

A Town Board Meeting was held Wednesday, October 25, 2010, at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York

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

**ALSO PRESENT:** Diane L. Millious, Town Clerk  
Dave Wukitsch, Attorney for the Town  
Albert Deering, Highway Superintendent

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

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**OPENING COMMENT**

Supervisor Youmans stated that the record should reflect a full Town Board in addition to Town Clerk Millious, Attorney for the Town Wukitsch and Highway Superintendent Deering.

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## AGENDA

- Public Announcement
  - Town Offices Closed, Election Day – November 2, 2010
- Public Comment
- Approval of Minutes
  - Special Town Board Meeting, October 6, 2010
  - Town Board Meeting, October 12, 2010
- Supervisor's Report
- Department Reports
  - Building Department, September 2010
  - Police Department, August & September 2010
  - Sewer Department, September 2010
  - Town Clerk, September 2010
- Old Business
  - CDPHP Contract
  - Contracts for Construction Improvements at WWTP
- New Business
  - Establish Public Hearing Date, 2011 Budget
  - Establish Public Hearing, Proposed Local Law – Dog Licensing
- Resolutions
  - Authorize Amendment of Interest Rate on Sewer Department Loans

- Amend Budget
- Approve October Abstract
- Correspondence
- Town Board Workshops/Meetings
  - Budget Workshop, October 30, 2010, 9am
  - Budget Workshop, November 6, 2010, 9am
  - Town Board Meeting, November 8, 2010, 7pm
  - Town Board Workshop, November 16, 2010, 6pm
  - Town Board Meeting, November 22, 2010, 7pm
- Executive Session

## **PUBLIC ANNOUNCEMENT**

### **Town Office Closed – Election Day**

Supervisor Youmans stated that the Town offices will be closed on Election Day, November 2, 2010 and added that the Police Department serves as a 24 hour, 7 day operation and will be available.

### **Exemption Renewals for Property Owners**

Councilman Boehm stated that he also had an announcement and continued by saying that the Assessor's Office will be mailing out Exemption Renewal Applications on October 26 to all property owners who are receiving the following exemptions: Enhanced Star, Aged Senior Citizen, Disabilities with Limited Income, Agricultural, Clergy and Not-for-Profit and the

deadline for filing the renewal application along with any new Exemption Application is March 1, 2011 and anyone that has any questions can call the Assessor's Office at 756-8927.

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## **SUPERVISOR'S STATEMENT ON TOWN GOVERNMENT**

Supervisor Youmans stated that before he opened the Public Comment period he wanted to bring the people of the Town of Coeymans up to speed on the stated of their Town Government and continued by reading the following:

Eighteen days ago due to a series of unfortunate events, which culminated in my predecessor's removal from office I was appointed by this Board to the position of Supervisor of the Town of Coeymans and Mr. Dolan was appointed Councilman.

We as a Board are responsible for all aspects of Town Government. The Town Supervisor is a Board Member who also serves as the Treasurer, and in effect Chief Fiscal Officer, of the Town. Over the course of the last eighteen days I have had to identify top priorities and act accordingly. It is my opinion that the most vital function of this Board is budget and finance management, with that in mind this transition did not come at a worse time. The path to adopting an annual Town Budget is set forth in law. The first important milestone comes on October 5<sup>th</sup> at which time the Tentative Budget must be filed with the Town Clerk and distributed to the Town Board. The next milestone is a Public Hearing during which the Board hears comments from the public; this Hearing must be held no later than the Thursday after Election Day. During the time between October 5<sup>th</sup> and the Public Hearing date, the Board makes revisions and prepares what becomes the Preliminary Budget, which is the version discussed at the Public Hearing. The Board makes final adjustments after the Hearing and the budget must be adopted no later than November 20<sup>th</sup>.

At the time that I took office on October 6<sup>th</sup> the Tentative Budget had been filed by my predecessor, but unfortunately it was not a workable budget. It included raises for just about everyone including \$11,000.00 or 27% for one Elected Official, more than \$10,000.00 or 13% for one employee, \$7,500.00 or 15% for another Elected Official, yet budgeted nothing for the most basic equipment purchases like computers, printers, police cars, highway implements,

mower parts, paper clips, pens and pencils. After receiving feedback from most Department Heads, it was determined that they did in fact foresee the need to purchase equipment during the upcoming year. As a result Mr. Touchette, Mrs. Chmielewski, our Bookkeeper and I have had to go through the Tentative Budget line by line and basically rewrite every bit of it. We were left very little supporting documentation for any of the numbers that were in the Tentative, so in a sense we've had to start from scratch. Please keep in mind that we will have had about three weeks to construct something that typically would have been started months ago. It is a very tedious, time consuming process but we are making good progress.

While we are not yet finished preparing the Preliminary Budget, I want all interested parties to know that we are working very hard to continue providing the current level of services without impacting the taxpayer. We are looking closely at every expense that the Town has, while keeping the needs of the public in the forefront. These are serious times and I want to insure the taxpayers and employees of the Town that we are acting in a very serious manner.

The last couple of weeks have been very tumultuous and traumatic for our Town. While fiscal leadership has been restored, this town needs to heal from some other wounds as well. I will ask that all who seek to participate in this and future Town Board Meetings do so with a level of decorum that will lend itself to that end. You can expect nothing less from us, it's time to look ahead and I do so with optimism.

Supervisor Youmans continued by asking if anyone had anything that they would like to add, hearing none he asked if anyone from the public wished to comment.

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## **PUBLIC COMMENT**

**Mr. Tom Sweeney** stated that he resides in Alcove and added that he had approached the Board earlier in the summer and requested topsoil and some grading at the park site, which was accomplished and those that did it, did an excellent job and even did some extra work to grade off some high spots. He continued by saying that he wanted to compliment Albert's staff for the work that they did as well as thanking the Town Board. He added that recent tree trimming activities on his road, Deyo Road, has caused him some concern and town employees have

littered up the side of the road with water bottles, cigarette packs and wadded up cellophane wrappers from their snacks. He concluded by saying that he put it all in one neat pile and he is asking that someone come and pick it up because it is not right.

Supervisor Youmans asked if there were any other comments, hearing none he moved to the next item on the agenda.

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## **APPROVAL OF MINUTES**

Supervisor Youmans stated that there were two sets of meetings for Town Board approval, a Special Town Board Meeting on October 6<sup>th</sup> and a Town Board Meeting on October 12<sup>th</sup> and continued by asking for a motion to approve them.

## **MOTION**

On motion of Councilman Touchette, seconded by Councilman Boehm to approve the minutes as read.

VOTE – AYES 4 – NAYS 0 – ABSTAIN 1

Councilman Dolan stated that he was abstaining from the vote because he was not present for the October 6<sup>th</sup> meeting.

Supervisor Youmans stated that his abstention is noted.

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**SUPERVISOR'S REPORT**

<b>FUND</b>	<b>BAL. FWD.</b>	<b>RECEIPTS</b>	<b>DISBURSE.</b>	<b>BALANCE</b>
<b>General</b>	<b>\$192,496.13</b>	<b>\$269,036.51</b>	<b>\$350,173.93</b>	<b>\$111,358.71</b>
<b>Part-Town</b>	<b>\$545,860.86</b>	<b>\$ 1,290.38</b>	<b>\$415,138.70</b>	<b>\$132,012.54</b>
<b>Highway</b>	<b>\$153,096.20</b>	<b>\$201,559.60</b>	<b>\$239,093.62</b>	<b>\$115,562.18</b>
<b>Bridge Const.</b>	<b>\$274,227.11</b>	<b>\$ 118.89</b>	<b>-0-</b>	<b>\$274,346.00</b>
<b>Sewer</b>	<b>\$348,950.66</b>	<b>\$ 32,870.26</b>	<b>\$ 34,170.13</b>	<b>\$347,650.79</b>
<b>Spec. Water</b>	<b>\$ 19,074.98</b>	<b>\$ 12,188.11</b>	<b>-0-</b>	<b>\$ 31,263.09</b>
<b>Police Forfeitures</b>	<b>\$ 4,668.60</b>	<b>\$ 401.40</b>	<b>-0-</b>	<b>\$ 5,070.00</b>
<b>Trust &amp; Agcy.</b>	<b>\$ 14,900.21</b>	<b>\$320,069.36</b>	<b>\$213,306.35</b>	<b>\$121,663.22</b>
<b>H-Fund Cap. Proj.</b>	<b>\$ 35,949.77</b>	<b>\$ 8.85</b>	<b>-0-</b>	<b>\$ 35,958.62</b>
<b>Section 8 HUD</b>	<b>\$136,159.09</b>	<b>\$ 39,442.21</b>	<b>\$ 42,444.96</b>	<b>\$133,159.34</b>
			<b>Total Rec. Bal.</b>	<b>\$1,308,044.49</b>

**SAVINGS ACCOUNTS      COLLATERAL      FDIC COV.      COLLATERALIZED**

Unemployment \$ 4,065.69    Bank of Greene Co.    \$250,000.00      \$1,547,987.40

Grove Cem.    \$40,778.56    National Bank      \$250,000.00      \$ 176,898.56

Sewer Ded.    \$ 6,307.39

**Total** \$51,151.64

Supervisor Youmans asked for a motion to approve the report.

**MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers, the Supervisor's Report was accepted as presented.

VOTE – AYES 5 – NAYS 0 – SO MOVED

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**DEPARTMENT REPORTS**

**Building Department – September 2010**

Supervisor Youmans asked that Councilwoman Rogers give the Building Department Monthly Report.

Councilwoman Rogers continued by giving the report.

Supervisor Youmans asked for a motion to approve the report.

**MOTION**

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

VOTE – AYES 5 – NAYS 0 – SO MOVED

### **Sewer Department – September 2010**

Supervisor Youmans asked that Councilman Touchette give the Building Department Monthly Report.

Councilman Touchette continued by giving the report.

### **Police Department – August & September**

Supervisor Youmans stated that the Chief called earlier and advised that he had a situation that prevented his attendance and continued by saying that he would ask that the Police Department Report be tabled until the next meeting.

### **Town Clerk – September 2010**

Supervisor Youmans asked that Town Clerk Millious give the Town Clerk's Report.

Town Clerk Millious continued by giving the report.

Supervisor Youmans asked for a motion to approve the report.

### **MOTION**

On motion of Councilwoman Rogers, seconded by Councilman Dolan, the Town Clerk

Report was accepted as presented.

VOTE – AYES 5 – NAYS 0 – SO MOVED

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## **OLD BUSINESS**

### **CDPHP Contract**

Supervisor Youmans stated that the CDPHP Contract needs to be signed for 2010-2011 and it is an item that was already approved. He continued by asking for a motion authorizing the Supervisor to execute the contract.

### **MOTION**

On motion of Councilman Boehm, seconded by Councilman Dolan authorizing Supervisor James C. Youmans to sign the CDPHP Contract for 2010-2011.

VOTE – AYES 5 – NAYS 0 – SO MOVED

### **Contracts for Construction Improvements at W.W.T.P.**

Supervisor Youmans stated that there are contracts for the electrical work, which is the backup generator, the plumbing, which is the new boiler and the general construction, which is for the new roof at the WWTP. He added that Attorney for the Town Wukitsch has reviewed the contracts and has given the go-ahead to execute them and continued by asking for a motion from the Board to execute the contracts.

**MOTION**

On motion of Councilman Touchette, seconded by Councilwoman Rogers, authorizing Supervisor Youmans to sign the three contracts.

VOTE – AYES 5 – NAYS 0 – SO MOVED

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**NEW BUSINESS**

**Establish Public Hearing Date – 2011 Budget**

Supervisor Youmans stated that they need to establish a Public Hearing date for the 2011 Preliminary Budget and as he had said earlier the law requires that it take place no later than the Thursday after Election Day, which brings them to November 4<sup>th</sup>. He continued by saying that they are still working on the Budget and Town Law says that the Public Hearing may be adjourned day-to-day if that time is needed, which it may or may not at this point. He added that the law also states that when they put the Notice in for the Public Hearing it must state that a copy of the Preliminary Budget is ready for view by the public and the Notice is going to come out Wednesday in the News Herald with the official day being Thursday and he is sure that the Preliminary Budget will not be ready at that time given the circumstances. He went on by saying that he would expect by the weekend that it will be and he has instructed and asked Town Clerk Millious that if someone comes in looking for it on Thursday, she will take their name and number and call them as soon as it is ready and then asked Attorney for the Town Wukitsch if there is a problem with doing that.

Attorney for the Town Wukitsch stated that he does not think that there is a problem and added that under these circumstances he does not think that there is any other way to do it.

Supervisor Youmans stated that they need to set a Public Hearing date on November 4<sup>th</sup>.

Councilwoman Rogers inquired as to the time.

Supervisor Youmans stated that he would make it at 7:00pm and added that he would offer the motion.

## **MOTION**

On motion of Supervisor Youmans, seconded by Councilwoman Rogers, to authorize a Public Hearing on November 4, 2010 at 7:00pm.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Councilman Boehm interjected that the sole purpose of the Public Hearing will be to hear comments on the budget.

## **Establish Public Hearing Date – Proposed Local Law, Dog Licensing**

Supervisor Youmans stated that they need to establish a Public Hearing date for Proposed Local Law #4, Amending the Code of the Town of Coeymans, Chapter 60, Animals to establish a Local Dog Licensing Law. He continued by saying that very recently the NYS Department of Agriculture and Markets decided to get out of the business of dog licensing and have passed that responsibility on to the Town and in turn the Town has to enact a law, which will give the Town Clerk the authority and ability to license dogs and collect fees and added that this brings about the amendment of Chapter 60 and he would propose that they set the Public Hearing.

## **MOTION**

On motion of Supervisor Youmans, seconded by Councilman Touchette, to authorize a Public Hearing at 6:30pm, on Monday, November 22, 2010 for the purpose of hearing comments on Proposed Local Law #4.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Youmans asked that a Board Member read the Proposed Local Law into the record.

Councilman Boehm continued by reading the following:

**A LOCAL LAW AMENDING THE CODE OF THE TOWN OF COEYMANS**

**CHAPTER 60 (ANIMALS)**

Be it enacted that the Town Board of the Town of Coeymans, County of Albany as follows:

**Section I – Purpose**

The Town of Coeymans hereby enacts a Dog Licensing Law due to the elimination of the State of New York's Dog Licensing function.

**Section II – Dog Licensing Law**

Chapter 60 of the Coeymans Town Code is hereby amended to add a new Article III as follows:

**Article III**

## **Licensing of Dogs**

### **§ 60-16. Age Dogs Must Be Licensed**

All dogs in the Town of Coeymans must be licensed with the Town Clerk by the age of 4 months and are required to present a current Certificate of Rabies at the time of licensing or the renewal of an existing license.

### **§ 60-17. Expiration**

All dog licenses will be valid for a period of one year and will expire at the end of the month one year from the date of issue.

### **§ 60-18. Late Fees**

A late fee of \$5.00 will be assessed if not renewed within 30 days of expiration.

### **§ 60-19. Fees**

Fees for Licensing of Dogs: The fee for a spayed or neutered dog will be \$7.00, (which included the assessment of a \$1.00 surcharge for the purpose of carrying out animal population control) and the fee for an unspayed or unneutered dog will be \$15.00, (which included the assessment of a \$3.00 surcharge for the purpose of carrying out animal population control) with such fees being reviewed by the Town Board periodically and may be changed by a resolution of the Town Board, if deemed necessary.

### **§ 60-20. Rabies Certification**

The application for a license or renewal shall be accompanied by a statement certified by a licensed veterinarian showing that the dog has received the rabies vaccine; or, in lieu thereof, a statement certified by a licensed veterinarian that because of the dog's age or other reason, the life of the dog would be endangered by the administration of the vaccine.

**§ 60-21. Enumeration Fee**

When the Town Board determines the need for a dog enumeration or inventory, a fee of \$5.00 will be assessed to all dogs found unlicensed or renewed at the time the enumeration is conducted.

**§ 60-22. Purebred License**

The Town of Coeymans will not be issuing Purebred or Kennel Licenses. All dogs will be licensed individually as per fee system stated above.

**§ 60-23. Service Dogs**

The Town of Coeymans will not require a license for any guide dog, service dog, hearing dog or detection dog.

**§ 60-24. Shelters**

The Town of Coeymans does not allow the licensing of dogs by a shelter. The shelter must send the adoptive dog owners to the Town Clerk of the Town or City in which the dog will be harbored for licensing or to the Town Clerk of the Town of Coeymans, for the purchase of the license for adoption purposes.

**§ 60-25. Purchasing Dog Licenses**

All dog licenses may be purchased by visiting the Town offices or by regular mail. If licensing or renewing a license by mail, the appropriate fee must accompany the forms. There will be NO refund of fees.

**§ 60-26. Funding**

All fees will be used in funding the administration of the Dog Control Law for the Town of Coeymans.

**§ 60-27. Fees for Seizure of Dogs**

The fee for seizure and impoundment of dogs in violation of this law or the Laws of the New York State Department of Agriculture and Markets Law are as follows: First Offense: The same impoundment and euthanasia fees per animal that are charged to the town for such service plus \$35, Second and all future offenses: \$60.00 plus the impoundment and euthanasia fees per animal.

**§ 60-28. Replacement Fee**

A fee of \$2.00 will be imposed for any tag replacement.

**Section III - All provisions of Chapter 60 not expressly amended, hereby shall remain the same.**

**Section IV - This Local Law shall be effective January 1, 2011 after filing with the Secretary of State.**

Councilman Boehm stated that he had one question and continued by inquiring as to whether service dogs had to be licensed but not charged.

Attorney for the Town Wukitsch stated that was correct.

Councilman Boehm stated that he does not think that it is accurately reflected in that section that they require a license but there is no charge.

Attorney for the Town Wukitsch stated that the only place a service dog is mentioned is Section 60-23.

Supervisor Youmans suggested that they just add the word fee after the word license and will read: "will not require a license fee for any guide dog, service dog, hearing dog or detection dog."

Attorney for the Town Wukitsch stated that it would work.

Supervisor Youmans stated that he would point out that there are some pretty good reasons to have your dog licensed and one is that you get a tag to put on your dog with a number on it and if your dog is ever picked up by dog control, they have a list of the numbers and who owns the dog in addition to it being proof that your dog has had a rabies vaccination so if the dog bites someone you know that rabies is not a threat. He concluded by saying that there are some benefits to the dog owner and to the dog for having your dog licensed.

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**RESOLUTIONS**

**RES. #96-10 AUTHORIZE AMENDMENT OF INTEREST RATE ON SEWER DEPARTMENT LOANS**

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

**WHEREAS**, the Town Board has made multiple loans to the Waste Water Treatment Plant Fund, and

**WHEREAS**, the Waste Water Treatment Plant Fund is responsible for repaying these loans to the Part Town (B) Fund with a 2 percent (2%) interest rate, and

**WHEREAS**, the Waste Water Treatment Plant Fund is now desirous of repaying several of these loans to the Part Town (B) Fund with interest, and

**WHEREAS**, the Town Board has received an interest rate of point seventy-five percent (.75%) in the Part Town (B) Fund,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby authorize the Waste Water Treatment Plant Fund to repay loans to the Part Town (B) Fund at the interest rate of point seventy-five percent (.75%)

**RES. #97-10 AMEND BUDGET FOR CONSTRUCTION IMPROVEMENTS AT WASTE WATER TREATMENT PLANT**

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

**WHEREAS**, the Town Board passed a motion on February 22, 2010 freezing the point two (.2) Equipment and Capital Accounts, and

**WHEREAS**, the Town Supervisor was directed by the Town Board to prepare the necessary budget amendments for the resolution, and

**WHEREAS**, the Town Board adopted Budget Amendment Resolution #41-10 on March 22, 2010, and

**WHEREAS**, the Town Board is now desirous of restoring the following point two (.2) accounts,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Coeymans does hereby authorize the following budget amendment:

**General Fund Town Wide (A)**

Increase the following accounts:

A3020.2	Communications	\$ 2,000.00
A3120.2	Law Enforcement	\$44,000.00
A5031	Interfund Transfers	\$46,000.00

**General Fund Part Town (B)**

Increase the following accounts:

B99901	Transfer to General (A)	\$46,000.00
B1120	Non-Property Taxes	\$46,000.00

**RES. #98-10 APPROVE OCTOBER ABSTRACT**

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

**BE IT RESOLVED**, that the Town Board, of the Town of Coeymans, does hereby approve and allow the following claims of vouchers for the October, 2010 Abstract.

<b>FUND</b>	<b>VOUCHER #</b>	<b>AMOUNT</b>
<b>GENERAL (A)</b>		
General Pre-Pay	1888-1896	\$ 172,936.46
General	1926-1984	\$ 18,861.70
	<b>General Total</b>	<b>\$ 191,798.16</b>
<b>PART-TOWN (B)</b>		
Part-Town Pre-Pay	1897-1904	\$ 212,554.03
Part-Town	1985-1987	\$ 601.00
	<b>Part Town Total</b>	<b>\$ 213,155.03</b>
<b>HIGHWAY (D)</b>		
Highway Pre-Pay	1905-1911	\$ 39,336.58
Highway	1988-2033	\$ 12,420.31
	<b>Highway Total</b>	<b>\$ 51,786.89</b>
<b>SEWER (SS)</b>		
Sewer Pre-Pay	1912-1918	\$ 17,147.27
Sewer	2034-2054	\$ 10,430.42
	<b>Sewer Total</b>	<b>\$ 27,577.69</b>

	<b>Total for all Funds</b>	<b>\$ 484,317.77</b>
<b>TRUST &amp; AGENCY (TA)</b>		
Trust & Agency Pre-Pay	1919-1925	\$250,270.20
	<b>Trust &amp; Agcy. Total</b>	<b>\$ 250,270.20</b>

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**ADDITIONAL COMMENTS**

Town Clerk Millious stated that she wanted to remind everyone that she collects Sewer and Water until November 1<sup>st</sup> either in person or has to be postmarked for that day and if not paid it gets re-levied on the Property Tax Bill.

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**WORKSHOPS/MEETINGS**

- Town Board Budget Workshop, October 20, 2010, 9:00am
- Town Board Budget Workshop, November 6, 2010, 9:00am
- Town Board Meeting, November 8, 2010, 7:00pm
- Town Board Workshop, November 16, 2010, 6:00pm
- Town Board Meeting, November 22, 2010, 7:00pm

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**ADJOURNMENT TO EXECUTIVE SESSION**

Supervisor Youmans asked for a motion to adjourn to Executive Session.

**MOTION**

On motion of Councilman Boehm, seconded by Councilwoman Rogers to adjourn to Executive Session for the purpose of discussing possible litigation with Section 8 Housing.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Youmans stated that they will be returning to formally adjourn.

Time – 7:35pm

**EXECUTIVE SESSION**

Executive Session immediately convened in the Supervisor’s Office with all Town Board Members and Attorney for the Town Wukitsch present and possible litigation with Section 8 Housing was discussed with no action being taken.

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**RECONVENE MEETING AND ADJOURNMENT**

Supervisor Youmans called the meeting back to order immediately following Executive Session and asked for a motion to formally adjourn.

**MOTION**

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

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time 7:55pm

*Respectfully Submitted,*

**APPROVED:**

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*Diane L. Millious, Town Clerk*