Lafarge Plant at the middle school and high school. The time has come for us to ask the tough questions, it is time to face the risks that are at play here. The price that we all may pay, especially our children is simply too great to ignore. We fear the last 47 years has been one dangerous science experiment on the residents of your town and your kids. Even though the results are not in for Ravena, NY, some results are in for Texas and California. A study conducted by the University of Texas, San Antonio concluded that for every 1,000 pounds of environmentally released mercury there was a 43% increase in the special education rate and a 61% increase in the rate of autism. A second study conducted in 2008 also by the University of Texas showed a statistically significant link between pounds of industrial release of mercury and increased autism rates. It also showed for the first time in scientific literature, a statistically significant association between autism risk and distance from the mercury source. It found that community autism prevalence is reduced by 1-2% with each 10 miles of distance from the pollution source. A similar study done in conjunction with the California State Department of Health Services studied the association between autism and heavy metals including mercury. They found a 50% increase in autism in areas with high levels of environmental exposure to chlorinated solvents and heavy metals, particularly mercury, cadmium and nickel. Links to these three studies can be found on our website at www.case-ny.org. C.A.S.E. does not want this for the children of the Town of Coeymans. I can attest first-hand to the devastating effects that heavy metals like mercury, lead and arsenic can have on a child's body and behaviors and the emotional toll that it takes on families. My 4 year old son is currently being treated for mercury toxicity and the medical conditions it has caused. I was born and raised right here in the Town of Coeymans and lived here while I was pregnant for my son and while he was an infant. If there are any residents listening tonight who wonder if their medical condition or medical condition of someone in their family may be because of the cement plant, whether it be asthma or other respiratory problems, cancer, autism, ADD/ADHD, dementia, Alzheimer's or other neurological disorders, please contact C.A.S.E. and share your story and concerns with us. Our e-mail address safe.emissions@gmail.com and our website is www.case-ny.org. C.A.S.E. is here tonight to share this information and our concerns with the community and with your Board. We ask, what really are the emissions from Lafarge? What is the impact of those emissions on our community? We know the cement plant is important to our local economy and to this town, but so is the health and welfare of our families and children. Lafarge is an important part of the economy around here, but what about the families burdened with high medical bills because we have a sick child? Would your family be able to pay if you or someone in your family becomes ill from these emissions? Will the town be able to prosper if we become essentially an ill and unproductive community? Can we put a price on the health and quality of life of our children and grandchildren? We at C.A.S.E. believe there are safer options, there is a better way. And, because the risks are so great, it is incumbent on us to pursue those better, safer options. As such, we hereby request the Board of the Town of Coeymans to join us in working toward a safe and healthy

community for our families. We request that the Town send letters to the Commissioners of the New York State Department of Environmental Conservation and New York State Department of Health expressing the following:

1. Concern about the cumulative health effects of 47 years of cement plant emissions on its residents.
2. Strong support for an immediate and substantial reduction in toxic emissions from the Lafarge Cement Plant.
3. Strong support for the installation of maximum available control technology on Lafarge's proposed modernized facility that will unequivocally protect Town residents from any emissions that may endanger human health.
4. Formally request that the New York State Department of Environmental Conservation and New York State Department of Health jointly conduct a comprehensive study investigating the full range of Lafarge's emissions and analysis of their cumulative health impacts on Town residents, in particular young children and our schools. We would also like to work with you to develop a resolution for the Board to adopt in the very near future addressing this issue. We hope your Board listens carefully to our simple request. This is not a time for politics, but a time to act on behalf of the people of this town, whose welfare you are charged with protecting. There is simply too much at stake.

Thank you.

Supervisor Hotaling thanked Ms. Griffin and continued by asking if anyone else wished to make a comment.

Ms. Elyse Kunz stated that she lives in the Town of Coeymans and added that she is present on behalf of C.A.S.E. and continued by reading the following:

We appreciate the opportunity to come here tonight to introduce our organization to you, the Town Board and to the community and we look forward to your support. Our primary goal is to insure that the people and families in this community have a healthy environment to live in and clean air to breathe. I like many of us here grew up with the cement plant on Rte. 9W and it has been part of the back drop of our lives for as long as I remember and frankly until recently I didn't think very much about it at all. That was until I read the reports from the EPA that ranked Lafarge as one of the worse mercury polluters in the nation and then I looked at some of the other data from the EPA like the Toxic Release Inventory that indicates that mercury is not the only problem. It's just one on a long list of dangerous and potentially toxic substances that are produced by Lafarge. In addition to mercury there is lead, arsenic, ammonia, hydrochloric acid, polycyclic aromatic hydrocarbons, dioxins, carbon dioxide, nitrogen oxide, and the list goes on and on. The health risks that are posed by these substances are overwhelming if you take time to look at it and when you think about the cumulative effect of them year after year, it is pretty hard not to be concerned. One example is dioxins, which are a dangerous carcinogen, and from what I looked up in the EPA, there is no safe exposure level and unlike the mercury that a lot of people think blows away, dioxins definitely land locally. Fortunately for all of us I do believe that there is a safer way and that is why we are here tonight from C.A.S.E. to talk to the Town Board and ask for your help so that we can secure those safer options for our town. We want to be absolutely clear that no one wants to see Lafarge go out of business, we all know people who rely on their paychecks, we know that they are a very important part of the economy to this area and have brought a lot of benefits to this community. But, we simply want to make sure that as we go forward, we are doing it in the safest way possible because the health risks of some of these substances are just too great to ignore and right now we are at a very critical point. In March 2009 the EPA is going to be releasing new Federal guidelines regarding mercury emissions from cement plants and these regulations will provide important opportunities for our whole nation to take a step forward in reducing mercury emissions from cement plants. We are not alone in facing this issue, this is a national problem and every community across that country that has a cement plant is looking at the same problems that we're looking at. They are probably asking the same questions, they are

probably trying to find the same solutions. At the same time Lafarge's Air Permit that expired in 2006 was up for renewal with the Department of Environmental Conservation and as everyone knows they have proposed a new kiln and cement stack. When you look at those three things, we are at a really major moment where what we decide with these three issues is going to have a tremendous impact. We've all been living with the last smoke stack for 50 years and what we put in the new smoke stack we're going to live with for the next 50 years and that is going to be the rest of all of our lives and the lives of the children and the community. It is an important moment for us to make sure that we do the safest thing that we can going forward because we're looking at possible health risks like cancer and brain damage, we need to be as safe as we can. If we don't do as much as we can and one kid in this community gets sick, it would be a tragedy. I'm here as part of C.A.S.E. to ask the Town Board to write a letter to the Department of Environmental Conservation on behalf of the citizens of this town that states that while it is important for Lafarge to stay here, it is also important that we mitigate every risk to human health possible by immediately and substantially reducing toxic air emissions. I ask the Town Board to ask the DEC, with the new proposed kiln and smoke stack, that we have the maximum air control technology installed in it, the state of the art; so that we can all rest easy knowing that every possible step has been taken to insure the safety of this community. We ask for your support really just to secure a safe and healthy future for us all and I feel that the families of this town deserve no less.

Ms. Kunz continued by saying that she also has one more thing to discuss and added that she didn't intend to bring it up but has no choice and is now speaking on her own behalf and not on behalf of C.A.S.E. She continued by saying that as Ms. Lawler had mentioned, she is also having a lot of problems with noise from the Port and went on by saying that they came to the Board last summer and brought it up in good faith and then again in October and through the winter. She went on by saying that in January she spent one totally sleepless night because of noise and had to get up in the morning and go to work and was so tired driving on Rte. 9W that she almost went off the road. She added that the jobs that the Port brings to people are very important but other people are being affected in a way that is harmful. She continued by saying that most of the people that live in the Hamlet don't have jobs at the Port and they have jobs to go to as well and the reason that she is brining it up is because she also went to the Police Department and asked for their assistance in this matter and the Police Officer that she spoke with would not take her complaint or file a report or take her name to make a record that she had come to the Police Department asking for help. She added that he did say that she would have to come and talk to the Town Board and then asked what they are suppose to do and whether or not they would want to get phone calls in the middle of the night because she does not want to listen to noise from the Port in the middle of the night. She concluded by saying that she thinks that there is a solution and like she said about Lafarge, she does not want them to go out of business and maybe they need some kind of noise ordinance to keep it quiet at night so people can sleep and the rest of them can work as well.

Supervisor Hotaling thanked Ms. Kunz and then asked if anyone else wished to make a comment.

Ms. Susan Falzone stated that she has been to meetings before and added that she is with Friends of Hudson, who are an environmental organization that started in Columbia County in 1999 and have been very involved with environmental issues around the cement industry since then. She continued by saying that they have come before the Town Board in the past to speak on behalf of the environment in this area, particularly in relation to the cement plant. She went on by saying that she is present to stand behind and reiterate what the members of C.A.S.E. have asked for and added that she thinks that they are asking for something very reasonable and well within their rights to participate in investigating and analyzing and asking for information to participate with the DEC. She continued by saying that it is not only within their rights but also an obligation and added that any decisions that get made about the Lafarge Plant the community and those down wind across the river will live with the implications of that for a very long time. She added that there are much better technologies available today and Lafarge has asked for a permit for a new kiln and she would like to urge and encourage the Town Board to participate in the process that they have asked for in terms of what is happening now in terms of the air quality and health effects as well as what could happen in the future. She

concluded by saying that they have a tremendous opportunity that was not available to any of the municipal organizations and agencies back when the plant was first built and there are environmental laws today that they didn't have then as well as the processes and the avenues for local governments to participate in the decision making process and reiterated that she would urge and encourage them to take part and to let them know that Friends of Hudson is available to meet with the Board at any time to let them know what they know about the process and share their research as they go forward.

Supervisor Hotaling thanked Ms. Falzone and continued by asking if anyone else wished to make a comment.

Mr. Paul Ryan stated that he is from the Hamlet and added that Lafarge representatives answered questions at a School Board Meeting and also should have been present at this meeting. He continued by saying that he understands that they want a new kiln and want to modernize their plant to address the issues.

Supervisor Hotaling stated that at the School Board Meeting on January 26th there was a presentation made to the Board of Education by representatives from DEC and the Department of Health and added that he watched the meeting and he's not sure if Lafarge was represented. He continued by saying that he believes that it was a presentation made by DEC jointly with DOH.

Mr. Ryan stated that he believes that there was a representative from Lafarge and reiterated that they should be invited to a Town Board Meeting to answer some of the questions and comment on the concerns that people have spoken about.

Supervisor Hotaling stated that for purposes of information, Lafarge has constituted an Advisory Group for a variety of things in the community and added that he is a member as well as the Mayor of the Village of Ravena, Mr. Travers from the S.C.R.A.P. Organization, representation from Rensselaer and Columbia County and other members such as Union representation and other contractors that work for Lafarge. He went on by saying that it is a fairly large group with open dialog and some of the information has already been shared there as well as committing and utilizing his space at the table to do exactly what he has been asked to do to make sure that no stone gets unturned with regard to looking at the modernization efforts to make sure that those efforts are done in the context of the best technology as well. He continued by saying that this is their goal as well and they want to put together an efficient plant and added that the Coeymans Town Boards that follow him will appreciate the fact that Lafarge will be around for the next 5-6 decades as well because it is a significant economic engine for not only those who work there but also for the taxpayers who along with them pay taxes to run governments, primarily the school and added that he didn't want to diminish the role that they have in Town Government taxes but a greater role exists when they contribute to the tax base of the school. He concluded by saying that it is going to be a partnership as they move together and then thanked Mr. Ryan for bringing up the meeting at the school because it gave him the opportunity to say that and added that he thinks from his perspective so far that they have been very open in a dialog with the community and their intent is to remain open and the Town Board's commitment will be to insure that all of the things that were raised with regard to the technologies around the toxins can be explored and they are there to represent the people of the community and the vehicle to convey the concerns to the appropriate agencies.

Mr. Ryan continued by saying that he lives directly across the street from the Port of Coeymans and added that he hears very little noise. He added that he hears more noise coming out of boom boxes from cars going by and from the trains going through the town than he does the Port. He continued by saying that his understanding is that they have taken the back-up alarms off the equipment and lined the barges.

Supervisor Hotaling stated that there were probably several people that were present that were not familiar with the issue at the Port as it has evolved over the past couple of months and added that last October there were some clear crisp nights and there was a ship loading that caused some concern with residents in and around the Hamlet. He added that as a result of that, Mr. Laraway came to a Town Board Meeting to talk about the

concerns and as a result did take the back-up alarms off the vehicles and replaced them with strobe lights, which are still compliant with OSHA and DOT requirements as well as lining the box with a rubberized material. He went on by saying that a truck backs up to the box and dumps the scrap metal into it before it was lifted by a crane on to the ship and added that it was lined with a significant number of inches of rubberized material, which mitigated some of the noise. He concluded by saying that not all of the noise has been mitigated but Mr. Laraway has demonstrated a willingness to work with the Town Board and the community in an effort to try to address some of the concerns and added that they are trying to strike a balance so everyone can live in reasonable harmony.

Mr. Ryan reiterated that he lives directly across the street and there is very little noise, which is not a big deal because he hears more noise from the trains.

Supervisor Hotaling stated that he is not an expert on how noise travels and added that some nights have more impact than others. He continued by saying that in October he was not in Town but was familiar with what was going on and added that as he recalls, it was a clear, crisp October night and with the reflections off the water, as Ms. Lawler has indicated on several occasions, it might have provided a perfect opportunity for what would be described as the perfect storm for noise. He added that there have been other nights that perhaps are not necessarily conducive to that level of disturbance and concluded by saying that he understands the concern of the public and that they are not diminishing it at all.

Mr. Ryan stated that they have to do business and they do not want to lose them because they are bringing in businesses that will bring more revenue to the Town as well as taxes and more jobs. He added that it was an industrial business before and still is industrial and not residential.

Supervisor Hotaling stated that Ms. Lawler's point was that it was adjacent to a residential area and her concern is the buffers between the two. He added that it is something that will be addressed as Councilman Boehm and Councilman Touchette continue to work on an updated Zoning Ordinance for presentation to the Town Board and community at a later date. He went on by saying that he can recall that in the existing zoning, the buffers for industrial use were required to be not on the industrial property but rather the adjoining properties that might be residential or otherwise and added that he thinks that the emphasis now is to switch it around to create a buffer on the property itself that is owned by the industry. He concluded by saying that it is being worked on in a committee way to bring it to their attention.

Mr. Ryan stated that there are other things that make a lot of noise in the Town.

Councilman Touchette interjected that he also thinks that the noise travels in different directions and added that if you are behind the berm you may not hear it. He continued by saying that it comes up the berm, then up the hill to his house and then probably across the water and then bounces back and went on by saying that Mr. Ryan may be fortunate in having it mitigated by the berms.

Supervisor Hotaling thanked Mr. Ryan for his comments and continued by asking if anyone else wished to comment.

Mr. John Reagan stated that he works for Lafarge and is an Environmental Manager at the Ravena plant and added that they understand what the concerns are and they care about the community. He continued by saying that it takes a lot of courage and commitment to advocate and went on by saying that he wants to let everyone know that they can contact him because they want to work with them and provide information. He added that they are working closely with the State and the Town of Coeymans and will be happy to work with any other organizations as well as already having a couple of Town Hall Meetings for giving the community an opportunity to ask questions and make comments and they will be happy to do it again.

Supervisor Hotaling stated that 6-8 months ago Lafarge had requested a venue and he provided Town Hall and added that issues have come up since then that are of concern,

but mercury was already exposed to the public prior to the meeting. He continued by saying that it was also to discuss the potential modernization efforts and went on by saying that there were only 3-4 people outside of members of the Town Board and representatives from Lafarge that were there and added that they also had it set up to take phone calls. He concluded by saying that if Lafarge is willing to do that again, the Town Board has no problem providing the venue.

Mr. Reagan thanked Supervisor Hotaling and added that his phone number 756-5026 and he is interested in phone calls and wants to share information.

Mr. Gary Bogardus stated that he had worked at the cement plant for 43 years and added that he does not see why anyone would not support the new plant. He continued by saying that the Town cannot afford to lose the plant because they are assessed at \$99,187,600.00 and added that if they go out of business, someone is going to have to make it up. He went on by saying that the Town has lost enough already and is down to one dairy farm, ½ of a car dealership, due to the other ½ being burned out, 1 hardware store, 1 funeral home, no fast foods, no diesel fuel and nowhere to buy building supplies. He continued by saying that if the Town loses the plant there will be a ripple effect and the community will probably lose Package Pavement, just over the Town line because they rely on the cement. He concluded by saying that Lafarge is a world-wide operation and added that Ravenna does not mean that much to them looking at the big scope and if it becomes too much of a hassle to make cement here they will just close the door.

Supervisor Hotaling stated that he knows the context of Mr. Bogardus comments and added that he does not believe that he was intending to be adversarial to those who spoke before him but to rather put a different perspective on it. He went on by saying that he wanted to make it clear that he is in support of it from his 43 year career there as well as recognizing the importance economically and otherwise that the cement plant has here and is just as passionate as the people that preceded him by also saying that they also don't want to close it down but rather make sure that there is the best technology available and reiterated that they are not talking adversarially but rather from different perspectives.

Supervisor Hotaling asked if any one else wished to comment.

Mr. Charles Millious stated that he lives in Coeymans Hollow and added that Gary was trying to say that if you make it too hard on the cement plant they are going to pull out of here and then asked where the tax money would come from if it happened.

Supervisor Hotaling stated that he understands and added that it was a good point. He continued by asking if there were any other comments.

Mr. James Phipps stated that he lives at 22 Hillcrest Drive and added that he is an Air Pollution Control Engineer and then apologized for not attending any of the earlier meetings. He continued by saying that he agrees that there is a balance that can be made that can meet both goals and in talking about the risk assessment he looked and saw that they did stack tests for mercury emissions and they reduced the amount by 157 pounds. He added that he did not see that they had done any air dispersion modeling, which can be done, and would be a relatively simple because there is only one large stack to deal with to determine impacts at fixed lines at different receptors and continued by saying that EPA has the models and it is not that difficult to do. He added that that in looking at the new plant, he would guess that for the permitting process they will install controlled technology such as lowest achievable emission rate technology, maximum achievable control technology and continued by saying that for new sources the EPA is much stricter than they are for existing He continued by saying that he looks forward, as they go through the permitting process, to reviewing it and went on by saying that in looking at the annual emissions, DEC has guideline concentrations that they use for the permitting process where you do dispersion modeling and you check it for annual impacts and one hour impacts and he does have the numbers for mercury and asking for that type of risk assessment or dispersion modeling, in his opinion would not be a huge burden and it would clear up a lot of questions.

Supervisor Hotaling thanked Mr. Phipps and added that it is great having him at 22 Hillcrest Drive with that kind of expertise. He continued by asking Mr. Reagan if he was familiar with the air dispersing modeling and if any of the tests that have been performed so far with regard to trying to discern the source of the mercury has shown anything.

Mr. Reagan stated that there has been some dispersing modeling conducted for mostly metals and added that values were found to be 1% or less of New York States annual short-term guideline concentrations. He went on by saying that with the proposed plant project they have already had approved monitoring protocol, which can be found on the Bethlehem Chamber of Commerce website. He concluded by saying that they will be monitoring dozens of pollutants, which will be a pretty thorough analysis.

Supervisor Hotaling inquired as to if the monitoring protocol is part of the scope of the work or if it is a separate thing

Mr. Reagan stated that the monitoring protocol is more specific to the Air Permit Application for the project and added that it will be addressed in the Environmental Impact Statement.

Supervisor Hotaling reiterated that the information can be found on the Bethlehem Chamber of Commerce website and thanked Mr. Reagan. He continued by asking if anyone else wished to comment.

Mr. Jim Travers stated that he wanted to make a few comments and added that C.A.S.E. concerns are understood by a few of their members with affected children, which he can't relate. He added that there are children next door at the school and Mr. Reagan had made an offer to the school at the May 18th meeting to do testing at the school and continued by saying that he would suggest that they take him up on that. He went on by saying that no one wants the plant to leave town and they want those who work there to be safer as well as the kids being safe across the street. He continued by saying that he would support the Town in everyway that he could for them to go ahead and request those maximum air control technologies being installed in the interim, prior to the new plant being built because it might be six year before it is built. He added that he also wanted to speak about the noise at P&M and went on by saying that in August of last year he came before the Town Board and spoke about it being an illegal operation and in turn the Town Board asked the Attorney for the Town for a clarification of the Ordinances, and he has not heard a ruling as to whether it is a legal or illegal operation and continued by saying that he would like to hear from them and if it is illegal, why have they not moved to close it or issue a stop work order. He went on by saying that as far as a scrap yard being an allowed business, he believes that this is their understanding at this point, and added that a scrap metal business cannot operate in the Town unless it is in an R/A Zone and the Port is an Industrial Zone. He continued by saying that it is illegal as far as zoning goes and added that to his knowledge Mr. Laraway or any of his tenants have not come to the Town for a zoning variance to have the business allowed if they believe that it is a legal business. He added that he is also very disconcerted that the Police Officers won't even file reports from citizens who are losing sleep night after night and reiterated that he is disappointed that the Police didn't take a report and refused to take the persons name. He concluded by saying that it is not proper Police procedure and added that he wanted to hear the Town Board's answers.

Supervisor Hotaling stated that he didn't have any answers and thanked Mr. Travers for his comments and continued by asking if anyone else had any comments.

Mr. Travers continued by asking if the Town Board had gotten a ruling from Town counsel since last August.

Supervisor Hotaling stated that they had and added that it was attorney -client privileged communication.

Mr. Travers interjected that he represents the Town and acts in the Town's interest.

Supervisor Hotaling stated that he understands that and then asked Attorney for the Town Wukitsch if he wished to make any comments.

Attorney for the Town Wukitsch interjected that it is a Public Comment period and not a cross examination period.

Mr. Travers reiterated that they asked in August of last year for an understanding because their understanding was that it is an illegal business and added that Supervisor Hotaling had said that they were going to get a clarification and they want to know what the clarification was.

Supervisor Hotaling stated that the clarification as he recalls was that the scrap metal operation is not a junk yard and it is not violative as well as the C&D processing has not yet commenced. He added that it would literally be violative but the Town Board has taken steps so far to work with Attorney for the Town Wukitsch as well as another Environmental Attorney because those things have become more technologically sound in terms of recycling and processing those materials to put them back in the positive stream of materials. He went on by saying that they are looking into that to adjust the law to permit it to be consistent with the overall State effort on recycling and then asked Attorney for the Town Wukitsch if he was correct that this was the answer.

Attorney for the Town Wukitsch agreed that it was.

Mr. Travers thanked them and continued by asking about the zoning.

Supervisor Hotaling stated that he didn't recall that he had asked that question and added that he is not that well versed in that. He continued by saying that if it is permitted in R/A he believes that it is permitted as a Special Use Permit and in Industrial it is already a use that would be permitted.

Mr. Travers interjected that it would need to be a variance issue for a Special Use.

Supervisor Hotaling stated that would be true for R/A but in an Industrial Zone that type of operation is already encompassed in those things being permitted in that zone. He reiterated that this is what he believes and reiterated that he is not an expert on zoning but would be happy to check it out for him. He concluded by saying that his first answer would be that in an Industrial Zone, that operation is ordinarily permitted and would be required to have a Special Use Permit or a variance in areas other than the Industrial Zone.

Mr. Travers thanked Supervisor Hotaling.

Supervisor Hotaling asked if anyone else wished to comment.

Ms. Nancy Millious stated that she did not recall hearing where Mr. Travers was from and continued by asking to clarify where he is from.

Supervisor Hotaling stated that he had asked that everyone state their name and where they were from and continued by asking Mr. Travers to do this for the record.

Mr. Travers stated that he lives on Blodgett Road in the Town of Ravena.

Ms. Millious inquired as to if he meant Town of Coeymans.

Mr. Travers stated that it is the Town of Coeymans but his mailing address is Ravena.

Supervisor Hotaling asked if there were any other comments.

Ms. Donna Pasquini stated that as they know she lives in the Hamlet and added that as far as Lafarge goes she's sure that something will be worked out by what she has heard and continued by saying that they definitely don't want to lose business in this town and they can't afford to lose business. She continued by saying that when the Port of Coeymans first opened she heard noise and went on by saying that lately she has not heard any but does hear the trains coming through at night blowing their whistles as well as trains in Castleton, barges coming up the river and cars thumping music up and down

the street all hours of the day and night. She concluded by saying that as far as the Port of Coeymans, it is quiet compared to everything else that they hear and added that this company has come here to offer jobs to local residents and are bringing revenue into the Town and continued by saying that they need to stop running businesses out of town and they need to bring new ones in.

Supervisor Hotaling asked if anyone else wished to comment.

Mr. Robert Tempel stated that he lives on Tracey Road and added that he was involved in an accident with a Town vehicle on January 28th and continued by saying that he did not call the police to the scene of the accident and had a friend help him get out of the ditch. He went on by saying that there was a dump truck with plows on it that swung out to avoid a mailbox and he had to choose between hitting the plow or going into the ditch. He continued by saying that he went to the Police Department later in the evening and they gave him a form to fill out because the Police did not respond and he also expressed his concern with the driver leaving the scene and in turn he tried to find out information on the driver. He added that since then he has made numerous phone calls to the Police Department as well as trips to the Police Department and Highway Department and has not gotten an answer as to who was driving. He continued by saying that he was told at the last Town Board Meeting two weeks ago that the Attorney for the Town said not to give out information on the driver, which he has no idea why.

Attorney for the Town Wukitsch interjected that he could tell him why and added that they don't release personal information over the telephone and continued by asking Mr. Tempel if someone called his employer and wanted his home address if he would want the information given over the telephone.

Mr. Tempel stated that he went in person and added that he does not know what he is talking about as far as over the telephone and continued by saying that he went to both the Police Department and Highway Department in person.

Attorney for the Town Wukitsch stated that he was seeking information about an employee's home address.

Mr. Tempel stated that he was seeking information that was required to fill out an accident report and according to the Motor Vehicle Law he is entitled to this information.

Attorney for the Town Wukitsch stated that if he files a complaint with his Insurance Company, an adjuster will get in touch with the Town's adjuster and they can work out a way to disclose the information and reiterated that they don't give out personal information such as phone numbers and home addresses.

Mr. Tempel inquired about his comment about not giving out information over the phone.

Attorney for the Town Wukitsch stated that he had gotten a call that said that a call had come into the Town seeking information about an employee's home address and he had advised that you cannot give home addresses over the telephone.

Supervisor Hotaling interjected that you also can't in person.

Attorney for the Town Wukitsch agreed.

Supervisor Hotaling stated that Attorney for the Town Wukitsch was not at the first meeting when Mr. Tempel was present to relate the facts of the accident and at that time they had decided that at the request of the Board the Police Department would initiate an investigation along with the Highway Superintendent to try and determine the fact pattern surrounding the alleged incident on Biers Road. He continued by asking Chief Darlington the status of the investigation and whether or not it is ongoing.

Chief Darlington stated that it is ongoing and added that the Officer who originally handled it has been on vacation and they are waiting for his return so they can get his write up.

Supervisor Hotaling stated that with regard to the name he didn't know the context of how Attorney for the Town Wukitsch received it and inquired as to where the question came from.

Attorney for the Town Wukitsch stated that it was a call from Deputy Highway Superintendent Searles.

Supervisor Hotaling stated that at that time Attorney for the Town Wukitsch responded based upon a question that he had been asked.

Attorney for the Town Wukitsch stated that the question that was posed to him was if they could give the employees home address.

Supervisor Hotaling stated that with the investigation that is going on now a determination will be made whether or not there is going to be information in the accident report that they make public. He added that he does not believe that Attorney for the Town Wukitsch was inconsistent with respect to the law with regard to the question that was posed to him at the time and went on by saying that Mr. Tempel has a different opinion with regard to what is required to fill out an accident report. He continued by saying that it still may be something that is obtainable for him as a result of the investigation that is ongoing.

Attorney for the Town Wukitsch inquired as to when Chief Darlington thinks that it will be completed.

Chief Darlington stated that the Police Officer has returned from vacation and it should be the following day.

Supervisor Hotaling asked that Chief Darlington put it on the front burner to make sure that they get it resolved as quickly as possible.

Attorney for the Town Wukitsch asked if he will produce a report

Chief Darlington stated that it is currently an internal investigation.

Mr. Tempel stated that his concern is the accident report and leaving the scene and added that he had expressed to the Police Department that he wanted to be a complainant for the driver leaving the scene because he put him in the ditch and never stopped to see if he was injured.

Supervisor Hotaling stated that as they had said a couple of weeks ago, this will come to light with regard to the investigation and added that this is where it stands. He concluded by saying that he also told him that he will advocate and direct that an investigation be initiated, which is what they have done and added that the Chief of Police has stated that it is an ongoing thing.

Mr. Tempel stated that he understands what he is saying and added that it has been two weeks and has heard nothing. He continued by saying that he is a little familiar with accident investigations and added that one of the parts would be that they would interview him, which has not been done.

Chief Darlington interjected that he was in fact interviewed the day that he came in to the station.

Mr. Tempel inquired as to what questions he was asked.

Supervisor Hotaling stated that it was not the forum for this and continued by saying that he has always given great flexibility with public comments including questions and answers and continued by saying that in this particular case the investigation is ongoing, which the Chief has described as a internal investigation. He added that if there is need the Chief will be contacting Mr. Tempel again.

Chief Darlington stated that he would.

Highway Superintendent Deering asked if he could comment.

Supervisor Hotaling stated that he could.

Highway Superintendent Deering stated that when Mr. Tempel had come to the garage he wanted him to give information out of the personnel file and wanted a copy of his driver's license and in turn he told Mr. Tempel that he could not do that. He continued by saying that he did give him insurance information and reiterated that he did not give him personal information. He concluded by saying that in turn he contacted Attorney for the Town Wukitsch who also said no to giving out the information.

Supervisor Hotaling stated that it was a good move on his part and added that when posed that question he would hope that any Town employee, elected official or any other manager would seek guidance from the Attorney for the Town, which he did and got advice based on the circumstances that he was facing and now there is an investigation that will hopefully somehow conclude whether or not there will be an accident report officially filed, filled out and shared.

Attorney for the Town Wukitsch interjected that he will share the results of the investigation with Mr. Tempel.

Mr. Tempel stated that he wanted to clarify that he had asked Highway Superintendent Deering just for the information that he needed for the accident report and added that at the last meeting at the end of his comment, Supervisor Hotaling made a comment about case law involving municipal vehicles and then asked Supervisor Hotaling what he had said.

Supervisor Hotaling stated that he had as well as Councilman Boehm mentioning it earlier in the meeting and continued by saying that there is some case law that would seem to indicate that regardless of what happens with regard to municipal vehicles and their activities during an emergency snow storm, that they are somehow in state law and case law held harmless. He went on by saying that it was difficult for him to swallow the concept that if a snowplow comes by and knocks down a mailbox, takes off a mirror, or inadvertently backs into a parked car, even though the person can come with a seemingly legitimate claim, they were advised that case law suggests that the law rests on the side of the municipality and holds it harmless. He continued by saying that he is not saying whether it is fair or not and added that he is not there to make judgments but rather to tell him what the case law seems to suggest. He concluded by saying that he does not know if it applies in his circumstances and if ultimately it will be determined that way and this is why he asked for an investigation so they can get to the facts and when it is presented to an insurance company factually they will be able to make a judgment as to who is accountable and held responsible for.

Mr. Tempel inquired as to if this is something that he had heard or if it is something that he knows for a fact.

Councilman Boehm interjected that at the Association of Towns workshop they said that you would have to prove gross negligence and added that it is very hard to prove because a snowplow being across a center line is not gross negligence. He added that the whole idea behind the law is to allow snowplows to plow with impunity to get the job done so it is clear for vehicles.

Councilwoman Rogers stated that they said that a snowplow during the winter season can take the whole road and if any vehicles are hit the municipality would not be liable.

Mr. Tempel asked what law they were referring to.

Supervisor Hotaling asked Attorney for the Town Wukitsch if he knew.

Attorney for the Town Wukitsch stated that he is familiar with the general rule and added that he does not know if it springs from a specific statute or whether it is case law. He continued by saying that he believes that it is mostly case law in New York State.

Supervisor Hotaling stated that he believes that it is grounded in statute but evolved through case law.

Attorney for the Town Wukitsch stated that in order to hold municipalities liable for damage from a snowplow during a snowstorm you have to show gross negligence and added that ordinary negligence is not enough.

Supervisor Hotaling stated that as a lay person it sounds like it is enough for him and added that he is not the one who is trying to interpret the law.

Attorney for the Town Wukitsch interjected that gross negligence is very hard to prove.

Councilman Youmans stated that it is not only something that they have heard or learned but rather from experience when Mr. Emory's cellar door got hit and added that it was a shock when the insurance company would not pay to fix the door.

Supervisor Hotaling added that there was also an occasion in the Hamlet where someone backed into a car on Second Street and added that there was no question about what happened. He continued by saying that he does not know how it was resolved but it was being defended as not falling under gross negligence. He reiterated that he was somewhat shocked to learn that municipalities in general enjoy that kind of protection in terms of snow emergencies and utilization of their vehicles in a snow emergency. He concluded by saying that he believes that it is accurate but whether it is correct and right and proper is for someone else to judge and added that the State of New York made the law and it has been interpreted either through case law or by the Attorney General.

Mr. Tempel interjected that he is not an attorney and added that he knows right from wrong and this is wrong, He continued by saying that he was put in the ditch and has got in excess of \$3,000.00 worth of damage that he is going to have to swallow and they are telling him that because it was a municipal vehicle they are not liable.

Supervisor Hotaling stated that he is not applying it to his circumstances but rather telling him that there have been issues and cases where the negligence thing does not seem to attach to the municipality as simply as it would to other people. He reiterated that he does not know if it applies in his case and added that the facts are playing themselves out.

Councilman Boehm interjected that they have to follow the investigation, submit it to the insurance company and see what happens.

Mr. Tempel thanked Supervisor Hotaling.

Ms. Kathleen Tempel stated that she is the wife of Bob Tempel and added that she lives on White Horse Ranch Road in the Town of Coeymans. She continued by inquiring as to what an internal investigation is.

Supervisor Hotaling stated that it was not a question for him and added that he was deferring to the Chief of Police.

Chief Darlington stated that an internal investigation is either done by the Police Department or Board in reference to employees and their actions.

Ms. Tempel stated that they have already established that the driver in question has admitted knowing of the incident and added that he conveyed it to Highway Deputy Searles who in turn advised Highway Superintendent Deering and in turn there is a citizen making a complaint. She continued by asking how it becomes an internal investigation.

Chief Darlington stated that it is because the Supervisor has directed them to do an investigation. He continued by saying that when a property damage auto accident is not investigated at the scene by a Police Officer, a civilian accident report is issued to the driver and they submit their side of the story to their insurance company and in turn the Town would submit to their insurance company and ultimately the insurance companies decide who is liable. He added that the internal investigation is to determine if in fact a crime is committed or there is a violation of law.

Ms. Tempel stated that that is an admission from the driver.

Chief Darlington stated that she may have an admission but he does not have one.

Ms. Tempel stated that Chief Darlington had started the investigation and spoken with the driver.

Supervisor Hotaling stated that it was a comment period and added that there would not be questions and answers going forth and suggested that if she has some issues with it she should contact Chief Darlington separately and not take up the Public Comment period.

Ms. Tempel stated that she wanted to reiterate her confusion about an internal investigation when you have a citizen complaint and an admission by the other party.

Supervisor Hotaling thanked Ms. Tempel and asked if anyone else wished to speak.

Mr. Roger Downes stated that he is from the Town of New Baltimore and a father of two and added that he is concerned about the emissions from the Lafarge Plant and is encouraged that the Town Board has expressed a willingness to ask some tough questions of the DEC and Department of Health. He continued by saying that he is a representative of the Sierra Club Atlantic Chapter and it is a membership organization of 40,000 members and they have been involved in the past with Lafarge Cement. He added that they have been working with National Sierra Club looking at reducing mercury emissions and continued by saying that they have been involved looking at the most recent proposal and they are encouraged and support the redesign of the plant and will expect the best available technologies and least emissions possible. He continued by saying that they are concerned with the transition period because they know that the emissions are not currently acceptable and for the past 47 years the emissions have unrealized results with Ravena showing up on the screen as having an elevated level of cancers and other things and reiterated that they encourage the Board to push the Department of Health to look into the impacts. He went on by saying that they are also concerned that the DEC is understaffed and perhaps some of the protections that they should ask of the Town or of the Department of Health and themselves will not be conducted and added that they would like to see some soil testing of the school yard and surrounding area. He continued by saying that when the permitting goes through for the Title 5 Air Permits and the new plant that perhaps weather monitoring is done in this vicinity because Lafarge is going to be using Albany weather data and he believes that it changes a lot of the modeling and it is unreasonable to expect that all of the elemental mercury coming out of the stack ends up elsewhere and they are concerned that it has had a profound effect on citizens. He concluded by thanking the Town Board for being so open and added that they will reach out as well and be a part of the process.

Supervisor Hotaling thanked Mr. Downes and continued by asking if there were any additional comments from anyone that has not spoken yet.

Mr. Mark Stanton stated that he lives on Biers Road and added that he wanted to comment about the snowplow incident. He continued by saying that most of the plows now have one operator in the truck and added that in a situation with a plow going up a hill and the driver shifting down he really does not have time to lift up the controls for the wing on the plow. He went on by saying that he can see where he would have to swing out in order to avoid mailboxes and continued by saying that he believes that there will be more problems with this type of incident because there is just one operator in the truck. He continued by saying that the Highway Department does a great job and added that this time of year you see a lot of lawns ripped up and other damage because the operator

cannot watch everything and concluded by saying that he believes that there should be two men in a plow.

Supervisor Hotaling asked if there were any comments from anyone that had not spoken, hearing none he asked if anyone wished to make an additional comment.

Ms. Sylvia Lawler stated that unlike Donna Pasquini she does hear the noise and it is very loud. She added that she does not want to drive out the industry or drive the jobs away and does not want the Port of Coeymans to go away but she does want quiet industry. She continued by saying that she lives between a marina and a boat club with the boat club having loud all night parties and the marina is a noisy operation during the day and if anyone were to check, she has never filed a complaint and any disputes that they have had has been handled amicably. She went on by saying that they are talking about noise that is reflected over the water all night long and added that maybe there could be a compromise where it could happen all day long but stop from 9pm to 6am. She continued by saying that they should sit down at the table with the Town fathers, citizens and Mr. Laraway and say that they are neighbors and should be friendly neighbors. She added that she also wanted to comment on the Tempel situation and went on by saying that after the last meeting she looked up some law because she was so amazed that the Town has immunity. She continued by saying that they do have immunity but they don't have immunity from leaving the scene of an accident and went on by saying that it does not matter whether you are a Town employee or private citizen and concluded by saying that he could have died in that ditch when the snowplow operator left him there, which would be the same as if she had left him there and in that regard there is liability.

Attorney for the Town Wukitsch stated that it is a separate liability and added that she is mixing apples and oranges.

Ms. Lawler reiterated that it was someone that could have died in a ditch because one of our Town employees didn't stop.

Attorney for the Town Wukitsch stated that he understands what she is saying.

Ms. Lawler interjected that someone is liable.

Supervisor Hotaling asked if there were any additional comments.

Ms. Kathleen Tempel stated that typically in these situations the insurance companies hash it out and it gets settled in that arena and added that in this case they are their own advocates and there will be no insurance company advocating for them. She continued by saying that the truck is 13 years old with no collision, so they don't have that type of coverage and added that they do have a really good truck that they rely on for their farm and to them it has value and reiterated they will be the only advocates.

Supervisor Hotaling thanked Ms. Tempel and then asked if there were any additional comments, hearing none he moved to the next item on the agenda.

APPROVAL OF MINUTES

Supervisor Hotaling stated that there were two sets of minutes for Town Board approval, a Town Board Meeting on January 26th and a Town Board Meeting on February 9th and then asked for a motion to approve them.

MOTION

On motion of Councilman Youmans, seconded by Councilman Boehm, the minutes were approved as read.

VOTE – AYES 5 – NAYS 0 – SO MOVED

SUPERVISOR’S REPORT

JANUARY 2009

| FUND | BAL. FWD. | RECEIPTS | DISBURSE. | BALANCE |
|---------------------------------------|------------------|------------------------|------------------|-----------------------|
| GENERAL | \$242,454.67 | \$1,901,940.63 | \$332,075.74 | \$1,812,319.56 |
| PART TOWN | \$603,966.80 | \$ 459,266.88 | \$336,817.09 | \$ 726,416.59 |
| SPEC. WATER | \$ 1,049.01 | \$ 37,575.27 | \$ -0- | \$ 38,624.28 |
| HIGHWAY | \$ 21,120.12 | \$ 216,120.16 | \$114,673.65 | \$ 122,566.63 |
| BRIDGE CONST | \$ 35,487.23 | \$ 20.28 | \$ -0- | \$ 35,507.51 |
| TRUST & AGCY | \$ 12,310.79 | \$ 250,996.76 | \$253,035.40 | \$ 10,272.15 |
| SEWER | \$ 6,917.70 | \$ 202,672.64 | \$ 28,779.00 | \$ 180,811.34 |
| SEWER CAP. | \$ 302.98 | \$ -0- | \$ -0- | \$ 302.98 |
| SECTION 8 HUD (UNITS - 73) | \$ 72,558.02 | \$ 28,565.14 | \$ 37,307.00 | \$ 63,816.16 |
| | | TOTAL REC. BAL. | | \$2,990,637.20 |

CERTIFICATES OF DEPOSIT

| | | | | Maturity Date |
|----------------------------|------------|---------|--------------|---------------|
| National Bank of Coxsackie | A-Fund | 90 Day | \$118,646.83 | 02-27-2009 |
| Citizen’s Bank | Highway-DA | 90 Days | \$259,956.00 | 01-26-2009 |

Supervisor Hotaling stated that the contracts are about to be let for the North Bridge on Old Ravena Road, which will signify the beginning of the destruction of the old bridge and apartment house that the Town of Coeymans purchased to accommodate the new bridge and continued by saying that he assumes soon after the construction of the new bridge will begin just to the west of the current location. He added that it appears that the cost has ballooned from approximately two million dollars to almost eight million dollars as a result of the redesign and the requirement to have the pilings driven to bedrock in a deeper way because of the span going over the railroad. He went on by saying that the eight million dollar potential cost is going to be 5% responsible for the people of the Town of Coeymans, which is upwards of \$400,000.00 to be paid by the Town of Coeymans taxpayers with 15% born by the County of Albany and 80% born by federal tax dollars. He continued by saying that he wanted to point out that since the project has been delayed the Town Board has been vigilant in trying to put away some money so that they don’t get hit with the big bill in the end. He concluded by saying that he had read earlier in his report that there is a liquid account of \$35,000.00 along with \$260,000.00 in a CD, so they are approaching \$300,000.00 of the potential \$400,000.00 and added that they are positioned as well as they possibly can be to avert a big debt to the taxpayers.

SAVINGS ACCOUNTS

| | |
|-----------------------|--------------------|
| Police Forfeitures/CK | \$ 72.87 |
| Police Forfeitures | \$ 2,964.71 |
| Unemployment | \$ 4,033.47 |
| Grove Cemetery/SAV | \$40,456.37 |
| Grove Cemetery/CK | \$ -0- |
| Sewer Dedicated | \$ 6,257.47 |
| Total | \$53,784.89 |

**COLLATERAL FDIC COLLATERAL
COVERAGE COV. COVERAGE**

| | | |
|---------------|--------------|----------------|
| National Bank | \$100,000.00 | \$3,292,593.95 |
| Citizens Bank | \$100,000.00 | \$ 75,204.93 |
| First Niagara | \$100,000.00 | \$ -0- |

Supervisor Hotaling asked for a motion to approve the report.

MOTION

On motion of Councilwoman Rogers, seconded by Councilman Touchette, the report was approved as read.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Councilman Touchette inquired as to how the receipts and disbursements match up to the budgeted amounts in the end of January.

Supervisor Hotaling stated that it is tough to tell for one particular month and added that in the month of January they did get the 4th quarter sales tax revenue from last year, which was approximately 7.5% less than last year. He continued by saying that it was 4th quarter sales tax that applied to 2008 budgeting, which might portend some reduced revenues of which the Town Board has already taken some proactive stances to address the potential shortfalls. He reiterated that it is really tough to gauge and added that they really won't know until probably April when they get their first quarter sales tax for 2009 and compare that number to the same time last year.

DEPARTMENT MONTHLY REPORTS

Police Department – January 2009

Supervisor Hotaling asked that Chief Darlington give the Police Department Monthly Report.

Chief Darlington continued by giving his report.

Supervisor Hotaling asked for a motion to approve the report.

MOTION

On motion of Supervisor Hotaling, seconded by Councilman Touchette, the Police Department Report was accepted as read.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Sewer Department – January 2009

Supervisor Hotaling gave the Sewer Department Monthly Report and then asked for a motion to approve it.

MOTION

On motion of Councilman Youmans, seconded by Councilwoman Rogers, the Sewer Department Report was accepted as read.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Town Clerk – January 2009

Supervisor Hotaling asked that Town Clerk Millious give her Monthly Report.

Town Clerk Millious continued by giving the Town Clerk Monthly Report.

Supervisor Hotaling asked for a motion to approve the report.

MOTION

On motion of Councilwoman Rogers, seconded by Councilman Youmans, the Town Clerk Report was accepted as read.

VOTE – AYES 5 – NAYS 0 – SO MOVED

OLD BUSINESS

Biers Road Relocation

Supervisor Hotaling stated that later in the agenda there is a resolution relative to this topic and added that it has been the subject of discussion for some time. He continued by saying that it was a process that was undertaken following the construction of the proposed relocation that had to go back for Planning Board review. He went on by saying that he has a memorandum from Building Inspector Conrad and continued by reading the following:

The Planning Board at their January 5, 2009 regular meeting approved a major subdivision of lands owned by John and Zata Palange. This included the Biers Road Relocation Project. Please find a copy of that resolution and associated mapping being forwarded for your review and consideration for acceptance as a town highway.

It should be noted that this approval requires that an escrow account of \$3,500.00 be established in order to make the necessary changes to the road design. There will be a deeded conveyance of 1.34 acres for the new section of road with two easements to allow further access of the culvert areas.

In addition the area of the old road of .54 acres should be considered for abandonment back to the Palanges. The abandoned parcel should be merged with the existing parcel and not considered a stand alone plot.

Supervisor Hotaling continued by saying that there is a signed subdivision order by the Planning Board as well as a typed written decision and supporting documents that were submitted for their review by the Highway Superintendent and engineer for the Palanges. He then asked if there was any other discussion on the topic before they pick it up again later in the meeting in resolution form.

Attorney for the Town Wukitsch stated that as far as the resolution, in reading it a 2nd or 3rd time it appears that it is not really clear that the posting of the \$3,500.00 and the delivery of the deed and easements that Building Inspector Conrad refers to is a condition precedent to acceptance of the road.

Supervisor Hotaling stated that there are some topics to go through before the resolution and added that he can try and edit it and in turn they can introduce it in the new format.

Councilman Boehm inquired as to if the \$3,500.00 is for work that the Highway Department will do.

Supervisor Hotaling stated that he would have to ask Highway Superintendent Deering and added that he played no role in the amount nor the necessary changes for the road design and then asked that Highway Superintendent Deering to explain the amount.

Highway Superintendent Deering stated that it is the price for the blacktop and stone.

Councilwoman Rogers inquired as to if it is just on the corner.

Highway Superintendent Deering stated that it is just the corner.

Supervisor Hotaling inquired as to if labor is included in the amount.

Highway Superintendent Deering stated that it isn't.

Supervisor Hotaling asked Attorney for the Town Wukitsch if labor is suppose to be included.

Attorney for the Town Wukitsch inquired as to if he was referring to the Performance Bond.

Supervisor Hotaling stated that the cost to change the design of a road should be born exclusively by the poser.

Attorney for the Town Wukitsch stated that it would be if that was the intent.

Councilman Touchette interjected that he was at the meeting and added that he thought that it was discussed and his understanding was that amount of money covered labor as well.

Highway Superintendent Deering stated that maybe it did and added that he was not at the meeting.

Attorney for the Town Wukitsch stated that this is why he asked and added that the intent of setting it up would determine it.

Councilman Touchette inquired as to if it is sufficient to cover the work and continued by asking Highway Superintendent Deering if he knows what is required at this point.

Highway Superintendent stated that he does.

Councilman Touchette inquired as to if the amount is sufficient for labor, equipment and materials.

Supervisor Hotaling interjected that they have to change the line of radius for the one curve and said that a corner of 25 feet shall be constructed for a smooth transition as well downstream easterly into the newly installed arch culvert under Biers Road and added that it will have to be extended by 5 feet.

Highway Superintendent Deering stated that they talked about the culvert and decided to put riprap around it.

Supervisor Hotaling stated that he was referring to the decision of the Planning Board and continued by reading the following:

“The downstream easterly end of the newly installed arch culvert under Biers Road will need to be extended by 5 feet to allow for proposed grading and stabilization of the embankment.”

Highway Superintendent Deering stated that it will be stabilized but not extended and added that he explained it to the engineer.

Supervisor Hotaling asked for comments from the Town Board.

Councilman Boehm reiterated that they wanted to know if the \$3,500.00 is enough to cover the recommendations of the Planning Board.

Supervisor Hotaling stated that it was just 2 of 4 things that needed to be done and continued by reading the following:

Existing ditch line on the westerly roadway shoulder should be reshaped to the geometry shown on a typical roadway section, i.e. 1 vertical, 4 horizontal slopes down, 2 foot bottom width and 1 vertical, 2 horizontal back slopes and the ditch line should empty in the existing stream bank. A stop sign in accordance with NYS MUT CD Manual of Uniform Traffic Control Devices is required at the intersection of the relocated road, Copeland Hill Road and CR 108.

Supervisor Hotaling stated that for all of that to be done it says \$3,500.00.

Councilwoman Rogers inquired as to where the amount of \$3,500.00 came from and whether or not it was based on the four steps that needed to be done.

Highway Superintendent Deering stated that he didn't know and added that it has been a long time.

Councilman Boehm inquired as to what happens if the cost exceeds \$3,500.00.

Supervisor Hotaling stated that it was a question for Attorney for the Town Wukitsch and continued by asking what happens if the costs exceed \$3,500.00.

Attorney for the Town Wukitsch stated that it would be the Town's responsibility and added that they should make sure that the \$3,500.00 is enough.

Councilman Youmans asked Highway Superintendent Deering if \$3,500.00 would be enough.

Highway Superintendent Deering stated that it would be and added that they are going to be putting riprap on the end of the pipe and that they are not going to extend it.

Supervisor Hotaling asked that Highway Superintendent Deering communicate that with the Planning Board Chairman to make sure that it conforms with what they want.

Superintendent Deering stated that he would and added that he talked to the engineer.

Supervisor Hotaling stated that the engineer represented Mr. Palange and added that the Planning Board represents them. He reiterated that he needs to talk with the Planning Board Chairman and get his sense of what the five foot extension means and if a riprap substitution can be utilized in acceptance to their decision. He continued by saying that he is not comfortable with moving forward with it until it is answered and then asked Attorney for the Town Wukitsch what he thought.

Attorney for the Town Wukitsch stated that he does not think that it is clear and added that he would hate to be put in a situation.

Supervisor Hotaling stated that he knows that potentially he personally will be accused of holding it up again and added that it has to be done so they understand. He continued by saying that he has been involved in too many things before this in the past 20 some years that he has been doing this as well as other gigs and have accepted bad roads under bad circumstances and he does not want to have one under his watch to fall into that category. He concluded by saying that with all due respect to everyone that is involved he believes that they need more clarification and if the Planning Board said that it needs to be extended by 5 feet but Highway Superintendent Deering says that it can't be and riprap will suffice, he needs a meeting of the minds and something to come back to them to be vetted by the Attorney for the Town before they move ahead.

Councilman Boehm stated that he is not completely confident that the \$3,500.00 will not cover it based on the description.

Councilman Touchette asked Highway Superintendent Deering if he was at the meeting when it was finalized.

Highway Superintendent Deering stated that he wasn't.

Councilman Touchette stated that it was a long time ago.

Supervisor Hotaling stated that it was January 5th and added that he sees hands up of people that are chomping at the bit to speak and continued by saying that he can resolve it with an understanding that they are going to need more information. He went on by saying that if anyone has more information that would be beneficial, he along with Attorney for the Town Wukitsch and Highway Superintendent Deering would not be opposed to receiving it. He continued by saying that to break away and open it back up for the public at this point would go far beyond the rules of the Board. He reiterated that he would urge to share what anyone has if it can be constructive to the issue and added that he would not be engaging in dialog unless the Board chooses to opt to do it.

Collectively the Town Board agreed.

Councilman Touchette stated that he would suggest tabling the resolution.

Supervisor Hotaling stated that they have concluded that and when they get to it they will take formal action.

Councilwoman Rogers inquired as to if he thinks that they can have everything in place by the next Town Board Meeting on March 9th.

Councilman Touchette inquired as to when the next Planning Board Meeting is.

Supervisor Hotaling stated that the Planning Board Meeting is the first Monday of the month, which is March 2nd and the next Town Board Meeting is the 9th and added that clearly there is an opportunity to have it before them on the 9th with a clarification from either Highway Superintendent Deering and/or the Planning Board. He then asked Attorney for the Town Wukitsch what he thought.

Attorney for the Town Wukitsch stated that he has seen a proposed deed of the 1.34 acres that Building Inspector Conrad referred to and added that he does not believe that he has ever seen the easements incorporated in either the deed or as a separate instrument. He went on by saying that if they don't get them, Building Inspector Conrad will be asking what happened to the easements that they were suppose to get. He concluded by saying that he has to assure himself that they will be getting the easements.

Supervisor Hotaling stated that he has noted the 5 foot extension, easements and the cost of \$3,500.00 that needs to be clarified.

Councilman Boehm stated that it does not seem like enough for gravel, paving, stop signs and labor.

Supervisor Hotaling stated that it might be the right time to make officially a motion to table the resolution that they have later in the agenda until these things and anything else that arises be addressed.

MOTION

On motion of Councilman Touchette, seconded by Councilman Boehm, tabling the resolution to accept the approval of Biers Road relocation until they get further clarification from the Planning Board.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Hotaling asked if there was anything else that any Board member would like to see addressed.

Councilman Boehm stated that he had two items and continued by inquiring about guide rails at the culvert crossing discussed by the Planning Board.

Councilman Touchette stated that he does not remember about the Planning Board and added that Highway Superintendent Deering had said that generally they don't place guide rails.

Highway Superintendent Deering stated that they can later.

Councilman Boehm stated that his other inquiry is about a disconnect between the existing Biers Road and old Biers Road.

Supervisor Hotaling stated that Councilman Boehm was asking if the pavement is going to be lifted up so no one would make a mistake and go on the old road.

Councilman Boehm stated that it would be for two reasons, so he does not have two entrances to his driveway as well as having a problem with having a choice to go on

either the old road or new road. He continued by saying that there should not be a choice and people should stay on the Town road.

Highway Superintendent Deering stated that he thought that Mr. Palange was going to do that.

Councilman Boehm stated that it needs to be clarified.

Supervisor Hotaling stated that he believes that Highway Superintendent Deering was right and he did intend to do it and added that Councilman Boehm is talking about an assurance that it will be done in the context that precedes their acceptance.

Councilman Boehm stated that it should not be just a jersey barrier and added that it is not a road anymore and they should get rid of it.

Supervisor Hotaling stated that the resolution was tabled and continued by saying that he will be taking a look at the language and talk to Attorney for the Town Wukitsch if they have any questions. He added that it was the end of Old Business and then asked if there was any other Old Business that they wanted to discuss.

Councilman Touchette stated that he had three items and added that the first one was based on a letter from Sylvia Lawler relative to an opinion from the Attorney for the Town in November that was given to them and was privileged and confidential. He added that the memo was later cited in an open meeting and he thinks that once they discuss in an open meeting the contents of a memo, he believes that it is incumbent on them to release the memo or have it available under Freedom of Information. He concluded by saying that he didn't know if they needed to do a motion or have a resolution to do it.

Supervisor Hotaling stated that if is of the opinion to advocate for the release of the attorney-client privilege opinion letter he didn't believe that it will have to wait until the next meeting and added that offering a motion would open it up for discussion and potential vote.

Councilman Touchette inquired as to if it should be later in the meeting.

Supervisor Hotaling stated that he raised it under Old Business and it should be now.

MOTION

On motion of Councilman Touchette, to authorize Town Clerk Millious to make available under Freedom of Information the letter from the Attorney for the Town that was mentioned at the last meeting in regard to scrap metal at the Port of Coeymans.

Supervisor Hotaling asked if there was a second.

Councilman Boehm stated that he would not offer a second and added that he believes that it is attorney-client privilege that should be maintained until they come to a resolution and hopefully amend the law. He added that at this point he believes that it would undermine the whole process.

Supervisor Hotaling stated that he does not know under Roberts Rules of Order if any discussion can take place if it is not seconded and added that he does not know if it proper but he also wanted to make a comment. He continued by saying that it clearly was an opinion sought from their Attorney for the Town Board and to have potentially every opinion that they seek from their Attorney to be potentially subject to release under F.O.I.L., he does not believe that potential would lead to an open dialog between their Attorney and the Town Board, where potentially their opinions that are rendered might be subject and printed in the newspaper. He concluded by saying that he believes that it has a tremendous chilling effect between the Town Board and their Attorney and added that he agrees with Councilman Boehm.

Councilman Touchette stated that he is not suggesting every letter from the Attorney for the Town and reiterated that he believes that if they cite such a letter in an open meeting and use it for justification for their position, he believes that they should release it.

Councilman Boehm stated that they are in the process of solidifying their position and added that he does not have a problem doing it in the future but at this point he does not believe that they should.

Supervisor Hotaling stated that in the Public Comment period that occurred regarding this and other matters, he believes that the letter he was referring to was the subject of someone's question, which he believes that he summarized what the bottom line was on each of the topics without having to ask anyone for a F.O.I.L. or anything else.

Attorney for the Town Wukitsch agreed.

Supervisor Hotaling stated that he would disagree because they raised it with the public a few meetings ago as a means to seek an opinion because they did not have an answer at the time. He added that the opinion was sought and obtained and the conclusion made was made to everyone in the room an hour ago.

Councilman Boehm interjected that they had opinions and not a legal opinion and this is why they deferred it to the Attorney for the Town.

Supervisor Hotaling stated that it was a legal opinion relative to Chapter 138 on two aspects of it, which was whether or not the pile of scrap metal constitutes a junkyard and violative of the junkyard law and violative of Chapter 138 based upon Mr. Laraway's proposed C&D processing, pending application for permit. He continued by saying that the opinion that Attorney for the Town Wukitsch gave them was on those two issues and added that his opinion was that the scrap metal was not violative of the junkyard law and the potential C&D processing is literally violative of Chapter 138 banning the importation of solid waste. He went on by saying that it initiated his thought about trying to embrace the technology that has evolved over the years with recycling, reclamation and reprocessing of those types of materials and added that his focus now is to work with Attorney for the Town Wukitsch as well as Attorney Schachner, their environmental attorney, to put before the Board a modification to Chapter 138 that will embrace those kinds of technologies and not call that particular material being processed in a favorable way solid waste. He concluded by saying that he could not state it any clearer.

Councilman Youmans interjected that he could not have said it any better.

Supervisor Hotaling continued by saying that it is not a question of hiding anything from the public and continued by saying that the public has to understand that when a Town Board or a municipal body has an attorney/client relationship in terms of opinion seeking and the information is in fact privileged and sometimes Boards act on that information in a public way to either create modifications or to confirm existing laws or positions. He concluded by saying that he does not believe that it is an element of a requirement to turn over the actual document for public inspection and then asked Attorney for the Town Wukitsch what he thinks.

Attorney for the Town Wukitsch stated that he understands what Councilman Touchette is saying and added that he doesn't agree.

Councilman Boehm inquired as to if they are doing anything illegal by prohibiting it.

Attorney for the Town Wukitsch stated that they are not and added that nothing is being withheld from the public because the results of the research were explained and disclosed by the Supervisor. He added that only the actual attorney/client communication and the reasoning that went into it is being withheld and is intended as confidential and continued by saying that he does not believe that there was a waiver because it was referred to at a public meeting.

Supervisor Hotaling stated that when you read the information at the top of the letter, it says it is an attorney/client communication.

Attorney for the Town Wukitsch stated that the client is always free to waive that protection.

Supervisor Hotaling stated that Councilman Touchette is accurate in suggesting that in this case he wants to do that and added that from his perspective he does not want to create a chilling atmosphere in this case or in the future. He added that he does not want the Attorney for the Town to be tainted by the concept that eventually whatever he writes might ultimately reach public scrutiny on the front page of the News Herald. He concluded by saying that this was his view and not intended to be disrespectful to any of his colleagues and reiterated that he wants to preserve the relationship between the Town Board and its attorney and continued by asking if there were any other comments, hearing none he asked Councilman Touchette what the other items were that he wanted to discuss.

Councilman Touchette stated that in December they had a letter from Lawrence Ruff about a problem in his backyard and added that he was not sure what it referred to.

Supervisor Hotaling interjected that it is affectionately known as an ant hill and added that it's a bend in the main sewer line that traverses approximately at an 80 degree angle and at times of high flow because of the I&I in the system, when it rains the sewer lines are filled. He continued by saying when it hits the ant hill shaped area, it sometimes blows the lid, which requires a report to DEC from Chief Operator Breedlove. He added that Mr. and Mrs. Ruff have been the recipient of some work on their lateral and the last time that it happened a couple of years ago it was alleged by them to have been caused by the Town surge. He went on by saying that they took a look at it and it was their lateral that had collapsed and was repaired and continued by saying that a similar thing has happened and it is the position of Chief Operator Breedlove and therefore the Town that it is their lateral and not the responsibility of the Town. He continued by saying that it does not relieve the Town's responsibility of reporting the overages and seepages through the main line and this is why they are addressing in other ways an ability to get the sewage down there in a more effective way. He added that they did send a letter and nothing has been done other than saying that it is their responsibility and added that Chief Operator Breedlove gave them two weeks to either fix it or have a plan to fix it and if not he was going to go in with his staff and charge it back to them, which he does not believe has happened. He continued by saying that he will follow up with Chief Operator Breedlove and get back to him and added that it is not a great situation but is the hand that the Town has been dealt with aging pipes, which is clearly a problem and the way that it was designed 45 years ago it was able to handle to flow and sometimes is not now. He concluded by saying that it has been addressed on a couple of occasions and needs more attention and money, which is a commitment on the Town Board that has to be done and their commitment to do something about it should be conveyed by Councilman Youmans to Chief Operator Breedlove.

Councilman Youmans stated that it is his understanding that in talking about the ant hill that short of huge eliminations of inflow and infiltration there is really no fix for it.

Supervisor Hotaling stated that the claim that the Ruffs have is related to the lateral that goes up to their house and added that they allege that when the main pipe surges full of I&I in storm events, it also surges back up a lateral at an angle that is fairly steep and caused it to collapse. He added that the lateral when they uncovered it a couple of years ago was made of material that did not have the integrity of more modern pipes. He reiterated that Chief Operator Breedlove had said that the ant hill and the surges around it were not the cause.

Councilman Youmans stated that if they just repair the lateral now, the next thing that will happen is another part of it will break and added that it needs replacement as opposed to repair.

Supervisor Hotaling stated that laterals are traditionally and have been the responsibility of the homeowner to repair on their own, which is the position that the Town has taken and then asked Councilman Touchette if there were any other comments, hearing none he moved to the next item on the agenda.

NEW BUSINESS

Photo Copy Purchase and Service Contract

Supervisor Hotaling stated that they have had a photocopier in the Business Office for the past four years that is a Konica 7235 and added that when the lease agreement was up the Town had an option to buy it for \$1.00 presuming that it was in operating condition, which it was. He continued by saying that with approval from the Town Board by a motion, will hopefully authorize the purchase for \$1.00 and added that the intent is that the new copier coming in there, which is a new Konica-Minolta 350 will provide a monthly lease arrangement of \$187.00 for four years with the same \$1.00 option to buy it at the end of the lease. He went on by saying that the copier that is currently there is intended to go downstairs to replace the rental unit that is currently in the Building Department and is being used by both Building and Assessing, which is also in good operating condition and the Sewer Department has a need for a copier so it will be moved to the Sewer Department. He concluded by saying that basically what they have is a cost of \$187.35 as well as a continued maintenance cost for the 7235 and the 7022 for a rate of \$45.00 per month and added that all in all it's not a bad arrangement to update the copiers as well as provide a copier in an area that is currently in need and then asked if there were any other comments.

Councilman Youmans stated that there is an optional fax card for \$20.30.

Supervisor Hotaling stated that he had discussed it with Confidential Secretary Lewandowski and added that he didn't think that the fax option would be appropriate on a copier given the fact that they have three faxes on the floor already with two more down stairs. He continued by saying that he didn't see the benefit of spending \$20.00 more a month to have a fax option in a copier.

Councilman Youmans interjected that they would also need a phone line.

Councilman Boehm stated that they didn't need to offer a motion because there was a resolution for later in the meeting.

Residential Occupancy Permit Code

Supervisor Hotaling stated that he had discussed residential occupancy permit codes with Building Inspector Conrad and added that in the Town of Coeymans, particularly in the Hamlet, there have been some concerns expressed about rental units that have been owned by absentee landlords and rented to individuals who don't have any incentive to keep the building up to code and provide safe and secure housing for the people who rent and become constituents. He added that it is never more prevalent to him than in the current Section 8 Housing Program where the inspections that the Federal government requires their administrator James E. Mastrianni to do, which is really a check list that doesn't really conform at all to the State Code. He went on by saying that they have tried to work with Mr. Mastrianni to institute a stronger involvement of the Town's Code Enforcement to make sure that when there is a HUD client proposed to go in a particular building that they would perform a higher level, higher threshold code enforcement inspection. He added that the City of Cohoes instituted back in 1972 a code that requires that when there is a change in occupancy in a rental unit, regardless of whether the landlord lives in the unit, next door to the unit or anywhere else, there is a requirement for an inspection by the Code Enforcement Officer to insure that the unit is a safe environment for renting, which would go a long way to ensure safe housing in the Section 8 HUD Program for primarily the elderly and/or handicapped. He continued by saying that he has it there for the Board to start reading, digesting and getting comfortable

with to see if it is something that they would like to modify and make their own and added that there would be a fee for the inspection for approximately \$40.00 - \$50.00, which would be for the Code Enforcement Officer to go in and perform the inspection before the unit could be rented to someone else. He concluded by saying that it is very flexible in terms of how they design it if they intend to go forward and then asked that the Board become familiar with it and get back to him with their comments and in turn he would ask for permission to have Attorney for the Town Wukitsch work with the Building Department to see what the next step is to try and conform it to something that they can use and then asked Attorney for the Town Wukitsch if he had ever seen it anywhere else.

Attorney for the Town Wukitsch stated that he was not familiar with it and had never seen it before and added that he will talk to Code Enforcement Officer Conrad about it.

Supervisor Hotaling stated that in discussing it with City of Cohoes officials, they have had a level of success beyond their expectations in looking at the rental units when someone leaves and prior to someone else moving in.

Attorney for the Town Wukitsch interjected that it makes a lot of sense.

Supervisor Hotaling stated that it is a level of protection that they are providing the renters who don't necessarily pay taxes directly but through their rents they are contributing to taxes in our community. He concluded by saying that when the Board is ready they can discuss it at a Workshop.

Prepay Sewer UV Capital Project Bills

Supervisor Hotaling stated that it is his request to have the Town Board authorize prepayment of the Sewer UV Capital Project bills and added that it is a project at the Sewer Plant that is approximately \$441,000.00 in construction and \$150,000.00 in engineering. He added that it is supplemented and offset by about \$262,000.00 potentially from the State of New York in a grant that was received a couple of years ago for changing the chlorination process where the sewage goes through the plant with the end result of an effluent that goes back in the river. He continued by saying that the old process was that the effluent was chlorinated before it went in the river and in areas where it hit the river it exceeded the parts per million of chlorine. He concluded by saying that it is not just the Town of Coeymans and added that in an effort to clean up the Hudson River the State encouraged modification from the chlorination system to an ultra violet system, which is a disinfectant that is much more efficient and environmentally conscious.

Councilman Youmans interjected that it is also safer for the employees.

Supervisor Hotaling stated that in the long run it makes a lot of sense and environmentally it makes a tremendous amount of sense and added that they are in the midst of changing it over now, which is costly and the first bill came in at \$91,000.00. He went on by saying that the quicker they get it in for payment, the quicker it can be submitted to the State for reimbursement, which can be used to help pay the next bill that comes in and they won't have to borrow money. He continued by asking that the Board give him authorization to place the Sewer UV Capital Project bills in a prepay status, which will save between 3-4 weeks and added that the contractor will be happier to get paid sooner and the Town will be in a position to receive their money. He concluded by saying that there is one caveat and added that earlier in the day through his discussion with Ed Vopelak he was advised that the State does not have any money and even though the project was approved by the State to pay upwards of \$265,000.00 on the \$441,000.00 project, when they submit the bill to the State, before they can pay the Town it has to go to the Division of Budget to get sanctioned for payment, which means that the money may be a long time coming.

Councilman Youmans inquired as to if it is encumbered.

Supervisor Hotaling stated that he doesn't know and added that all bets are off this year and there is no standard in State government anymore. He continued by saying that he would like to say that it is encumbered and someday they will get it and added that they are in the midst of the project and have signed a contract for almost ½ million dollars and they are going to put the UV in and hope that they get their reimbursement back and the prepay status will give the opportunity to get it in quicker. He added that he will try to confirm it and if necessary will put some pressure on some people who they may know in higher places to try and make them understand that it is important that the project goes through and they can get their money back as quickly as possible and then asked for a motion.

MOTION

On motion of Councilman Youmans, seconded by Councilwoman Rogers, authorizing the bills for the UV System for the Sewer Treatment Plant to go into a prepay status.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Request to Attend Police Training Course

Supervisor Hotaling stated that Chief Darlington had spoken with him earlier in the day about attending a police training course and continued by asking that Chief Darlington explain it to them.

Chief Darlington stated that any opportunity to get leadership skills training is always good for gaining better knowledge for himself in learning other ways of operating a more efficient Police Department.

Supervisor Hotaling stated that the \$105.00 is for early registration and added that it would be more if he waited.

Chief Darlington stated that it is \$135.00 if they wait.

Supervisor Hotaling stated that it is sponsored by the Saratoga Springs Police Department.

Chief Darlington stated that was correct and added that it will be presented by Van Meter & Assoc. Inc. from Columbus Ohio.

Supervisor Hotaling asked if there were any comments from the Town Board, hearing none he asked for a motion to approve the attendance.

MOTION

On motion of Councilman Boehm, seconded by Councilwoman Rogers, authorizing \$105.00 for Chief Darlington to attend the Applied Leadership Skills course in Saratoga Springs.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Hotaling asked that Chief Darlington see him the following day to talk about the check.

Letter of Recommendation Request – Albany County Rural Housing Alliance

Supervisor Hotaling stated that earlier in the day he received a letter from Albany County Rural Housing Alliance and added that they are submitting to the office of Community Renewal a grant application in an attempt to obtain approximately \$75,000.00 from the New York State Housing Trust Fund Corporation for an Emergency Home Rehab Program for very low income elderly home owners throughout Albany County and continued by saying that it is called RESTORE Program. He went on by saying that Albany County Rural Housing Alliance is seeking the Town's support, which they can either give to them or not and added that they provided a suggested support letter and last year the Board authorized him to send such a letter. He then asked the Town Board how they felt about sending a support letter.

MOTION

On motion of Councilman Youmans, seconded by Councilman Touchette, authorizing Supervisor Hotaling to send a letter of support.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Councilman Youmans stated that he read the letter of support and added that it says that the beneficiary's are homes owned and occupied by very low income seniors and added that they should do anything they can to help them.

Councilman Boehm stated that if they support it and it is approved, his only question would be as to how they will stay in contact to make sure that people in the Town of Coeymans can take advantage of the program.

Supervisor Hotaling stated that his experience has been that if Ms. Eisgruber from Albany Rural Housing has any money she reaches out to the homeowners in Coeymans. He added that he understands what it says about elderly but his experience has been that it has not been exactly that and the money goes to other areas. He concluded by saying that he will be as hopeful as them that it will go to the low income elderly and added that he will send the letter out similar to the suggested one the following day.

Authorization for Planning Board

Supervisor Hotaling stated that there is a memorandum dated February 2, 2009 from Code Enforcement Officer Conrad relative to a discussion that Attorney for the Town Wukitsch and Code Enforcement Officer Conrad had regarding the authorization for the Planning Board and added that there are some problems with regard to Chapter 34 that currently exist in the Town Code as it relates to the authorization of the current Board. He continued by saying that Code Enforcement Officer Conrad had given the memo to the Board some time ago and he had asked that the Town Board give it some thought and then asked the Board if they had given it any thought as to what they should do. He added that one of their options is to empower Attorney for the Town Wukitsch to take a look at what exists in Chapter 34 and to recommend to them some changes or repeal it with a new one to replace it that would tend to provide such authorization to the 7 member Planning Board that they currently have.

Attorney for the Town Wukitsch stated that he is still looking at it and added that there are some other resources that he wants to check before he comes back with an opinion as to what the solution or solution options might be.

Supervisor Hotaling stated that he does not believe that they can continue in the face of having the information before them and not taking some steps to fix it and then asked if he should table it until the next meeting when Attorney for the Town Wukitsch will be present on 03-23-09.

Attorney for the Town Wukitsch stated that he will have something for them by then.

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

RESOLUTIONS

Supervisor Hotaling stated that some time ago they received a request from the Judges to apply for a JCAP Grant for purposes of doing renovations, which would include updated security and added that they have been awarded a Grant in the amount of \$28,875.00 and \$26,000.00 will be for renovations of their office. He continued by saying that they sought and received two quotes based on their needs for renovations and have indicated that they are satisfied with the number of quotes and went on by saying that he advised them that he was not sure that the Town Board would be satisfied. He concluded by

saying that he had said that he would bring it to the attention of the Board and illicit their comments and then asked if there were any comments.

Councilman Boehm inquired as to if they actually put it out to bid.

Supervisor Hotaling stated that they had not done anything and had asked that the Court do it.

Councilwoman Rogers interjected that the quotes are over \$10,000.00 and added that she believes that they have to have three quotes.

Supervisor Hotaling stated that it would be whatever the Procurement Policy says and added that he believed that the threshold had changed with regard to competitive bidding on certain things in municipal government. He then asked if the Town Board was of the opinion that they want the Court to get a third quote and added that they are comfortable with the plan and quote from T&T Builders and want to move ahead.

Attorney for the Town Wukitsch inquired as to if the money was coming out of the Court Assistance Program.

Supervisor Hotaling stated that it is.

Attorney for the Town Wukitsch stated that he believes that the money has to be expended by the end of March.

Councilwoman Rogers interjected that the Court is comfortable with it.

Councilman Touchette inquired as to if they are sure that the money is going to be there.

Councilwoman Rogers stated that she believes that a check was issued.

Supervisor Hotaling agreed.

Attorney for the Town Wukitsch stated that it should have been by now and reiterated that it has to be expended by the end of March.

Councilwoman Rogers stated that she does not have a problem with T&T.

Councilman Boehm stated that he does not have a problem with T&T and added that he questions the process and whether or not they should have three bids.

Town Clerk Millious interjected that she had a grant for her records room and added that she had to have three quotes and continued by saying that it did not go out to bid because she had to have the three quotes to submit with the grant application.

Supervisor Hotaling stated that he had asked them if their funding source was comfortable in the manner in which they had procured the quotes and added that he was told that they were and it is up to the Board as to whether it should be awarded or not.

Councilman Boehm stated that the Court is comfortable with it and added that they should not hold up the process, especially if they have received the check.

Councilman Youmans interjected that they don't want to lose it.

Supervisor Hotaling asked that Councilman Touchette continue by reading the resolution.

RES. #41-09 AUTHORIZE JUSTICE COURT RENOVATIONS

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

WHEREAS, the Justice Court has applied for and been awarded a grant from the Justice Court Assistance Program in the amount of \$28,875.00, \$26,000.00 of which would be for renovations to their offices, and

WHEREAS, the Court has acquired plans and estimates from contractors to perform the desired work, and

WHEREAS, the Town Board has reviewed the plans and quotes,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans does hereby award the court renovation project to T&T Builders, for an amount not to exceed \$24,088.00.

Councilman Touchette inquired as to whether or not they should amend the resolution to say that the work has to be completed by a certain time.

Supervisor Hotaling stated that they could and added that he does think that it would be required in the resolution and continued by saying that they will urge the court to move quickly on the project.

Supervisor Hotaling stated that the following resolution was prepared in anticipation of the Public Hearing comments and added that they did hear comments from both sides of the issue, which depended on where the commenter lived. He went on by saying that from his perspective he thinks that they have satisfactorily dealt with the potential issues that could arise in the country where the Police Department could render some discretion and added that the law provides enough flexibility and discretion to address the concerns.

Councilman Boehm stated that he was positive that it was 48 hours and not 72 and added that his copy said 72 hours.

Supervisor Hotaling stated that Town Clerk Millious had read 48 hours and added that he was not at the meeting when it was introduced and continued by asking if it was changed from 72 to 48.

Highway Superintendent Deering stated that it was changed from 72 to 48.

Supervisor Hotaling stated that Town Clerk Millious had read into the record that it was advertised as 48 and added that this is what they are going with.

Attorney for the Town Wukitsch stated that it is what was in the Notice and added that it could have been an earlier version or a typo.

Councilman Boehm inquired as to if there were any other changes.

Town Clerk Millious interjected that her copy is exactly what Attorney for the Town Wukitsch had sent.

Supervisor Hotaling stated that when Town Clerk Millious read it into the record earlier he followed it line for line and added that he does not think that there is any other discrepancy other than the hours.

Councilman Youmans stated that he has another issue with it and said that in Section 8 the final section says:

“Any person violating this article shall be guilty of a traffic infraction and every person convicted of a violation thereof shall be liable to be punished by a fine of not more than \$500.00 or imprisonment or both.”

Councilman Youmans stated that imprisonment sounds harsh for parking.

Attorney for the Town Wukitsch stated that it is in several model laws that he looked at.

Councilman Boehm inquired as to if the \$500.00 fine is in line with the court.

Attorney for the Town Wukitsch stated that it says not more than \$500.00.

Councilman Youmans stated that part of the discretion should not be whether or not to throw someone in jail and fine them \$500.00.

Supervisor Hotaling interjected that he does not believe that it is as simple as that.

Attorney for the Town Wukitsch stated that it could be someone that had done it 8 or 9 times and was a recidivist and added that there are circumstances under which it can pose a danger to safety of others. He concluded by saying that it is up to them and they can take imprisonment out of it if they want.

Councilman Youmans suggested that they take imprisonment out of it.

Supervisor Hotaling stated that he does not believe that they are empowered to take anything out after the Public Hearing unless they have another Public Hearing.

Councilman Boehm stated that he sees Councilman Youmans' point and added that he has faith in the judges to impose a lighter sentence unless it causes harm.

Attorney for the Town Wukitsch stated that if they look in the Town Code they will find other instances where imprisonment is authorized for violation of Local Laws.

Chief Darlington stated that it is currently printed on parking tickets along with the fine structure.

Supervisor Hotaling stated that it is not likely that a run of the house violation is going to result in someone being locked up for 15 days and added that as Attorney for the Town Wukitsch had pointed out, if someone continually thumbs his or her nose and routinely pays fines and still does it, he would think that it would reach that point.

Councilman Youmans stated that it does not indicate a term for imprisonment and it could be somewhat open ended and reiterated that it seems extreme to him.

Councilman Touchette stated that it is unfortunate that they did not discuss the part of it that he didn't like prior to the Public Hearing.

Councilman Youmans stated that it is his fault and he takes responsibility for it.

Chief Darlington interjected that imprisonments are set by Criminal Procedure Law.

Supervisor Hotaling asked that the resolution be read.

RES. #42-09 ADOPT LOCAL LAW #2-09 – SNOW EMERGENCY

On motion of Councilman Boehm, seconded by Councilman Touchette, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 1 – SO MOVED

WHEREAS, the Establishment of Procedures for a Snow Emergency was introduced by a member of the Board at the January 26, 2009 meeting, and

WHEREAS, a Public Hearing was duly advertised in the official newspaper of the Town, and

WHEREAS, said Public Hearing was duly held on February 23, 2009 at 6:30pm at Town Hall and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to the Proposed Local Law, or any part thereof, and

WHEREAS, the Town Board of the Town of Coeymans after due deliberations, finds it in the best interest of said Town to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans hereby adopts Local Law #2-09 providing the Establishment of Procedures for a Snow Emergency.

BE IT FURTHER RESOLVED, that the Town Clerk is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Coeymans, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

BE IT FURTHER RESOLVED, that the Town Clerk is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Coeymans, and to give due notice of the adoption of said Local Law to the Secretary of the State of New York.

Supervisor Hotaling asked if there was any further discussion.

Councilman Boehm stated that the spirit of the law is common sense and is long overdue.

Attorney for the Town Wukitsch interjected that it should be a roll call vote because it is a Local Law.

Town Clerk Millious conducted a roll call vote.

Councilman Boehm inquired as to if the adoption of the law should be published in the paper to alert people.

Supervisor Hotaling stated that it is not effective until it is filed with the Secretary of State and added after it is actually adopted they could do it.

Councilman Boehm inquired as to how long it takes.

Town Clerk Millious stated that they have 20 days to get it in and added that she does it right away.

Supervisor Hotaling stated that after that it might be appropriate to put a notice in the paper, which Town Clerk Millious can do.

RES. #43-09 AUTHORIZE CONTRACT FOR NEW PHOTOCOPIER & RENTAL
On motion of Councilwoman Rogers, seconded by Councilman Youmans, the following resolution was APPROVED – VOTE – AYES 5 – NAYS 0 – SO MOVED

WHEREAS, the contract for the Konica Photocopier 7235 in the Business Office is due to expire 03-31-09, and

WHEREAS, the contract includes the “rental” use of an additional Konica Photocopier 7022, utilized by the Assessor, Building Department, Planning Board & Zoning Appeals Board for which the Town is charged only a per copy basis over 2,000, and

WHEREAS, the Sewer Department is currently in need of a new copier,

WHEREAS, the contract allows the Town the opportunity to purchase the 7235 for a \$1.00, and

WHEREAS, as an incentive, Eastern Copy Products agrees to pay the last installment of \$142.00 on the currency contract, and

WHEREAS, Eastern Copy Products provided a total quote of \$187.35 monthly for a Konica Minolta 350 copier (\$147.35 X 48 months, plus \$40.00 Service and Supply Contract with 4,000 copy volume)

WHEREAS, Eastern Copy Products has also quoted a full maintenance agreement that will encompass both the Town's 7235 and "rental" 7022 copies at a rate of \$45.00 per month with an additional charge over 2,000 per copy, per machine,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans authorizes Supervisor Ronald K. Hotaling, Jr. to sign the contract agreement with Eastern Copy Products to purchase the Konica Minolta Copier and attendant service agreements for the Konica 7022 and 7235 to be utilized in the Sewer and Building Departments.

Supervisor Hotaling stated that after an extended period search for a candidate for a second Court Clerk they have had a recommendation from Justice Reilly with regard to the position. He added that after having discussion with Albany County Civil Service they have a resolution before them.

RES. #44-09 APPOINT COURT CLERK

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

WHEREAS, the Justice Court is desirous of an additional full-time Court Clerk to maintain staffing levels and service to the office, and

WHEREAS, the Justices have publicly advertised and interviewed candidates for the position and selected a candidate who they determine has the necessary qualifications for the position, and

WHEREAS, the recommended candidate has been forwarded to Albany County Civil Service for qualification review and has been approved.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans does hereby appoint Catherine Anderson to the position of Court Clerk, effective immediately, at the hourly rate of \$16.21.

Supervisor Hotaling stated that Ms. Anderson is currently a Clerk in the Building Department and added that there will be an effort to replace her and Code Enforcement Officer Conrad will either be in a canvas or transfer situation with Civil Service approval.

Supervisor Hotaling stated that the following resolution was to appoint Nelson Perry who was a provisional Parks and Maintenance Supervisor until such time that there was a Civil Service Test. He continued by saying that he has taken and passed a test and is reachable on the list and went on by saying that the resolution is to make the provisional appointment permanent with a probationary period.

RES. #45-09 APPOINT PARKS & MAINTENANCE SUPERVISOR

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

WHEREAS, Nelson Perry has served as a Parks and Recreation Maintenance Supervisor in the Community Beautification Department on a provisional basis, and

WHEREAS, Mr. Perry has served proficiently in this position since October 2006, and

WHEREAS, Mr. Perry has taken and passed the Civil Service Test for the position of Parks and Recreation Maintenance Supervisor.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans hereby appoints Nelson M. Perry to the Albany County Civil Service title of Parks and Recreation Maintenance Supervisor. This appointment from Albany County Civil Service list/exam number 200962595 is effective immediately and subject to a probationary period of 8 to 26 weeks.

Councilman Boehm inquired as to whether it was a change in title only or if there was an increase in pay.

Supervisor Hotaling stated that it was to acknowledge the fact that he was provisional, which meant that he had to take a test and pass it and added that it is now permanent with a probationary period of 8-26 weeks, which is required by Civil Service.

Supervisor Hotaling asked Town Clerk Millious if there was an amended part to the next resolution of if they would have to read the whole thing.

Town Clerk Millious stated that the amended amounts are highlighted in red and added that there was a voucher for the same thing in the highway prepay and highway accounts making one a duplicate billing.

RES. #46-09 APPROVE AMENDED ABSTRACT

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

BE IT RESOLVED, that the Town Board of the Town of Coeymans does hereby amend the January 2009 Abstract as follows and indicated in red.

| FUND | VOUCHER # | AMOUNT |
|---------------------------------|----------------------------|-----------------------|
| GENERAL (A) | | |
| General Pre-Pay | 1-65 | \$334,030.66 |
| General | 143-209 | \$ 48,554.22 |
| | | |
| | General Total | \$382,584.88 |
| | | |
| PART-TOWN (B) | | |
| Part-Town Pre-Pay | 66-94 | \$545,348.54 |
| Part-Town | 210-215 | \$ 1,790.49 |
| | | |
| | Part Town Total | \$547,139.03 |
| | | |
| HIGHWAY (D) | | |
| Highway Pre-Pay | 95-112 | \$121,639.93 |
| Highway | 216-256,258-266 | \$ 26,864.55 |
| | | |
| | Highway Total | \$148,504.48 |
| | | |
| SEWER (SS) | | |
| Sewer Pre-Pay | 113-134 | \$ 21,004.82 |
| Sewer | 267-274 | \$ 7,836.29 |
| | | |
| | Sewer Total | \$ 28,841.11 |
| | | |
| CAPITAL PROJ. | | |
| Capital Projects (UV Sewer) | 275-276 | \$ 2,893.99 |
| | | |
| | Capital Proj. Total | \$ 2,893.99 |
| | | |
| CAPITAL PROJ. | | |
| Capital Projects (Martins Hill) | 277 | \$ 549.75 |
| | | |
| | Capital Proj.Total | \$ 549.75 |
| | | |
| | Total for all Funds | \$1,110,513.24 |
| | | |
| TRUST & AGENCY (TA) | | |
| Trust & Agency Pre-Pay | 135-142 | \$260,751.97 |

| | | |
|--|--------------------------------|---------------------|
| | Trust & Agcy. Total | \$260,751.97 |
|--|--------------------------------|---------------------|

RES. #47-09 APPROVE FEBRUARY ABSTRACT

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

BE IT RESOLVED, that the Town Board, of the Town of Coeymans, does hereby approve and allow the following claims of vouchers for the February 2009 Abstract.

| FUND | VOUCHER # | AMOUNT |
|--------------------------------|---------------------------------|-----------------------|
| GENERAL (A) | | |
| General Pre-Pay | 278-315,317-344,444 | \$829,354.80 |
| GENERAL | 402-443,445-448 | \$ 16,350.71 |
| | | |
| | General Total | \$845,705.51 |
| POLICE FORFEITURES (A) | | |
| | 394 | \$ 290.00 |
| | | |
| | Police Forfeiture Total | \$ 290.00 |
| PART-TOWN (B) | | |
| Part-Town Pre-Pay | 345-362 | \$ 15,080.23 |
| Part-Town | 449-451 | \$ 1,017.55 |
| | | |
| | Part Town Total | \$ 16,097.78 |
| HIGHWAY (D) | | |
| Highway Pre-Pay | 363-376 | \$ 62,733.91 |
| Highway | 452-497 | \$ 35,103.51 |
| | | |
| | Highway Total | \$ 97,837.42 |
| SEWER (SS) | | |
| Sewer Pre-Pay | 377-393 | \$ 21,275.73 |
| Sewer | 498-509 | \$ 3,095.77 |
| | | |
| | Sewer Total | \$ 24,371.50 |
| CAPITAL PROJ. (H-28) | | |
| Martins Hill | 510-511 | \$ 792.84 |
| | | |
| | Capital Proj.Total | \$ 792.84 |
| CAPITAL PROJ. (H-29) | | |
| Sewer UV Project | 512-513 | \$ 92,977.70 |
| | | |
| | Capital Proj. Total | \$ 92,977.70 |
| | | |
| | Total for all Funds | \$1,078,072.75 |
| TRUST & AGENCY (TA) | | |
| Trust & Agency Pre-Pay | 395-401 | \$230,283.53 |
| | | |
| | Trust & Agency Total | \$230,283.53 |

TOWN BOARD WORKSHOPS/MEETINGS

- Town Board Meeting, March 9, 2009, 7:00pm

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

ADDITIONAL COMMENTS

Supervisor Hotaling asked if there were any closing comments.

Councilman Boehm stated that March 1, 2009 is the deadline for all Military and Veteran Exemptions, Enhanced STAR, Senior Exemptions, Disabled or Limited Income Exemptions and Agriculture and Not for Profit Exemptions.

Supervisor Hotaling asked if there were any additional comments.

Councilman Touchette stated that he wanted to acknowledge some of the remarks from some people in the country relative to the Snow Emergency Law and added that he believes that there is enough discretion written into the law that it should not be a problem and he hopes that everyone that is involved in it understands the intent.

Councilman Boehm inquired as to how many cars are actually towed in the Village.

Chief Darlington stated that during an average snow storm there are 2-3 cars.

Supervisor Hotaling stated that this is not taking in to account the previous effort of knocking on doors.

Chief Darlington stated that for the first couple of years with the Village Snow Emergency Law they made every attempt to locate the owner.

Councilman Youmans inquired as to if anyone had been imprisoned for it.

Chief Darlington stated that in his 20 years with the Town he knows of no one.

Supervisor Hotaling asked if there were any additional comments.

Town Clerk Millious stated that the Town Clerk's Meeting that she was suppose to attend and was approved for was cancelled and rescheduled for March 6th.

Supervisor Hotaling stated that her approval for the first one would apply to the rescheduled March meeting and then asked if there were any additional comments.

Chief Darlington stated that during the Public Comment period there was reference to the Police Department refusing to take reports and added that he was holding four reports that were filed, including one for a previous speaker who said that she did not file a report. He continued by saying that the information is shared routinely with the Supervisor's Office and the Building Department.

Supervisor Hotaling interjected that it would be reports regarding the Port of Coeymans and added that he didn't want to give the impression that he gets all police reports.

Chief Darlington stated that when it comes to certain actions with the Port, as a Police Department they generally deal with Penal Law, Criminal Procedure Law and dealing with Code Enforcement is above and beyond what their avail is and this is why they forward it to the Building Department for further action. He added that if people have concerns with the way that the officers are handling it they should contact his office Monday thru Friday between 9am and 6pm. He concluded by saying that unfortunately it appeared that the Police Department was not doing anything when in fact they were down there and sat in one area for 45 minutes and in turn rendered their findings to the complainant as well as himself.

Councilman Youmans interjected that he has an issue with a Police Officer sitting there for 45 minutes listening for noise in an Industrial Zone in an area that is zoned to make such noise.

Chief Darlington stated that in law enforcement you try to make everyone happy and continued by saying that their new car is in, which was ordered in October. He added that their mechanic installed all the lights from the wrecked car and it saved them between \$1,000.00 - \$2,000.00 because they did not have to have lighting people come in or the radio company. He went on by saying that the new radar that the Traffic Safety purchased is in and it will go in the new car. He concluded by saying that he was requesting an Executive Session to discuss the discipline issue.

Supervisor Hotaling asked Chief Darlington the status of their effort to put communications up on Gedney Hill.

Chief Darlington stated that they are trying to get the generator operating and once they get it up and running his intent is to sit down with him because it was a .2 account that was frozen for spending.

Supervisor Hotaling stated that in turn he will present it to the Board and added that he does not know how many dollars he is talking about.

Chief Darlington stated that they are not talking about an extreme amount.

Supervisor Hotaling stated that he should get it working and ready to go and then come and see him. He continued by saying that Chief Darlington has requested an Executive Session relative to an issue with the Labor Department and Town regarding a former employee. He then asked if there were any other comments, hearing none he added that they should entertain Chief Darlington's request for an Executive Session to include the Town Board, Attorney for the Town and himself and asked for a motion.

ADJOURNMENT TO EXECUTIVE SESSION

MOTION

On motion of Councilman Boehm, seconded by Councilwoman Rogers, to adjourn to Executive Session for a personnel matter.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that they would be returning to formally adjourn as well as report publicly any determinations that they make.

Time: 9:55pm

EXECUTIVE SESSION

Supervisor Hotaling stated that he opened the Executive Session at 10:05pm in his office and it concerned the legal matter between former employee Sergeant Marvin Powell. He added that present at the Executive Session were all Town Board Members, Attorney for the Town Wukitsch and Chief Darlington and the discussion outlined the scenario whereby there are negotiations ongoing between the Town of Coeymans represented by Town Attorney Wukitsch, assisted by Chief Darlington, and the Council 82 lawyer. He continued by saying that there is some discrepancy in the payout for Mr. Powell as a result of his disciplinary dismissal from employment with the Town of Coeymans and Council 82's position is that any payout of unused vacation should be at the sergeant's rate and the Town of Coeymans position is that since he was demoted to patrolman prior to being dismissed, the rate of pay should be a patrolman's rate. He added that he had provided Attorney for the Town Wukitsch with a copy of a pertinent page within the

Labor Management Agreement between the Town of Coeymans and Council 82 that stated when someone is terminated due to disciplinary reasons; he or she will not be entitled to any benefit time payout. He concluded by saying that the decision reached was that they instructed Attorney for the Town Wukitsch to advise Council 82 to accept the payout as a patrolman or the deal is off the table and there will be no payout and added that the entire Board agreed with that strategy.

ADJOURN EXECUTIVE SESSION

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

MOTION

On motion of Councilman Boehm, seconded by Councilman Touchette, to adjourn Executive Session.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time 10:15pm

RECONVENE MEETING AND ADJOURNMENT

Supervisor Hotaling called the meeting back to order at 10:18pm and asked for a motion to formally adjourn.

MOTION

On motion of Councilman Youmans, seconded by Councilman Touchette, to adjourn the Town Board Meeting.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time: 10:19pm

Respectfully Submitted,

APPROVED:

Diane L. Millious, Town Clerk