

A Town Board Meeting was held Monday, January 26, 2009 at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York

PRESENT: Dawn Rogers, Councilwoman
Thomas A. Boehm, Councilman
James C. Youmans, Councilman
Richard N. Touchette, Councilman

ABSENT: Ronald K. Hotaling, Jr., Supervisor

ALSO PRESENT: Diane L. Millious, Town Clerk
Greg Darlington, Chief of Police
Dave Wukitsch, Attorney for the Town
Albert Deering, Superintendent of Highways

Councilwoman Rogers opened the meeting and led the Pledge of Allegiance.

AGENDA

- Public Comment
- Approval of Minutes
 - Organizational Meeting, January 1, 2009
 - Public Hearing, January 12, 2009
- Supervisor's Report – December 2008
- Department Monthly Reports
 - Building Department – December 2008
 - Police Department – November & December 2008
 - Sewer Department – December 2008
 - Town Clerk – December 2008
- Old Business
 - Snow Emergency
- New Business
 - Cemetery Service Coordinator
 - Highway Department Contract Authorization
 - Request for Waiver of Facility Use Fee
 - Approve NYS Building Officials Conference Membership
 - 2009 Budgetary Reduction
- Resolutions
 - Approve January 2009 Abstract
- Correspondence
 - Ravena Rescue Squad
- Town Board Workshops/Meetings
 - Town Board Meeting, February 9, 2009, 7pm
 - Town Board Meeting, February 23, 2009, 7pm
 - Workshops – None Scheduled, Association of Towns Annual Meeting

AUTHORIZE BOARD MEMBER TO PRESIDE OVER MEETING

RES. #34-09 AUTHORIZE BOARD MEMBER TO PRESIDE OVER MEETING

On motion of Councilman Boehm, seconded by Councilman Touchette, the following resolution was APPROVED – VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Hotaling)

WHEREAS, the Town Supervisor is unable to attend and preside over the Town Board Meeting of January 26, 2009, and

WHEREAS, Town Law, Section 63, authorizes the Town Board to designate a Town Board member to preside over a Town Board Meeting in the absence of the Town Supervisor, and

WHEREAS, the Town of Coeymans does not have a Deputy Supervisor,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Coeymans does hereby designate Councilwoman Dawn Rogers to preside over the Town Board Meeting on January 26, 2009.

PUBLIC COMMENT

Councilwoman Rogers invited the public to comment at this time.

Mr. Zachary Assael stated that he lives at 6 Fox Street in Selkirk and added that he finds it a sad day when a business openly violates Town Law and no penalty is given to them. He added that he is speaking of the Port of Coeymans, where it has been known and complaints have been made since August 2008 that waste material has been illegally imported into the town. He continued by saying that he stated illegally because there is a Town Law that prohibits such waste material and it is Chapter 138 of the Code of the Town of Coeymans and went on by saying that he believes that the penalty is \$1,000.00 a day for each day that the waste is imported. He added that he is also aware that on January 12, 2009 at the last Town Board Meeting, Councilman Touchette brought the matter before the other Board Members in offering a resolution for the Town to direct the Chief of Police and Building Inspector to affect the proper enforcement of the Code and in turn the other Board Members voted against Councilman Touchette. He continued by asking when the Town Board gets the power to decide who gets fine and who does not and went on by saying that a Law has been broken and no action has taken place. He concluded by saying that he is not present to talk about the pros and cons of the business taking place at the Port of Coeymans but rather to comment on a Law being broken and a Board Member noted such illegal activity and still no action has taken place.

Councilwoman Rogers asked if there were any other comments.

Mr. James Feuerbach stated that he lives at 1671 River Road, just north of the Port and added that when he read of the decision from the Board not to enforce the Local Law he felt as though they were setting a very dangerous precedence. He continued by saying that he served on the R-C-S Board of Education for several years and added that one of the things that was burned in his mind was realizing that everything you do, you are setting a precedence for what will happen later on and the need to set things for consistency. He went on by saying that by not enforcing this Law it is an open invitation to the City of Albany to proceed with their dump plans because you cannot say that you are going to enforce the law for them but not for the Port. He concluded by saying that they are saying that it is the law but they choose not to enforce it, which is very dangerous.

Councilwoman Rogers asked if there were any other comments.

Ms. Sylvia Lawler stated that she lives in the Hamlet of Coeymans and added that she didn't attend the last Board Meeting but did read the News Herald and did F.O.I.L. the tape of the meeting so she could see exactly what was said. She continued by saying that she believes that Councilman Boehm was possibly misquoted and she wanted to speak to that as well as Supervisor Hotaling saying that when the Law was written, the intent of the Law was to keep the City of Albany from land filling garbage in the Town of Coeymans but the intent was never written into the Law, which is a moot point. She added that Councilman Youmans spoke about the fact that she might change the law and went on by saying that they might change all the red lights in Coeymans to blinking red lights but until those lights are changed they have to stop at the red lights. She continued by saying that she has to agree with Mr. Feuerbach that they are setting a terrible precedence because there is a Law and you cannot play by your own rules. She went on

by saying that the Willy Nilly Code Enforcement of the Law is going to create chaos and she would like for the Town Board to reconsider the resolution and added that she understands that DEC is within their rights with the permitting process because if the site meets the criteria for the facility that is proposed they issue a permit. She continued by saying that the permit is not to supersede Local Law and added that she has problems with the scrap metal concern because it does come under solid waste, which is illegal. She reiterated that they are setting a terrible precedence and continued by saying that there are a lot of industries that would be permissible under Town Law that could fill up the Port of Coeymans such as the Fort Miller Corporation, who has won clean industry awards as well as running a quiet operation and is within the law. She concluded by saying that she would encourage Mr. Laraway and the Town to invite more of that kind of industry as well as upholding the Local Law and prohibiting those that don't.

Councilwoman Rogers asked if there were any other comments.

Mr. Laverne Conrad stated that he is the Code Enforcement Officer and added that he is tired of hearing that he is not doing his job and continued by saying that he is doing his job to the best of his ability. He went on by saying that they can not selectively enforce the Law and to date there are at least two other landfills located in the Town of Coeymans, one being at Lafarge, which takes up an extraordinary amount of land and has been enlarged over the past several years by their own waste product, which is developed within the Town of Coeymans and is not addressed in the Law and is legal. He added that if it comes from outside the State of New York it is legal and it could be brought in from all over the United States but you cannot bring it in from outside the Town within the State of New York and continued by saying that on that premise the Law is poorly written. He went on by saying that he had been a member of the Recycling Committee when the Law was passed for recycling in 1992 when the landfill was closing and it was intended to stop the land filling of products and added that they passed a Recycling Law in 1992 that said we will recycle and reuse as well as DEC's regulation 360-1-1.15 which talks about materials that are listed as a solid waste unless they are for a beneficial use and if so they are removed from the list and added that the Town over the years has looked at that with the recycling efforts called the TBS facility at Lafarge, which was approved by the Town. He continued by saying that there is another landfill at the Trickey facility that is a stump dump and regulation 360 permitted, which would also violate the law as well as recently looking at Albany Tank, which came before the Planning, Zoning and Town Board to ask if they violated the law and were told that they didn't because the intent was for land filling but recycled waste oil would also violate that law. He went on by saying that Callanan's and Blue Circle have come before the Boards looking to recycle blacktop that comes from everywhere but the Town of Coeymans most of the time and is brought into their plant and recycled and sold, which would violate the law. He continued by saying that he is not going to selectively enforce at P&M or anywhere else until it is clarified as to exactly what they are going to do and their counsel is going to have to advise them as to how they should proceed and added that he does not have any problem enforcing any law in the Town. He went on by saying that when he finds that the law has been overlooked in other areas they should not expect him to enforce it on one person in the Town and not everyone and added that he cautions those that bring those issues to the table because it could be a liability to the rest of the taxpayers in the Town and continued by saying that he does not believe that they want to take on Callanan's, Lafarge and other companies at one time because they would be forced to sue the Town. He concluded by saying that he will not blatantly go out and break what he feels is another rule of selective enforcement and added that he has not heard for sure that Mr. Laraway is breaking any law at this point and those who think that he has should offer up some proof.

Councilwoman Rogers asked if there were any other comments.

Ms. Lawler stated that her question would be why the law has not been enforced with Callanan's, Lafarge and Mr. Trickey and added that if they are not going to enforce it with everyone it would be selective to try and enforce it at the Port of Coeymans. She added that her suggestion would be that they uniformly enforce it and continued by saying that lawsuits should not be the criteria for enforcing the law.

Councilwoman Rogers asked if there were any other comments from the public, hearing none she asked if there were any comments from the Board.

Councilman Youmans stated that he wanted to say a few things and added that he appreciates the concerns and opinions but there were four people present who spoke out of a Town of 8,500, which leave 8,496 people who may feel differently. He continued by saying that as Building Inspector Conrad had pointed out he has not become aware of any laws that have been broken and there is an opinion from legal counsel that says it is not in violation of the law. He added that he would point out further that because of Interstate Commerce Laws they can only govern what comes to the Port from outside the Town of Coeymans but within the State of New York and went on by saying that if they are processing material that came from any place other than the State of New York, they cannot say a word about it. He reiterated by saying that to his knowledge no laws have been broken as well as saying that the reason the law was passed, as Supervisor Hotaling has stated several times, was to stop the dump from coming here. He continued by saying he does not know if everyone is aware of the recent steps that Supervisor Hotaling has taken with DEC in reference to the dump but it has been worked on as recently as the last two months and added that it is a quickly dyeing issue. He went on by saying that at a time when we see our friends and neighbors losing their jobs and being laid off there is a business in Town that is not only paying taxes but is also creating multiple jobs, which to his knowledge is currently 40, which might be his friend or neighbor that needs the job and continued by saying that he is not willing to sacrifice quality of life for jobs or money or anything. He continued by saying that the resolution that was voted on and did not pass was based on an application with DEC to process construction and demolition debris and added that he can't on one hand say he is an environmentalist and on the other hand say he does not want the material recycled but would rather have it put in a landfill, which is not the environmental thing to do. He went on by saying that laws change over time and sometimes laws are revisited when they don't seem to make sense anymore and this is where they are at with this in seriously looking at the Solid Waste Law and changing it in ways that would not open the door for the City of Albany to put a dump here. He continued by saying that we do need jobs and development and in looking at the Port, even the pile of scrap metal looks neat to him and concluded by saying that this is where he stands on the issue but if you disagree he appreciates that.

Councilwoman Rogers asked if there were any additional comments.

Mr. Assael stated that he does disagree and added that Councilman Youmans had commented that there is scrap metal at the Port, which is an illegal substance that is imported into the town. He added that he does not care about the intent or that he feels as though they should recycle because it will make the planet better and continued by saying that the argument and comments are that a law has been broken. He went on by saying that Chapter 138 of the Law says that the importation of any waste, including scrap metal is against the law and continued by saying that if they want to argue intent it should be brought up in court by the owner of the business, which is not the Town's job. He concluded by saying that the Town's job is to tell the Enforcement Officer to go an issue the violation and fine and if the owner wants to bring it up in court he has every right to and reiterated that a law has been broken and by indicating that he does not know where he is not doing his job.

Councilwoman Rogers stated that she was moving to the next item on the agenda.

APPROVAL OF MINUTES

Councilwoman Rogers stated that there were two sets of minutes for approval, the Organizational Meeting on January 1, 2009 and Public Hearing on January 12, 2009 and continued by asking for a motion to approve them.

MOTION

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

APPROVED – VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Hotaling)

SUPERVISOR’S REPORT

Councilwoman Rogers continued by giving the Supervisor’s Report for December 2008.

FUND	BAL. FWD.	RECEIPTS	DISBURSE.	BALANCE
GENERAL	\$ 122,127.93	\$543,647.50	\$423,320.76	\$242,454.67
PART TOWN	\$1,093,837.10	\$208,506.59	\$698,376.89	\$603,966.80
SPEC. WATER	\$ 1,048.26	\$.75	-0-	\$ 1,049.01
HIGHWAY	\$ 44,211.71	\$ 55,732.49	\$ 78,824.08	\$ 21,120.12
BRIDGE CONST.	\$ 35,474.33	\$ 12.90	\$ -0-	\$ 35,487.23
TRUST & AGENCY	\$ 8,124.86	\$210,083.37	\$205,897.44	\$ 12,310.79
SEWER	\$ 38,002.75	\$ 10.13	\$ 31,095.18	\$ 6,917.70
SEWER CAP.	\$ 302.98	-0-	-0-	\$ 302.98
			TOTAL REC. BAL.	\$923,609.30

CERTIFICATES OF DEPOSITS

				Maturity Date
National Bank of Coxsackie	A-Fund	90 Days	\$118,646.83	02-27-2009
Citizen’s Bank	Highway-DA	90 Days	\$258,141.98	01-26-2009

SECTION 8 – HUD

Occupied Units	74
HUD Payments	\$32,744.00
Admin. Fee	\$ 40.89
Total HUD Pmt.	\$32,784.89
Tenant Rent	\$13,861.00
Contract Rent	\$46,645.89

SECTION 8 CK.	\$ 1,437.45
SECTION 8 SV.	<u>\$71,120.57</u>
Total	\$72,558.02

SAVINGS ACCOUNTS

Police Forfeitures/CK	\$ 72.84
Police Forfeitures	\$ 3,252.60
Unemployment	\$ 4,030.82
Grove Cemetery/SAV	\$40,429.79
Grove Cemetery/CK	\$ -0-
Sewer Dedicated	<u>\$ 6,253.36</u>
Total	\$54,039.41

COLLATERAL COVERAGE FDIC COVERAGE COLLATERALIZED

National Bank of Coxsackie	\$100,000.00	\$1,286,419.83
Citizens Bank	\$100,000.00	\$ 84,179.49
First Niagara	\$100,000.00	\$ -0-

Councilwoman Rogers asked for a motion to approve the report.

MOTION

On motion of Councilman Youmans, seconded by Councilman Boehm, the Supervisor’s Report was approved as read.

APPROVED – VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Hotaling)

DEPARTMENT REPORTS

Building Department – December 2008

Councilwoman Rogers asked that Councilman Touchette give the Building Department Report.

Councilman Touchette continued by giving the report.

Councilwoman Rogers asked for a motion to approve the report.

MOTION

On motion of Councilman Boehm, seconded by Councilman Youmans the Building Department Report was approved as presented.

APPROVED – VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Hotaling)

Police Department – November & December 2008

Councilwoman Rogers asked that Chief Darlington give the Police Department Reports.

Chief Darlington continued by giving the reports.

Councilwoman Rogers asked for a motion to approve the reports.

MOTION

On motion of Councilman Boehm, seconded by Councilman Touchette, the reports were approved as presented.

APPROVED – VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Hotaling)

Town Clerk – December 2008

Councilwoman Rogers asked that Town Clerk Millious give the Town Clerk's Report.

Town Clerk Millious continued by giving her report.

Councilwoman Rogers asked for a motion to approve the report.

MOTION

On motion of Councilman Youmans, seconded by Councilman Boehm, the report was approved as presented.

APPROVED – VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Hotaling)

Sewer Department – December 2008

Councilwoman Rogers asked that Councilman Youmans give the Sewer Department Report.

Councilman Youmans continued by giving the report.

Councilwoman Rogers asked for a motion to approve the report.

MOTION

On motion of Councilman Boehm, seconded by Councilman Touchette, the report was approved as presented.

APPROVED – VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Hotaling)

OLD BUSINESS

Local Law - Snow Emergency

Councilwoman Rogers stated that they had discussed a Snow Emergency Local Law at some Workshops and added that she believes that they have it where they want it.

Councilman Boehm stated that it has also been discussed with Chief Darlington and Attorney for the Town Wukitsch and added that it was changed from 72 hours to 48 hours. He continued by saying that basically it states that if there is 3 inches of snow or more in the Town of Coeymans you would have to move your vehicle from the road for a period of 48 hours so the Highway Department can clear the roads. He concluded by saying that it makes sense from a public safety standpoint and added that he wanted to offer a resolution to move Local Law #02-09, a Local Law establishing procedures for a Snow Emergency to a Public Hearing.

RES. #35-09 SET PUBLIC HEARING DATE FOR PROPOSED LOCAL LAW #02-09

On motion of Councilman Boehm, seconded by Councilman Touchette.
APPROVED – VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Hotaling)

A Public Hearing will be held on February 23, 2009 at 6:30pm

A LOCAL LAW ESTABLISHING PROCEDURES FOR A SNOW EMERGENCY

Section 1. Legislative intent.

It is hereby declared and found vital to the public welfare and safety of the residents of the Town and the general public that this local law be enacted to regulate and control traffic, to prevent traffic congestion, to expedite the orderly flow of traffic and emergency vehicles and to facilitate removal of snow from Town streets and highways during periods of snow emergency.

Section 2. Existence of snow emergency.

A snow emergency shall exist whenever there shall be an accumulation of snow exceeding 3 inches in depth as measured at the official snow gauge to be provided and maintained by the Superintendent of Highways at such location within the Town as he, in his discretion, may determine.

Section 3. Notice of snow emergency.

The presence on any street or highway within the Town of an accumulation of snow to a depth exceeding 3 inches shall be deemed notice to all operators of motor vehicles stopping, standing or parking such vehicles on such street or highway that the snow emergency parking regulations set forth in this article are in effect at such time and place, and it shall be presumed that such motor vehicle operators have actual notice of the existence of a snow emergency by reason of such snow accumulation.

Section 4. Duration of snow emergency.

A snow emergency shall remain in effect for a period of 48 hours after it commences unless sooner declared terminated by the Supervisor, his/her designee, the Superintendent of Highways or the Chief of Police.

Section 5. Erection and maintenance of signs.

The Superintendent of Highways shall cause to be posted, erected and maintained during the months of November, December, January, February, March and April of each year appropriate signs at street locations clearly visible to all vehicles entering the Town by all major street, at or near the Town boundary, to provide notice of the parking, stopping and

standing regulations that shall be in effect during snow emergencies as defined in this article. The type, number and location of such signs shall be determined by the Town.

Section 6. Parking, stopping and standing regulations.

During a snow emergency as defined in Section 2 of this law, the following parking, stopping and standing regulations shall apply:

- A. No person shall park a vehicle or permit the same to stand on any Town street or highway during any part of the snow emergency.
- B. It shall be unlawful and a violation of this article for a person to leave a vehicle parked or abandoned or left unattended where same constitutes an obstruction to the movement of traffic or at any place where stopping, standing or parking is prohibited in the Town.
- C. The snow emergency regulations set forth in Subdivisions A and B of this section shall apply only to those streets and highways maintained by the Town, shall not apply to streets and highways maintained by the state or county.

Section 7. Snow emergency routes.

The Superintendent of Highways is hereby empowered and authorized to designate certain streets and highways with the Town as snow emergency routes and to cause to be erected and maintained thereon appropriate signs at reasonable intervals along such snow emergency routes to provide notice that parking, stopping and standing or abandonment of vehicles along such snow emergency routes during a snow emergency is prohibited, and it shall be unlawful for any person to park, stop, stand or abandon a vehicle on a street so designated and assigned as a snow emergency route during a snow emergency as herein defined.

Section 8. Enforcement; penalties for offenses.

The Town shall have the power to remove and store any vehicles that are parked, stopped, standing or abandoned on any street or highway within the Town in violation of this law. All removal and storage fees shall be the responsibility of the owner of said vehicle. 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 or imprisonment, or both.

Section 9. Effective date.

This local law shall take effect immediately upon filing in the Office of the New York Secretary of State.

Councilman Boehm stated that the Snow Emergency was pulled from a Parking Law and added that they also need to revisit the parking situation in the Hamlet.

Chief Darlington stated that at the request of the Town Board and Highway Superintendent, Deputy Superintendent Scott Searles and himself went through the Hamlet in the northern Coeymans area and in turn found some parking issues as well as those that could be an issue and in turn submitted a proposal to the Town Board. He added that it was his understanding that they were not ready to move forward with it because there was an issue of making no parking on streets and went on by saying that since then they were doing snow removal on Westerlo Street, which required traffic to be diverted down other streets and a school bus attempted to make it down New Street, where cars were parked legally and as a result there was no room for the bus and the bus ended up side swiping some of the cars. He continued by saying that he is requesting that they revisit the parking issues in the Hamlet in northern Coeymans and added that on some of the streets you can park anywhere you want and as a result he does not know how the Highway Department gets a plow down some of the streets because they have problems getting police cars down them. He concluded by saying that the cars are legally

parked but you would not be able to get a fire truck down some of the roads, and reiterated that he would ask that the Board revisit the issue.

Councilwoman Rogers stated that they were going to revisit it because some of them thought that there were some streets that it should not apply to and added that they are still working on it.

Councilman Touchette stated that he believes that it was overly restrictive on residential streets to prohibit parking on both side, particularly since they are going to have a Snow Emergency Law. He added that there is a difference between Westerlo Street and Ruby Lane and in the proposed law they are treated the same and reiterated that they have to differentiate between those types of situations. Councilman Touchette inquired as to if Chief Darlington had said that the cars on New Street were legally parked.

Chief Darlington stated that was correct and added that some of the streets are small and with no cars parked there, a school bus has just enough room.

Councilman Boehm inquired as to if he is still talking about one side.

Chief Darlington stated that he would say no if he was referring to New Street and added that it was his understanding that the Highway Department was going to be putting in sidewalks this year.

Highway Superintendent Deering interjected that it needs to be looked at because there is a problem and added that on one of the streets you can't park on either side.

Chief Darlington stated that in looking at the current population, Bennett Court and the streets above only have 1 or 2 houses and added that the problem is that there is room for development. He continued by saying that they can either continue to spend money to update the Local Laws every year to address issues as the population grows or they can address them in totality now, which is what he and Deputy Highway Superintendent Searles had intended on with the proposal that they have. He added that some of the roads are one to one and a half lanes and you could make it parking on one side but not on the other but in looking at it from a public safety aspect and snow removal, if someone was having a large get together and guests were legally parked, you would not be able to get a fire truck in there.

Councilwoman Rogers asked if they wanted to discuss it further at the Workshop on February 9th.

Councilman Youmans reminded her that there is not a Workshop on February 9th due to the Association of Towns Annual Conference.

Councilwoman Rogers stated that they can still discuss it on February 9th and added that if they don't do it then it will have to wait until March.

Councilman Boehm stated that Councilman Youmans and Councilman Touchette have specific streets that they can discuss directly with the Chief.

Councilman Youmans interjected that it seems unrealistic to him to tell someone on Ruby Land or Bennett Court with only two parking spaces that they can never park on the street.

Councilman Boehm stated that public safety issue trumps that.

Councilman Youmans stated that he certainly does not want an issue with public safety and added that he wonders how overblown the concern may be in some of those areas. He continued by saying that on Westerlo Street it is a completely different situation and went on by saying that he echoes what Councilman Touchette had said.

Councilman Touchette stated that he could be prepared by the next Town Board Meeting to address the specifics.

Councilwoman Rogers interjected that they can get started on it and added that if they need to, they can take it to the Workshop in March.

NEW BUSINESS

Cemetery Service Coordinator

Councilwoman Rogers asked that Councilman Youmans discuss this topic.

Councilman Youmans stated that they currently have Rich Hotaling serving as the Cemetery Coordinator as well as an employee of the Beautification Department and continued by saying that there are some concerns that he has with his pension where he cannot make over a certain amount of money. He continued by saying that the Cemetery Coordinator job requires some Saturday and Sunday work, which he would like to instead of being paid be given comp time in lieu of the hours that he works. He went on by saying that he is requesting 1.5 hours for every hour that he works and then asked how everyone else feels about that.

Councilman Touchette stated that it may not be as clear in his memo as it is the understanding and added that he talked to Supervisor Hotaling about this and the proposal is that he will be compensated at straight time, either salary or comp time up to 40 hours. He continued by saying that anything over 40 hours would be time and ½ comp time.

Attorney for the Town Wukitsch interjected that if his time exceeds 40 hours he has to get time and a ½.

Councilman Youmans stated that it makes sense and added that he also wanted to point out to the public that he was performing these duties for \$25.00 a week and added that it has been a big help to have him with his knowledge to handle this for them.

Councilwoman Rogers asked if everyone was in agreement.

MOTION

On motion of Councilman Boehm, seconded by Councilman Youmans, to honor the request of Rich Hotaling to provide comp time in the amount of 1.5 hours in excess of 40 hours.

APPROVED – VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Hotaling)

Highway Department Contract Authorization

Councilwoman Rogers stated that there is a request for a Highway Department contract authorization and added that it is for a Milton Cat generator in the lower building, which Highway Superintendent Deering had always signed but now Supervisor Hotaling would be signing. She continued by saying that it is a service contract for one year.

Councilman Boehm inquired as to if there are routine visits to service it.

Highway Superintendent Deering stated that it is done twice a year.

Councilwoman Rogers asked for a motion.

MOTION

On motion of Councilman Boehm, seconded by Councilman Youmans, authorizing the Milton Cat service contract in the amount of \$999.00 for service for the Highway Department generator.

APPROVED – VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Hotaling)

Request for Waiver of Facility Use Fee

Councilwoman Rogers stated that there is a request for a waiver for a facility use fee and added that it is for Joralemon Park for disc golf and added they requested that the \$25.00 fee be waived because it is for a fundraiser, which she does not believe that anyone will have a problem with. She added that the other part of the request is to waive the proof of insurance liability request.

Councilman Boehm stated that based on a conversation with Town Clerk Millious, the person making the request is from out of town and added that a lot of the people who do the disc golf are Town residents. He continued by saying that all residents that rent the pavilion have to show proof that their Home Owners Insurance would cover any liability and added that they can use a local resident for this purpose. He concluded by saying that he is comfortable waiving the fee but not the request for waiving the insurance request.

Councilwoman Rogers interjected that she didn't think that NYMIR would be happy if they waived it.

MOTION

On motion of Councilwoman Rogers, seconded by Councilman Boehm, authorizing waiving the \$25.00 user fee but not the request to waive the insurance.

APPROVED – VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Hotaling)

Councilman Youmans stated that he does not believe that they have the authority to waive the insurance requirement set forth by their insurance carrier.

Councilman Boehm interjected that they were waiving the user fee and added that the fundraiser is for a donation to the Ravena Food Bank C.H.O.I.C.E.S. Program. He continued by saying that they are very responsible and have been a positive force out there.

NYS Building Officials Conference Inc. Membership

Councilwoman Rogers stated that there is a request from Code Enforcement Officer Conrad for Building Officials Membership for himself, Mr. Cashin and Mr. DeBacco and continued by asking Code Enforcement Officer for the 2009 NYS Building Officials Conference Inc. Membership.

Code Enforcement Officer Conrad stated that it is a registration fee for annual membership and added that they do it each year and in turn they provide additional training along with the State of New York for the Building Inspectors to obtain their 24 credit hours needed each year. He added that the State has warned that they might not have additional hours for training and in turn advised that they keep their NYSBOC membership in order to obtain the training so that their certifications can be maintained. He concluded by saying that if you drop below 24 hours of training you are no longer authorized to even sign a Building Permit.

MOTION

On motion of Councilman Boehm, seconded by Councilman Youmans, authorizing \$120.00 for membership renewal for NYS Building Officials Conference Inc. Membership.

APPROVED – VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Hotaling)

2009 Budgetary Reduction

Councilwoman Rogers stated that they started discussing this topic at the last Workshop and continued by asking that Councilman Touchette give an update.

Councilman Touchette stated that Supervisor Hotaling, Bookkeeper Chmielewski, Internal Control Officer Purinton and himself had met last week to try and estimate the

possible shortfalls in revenue that they might face in light of the current economic conditions and added that they went line by line in the budget. He continued by saying that in the Justice Court Revenues, Mortgage Tax Revenues and Sales Tax Revenues they estimated a possible revenue shortfall of \$457,000.00 and in turn tried to identify corresponding expenditures that they could limit in order to meet the budget. He went on by saying that the proposal that they came up with is to establish for the Board to approve, a spending freeze on the .2 component of all of the Department Budgets until further notice, which is the equipment appropriations. He concluded by saying that by doing this it will give them approximately \$380,000.00 of the possible shortfall and reiterated that they discussed a spending freeze, effective immediately, of the .2 component of the budget.

Councilwoman Rogers asked if he would like to make it in the form of a motion.

Councilman Touchette stated that they have to approve it.

Councilman Boehm stated that the Police Department had a vehicle accident and continued by asking if it would be part of it.

Councilman Touchette stated that if emergencies come up they will be dealt with on a case by case basis. He continued by saying that it is for budgeted appropriations that they have, which is a good place to start.

Councilman Boehm inquired as to if any consideration had been given to having an exact percent, such as 10%.

Councilman Touchette stated that they had talked about it and added that it is very difficult to determine and enforce and added that this is something that they can immediately put in place. He went on by saying that there are going to be other cuts but they have not determined where they are going to come from.

Councilman Youmans asked that he clarify .2 equipment appropriations.

Councilman Touchette stated that it is for trucks, copy machines, radios, lawn mowers, etc.

Councilman Boehm reiterated that his concern is the damaged police vehicle and continued by asking Chief Darlington if the Town received insurance money.

Chief Darlington stated that they had.

Councilman Boehm reiterated that he does not want the police car to be part of it.

Councilman Touchette stated that there is room for exceptions and emergency appropriations.

Councilwoman Rogers stated that they would do it that way instead of 10% across the board.

Councilman Touchette stated that they will revisit it at the end of the quarter when they get the first sales tax revenue check and they will see where they stand and in turn they will continue to monitor it throughout the year. He added that if they wait until the third quarter it will be too late.

Councilman Boehm interjected that the first quarter is down 7 ½ %.

Councilman Youmans stated that it was the fourth quarter and added that they won't see the first quarter until April.

Councilman Boehm stated that they are seeing a decrease and added that obviously it will not get any better and then inquired as to if Councilman Touchette is looking for it in the form of a resolution.

MOTION

On motion of Councilman Touchette, seconded by Councilman Youmans, authorizing the Supervisor to implement a spending freeze in the .2 component of the budget, effective immediately.

Councilman Youmans inquired as to if the Board will then look at expenditures on a case by case basis.

Councilman Boehm stated that he would like to amend it to not include replacement of the police car because there is insurance coverage for it.

Councilwoman Rogers stated that it sounds like they should table it for more discussion.

Councilman Boehm interjected that they need to move on it and added that when there is insurance payment for a vehicle, his understanding is that it is very restrictive and when they go to purchase a new police car, which they have insurance money for, the Chief won't be able to do so. He reiterated that he would like to amend it to allow him to do that and the funds will be available from the Insurance Company to purchase a new vehicle.

Chief Darlington stated that this was his concern that he discussed with the Supervisor and added that his understanding was that it would be on a case by case basis and if he presented his scenario and the Board found it appropriate they would approve the expenditure and any .2 expenditures would have to be approved by the Board and added that he already expressed his concern about a freeze on the vehicles.

Councilman Boehm stated that if he is comfortable with it then they would leave it.

Chief Darlington stated that if it is the way it works he is.

Councilwoman Rogers asked for the vote.

APPROVED – AYES 4 – NAYS 0 – ABSENT 1 (Hotaling)

RESOLUTIONS

RES. #34-09 APPROVE JANUARY 2009 ABSTRACT

On motion of Councilman Touchette, seconded by Councilman Boehm, the following resolution was APPROVED – AYES 4 – NAYS 0 – ABSENT 1 (Hotaling)

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

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	216-266	\$ 51,151.19
	Highway Total	\$172,791.12
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	\$1,134,799.88
TRUST & AGENCY (TA)		
Trust & Agency Pre-Pay	135-142	\$260,751.97
	Trust & Agcy. Total	\$260,751.97

CORRESPONDENCE

Ravena Rescue Squad

Councilwoman Rogers stated that there was a correspondence from the Ravena Rescue Squad and asked that Councilman Boehm discuss it.

Councilman Boehm stated that they sent a check in the amount of \$4,981.50, which represents reimbursement for 45 ALS calls that they received payment for.

TOWN BOARD WORKSHOPS/MEETINGS

- Town Board Meeting, February 9, 2009, 7pm
- Town Board Meeting, February 23, 2009, 7pm
- Public Hearing, February 23, 2009, 6:30pm
- Workshop – None Scheduled, Association of Towns Annual Conference

ADDITIONAL COMMENTS

Councilwoman Rogers inquired about the two batteries for the 966 and asked if he is still using the machine.

Highway Superintendent Deering stated that if they need it they use it and added that they leave it at the landfill and it will be there until they put it back out to bid.

Councilman Boehm inquired about limiting the use on it because they just spent \$170,000.00 on a new bucket loader to replace it.

Highway Superintendent Deering stated that they can but it is there and handy when they need it.

Councilman Boehm inquired as to how much they would be spending to use it.

Highway Superintendent Deering stated that it is \$530.00.

Councilman Boehm interjected that it is money that they don't need to spend and they can utilize the new loader that he has.

Councilwoman Youmans inquired as to whether it will run without the battery.

Highway Superintendent Deering stated that it would not run and added that you would not be able to get it going.

Councilman Youmans stated that he can see Councilman Boehm's point and added that on the other hand if they are going to sell it, no one would buy it if it does not run.

Councilman Boehm interjected that they need to make every effort to dispose of the surplus loader as soon as possible.

Councilman Youmans stated that he agrees with that.

Highway Superintendent Deering stated that it was put up for bid last fall and added that they were going to put it out to bid in the spring.

Councilman Touchette inquired as to what the minimum bid was.

Highway Superintendent Deering stated that it was \$15,000.00 and added that at that time they were going for \$14,000.00 to \$22,000.00.

Councilman Boehm inquired as to if there is any other way that it can be advertised.

Highway Superintendent stated that he didn't know.

Councilman Boehm inquired as to if he believes that it is too early to put it out for bid.

Highway Superintendent Deering stated that the spring would be a better time.

Councilman Boehm inquired about April or May.

Highway Superintendent Deering stated that it should be sometime in April or May.

Councilman Youmans inquired as to if it currently runs.

Highway Superintendent Deering stated that it does.

Councilman Touchette interjected that he is in favor of holding off on spending any more money on that equipment and added that they can later when they need to get it sold.

Highway Superintendent Deering stated that it has to be jumped and added that there will be more damage by continuing to do that. He continued by saying that it would then need a starter for \$2,000.00 or better, which makes no sense.

Councilwoman Rogers stated that they table it for more discussion.

Councilman Youmans stated that they don't need to make a decision right now.

Councilwoman Rogers asked if there were any additional comments.

Councilman Touchette stated that he attended the Grand Opening of the Bank of Greene County and added that he wanted to welcome them to Town in addition to thinking it is great that they refurbished a vacant building by using local contractors. He went on by saying that in this economic climate, they are willing to make an investment in our town.

Councilman Boehm stated that he also attended the event and added that the bank was nicely decorated with photos of the Ravena / Coeymans area.

Councilwoman Rogers agreed that it was nice.

Councilman Youmans stated that he is sorry that he missed the event and added that he would also like to welcome them to the Town of Coeymans.

Councilwoman Rogers asked if there were any additional comments.

Chief Darlington stated that he received an e-mail earlier in the day from Mr. Terry Ryan from Albany County Emergency Management and added that apparently the Federal Government has reconsidered their evaluation of the ice storm and in turn declared it a disaster. He added that on February 3rd he will be attending an Organizational Meeting to start preparing to receive reimbursement for damages and repairs done during that event. He went on by saying that he e-mailed Supervisor Hotaling earlier in the day to make him aware of it.

Tape change – some dialog lost.

Chief Darlington stated that Community Beautification Supervisor Perry will be presenting to him estimates of the damages at the parks, which should be reimbursed.

Councilman Youmans inquired about residents that may have damage that is not covered by insurance.

Chief Darlington stated that it is just for governmental agencies right now and added that he is sure that they will inform him on how to notify the public on what they can do.

Councilwoman Rogers asked if there were any additional comments, hearing none she adjourned the meeting.

ADJOURNMENT

MOTION

On motion of Councilman Touchette, seconded by Councilman Youmans, the Town Board Meeting was adjourned,
VOTE – AYES 4 – NAYS 1 – ABSENT 1 (Hotaling)

Time: 8:03pm

Respectfully Submitted,

APPROVED:

Diane L. Millious, Town Clerk