

**A Town Board Meeting was held Monday, January 12, 2009 at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York**

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

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Greg Darlington, Chief of Police  
Albert Deering, Superintendent of Highways (arrived late)  
Laura VanValkenburg, Sole Assessor (arrived late)

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

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### **OPENING COMMENT**

Supervisor Hotaling stated that the record should reflect the presence of a full Town Board in addition to Town Clerk Millious and Police Chief Darlington.

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### **AGENDA**

- Public Announcement
- Presentation
  - Lafarge Update
- Public Comment
- Approval of Minutes
  - Town Board Meeting, December 22, 2008
  - Town Board Organizational Meeting, January 1, 2009
- Old Business
  - Review of Proposal for Hannacroix Creek
- New Business
  - Planning and Zoning Review Services
  - Town of Coeymans Park Committee
  - 2007 LWRP Grant
  - Police Department Request to Participate in NYS Law Enforcement Accreditation Program
  - Request for Building Inspectors to Attend Association of Towns Annual Meeting
  - Albany County Tax Mapping Services
- Resolutions
  - Request to Effect Proper Enforcement at Port of Coeymans
  - Authorize Bond for Martins Hill Water District
  - Authorize Application for Comptroller Review to Establish Martins Hill Water District
  - Adopt Local Law #1-09, Cold War Veterans Exemption
- Town Board Meetings / Workshops
  - Town Board Workshop, January 20, 2009, 6pm
  - Town Board Meeting, January 26, 2009, 7pm

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### **PRESENTATION**

Supervisor Hotaling stated that Mr. John Reagan, Environmental Manager from Lafarge was in attendance to update the Town Board on a couple of projects and studies that are ongoing at the plant. He then invited Mr. Reagan to give his presentation.

Mr. Reagan wished everyone a New Year and added that he has a few things to go over, which includes an announcement that due to the financial crisis in the nation and because of the sharp decline in the demand for cement, they will have a workforce reduction at the Ravenna plant and the headcount will decrease by 37 individuals. He continued by saying that it consists of both hourly and salaried personnel, which will be in full effect by the end of January and went on by saying that Lafarge has done everything that it could do and this was the last resort. He added that there was a lot of cost cutting and the kilns and quarry were shut down for the month of December and they shuffled down some people to keep them working but at this point to be competitive with imports they have to reduce their costs and in combination with the decrease in demand for cement it caused this action. He continued by saying that they are fully committed to staying here and moving forward with their plans for modernization and added that there is not a whole lot new to report. He went on by saying that in the fall they went through the Public Hearing on the Scoping Documents and there were some comments on that, which they prepared a response in a summary to DEC and the final Scoping Document should be published soon and might be within the next week or so. He added that meanwhile they are working on the Draft Environmental Impact Statement for the project and their plan is to shoot for the end of February or early March for this, which would mean that the Public Hearing would be late in the spring or early June. He concluded by saying that the project is moving along well.

Supervisor Hotaling stated that even with the cutbacks in orders for cement it is moving along well and added that it depends a lot on where they see themselves within the next several months and then a couple of years out and added that the plan is to keep moving forward the modernization.

Mr. Reagan stated that the Portland Cement Association predicts that the market will begin to pick up again sometime during 2010, which is optimistic and added that their big challenge now is to be competitive with imports. He continued by saying that the modernization project will allow them to reduce fuel usage, which is a huge cost to them and they will be a lot more efficient, which is a good move for the company.

Supervisor Hotaling inquired as to if the reduction in fuel oil cost made the imports a more attractive option for customers.

Mr. Reagan stated that it's more attractive from a transportation point and added that their primary fuel is coal, which has not gone down the way that petroleum prices have. He continued by saying that he has reported several times on the Mercury Study and went on by saying that he is pleased to announce that in late December they submitted their study to DEC and added that the project began about a year ago when they heard some interest from the community and DEC about mercury emissions at their plant and in turn they undertook a comprehensive study to assess the mercury inputs of the process and mercury emissions. He added that the report was completed over the past six months and now they have some results to show for it and then asked Supervisor Hotaling if he had received a copy of the report.

Supervisor Hotaling stated that he had and added that he joined Mr. Reagan at a recent teleconference regarding the emission study.

Mr. Reagan stated that if anyone would like a copy they should contact him and added that to their knowledge this is the most comprehensive Mercury Study that has been conducted by a cement manufacturer in the country and possibly the world, which they are proud of. He continued by saying that they have invested ¼ of a million dollars in the project and they think that they did a thorough job and went on by saying that throughout the project they submitted a work plan to DEC, which was reviewed and approved as well as their protocols for emission testing. He added that they retained several consultants and independent experts in the field of both mercury and cement manufacturing to help them with the project as well as a laboratory that used an ultra low

mercury detection limit, which enabled them to detect mercury at concentrations that they could not in the past, which took some of the guess work out of their emission estimates. He went on by saying that they also used Air Control Techniques who specialize in emissions testing and has extensive experience with cement and mercury testing and added that DEC was involved with them throughout the process and were out to the site to inspect some of the testing activity as well as some members of the media to witness and document some of their activities in addition to some of their stakeholders. He continued by saying that the report has enabled them to quantify all of the mercury input of the process and added that mercury is a natural occurring element, which is present in almost everything but in very small concentrations and the majority of the mercury input comes from the limestone, which is approximately 75% and went on by saying that they process approximately 5 billion tons of material a year and about 95% of that is limestone so it is natural that so much material with very small quantities of a substance is going to add up. He added that they found the next contributor was coal and about 27% of their inputs to the process for mercury comes from coal and approximately 10% of the mercury input comes from the fly ash, which they have discussed previously and went on by saying that they found that the mercury concentration in fly ash is higher than any of the other materials that they use but they use small quantities of it. He continued by saying that the results from the project are a good tool for them to estimate mercury emissions and they used the results to estimate their mercury emissions for 2008, which is 157 pounds per year and if they are required to do so they will report it to NYS DEC and the EPA. He went on by saying that they conducted approximately 500 different types of samples of their raw materials, fuel, products and the waste products in their process as well as conducting three stack tests on three different occasions to quantify the mercury emissions, which enabled them to take stack testing and inputs and compare the two, which came out pretty closely matched so they feel confident in the numbers that they got. He added that what is important about the stack testing results is that one of the objectives of the project was to differentiate between the different chemical forms of mercury, which are elemental mercury, oxidized mercury and particle bound mercury and continued by saying that they found in the testing that almost 99% of the mercury that they emit is metallic mercury. He went on by saying that it is unique to other cement plants because other cement plants have a mix, which created some technical challenges for them because there is no technology out there to control elemental mercury emissions from a wet kiln and added that it is the cement industries experience that mercury in the oxidized form can be scrubbed with scrubbers and newer plants like the one that they are trying to build have mostly an oxidized form. He continued by saying that they are confident that when they build the new plant they will be able to scrub the mercury out and added that the other significant thing about elemental mercury is that it is not water soluble and is in the elemental form and according to the EPA there's little risk of it being deposited locally. He went on by saying that there are not any regulations for mercury emissions from a cement plant but there are regulations that the EPA has for new cement plants and through their stack testing they identified that their emissions are much lower than what the EPA requires of new cement plants and in going further they looked at mercury emissions around the world and found that the EPA's regulations are the most stringent in the world. He continued by saying that their emissions are lower than the most stringent regulations in the world but still thinks that it is important and will work with DEC to look at ways to reduce mercury emissions and added in the short term it may be material substitution but in the long term it is the plant modernization project. He went on by saying that NYS DEC has models called Air Guide 1, which are theoretical models that are intended to assess the risk to the public health of exposure to various chemicals, which mercury is one of and added that it looks at both short term and long term public health affects from exposure to mercury and in plugging their numbers into the models the expected risk is 1% or less of what is considered a safe exposure level in certain areas immediately surrounding the plant, which is reassuring news to them and hopefully others as well. He concluded by saying DEC will be doing their scientific evaluation of the report and in the meantime they will continue to work with them to evaluate ways to reduce mercury emissions.

Supervisor Hotaling thanked Mr. Regan and then asked if there were any questions. He continued by saying that it sounds to him that it is a thorough study and added that it is a little troubling to find that although they are below the EPA standard, the rest of the world has thresholds that are different and permit more.

Mr. Regan stated that it was true and added that it is also true that the measurement techniques are getting better and better and as they get better the standards are ratcheted down.

Supervisor Hotaling stated that it was a good news, bad news presentation and added that the 37 people that will have lost their jobs by the end of January will hopefully be reemployed and hopefully Lafarge has some reemployment services that are available to them within the industry and perhaps sister industries.

Mr. Regan stated that they do offer some out placement services and added that the major difficulty is that there are problems within the entire nation and continued by saying that there are some plants in the United States that are in a lot worse shape than they are.

Supervisor Hotaling stated that hopefully the viability of the Ravena plant will stay on track from Lafarge North America's perspective and it will be worthwhile to potentially spend millions of dollars to modernize the plant that will eventually help with the mercury emissions.

Mr. Regan stated that the Lafarge plant is a great location and added that they have the limestone reserves and access to the Hudson River for shipping and continued by saying that strategically it is a good company and the company recognizes that.

Supervisor Hotaling thanked Mr. Regan for his presentation and asked that he keep him informed and in turn he will provide the forum for whatever news he wants to put forth.

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**PUBLIC COMMENT**

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

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**APPROVAL OF MINUTES**

Supervisor Hotaling stated that there were two set of minutes for Town Board approval, a Town Board Meeting on December 22, 2008 and the Organizational Meeting on January 1, 2009. He asked if everyone had an opportunity to review them and if so he would accept a motion to approve them.

Councilman Youmans stated that he had just received the January 1<sup>st</sup> minutes earlier in the day as well as there being some corrected pages.

Supervisor Hotaling inquired as to if he cared to postpone the approval of both sets until the next meeting.

Councilman Youmans stated that he had read the minutes for the December 22<sup>nd</sup> meeting.

**MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, accepting the December 22, 2008 minutes as read.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that the Organizational Meeting minutes would be tabled until further information can be clarified.

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**OLD BUSINESS**

**Review of Proposal for Hannacroix Creek FEMA Project**

Supervisor Hotaling stated that the original recommendation from C.T. Male was to do a very limited mitigation, which was rejected by the Town Board and in turn they moved ahead to go with a full bore mitigation in the Hannacroix Creek area that is within their jurisdiction in Joralemon Park. He continued by saying that it was authorized by the Town Board to have a Request for Proposals prepared, which was advertised and in turn they received seven proposals from various Engineering Firms, which ranged in price from approximately a low of \$90,000.00 to a high of \$180,000.00. He added that there were a variety of Scope of Services and plans as how to acquire the Army Corp of Engineers and DEC permits that will allow them to go into the Hannacroix Creek in that area and went on by saying that they are at the point where they are in the review stage and all Board members have received copies of the proposals. He continued by saying that by approval of the Board at the last meeting he reached out to C.T. Male, the author of the RFP, but not a bidder in the proposal process, to ask for a proposal from them to assist the Town in vetting the RFP's and in turn he received a letter from Mr. James Huston, an Engineer from C.T. Male that proposes to review all of the RFP's received as well as preparing a recommendation letter with his reason for such as well as attending one Town Board Meeting. He added that Mr. Huston indicated that it will take approximately 3 weeks to review the proposals and provide a recommendation for a lump sum of \$2,800.00 and continued by saying that they had discussed the fact that they would like to use C.T. Male and then asked if there was any further discussion.

Councilman Boehm inquired as to if this cost can be submitted for reimbursement.

Supervisor Hotaling stated that he would think so and added that he has a call in to MaryAnn Wolliber from SEMO who had just sent a quarterly report for the Hannacroix Creek Project to him that was due on January 10<sup>th</sup> and continued by saying that he had spoken with her and indicated to her that they were not going to get it to her by the 10<sup>th</sup>. He went on by saying that he had met with some staff and they are organizing some closure letters for some projects that the Highway Department had done with respect to a culvert by the Highway garage as well as some areas of shoulder erosion on various roads and reiterated that they are coordinating an effort to put closure to that. He added that they had received an extension on the Hannacroix Creek Project until September of 2010 and reiterated that all of the costs conceptually from their perspective should be submitable for reimbursement, which includes the \$2,800.00. He continued by saying that with whatever one that they select, they need to pass by FEMA and SEMO because with FEMA being the funding source he would hate to give them a plan that they would say they don't like and won't fund and added that they already have several thousands of dollars invested and they don't want to miss their chance for reimbursement. He concluded by saying that the project was initially thought to be a \$200,000.00 cost to obtain the permits and potentially as much as another \$400,000.00 - \$500,000.00 for mitigation in the creek and added that they want to make sure that the funding source stays happy and stays on board with the way in which they plan to solve it and added that this is the best way of getting the best product in front of them.

Councilman Boehm interjected that C.T. Male is a very reputable firm.

Supervisor Hotaling asked if there were any other questions or comments.

Councilman Youmans stated that given the gap between the low price and high price he believes that the guidance is necessary.

Councilwoman Rogers interjected that she agrees.

Supervisor Hotaling stated that it is a only a letter and not a proposal and added that with authorization from the Board he could advise Mr. Huston at C.T. Male that they are accepting the proposed fee of \$2,800.00.

**MOTION**

On motion of Councilman Boehm, seconded by Councilman Youmans, authorizing Supervisor Hotaling to enter into an agreement with C.T. Male & Assoc. P.C. in the amount of \$2,800.00 for the purpose of assisting them in selecting the Engineering Firm that will supervise the channel restoration project.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that he will be contacting Mr. Huston the following morning asking for a formal document for his signature. He continued by asking if there were any other Old Business topics for discussion, hearing none he moved to the next item on the agenda.

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## **NEW BUSINESS**

### **Planning and Zoning Review Services**

Supervisor Hotaling stated that at their January Workshop they had a proposal from Laberge Group to provide services to the Planning Board when there is a major subdivision or other issue before them that they believe they should get services or input from engineers. He continued by saying that Laberge would provide the services at essentially no cost to the Planning Board or taxpayers because the cost would be born by the developer or person requesting to have the approval.

Councilman Boehm stated that his only concern is that the fee would be passed on to a taxpayer if the taxpayer is the person coming for a subdivision and added that they need some guideline saying that for a simple subdivision they won't need Laberge's services. He added that he had not had a chance to look at it and continued by saying that it is not clear how much would have to be paid for services provided by Laberge.

Supervisor Hotaling stated that he does not think that he will find it there and added that the cost will be for whatever the task at hand would be and continued by saying that they have an hourly rate. He went on by saying that the Biers Road realignment was the topic of the last Planning Board Meeting and a member of the audience had called him a day after the meeting and said that his agency provides services to Planning Boards, which is essentially what Laberge is saying. He continued by saying that the individual had said that he has worked in communities where there are several Engineering Firms who at the request of the Planning Board can be involved and added that Planning Boards around the area can pick from several depending on specialties and expertise. He concluded by saying that he does not think that it would be a bad thing to have more than one.

Councilman Touchette agreed and added that they have the ability to do that according to Town Law. He continued by saying that to address Councilman Boehm's concern, it would be on an as needed basis and for most minor subdivisions they would not need that level of expertise and added that the need for it would be if there was a major subdivision with roads plans and infrastructure plans in which the developer would come to the Town with the proposal and concluded by saying that the Town would have to have someone to review it.

Councilman Boehm interjected that he agrees with it in the case of a major subdivision.

Councilman Touchette stated that most of the subdivisions that are done are simple and would not require an engineer.

Councilwoman Rogers stated that this is how it was explained by Laberge.

Councilman Touchette stated that the Planning Board may have a question about some technical aspect of the project that they would need answered.

Councilman Boehm stated that given the fact that there are several Engineering Firms that offer the service and bill on an hourly rate, they should put out an RFP to look at the rates.

Supervisor Hotaling stated that there are regulars that they deal with and have asked to engage with the Town and added that he would suggest that they ask their liaison to Planning and Zoning, Councilman Touchette, to carry the concept to the Planning Board and talk to them to get their feelings and whether they believe that they can benefit from this. He continued by saying that if they say yes, they then have the opportunity to widen the menu of options available to them by contacting other Engineering Firms to see if they want to be on the list and as a result have 3-4 that the Planning Board can draw from depending on what the circumstances are. He went on by saying that he does not know whether the Planning Board has talked among themselves about this and added that it is something that came from Laberge through the Town Board and added that this is not new and was suggested to them last year at the Association of Towns Training School. He concluded by saying that the next step is to see how the Planning Board feels about it and asked that Councilman Touchette take the responsibility of doing it and reporting back to the Town Board.

Councilman Touchette stated that he would.

### **Town of Coeymans Park Committee**

Supervisor Hotaling stated that the Town of Coeymans Park Committee was formed several years ago in an effort to enhance all of the Town's parks, particularly Coeymans Landing Park and one of the major projects that they took upon was the gazebo, which was built by donations and not taxpayer dollars. He continued by saying that a couple of years ago he had a discussion with Mr. Angelo Rosato about \$800.00 that was left in a bank account that they carried and at that time Mr. Rosato wanted to fix up the Honor Roll that was falling apart and added that between the \$800.00 and some Town forces they now have an Honor Roll that is protected with a covering over it. He went on by saying that the money has been exhausted and Ms Cynthia Kunz sent to him a letter as a final report on the project. He continued by reading the following excerpt:

“Our Committee has long since been dissolved but there had been a small interest bearing account held with the remaining funds from the fundraising to construct the gazebo. Our Committee voted to keep the account for future repairs and/or projects solely related to the gazebo. During the summer of 2007, Angelo Rosato, Ten Eyck Powell and I as former members of the Committee agreed that the time had come to use the funds to reconstruct the Donor's Board. The Board as constructed at the time of the gazebo did not have a roof line to prevent water leakage into the interior. We expended these funds at that time to make repairs. The Town Board provided assistance to make up a deficit, thankfully. Donations were also accepted from Ten Eyck and Barbara Powell, David and Cynthia Kunz and Angelo Rosato to replace the brass markers.”

The vision of the Committee tapped into the desire in the community to return to the roots of the Town of Coeymans. The location of the park and the green are the front yard of the site of the Coeymans Castle, the home of Barent Coeymans, which was demolished in 1833.

On behalf of the long since dissolved Town of Coeymans Park Committee, I believe I can speak for the members that it was our pleasure to serve but the accomplishments as seen today, could not have been realized without all the nickels, dimes and dollars from the community and their dreams to return to the Hudson River and town's roots.”

Supervisor Hotaling continued by saying that attached to the letter is a listing of those who contributed as well as what they have contributed over the years. He continued by saying that he believes that the letter was meant for closure of the Park Committee and then asked for a motion to accept the letter as closure for the Town of Coeymans Parks Committee and file it along with the other materials from over the years and then asked if there were any comments.

Councilman Boehm stated that he wanted to pass on thanks to all those who were mentioned and added that it was quite a task to pull off without any taxpayer dollars. He continued by saying that it was a great job and he thanks them.

Supervisor Hotaling stated that the letter is available for anyone that wants to see it and added that with the Board's permission he would post it on the bulletin board.

Collectively the Town Board agreed.

Supervisor Hotaling stated that they will consider the letter as closure.

### **2007 LWRP Grant**

Supervisor Hotaling stated that he was in receipt of an e-mail from Ben Syden from Lafarge, which relates to the LWRP Grant and added that the Grant application was made again in 2007 after having a Grant written in the late 80's or early 90's that never came to fruition and it left a bad taste in some of the mouths at the Department of State. He continued by saying that in 2007 the LWRP Grant was resurrected due to the development of the Comprehensive Plan, which was not present in the earlier efforts for the LWRP and added that the Town Board authorized a resubmission to the Department of State and with the knowledge of having a Comprehensive Plan in place they thought the Town was a good candidate for LWRP money and have granted access to some funds but have not been authorized to release any money for the 2007 round of grants. He concluded by saying that Mr. Syden talks about getting involved in issuing a Request for Qualifications or a Request for Expressions of Interest to select a consultant and added that he does not believe that they are at that point yet but wanted to bring it to the Town Board for information or any input that they might have and reiterated that they are not at the point of requesting a consultant when they don't even know that they will get the money.

Councilman Touchette stated that he spoke to the contact that was mentioned in a letter that they got in June and added that she indicated that the Comptroller's Office was reviewing all of the information and was not able to give him any kind of timeline or whether it will be funded at all and continued by saying that he has another contact that he can call.

Supervisor Hotaling stated that at this time there doesn't seem to be any wisdom in moving ahead with a request for a consultant.

Collectively the Town Board agreed.

Supervisor Hotaling inquired as to if the Town Board is comfortable in allowing Councilman Touchette to continue to make contacts.

Collectively the Town Board agreed.

### **Police Department Request to Participate in NYS Law Enforcement Accreditation Program**

Supervisor Hotaling stated that he was in receipt of a request from Chief Darlington to participate in a New York State Law Enforcement Accreditation Program and added that a memo was submitted by the Chief to the Town Board on January 2<sup>nd</sup> and it provided some information and supporting documents. He continued by saying that the Chief was present to talk about the benefits of accreditation and what the process entails.

Chief Darlington stated that the Accreditation Program sets 162 standards that Law Enforcement Agencies who participate in the Program are required to meet. He continued by saying that the standards just basically tell you what is recommended to be in your procedures and does not tell you how you are suppose to handle incidents but rather makes sure that you have a set of standards that meet every requirement that the State would like to see your agency doing. He added that there is not a requirement that they participate and if they start participating and then find out that it is not feasible to continue they can discontinue participation and went on by saying that currently their manual has not been reviewed or updated in 10 years. He concluded by saying that he is in the process of doing it and added that this would be the perfect time to jump into the accreditation.

Supervisor Hotaling stated that part of the accreditation process is the manual, which is picked apart and reviewed to make sure that every policy that he has comports with the recommendations that they accredit

Chief Darlington stated that he was correct and added that it unifies that you are meeting the standards and are compliant with what is needed.

Supervisor Hotaling added that if you are an accredited agency it at least assumes that your manual is set forth with policy and procedures that are in line with New York State standards.

Chief Darlington stated that was correct.

Supervisor Hotaling continued by saying that if you apply those standards consistently in various case by case matters then the likelihood of liability is mitigated.

Chief Darlington stated that was correct and continued by saying that sometimes accredited agencies tend to have more suits against them but dollar to dollar the payouts are less. He added that non accredited agencies, when they end up in lawsuits pay far more than the ones that are accredited, which ultimately would be a savings.

Councilman Youmans inquired as to why an accredited agency would have more.

Chief Darlington stated that DCJS like to say that the officers feel protected and are producing more, which are more cases for liability.

Councilman Youmans interjected that it is not just a coincidence and added that there is a cause and effect.

Chief Darlington stated that was true and added that by following the standards the Officers feel protected and in turn the agency feels protected.

Supervisor Hotaling inquired about an accredited agency having more suits filed against them but the dollar amount is lower.

Chief Darlington stated that it is according to DCJS.

Supervisor Hotaling stated that according to NYMIR it is the opposite and continued by reading the following excerpt from a letter addressed to Chief Darlington.

“Because of the requirements of this program, we find the law enforcement agency’s that achieve accreditation have fewer law enforcement liability claims. Additionally, we pay fewer law enforcement liability claims in these agencies.

While NYMIR does not give a specific premium discount for achieving accreditation, it is figured into the determination of premium for the municipality in the form of risk management credits.”

Supervisor Hotaling stated that there is no specific discount but obviously an accredited agency with assumably fewer liability claims, would have a better risk to an insurance carrier than a non accredited agency. He continued by saying that he would open it up for discussion.

Councilman Youmans inquired as to what the cost is.

Chief Darlington stated that there is no cost other than what they are going to incur anyway, which is to update their manual. He continued by saying that they supply them with all the resources that go along with it and there is no real cost to the Town.

Councilman Youmans inquired as to if he thinks that it is the thing to do.

Chief Darlington stated that currently it is and added that to build the professionalism of the Police Department, coming up with a set of standards that meet New York State standards and the standards that most agencies are going to throughout the state, it would be an asset.

Councilman Boehm stated that given the fact that there is no cost it will go a long way to maintain the public's confidence in the Police Department and added that he would like to make a motion.

**MOTION**

On motion of Councilman Boehm, seconded by Councilman Touchette, authorizing the Supervisor to sign the agreement to allow the Chief to pursue the accreditation process, which will maintain the public's confidence in the Police Department.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that they would work on the paperwork the following day.

**Request for Building Inspectors to Attend Association of Towns Annual Meeting**

Supervisor Hotaling stated that he was in receipt of a request for Building Inspectors Conrad and Cashin to attend the Association of Towns Annual Meeting and added that it has been the practice in the past to approve Mr. Conrad's attendance, registration fee and lodging and in Mr. Cashin's case, he has requested only the registration fee because his lodging and meals are covered by another agency. He added that the cost will be \$100.00 for Mr. Cashin and \$100.00 plus lodging and per diems for Mr. Conrad and then asked for a motion authorizing their attendance.

**MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Boehm, authorizing the attendance of Building Inspectors Conrad and Cashin at the Association of Towns Annual Meeting.

VOTE – AYES 5 – NAYS 0 – SO MOVED

**Albany County Tax Mapping Services**

Supervisor Hotaling stated that it seems like only yesterday that they worried about whether or not they were going to get tax mapping services to support Assessor VanValkenburg's efforts as well as the efforts of other Sole Assessors in the Albany County area. He added that several months ago Albany County wanted to award a contract for mapping services to a company in California as opposed to a company of long standing who has an office in Latham. He continued by saying that contracts and negotiations can be very difficult and there may have been things that were not apparent to them and then asked that Assessor VanValkenburg come to microphone and explain what the County did and where they find themselves now.

Assessor VanValkenburg stated that she cannot speak about the tax mapping and how it played out prior to being the Assessor for the Town of Coeymans and added that the contract was ongoing and there were no negotiations until last year, which was the point that Albany County Real Property Tax Office had notified and made the powers to be aware of the fact that the contract was expiring. She continued by saying that they got to the point where the contract was expired or going to expire and they didn't know if they were going to be able to fulfill the assessment year cycle vs. the calendar year cycle to get their tax mapping revisions done for the March 1<sup>st</sup> taxable status date. She went on by saying that there was a big push and she thanked the Town Board at the time because it made a difference and Albany County gave L. Sipperly & Associates a one year extension on the contract and added that unfortunately that one year is followed by the calendar year and not the assessment year and nothing has gotten done and they are still without a contract. She continued by saying that she spoke with John Davis from Sipperly earlier in the day to get an update and he advised that he had written a letter to John Rodat, Commissioner of Management and Budget for Albany County, who oversees

this and added that Mr. Davis was cautiously optimistic that that there will be some extension and he proposed an extension through March 2010 in order to give Albany County plenty of time to get their RFP out and get in place before it expires again. She concluded by saying that at this point she is hoping that they get the extension and Mr. Davis can finalize tax map revisions and added that this involves Planning Boards, and any number of services that rely on the GIS and tax mapping information.

Supervisor Hotaling inquired as to what is happening now because December 31, 2008 has passed.

Assessor VanValkenburg stated that Mr. Davis is still working in good faith with the County and trying to resolve any issues and added that he sent to Assessors in Albany County an e-mail asking that they advise him of any split merges that he is not aware of.

Supervisor Hotaling asked if she recommends that the Town Board take action similar to what they had done a year ago and write to Legislator Breslin asking that they move the extension. He continued by saying that they have to do something because it cannot continue this way and added that it makes no sense to extend to the end of the calendar year.

Assessor VanValkenburg stated that it wouldn't hurt to write to Mr. Rodat and Legislator Clouse because he was very responsive to her call.

Supervisor Hotaling stated that he is of the minority party of the Legislature and added that he likes to prod the County Executive on occasion.

Assessor VanValkenburg stated that he did make phone calls and got back to her with the progress. She continued by saying that it is an unfortunate situation and added that Albany County has known for a year or better that it was going to come up again and they don't seem to be proactive rather than reactive and it's not productive.

Supervisor Hotaling stated that Albany County's history of not being proactive is well known and thanked her for bringing it to her attention and added that with the Board's authorization they will put something together.

Councilman Youmans inquired as to if he needs a motion.

Supervisor Hotaling stated that he didn't think so and added that they were all in agreement to assist and continued by asking if there were any other assessment issues to discuss.

Assessor VanValkenburg stated that she just set up interviews for the Assessment Aid Data Collector and will be interviewing 7 people.

Supervisor Hotaling stated that she should know that there were little or no comments relating to the Cold War Veterans Exemption and added that later in the meeting there is a resolution to enact it. He added that Town Clerk Millious will be filing it, which will be plenty of time for the deadline.

Assessor VanValkenburg stated that they need to make sure that people are aware of it and continued by asking if they should put a notice in the paper.

Supervisor Hotaling stated that she can collaborate with the Board members as to how they want to accomplish it and added that they can put it on the website as well as in the News Herald. He continued by saying that as the deadline approaches they will give instruction and went on by saying that he does not believe that there is a large number of people that are going to be impacted by the new legislation and added that Mr. Rivers who spoke at the Public Hearing said that he already receives a Veterans Exemption.

Assessor VanValkenburg stated that they have gotten several phone calls and added that for some reason for the first time people are looking at their tax bills and are seeing that they can get exemptions. She added that with the Cold War Exemption it is important for

people to understand that if you are currently getting a Veteran's Exemption you are not eligible.

Supervisor Hotaling thanked Assessor VanValkenburg and continued by asking if there were any other New Business topics that any member of the Board would like to put before them, hearing none he moved to the next item on the agenda.

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## **RESOLUTIONS**

Supervisor Hotaling stated that one of their colleagues requested the first resolution and asked that Councilman Touchette introduce it and make any comments that he wishes before the formal introduction.

Councilman Touchette stated that there has been much anxiety about the activity at the Port of Coeymans among the residents of the Hamlet and continued by saying that he has been informed that DEC intends to or may have already issued a permit to the Port of Coeymans for a Construction and Demolition Debris Recycling Facility and added that he does not understand why DEC would issue a permit that they know is in violation of a Town Local Law. He went on by saying that he believes that it is important that they are proactive to uphold their Local Laws, especially a long standing Local Law that is important to the Town. He concluded by saying that he was glad that Mr. Laraway was present so he could hear it and continued by reading the following.

### **RES. #30-09 REQUEST TO EFFECT PROPER ENFORCEMENT AT PORT OF COEYMANS**

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

**WHEREAS**, the Town Board of the Town of Coeymans has learned that the New York State Department of Environmental Conservation intends to issue a permit to the Port of Coeymans to operate a Construction and Demolition Debris Recycling Facility, and

**WHEREAS**, the importation of construction and demolition debris is prohibited by Chapter 138 of the Code of the Town of Coeymans,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans directs Chief of Police Darlington and Building Inspector/Code Enforcement Officer Conrad to effect the proper enforcement of this chapter.

Supervisor Hotaling asked if there were any comments.

Councilman Youmans stated that he would wonder why if it is their law why they would need a resolution to enforce it and added that he would state for the record that they have had discussions about actually changing the Law to allow recycling because since the Law was written recycling has become much more main stream. He continued by saying that from an environmental standpoint, if the construction debris is recycled and reused it is a good thing because the alternative to that is to landfill it, which he views as not good.

Councilman Boehm stated that they have looked at different options and added that he does not agree completely with the resolution but they do have a Local Law on the books and as a Town Board they either need to change, modify or take a look at it because it is something that has not been enforced. He went on by saying that he does not know if the resolution is the answer but it is a topic that that they have to take a look at, which to date they have looked at different options with Attorney for the Town Wukitsch and concluded by saying that they need to expedite the process and proceed with it.

Councilman Youmans interjected that they also have Attorney Schachner working on it.

Councilwoman Rogers stated that as Councilmen Boehm and Youmans had said they have discussed changing the Law for recycling and added that she believes that it should

be changed to have the C&D recycling. She concluded by saying that she does not agree with the resolution because she is looking at the tax base and jobs.

Supervisor Hotaling stated that he will be voting nay on the resolution and added that as Councilman Youmans had mentioned, Attorney Schachner, their Environmental Lawyer has been engaged to look at Chapter 138 as well as others in an effort to codify codes that are confusing either in definition or intent. He added that DEC's intent to issue a permit does not mean that in this instance Chapter 138 is not being enforced and went on by saying that it provides for the prohibition against the importation of materials from outside of the Town of Coeymans and other areas of New York State and continued by saying that it would portend that it does authorize C&D from within the Town of Coeymans or from out-of-state to be ok to be processed. He continued by saying that it seems to be premature to direct anything that the Chief of Police or Code Enforcement Officer might do to enforce Chapter 138 since they don't have examples of violations and added that Attorney Schachner's efforts could bring to the Board a viable alternative to embrace the newer technologies that they have. He went on by saying that as he understands Chapter 138 and its intent, because he was a Councilman when it was imposed, was to ward off the City of Albany and its regional landfill at a time when construction and demolition debris was in fact landfill and this was another effort to ward off any opportunity for Albany to seize upon putting their regional landfill in the Town of Coeymans. He continued by saying that as the technologies have evolved it is unfortunate but not uncommon that laws in either the State or small localities have not kept up with technology and embraced the fact that now C&D can be reclaimed successfully and put back in the construction stream in a positive way and added that he is hopeful that Attorney Schachner will be able to send to them very shortly a plan to modify this law and others and to allow what appears to be the majority of the Board's view that this type of activity is something that would be consistent with not only what they want to do in Coeymans in preventing a solid waste landfill from coming in but also support the rekindled effort on the part of the State to embrace recycling. He concluded by saying that this is why he will be voting in the negative and would give anyone else an opportunity to say anything else that the want.

Councilman Touchette stated that he wanted to reiterate that there is a law on the books and added that he believes that it is incumbent upon them to enforce those laws and continued by saying that he believes that it is important to have a resolution because this particular law is a little different because it is enforced by the Chief of Police and Building Inspector. He concluded by saying that he believes that they should uphold the laws on the books.

Supervisor Hotaling stated that the issue will come back and added that he hopes that it does because it needs to be clarified and continued by saying that he does not want his negative vote or the Board's overwhelming rejection of the resolution to be a signal that there is such a rift between and among Board members that it cannot be repaired. He continued by saying that he does not believe that there is a rift at all but rather a different view point in a lot of different perspectives. He concluded by saying that someone had just told them that 37 people will not have a job in the end of January and Mr. Laraway is putting together what was a very decaying brickyard and putting it back to some viability and added that he believes that they can collectively tackle it and come to a resolution of the issue that will act in the best interest of all concerned.

Councilman Youmans interjected that he does not believe that there is a rift at all and added that they understand where Councilman Touchette is coming from and respects his opinion.

Councilman Boehm stated that they do need to move forward and added that there have been a lot of different options with Attorney Schachner and continued by saying that he feels as though it is important to they expedite it.

Supervisor Hotaling stated that he has a call into Attorney Schachner and added that the last conversation that they had was a day after Councilman Touchette had told him that he went down there. He added that Mr. Schachner's response back to Confidential

Secretary Lewandowski was that he anticipates having a draft back to them by the end of the week.

Supervisor Hotaling stated that the next two resolutions were ministerial tasks that are necessary requirement for them to move forward with the next step of getting approval for the Martins Hill Water District in providing Village of Ravena water to those homes in and around the Martins Hill area. He continued by saying that the requirement for this is because the Comptroller's threshold of the annual cost to each user is exceeded and added that when that happens that State adjusts each year the threshold by which they will approve without Comptrollers review such Water District development. He concluded by saying that this dramatically exceeds the Comptroller's threshold and as a result they have to get his approval.

**RES. #31-09 AUTHORIZE APPLICATION TO STATE COMPTROLLER FOR PERMISSION TO ESTABLISH MARTINS HILL ROAD WATER DISTRICT**

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

**WHEREAS**, the Town of Coeymans wishes to establish a new Water District to be known as the Martins Hill Road Water District (the "District") in accordance with Town Law Article 12-A; and

**WHEREAS**, a map plan and report dated May 4, 2007 and revised June 23, 2008 (the "map plan and report") has been prepared by C.T. Male Associates, PC, filed in the Town Clerk's Office and made available for public inspection; and

**WHEREAS**, the Town Board has taken all actions required pursuant to Town Law Article 12-A precedent to approval of the establishment of a Water District and has adopted a resolution approving the establishment of the District and making the determinations required by Town Law Section 209-E; and

**WHEREAS**, Town Law Section 209-F provides that permission of the State Comptroller shall be required for the establishment of a Water District if the cost of the District is to be financed by the issuance of bonds and/or notes of the Town and the cost of the District is above the average estimated cost for properties or homes for the establishment or extension of similar types of districts as computed by the State Comptroller; and

**WHEREAS**, an application for such permission of the State Comptroller has been prepared and presented for consideration by the Town Board, and the Town Board has reviewed and discussed the application;

**NOW, THEREFORE, BE IT RESOLVED,**

1. That the attached application was prepared at the direction of the Town Board.
2. That the Town Board believes the contents of the application to be accurate.
3. That the Town Board has determined that the District for which permission is sought is in the public interest and will not constitute an undue burden on the property which will bear the cost thereof.
4. That the cost of the proposed improvements is to be assessed in whole or in part against a benefited area, and all real property to be so assessed will be benefited by the proposed improvements and no beneficial property has been excluded.

**AND, BE IT FURTHER RESOLVED,**

1. That the Town Board hereby authorizes and directs the Town Supervisor to execute the application in substantially the form presented to the Town Board, with such additions, omissions and revisions as the Town Supervisor and Town Counsel deem necessary and appropriate.
2. That the Town Board hereby authorizes and directs the Town Counsel to submit the executed application to the Office of the State Comptroller and to

provide such other and additional information to the State Comptroller as may be requested.

Supervisor Hotaling stated that the application required a lot of data and added that he had worked closely with Assessor VanValkenburg and Town Clerk Millious to fill in all of the information requested. He continued by saying that all of the documents were approved by Assessor VanValkenburg as well as it being sent to Attorney Haffner, Special Council for the District, for review who in turn made an adjustment. He concluded by saying that if with the amendment that Attorney Hafner made they authorize it, he will sign and return to Attorney Hafner and have it submitted to the State Comptroller, which will be a minimum of three months for a review.

**RES. #32-09 AUTHORIZE BOND FOR MARTINS HILL WATER DISTRICT**

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

**RESOLUTION AUTHORIZING THE ISSUANCE OF UP TO \$305,000.00 IN SERIAL BONDS OF THE TOWN OF COEYMANS TO PAY THE COST OF ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE MARTINS HILL ROAD WATER DISTRICT IMPROVEMENTS; AND AUTHORIZIG THE ISSUANCE OF UP TO \$305,000.00 IN BOND ANTICIPATION NOTES OF THE TOWN OF COEYMANS FOR THE SAME PURPOSE**

**WHEREAS**, in accordance with New York Town Law, the Town of Coeymans (the "Town") Town Board has duly ordered that the Martins Hill Water District (the "District") be established and the improvements described in the Map, Plan and Report be constructed and the service within the District be provided upon the required funds being made available or provided for;

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF COEYMANS, ALBANY COUNTY, NEW YORK, AS FOLLOWS:**

**Section 1.** The specific object or purpose for which the obligations authorized by this Resolution are to be issued is the acquisition, construction, and installation of improvements to connect 21 parcels generally along or adjacent to Martins Hill Road (NYS Route 143) and Skyview Drive to the existing 12” Village of Ravena water main at the Village Water Treatment Plant, including installation of +2,100 LF of 8” water main, three fire hydrants, service connections (including corporation at the main, water service to the property line and curb stop) and site restoration, and further including related preliminary and incidental costs (the "Project"), and, as detailed in the Resolution establishing the District, such specific object or purpose is hereby authorized at a maximum estimated cost of Three Hundred Five Thousand Dollars (\$305,000.00).

**Section 2.** The plan for the financing of such maximum estimated cost is issuance of up to Three Hundred Five Thousand Dollars (\$305,000.00) in serial bonds or bond anticipation notes of the Town on behalf of the District, hereby authorized to be issued pursuant to the Local Finance Law.

The proceeds of the bonds or bond anticipation notes may be used to reimburse expenditures paid by the Town from other funds or otherwise on or after the date of adoption of this Bond Resolution. The Town may submit applications for additional grants and/or low interest loans from the New York State Environmental Facilities Corporation (EFC) and/or the United States Department of Commerce Economic Development Administration (EDA) and/or other funding source(s) and, to the extent that any such moneys are received, may apply such funds to the payment of principal and interest on the bonds or bond anticipation notes. Pursuant to Local Finance Law Section 107(d) (9), no down payment from current funds is required.

**Section 3.** Consistent with the Resolution establishing the District, the Town Board hereby determines that it is in the public interest to acquire and construct the Project.

**Section 4.** It is hereby determined that the period of probable usefulness of the specific

object or purpose is forty (40) years, pursuant to Section 11(a) (1) of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five (5) years.

**Section 5.** The faith and credit of the Town of Coeymans, Albany County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as they become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such years. There shall annually be levied on all the taxable real property of the District a fee sufficient to pay the principal of and interest on such obligations as they become due and payable.

**Section 6.** For the purpose of paying the cost of the Project, including related preliminary and incidental costs, there are hereby authorized to be issued serial bonds of the Town up to a maximum amount of \$305,000, the maximum maturity of which shall not exceed the forty (40) year period of probable usefulness set forth above, and which shall mature on or before the date of the expiration of the period of probable usefulness as measured from the date of the bonds or from the date of the first bond anticipation note issued in anticipation of the sale of such bonds, whichever date is earlier. The bonds may be issued in the form of a statutory installment bond.

**Section 7.** There are hereby authorized to be issued bond anticipation notes for the specific object or purpose in an amount up to but not exceeding the \$305,000 maximum amount of serial bonds authorized to be issued, in anticipation of the issuance and sale of the serial bonds authorized, including renewals of such bond anticipation notes.

**Section 8.** Any bond anticipation notes shall be payable from the proceeds derived from the sale of the bonds or otherwise redeemed in the manner provided by Section 23.00 of the Local Finance Law. The faith and credit of the Town are hereby irrevocably pledged for the payment of the bond anticipation notes and the interest on them.

**Section 9.** There are no bond anticipation notes outstanding which have been previously issued in anticipation of the sale of these bonds. Neither are the bond anticipation notes hereby authorized renewal notes. These bond anticipation notes will be issued in anticipation of bonds for an assessable improvement. These notes shall mature at such time as the Town may determine and may be renewed from time to time, provided that in no event shall such notes or renewals extend more than one (1) year beyond the original date of issue except as permitted in the Local Finance Law.

**Section 10.** Subject to the terms and conditions of this Resolution and of the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 60.00, inclusive, of the Local Finance Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this Resolution and the renewal of these notes, and the power to prescribe the terms, form and contents of the serial bonds and bond anticipation notes and the power to sell and deliver the serial bonds and bond anticipation notes issued in anticipation of the issuance of the bonds is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign any serial bonds and bond anticipation notes issued in anticipation of the issuance of the serial bonds and bond anticipation notes issued pursuant to this Resolution by manual signature, and the Town Clerk is hereby authorized to affix or impress or imprint a facsimile of the seal of the Town to any of the serial bonds or bond anticipation notes and to attest such seal by manual signature. The Town Supervisor, as Chief Fiscal Officer of the Town, is authorized to execute and deliver any documents and to take such other action as may be necessary and proper to carry out the intent of the provisions of this Resolution.

**Section 11.** The exact date of issuance of the bonds and/or notes and the exact date upon which they shall become due and payable shall be fixed and determined by the Chief Fiscal Officer, provided, however, that the maturity of the notes or renewals shall not exceed one (1) year from the date of issue except as permitted by the Local Finance Law.

**Section 12.** The Chief Fiscal Officer shall prepare the bonds and/or notes and sell them in accordance with the provisions of the Local Finance Law including, but not limited to, the provisions of Section 169.00, if applicable, and at such sale shall determine the interest rate to be borne by such bonds and/or notes. The Town Board authorizes the Chief Fiscal Officer to establish substantially level annual debt service for the repayment of such Bonds if he believes it is in the best interests of the Town.

**Section 13.** If issued, the notes shall be in registered form, and shall bear interest at the determined rate.

**Section 14.** The Chief Fiscal Officer shall deliver the bonds and/or notes to the purchaser only against a certified check or other immediately available funds. The proceeds of the sale of the bonds and/or notes shall be deposited and/or invested as required by Section 165.00 of the Local Finance Law, and the power to invest the proceeds of sale is hereby delegated to the Chief Fiscal Officer and the power to invest in any instruments described in Section 165.00 is expressly granted.

**Section 15.** To the extent that it is permitted to do so under the Internal Revenue Code of 1986, as amended (the "Code"), the Town hereby designates the bonds and/or notes as "qualified tax-exempt obligations" under Section 265(b) (3) of the Code. The Town hereby covenants that it will (i) take all actions on its part necessary to cause interest on the bonds and/or notes to be excluded from gross income for purposes of Federal income taxes and (ii) refrain from taking any action which would cause interest on the bonds and/or notes to be included in gross income for purposes of Federal income taxes.

**Section 16.** Miller, Mannix, Schachner & Hafner, LLC, Glens Falls, New York, is hereby designated bond counsel.

**Section 17.** The validity of these serial bonds and bond anticipation notes may be contested only if:

- (1) These obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or
- (2) The provisions of law which should be complied with at the date of publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or
- (3) Such obligations are authorized in violation of the provisions of the State Constitution.

**Section 18.** The full text of this Resolution or a summary thereof shall be published in *The Ravana News Herald*, which has been designated as the official newspaper of the Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**Section 19.** Establishment of the District is subject to permission of the State Comptroller pursuant to Town Law Section 209-f. The serial bonds and bond anticipation notes hereby authorized shall not be issued unless and until the permission of the State Comptroller to establish the District is received and the Town Board adopts a final Order establishing the District as required by law.

Supervisor Hotaling stated that he summarized the resolution and added that it is authorization to borrow up to \$305,000.00 by bond and continued by saying that the hope is that the cost that they had been provided almost a year ago is now going to be somewhat less than that.

Councilman Youmans stated that he wanted to point out there was no opposition from any of the property owners within the proposed District and added that it is very likely that it will be approved by the Comptroller.

Supervisor Hotaling stated that he believes so as well and added that it is a process that will take time.

**January 12, 2009 – TOWN BOARD MEETING – 7:00PM**

Supervisor Hotaling stated that the following resolution is to adopt Local Law #1-09, the aforementioned Cold War Veterans Exemption and then asked that Councilwoman Rogers introduce the resolution.

**RES. #33-09 ADOPT LOCAL LAW #1-09 – COLD WAR VETERANS EXEMPTION**

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

**WHEREAS**, the Cold War Veterans Exemption was introduced by a member of the Board at the October 27, 2008 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 January 12, 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 its 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 #1-09 providing a Cold War Veterans Exemption for Town of Coeymans Cold War Veterans allowable pursuant to 458-B of the Real Property Tax Law of the State of New York for the year 2007.

**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 adoption of said Local Law to the Secretary of the State of New York.

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**CORRESPONDENCE**

Supervisor Hotaling stated that there were not any correspondence items at this time and moved to the next item on the agenda.

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**TOWN BOARD WORKSHOPS / MEETINGS**

- Town Board Workshop, January 20, 2009, 6pm
- Town Board Meeting, January 26, 2009, 7pm

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**ADDITONAL / CLOSING COMMENTS**

Supervisor Hotaling asked if there were any additional comments.

Councilman Boehm stated asked Highway Superintendent Deering how the salt situation is right now and if he has had any trouble with the County in getting it.

Highway Superintendent Deering stated that they have to wait at times and continued by saying that he prefers to have his own salt shed and added that he would not have to be dependent on them in getting the salt. He went on by saying that they ran out of sand during one storm and had to go to salt when they should have been using sand, which was more expensive.

Supervisor Hotaling stated that he did contact County Executive Breslin about the absence of salt and running out during the ice storm and did speak with Deputy County

Executive Mike Perrin who had followed up with Commissioner Franchini of Public Works and in turn had gotten back to him and said that he had discussed the voucher problem and paperwork. He added that he had said to him to contact Commissioner Franchini who in turn should contact Highway Superintendent Deering and work out whatever the apparent problem is with regard to vouchers. He concluded by saying that they could not believe that we didn't put anything in since October.

Highway Superintendent Deering and Councilwoman Rogers collectively said that they didn't use any thing.

Supervisor Hotaling stated that Deputy Highway Superintendent Searles told him that they had a supply leftover and didn't get any since October. He added that he didn't go over there and take loads of salt and not put vouchers in, which is what he tried to convey. He continued by saying that at this point Commissioner Franchini was suppose to reach out to Highway Superintendent Deering.

Highway Superintendent Deering interjected that he hasn't.

Supervisor Hotaling stated that he would strongly urge that Highway Superintendent Deering reach out to him and find out what the problem is with respect to vouchers.

Highway Superintendent Deering interjected that the County thinks that the Town is using more salt than they actually are and added that they should follow the County trucks around to see where the salt is going.

Supervisor Hotaling stated that he conveyed that same thing to him. He continued by saying that the major difference between this year and last years salt arrangement was that the County is now ordering all of the salt and handing it out as they see fit and added that Highway Superintendent Deering should be demanding to go back to the old system. He continued by suggesting that Highway Superintendent Deering discuss it with Highway Department Liaison Councilwoman Rogers and reiterated that he believes that the best way is to go back to the way that it was and he can order his own salt but store it in their shed and in turn they will keep documentation and do whatever paper work that they want.

Highway Superintendent Deering stated that he gave them everything that he had up until the first of the year and added that he has been giving it to them and continued by saying that the County was using it before he was.

Supervisor Hotaling asked that Councilwoman Rogers work with Highway Superintendent Deering and try to get Commissioner Franchini to sit down and figure it out.

Councilwoman Rogers stated that she can try and added that the last time she spoke with him it didn't go well.

Supervisor Hotaling stated that he would offer to call him again.

Councilwoman Rogers stated that she will call him.

Supervisor Hotaling reiterated that they should suggest that they go back to the old way.

Highway Superintendent Deering stated that it would be doing the same paper work that they always did with filling out the sand and salt slips.

Councilwoman Rogers interjected that the whole problem is that he does not believe that they didn't need any salt.

Supervisor Hotaling stated that Mr. Franchini needs to get out of the office to see what the County crew is doing and continued by asking if there were any additional comments. Councilman Boehm inquired about the Snow Emergency Parking progress.

Supervisor Hotaling stated that he met with Attorney for the Town Wukitsch on a number of matters and one of them was that and added that he conveyed to him his concerns about going through a whole Local Law process. He continued by saying that he will tentatively be coming to the meeting on January 26<sup>th</sup> with a mere resolution that says that the Board resolves to authorize the Supervisor to issue a Snow Emergency after consultation with the Police Chief and Highway Superintendent, which means that there should be no parking on town roads for a particular period of time after the snow event stops.

Councilman Boehm stated that it will be a simple resolution and not a Local Law.

Supervisor Hotaling stated that to him this was the way to go to begin with and added that they were getting boxed in to having a whole Local Law, which would mean a Public Hearing. He continued by asking if there were any other comments.

Councilman Youmans stated that he wanted Chief Darlington to get the word out that if you call the police to your home you will not get a bill for it, which came from what was said at a Village Meeting. He added that when he ran for this office he talked to people as far out as Coeymans Hollow and there were concerns about the issues between the Village and Town and the need for them to work together better and continued by saying that unfortunately it has become pretty obvious to him where the problem lies. He continued by saying that they tried to establish the billing system for the sewer and sent a letter to each of the Village Trustees and received no response what so ever and was disheartened to watch last week's Village Meeting where certain excerpts of the letter were read so it seemed twisted and not all together truthful. He went on by saying that to respond to a letter that way seems totally inappropriate and would agree that there is a communication problem because on their end there is nothing. He continued by saying that he would reiterate the Town Board's willingness to communicate, talk and discuss to come up with an answer to problems that face not only Town but Village residents as well and added that they don't view a resident on Van Buren Avenue any different than a resident on Copeland Hill Road because they are all Town taxpayers and want everything to be fair and good for everyone. He concluded by saying that they don't want to impact anyone negatively and he looks forward to a day when they can come to the table and do the people's business because that is what they were elected to do.

Councilman Boehm stated that he watched the Village Board Meeting as well and heard the comments that were made about the Police Department and continued by saying that he feels as though they were incredibly irresponsible in making the comments because people look to elected officials for information and added that they do service the Village of Ravena. He went on by saying that the Police Department does a good job in serving the whole Town, which includes the Village and continued by saying that he does not want people to think that the Police does not serve the Village or respond to calls.

Councilman Youmans interjected that the Village is within the Town and they get the same Police protection as anyone else and continued by saying that the subject was Court Officers, which is a whole totally different function than a Police Department. He added that the Court Officers have been budgeted from the Court budget.

Supervisor Hotaling added that he echoes the irresponsibility of the statements from particularly Mayor Bruno and to some extent Trustee Bailey and continued by saying that he didn't hear a lot of comments from anyone else with exception of Trustee Persico who conveyed his concern about the lack of communication. He went on by saying that he could not agree more because since 2005 every communication that the Town Board has conveyed to the Village of Ravena has also been sent to each Trustee at their home residence because of a concern expressed to him that some of the correspondence was not being shared with other Trustees. He continued by saying that at the bottom of the letter that Mayor Bruno read excerpts from at the Village meeting invited anyone with any concerns or questions to contact his office and added that writing a letter and setting forth your position in written word is the best form of communication and not one that is absent. He went on by saying that if they had any questions or concerns all they had to do was contact any member of the Town Board to express their concerns and in turn there would have been a rational, legitimate discussion but chose not to do that and reiterated

that he would agree that the comments about the Police that would suggest that if you call the Police from inside the Village it would result in a bill, is the same type of comments that they hear from seniors when they receive a bill from the Rescue Squad. He concluded by saying that hopefully they assured the public that when you need Police services they will not be looking at a map to see whether you live in the Village or Town before they respond.

Supervisor Hotaling asked if there were any other comments.

Chief Darlington stated that there are two things that they have tried to routinely communicate with the Village Board and added that when Councilman Youmans came on Board he touted to him that he needed to work with the Village stronger and open the lines of communication. He added that he had met with Mayor Bruno and asked that a Village Board member be appointed as liaison to the Police Department and would communicate on a regular basis with the Police Department and went on by saying that since then he has discussed it with Supervisor Hotaling and as recent as this past weekend when he met a Village Trustee at a local establishment, he continued to request a liaison. He continued by saying that when he met with Mayor Bruno he requested that he be the liaison but he has never reached out as well as offering to attend the Village Board Meetings if there is an issue and to date he has never been requested to attend. He concluded by saying that the wanted to reiterate that there is not a charge for Police services.

Supervisor Hotaling stated that Chief Darlington did do some research regarding the Police providing Court services to the Village.

Chief Darlington stated that he did and added that the Village had raised that a Court Officer is part of the Police service and the Town should be providing it to them. He added that he reached out to the New York State Chiefs of Police Association and requested whether there is any statute or legal requirement for a Municipal Police Department to provide Court Officers to either the Town Court or a Village Court within its jurisdiction. He continued by saying that there is no statute and went on by saying that many Police Departments are getting out of it and are turning to the Court of Administration for Official Court Officers, which municipalities are required to pay for.

Supervisor Hotaling asked if there were any other comments.

Highway Superintendent Deering stated that he had some follow-up comments about the sand and added that when they first went to the County salt building they bought their own sand.

Supervisor Hotaling interjected that they paid for sand and salt for mixing. He continued by asking if the County mixes it or if the Town mixes it with their own loader.

Highway Superintendent Deering stated that the County mixes it and added that the Town used washed screenings but the County used something that looked like mud, which didn't work and you spend more time shoveling it than you do putting it on the road.

Supervisor Hotaling inquired as to if in addition to ordering his own salt would he also want to order the sand.

Highway Superintendent Deering stated that they are getting screenings now and added that it is better.

Supervisor Hotaling stated that Highway Superintendent Deering wanted to go back to the old system and added that he believes it would be best and added that he knows and understands his position on having his own salt shed but they have a different view on that. He continued by saying that the original arrangement was working with the exception of Mr. Franchini's belief that they were getting more salt than they were paying for.

Highway Superintendent Deering stated that it was not true.

Councilwoman Rogers asked Highway Superintendent Deering if he could get the contract back.

Highway Superintendent Deering stated that he can't this year and added that he can next year.

Supervisor Hotaling stated that they can make some OGS calls to see if they can piggy back on somebody's contract if they were to resurrect it again.

Highway Superintendent Deering stated that it comes up every summer.

Supervisor Hotaling stated that working with Mr. Franchini to see if they can get him to go back to what it was would be the best thing.

Highway Superintendent Deering stated that the County orders it and then only gets half.

Supervisor Hotaling stated that then they only give ¼ of it to the Town.

Councilman Youmans stated that it has been a tough winter so far and added that Highway Superintendent Deering and his crew have done an excellent job on the roads. He continued by saying that there is a noticeable difference when you come in from neighboring municipalities and went on by saying that he wanted to thank them because he knows that they work hard.

Supervisor Hotaling stated that there is a noticeable difference on Rte. 144 as well and added that Rte.144 is not done by the Town of Coeymans but rather by the State of New York through contract with the County of Albany, which is the same County of Albany that they are having trouble getting salt from at this point. He continued by saying that Rte. 9W north, Rte. 144 and Rte. 143 through Main Street is the responsibility of the Albany County Department of Public Works in a contract with the State of New York. He added that he has contacted the State on several occasions offering to take over the contract because when there are accidents Chief Darlington calls Highway Superintendent Deering and his crew to put salt down on those roads.

Councilwoman Rogers interjected that she had asked Highway Superintendent Deering to keep track of the salt that he puts on their roads.

Highway Superintendent Deering stated that he does.

Supervisor Hotaling asked if there were any other comments, hearing none he asked for a motion to adjourn the meeting.

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**ADJOURNMENT**

Supervisor Hotaling asked for a motion to adjourn the meeting.

**MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, the Town Board Meeting was adjourned.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time: 8:40pm

*Respectfully Submitted,*

**APPROVED:**

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*Diane L. Millious, Town Clerk*



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Directory: C:\Documents and Settings\Frank\My Documents\Town of  
Coeymans\Minutes\2009  
Template: C:\Documents and Settings\Frank\Application  
Data\Microsoft\Templates\Normal.dotm  
Title: A Town Board Meeting was held Monday, January 12, 2009 at  
7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York  
Subject:  
Author:  
Keywords:  
Comments:  
Creation Date: 1/12/2009 11:44:00 AM  
Change Number: 15  
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