

A Town Board Meeting was held March 23, 2009 at 7:00pm at Town Hall, 18 Russell Avenue, Ravena, New York

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

ALSO PRESENT: Diane L. Millious, Town Clerk
Dave Wukitsch, Attorney for the Town
Greg Darlington, Chief of Police
Albert Deering, Highway Superintendent
Larry Conrad, Code Enforcement Officer

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

OPENING COMMENT

Supervisor Hotaling stated that the record should reflect the presence of a full Town Board in addition to Town Clerk Millious, Attorney for the Town Wukitsch, Chief of Police Darlington, Highway Superintendent Deering and Code Enforcement Officer Conrad. He continued by giving an overview of the agenda.

AGENDA

- Public Comment
- Approval of Minutes
 - Town Board Meeting, February 23, 2009
 - Town Board Meeting, March 9, 2009
 - Town Board Workshop, March 17, 2009
- Supervisor's Report – February 2009
- Department Monthly Reports
 - Building Department – January & February 2009
 - Police Department – February 2009
 - Sewer Department – February 2009
 - Town Clerk – February 2009
 - Town Historian Annual Report 2008
- Old Business
 - Draft Local Law for Planning Board
 - Old Ravena Road
- New Business
 - Resignation of Zoning Board of Appeals Member
 - Albany County Whistleblower Hotline Program
 - Review of Updated Emergency Management Plan
 - NYS DEC Permit Issued for P&M Brick
- Resolutions
 - Amend 2009 Budget for Justice Court Grants
 - Amend 2009 Budget for Police Department Grants
 - Approve March 2009 Abstract
- Town Board Workshops/Meetings
 - Town Board Meeting, April 13, 2009, 7pm
 - Town Board Workshop, April 21, 2009, 6pm
 - Town Board Meeting, April 27, 2009, 6pm

PUBLIC COMMENT

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

APPROVAL OF MINUTES

Supervisor Hotaling stated that there were three sets of minutes for Town Board approval, a Town Board Meeting on February 23rd, a Town Board Meeting on March 9th and a Town Board Workshop on March 17th and continued by asking for a motion to approve them.

MOTION

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

VOTE – AYES 5 – NAYS 0 – SO MOVED

SUPERVISOR’S REPORT

Supervisor Hotaling read into the record the Supervisor’s Report.

February 2009

FUND	BAL. FWD.	RECEIPTS	DISBURSE.	BALANCE
General	\$1,812,319.56	\$725,673.07	\$844,029.77	\$1,693,962.86
Part-Town	\$ 726,416.59	\$ 17,872.60	\$ 15,065.46	\$ 729,223.73
Spec. Water	\$ 38,624.28	\$ 23.70	-0-	\$ 38,647.98
Highway	\$ 122,566.63	\$ 3,374.26	\$ 91,617.83	\$ 34,323.06
Bridge Const.	\$ 35,507.51	\$ 20.66	-0-	\$ 35,528.17
Trust & Agcy.	\$ 10,272.15	\$214,929.29	\$214,986.44	\$ 10,215.00
Sewer	\$ 180,811.34	\$ 16,279.74	\$117,227.13	\$ 79,863.95
Sewer Cap. Proj.	\$ 302.98	-0-	-0-	\$ 302.98
Section 8 HUD (Units – 73)	\$ 63,816.16	\$ 28,632.68	\$ 36,945.00	\$ 55,503.84
			Total Rec. Bal.	\$2,677,571.57

CERTIFICATES OF DEPOSITS

				Maturity Date
National Bank	A-Fund	90 Days	\$119,244.94	02-27-09
National Bank	Highway-DA	90 Days	\$259,956.00	04-26-09

SAVINGS ACCOUNTS

Police Forfeitures/Ck.	\$ 72.89
Police Forfeitures	\$ 2,966.53
Unemployment	\$ 4,035.95
Grove Cemetery/Sav.	\$40,481.20

COLLATERAL FDIC COV. COLLATERAL COVERAGE

National Bank	\$100,000.00	\$3,258,829.79
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Grove Cemetery/Ck. -0-
Sewer-Dedicated \$ 6,261.31

Total \$53,817.88

Supervisor Hotaling asked for a motion to accept the report.

MOTION

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

VOTE – AYES 5 – NAYS 0 – SO MOVED

DEPARTMENT MONTHLY REPORTS

Building Department – January & February 2009

Supervisor Hotaling asked that Code Enforcement Officer Conrad give the Building Department Monthly Report.

Code Enforcement Officer Conrad continued by giving the report.

Supervisor Hotaling asked for a motion to accept the report.

MOTION

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

VOTE – AYES 5 – NAYS 0 – SO MOVED

Police Department – February 2009

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

Chief Darlington continued by giving the report.

Supervisor Hotaling offered a motion to accept the report.

MOTION

On motion of Supervisor Hotaling, seconded by Councilwoman Rogers, the Police Department Report was accepted as presented.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Sewer Department – February 2009

Supervisor Hotaling asked that Councilman Youmans give the Sewer Department Monthly Report.

Councilman Youmans continued by giving the report.

Supervisor Hotaling asked for a motion to approve the report.

MOTION

On motion of Councilman Youmans, seconded by Supervisor Hotaling, the Sewer Department Report was accepted as presented.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Town Clerk – February 2009

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

Town Clerk Millious continued by giving the report.

Supervisor Hotaling asked for a motion to approve the report.

MOTION

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

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Hotaling inquired as to what is done at the end of the month with property taxes.

Town Clerk Millious stated that March 31st is the last day to collect property taxes and added that she waits approximately one week to make sure that all checks are cleared and in turn by April 15th she has to settle with the County of Albany.

Supervisor Hotaling stated that as everyone knows there was a relevy on some Sewer Rents that their colleagues in the Village did not pay last year and added that he is having discussions with their Attorney, Mr. Biscone and he wants to be certain that he is telling him properly that they have until March 31st to pay the \$141,000.00 with penalties for payment.

Town Clerk stated that he was correct.

Supervisor Hotaling stated that if it were the case Town Clerk Millious would not hold from the County that amount as a relevy and as a result it would make the Sewer District whole.

Town Clerk Millious stated that the Town already has their money from the County for that amount and added that it would then be the County that would be owed the money.

Supervisor Hotaling stated that if the Village pays the full amount on or before March 31st, Town Clerk Millious would submit it to the County with the exception of the interest, which the Sewer District would retain and continued by saying that there would not be a potential for a County/Village interaction in terms of the County trying to collect from the Village.

Town Clerk Millious stated that he was correct.

Supervisor Hotaling stated that if they don't pay on or before March 31st, the fact that the Town has already gotten the money will mean that Town Clerk Millious will send \$141,000 fewer dollars to the County, which means that the County will be out that money and as a result will have to deal directly with the County as of April 1st.

Town Clerk Millious stated he was correct and anyone not paid would have to deal with the County.

Supervisor Hotaling stated that this is what he had told Attorney Biscone and added that he wanted to reiterate it to him and tell him one more time that they have until March 31st to pay.

Town Historian Annual Report

Supervisor Hotaling stated that he had received the Town Historian's Annual Report from Mr. Marvin Wolfe and added that it will be on file in his office as well as the Town

Clerk's Office. He continued by giving a summary of the report and then offered a motion to approve it.

Councilman Youmans interjected that he was fascinated by the fact that they are required by law to have a Town Historian.

MOTION

On motion of Supervisor Hotaling, seconded by Councilman Boehm, the Town Historian Annual Report was accepted as presented.

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

OLD BUSINESS

Draft Local Law for Planning Board

Supervisor Hotaling stated that this topic was discussed at the last meeting and added that Attorney for the Town Wukitsch was not present and as a result they postponed it until now in order to be given some direction to the Board. He continued by saying that since the last meeting he and Attorney for the Town Wukitsch had spoken and he now has information to share on the creation of a Planning Board in the Town of Coeymans.

Attorney for the Town Wukitsch stated that it was thought to be a situation where he would be presenting a draft Local Law to remedy what was perceived to be a defect in the formation of the Planning Board. He continued by saying that it was brought to his attention that the Town of Coeymans Planning Board was created by a Town Board resolution in the 60's and it was thought that based on a review of Town Law, Section 271, that the Town Board may, but is not required to create a Planning Board by Local Law or Ordinance. He went on by saying that he researched Section 271 of Town Law back to how it looked in the 60's and added that basically in 1957 the Law was amended and it provided at that time that the Town Board of each town is authorized and empowered to appoint a Planning Board of 5-7 members at the discretion of the Board and shall have the authority to remove any member of such Planning Board for cause and after Public Hearing. He reiterated that this is how the statute read through the 60's and into the 70's and continued by saying that based on his reading of the Law the Town Board can appoint a Planning Board by resolution, Ordinance or Local Law. He concluded by saying that the way the statute read at the time that the Town of Coeymans formed its Planning Board, it was authorized to do it the way they did it.

Supervisor Hotaling stated that the action that the Town Board took at that time by resolution was permitted.

Attorney for the Town Wukitsch stated that the Town's neighbor to the south, New Baltimore, in 1972 the Town Board by resolution created a Planning Board. He continued by saying that he does not believe that there is any defect in the formation of the Board and added that the law was changed in 1992 and again after that to require a Local Law but it was not the case when it was formed.

Supervisor Hotaling stated that it came to the attention of the Town Board by Code Enforcement Officer Conrad and he had requested some advice on the issue and then asked that Attorney for the Town respond in writing for the record that he researched it and based upon his review the action of the Town Board was permissible.

Code Enforcement Officer stated that it was the basis of creating a change that they want to do currently to the Law to include other powers and continued by asking what the recommendation would be at this point as to how they would proceed to amend the Law.

Attorney for the Town Wukitsch inquired as to what they want to do.

Supervisor Hotaling stated that there is a Site Plan Review Law that has to be incorporated in their authority and there are certain aspects of their current duties that they would like to reinforce or modify to some degree. He continued by saying that if a Planning Board created by resolution has a need now to amend its authority, or the expansion of its authority, and the Town Board wishes to agree with that, it seems to him that Section 271 as it exists today would apply. He continued by saying that he does not mind doing it that way so long as they can make the transition from permitted establishment of a Planning Board into a new law that would codify and expand upon the establishment and also include other authority.

Attorney for the Town Wukitsch inquired as to if this is part of what they are doing with the consultant that they are working with.

Councilman Touchette stated that he does not know what is being proposed.

Supervisor Hotaling stated that nothing is being proposed and added that the Planning Board, before his arrival on the Town Board, was asked by him to come up with a Site Plan Review Law that would be consistent with the Comprehensive Plan that they established and passed in 2005 and added that the initial request to the Planning Board started in 2006 and it has not come to him yet.

Code Enforcement Officer interjected that the reason that it hasn't is because there were some issues with the creation of the law and added that the law is basically ready.

Supervisor Hotaling stated that in response to what he just said based upon Attorney for the Town Wukitsch's comment that someone is working with a consultant; it is his understanding that in the latest draft there are some references to Planning Board authority in the Zoning Ordinance. He added that when they finally get to discuss that aspect at a Workshop or some other forum, he and others might be concerned as to why there are references to Planning Board authority in the Zoning Ordinance when there seems to be an opportunity and better vehicle to establish that authority. He reiterated that nothing is being proposed but rather a better understanding as to why it is in there and then asked if there is any reason why the Planning Board's authority is being referenced in the Zoning Ordinance.

Councilman Touchette stated that they had asked Laberge to draft a state of the art Zoning Law and added that they have been working through that and continued by saying that after they see the draft there will be discussions about it.

Supervisor Hotaling stated that the discussion is not for this forum now and added that they will do it at some other point. He continued by saying that his view is that he wants to get a Site Plan Review Law passed by the Town Board for the Planning Board and added that he thinks it should be vested.

Code Enforcement Officer Conrad stated that it is a little bit different than that and added that through the Zoning, currently the Planning Board has Site Plan Review authority. He added that what is being proposed is to break apart Site Plan as part of the Zoning to no longer be an intricate part of Zoning and to be a separate standalone Local Law, which is going to have the authorization with that law to be basically handled by the Planning Board itself.

Supervisor Hotaling stated that this was the premise that was started back in the Comprehensive Plan development.

Code Enforcement Officer Conrad agreed and added that it stemmed to a couple problems and added that the Monroe Doctrine allows certain things like the Coeymans Fire Company evading the Site Plan Review Process and the Zoning aspects because their attorney came in and they had to waive it because they had the authority to act as an entity of their own. He added that if there is a standalone Site Plan Law they did not have that opportunity and they would not have persisted and went on by saying that it was Teresa Bachner, the Town's former attorney on the landfill who represented them. He continued by saying that in doing so the topic came up with respect to the City of

Albany's landfill project and with them now being a landowner in north Coeymans they could technically propose the same case to the Board and added that it would have nothing to do with Site Plan approval. He went on by saying that it is one instance where it's for the betterment of the Town to be able to have Site Plan control and continued by saying that another part of it is that the current Zoning leaves all of the principal uses in the Industrial Zoning out. He added that he understands that the Zoning Law itself had the premise for that set up but in the new Local Law it was going to create the benefit that the Site Plan Law would now apply to all changes in use, in intensity in any zone to deal with anything in the Town of Coeymans with the exception of those one and two family dwellings. He concluded by saying that regardless of whether the Zoning ever does come to fruition or not, Site Plan is going to be initiated immediately upon adoption of the Law.

Attorney for the Town Wukitsch asked if Code Enforcement Officer has a draft of the law.

Code Enforcement Officer Conrad stated that he gave him a copy.

Supervisor Hotaling interjected that they don't have a copy and added that it is still in the hands of the Planning Board and that it has not been let of the Planning Board as a recommendation to the Board.

Code Enforcement Officer Conrad stated that it was being prepared to be given to the Town Board and at that time they noticed a couple of other issues and this is why they had to address the misunderstanding of the creation of the Planning Board first. He added that the other issue is the authority to handle Special Use Permits, which under Article 271 can also be given to the Planning Board, which was the other aspect of the Comprehensive Plan. He continued by saying that they discussed letting the Planning Board handle both Special Use Permits and Site Plan Review at the same time in an attempt to save a lot of time crossing back and forth.

Supervisor Hotaling stated that he recalls that during the development of the Comprehensive Plan this was a strategy employed by surrounding towns that have let the Planning Board have Special Use Permit authority.

Attorney for the Town Wukitsch interjected that the Town of New Baltimore did it a few years ago and added that it is working very well and Special Use Permit went from the Zoning Board of Appeals to the Planning Board.

Code Enforcement Officer stated that this is another thing that was being contemplated and added that prior to doing that they wanted to make sure where they were with the confusion of the formation of the Planning Board.

Supervisor Hotaling stated that it has now been resolved and added that once they get it is writing from Attorney for the Town Wukitsch the next step will be the final polishing of a document that will come to the Town Board for recommendation.

Attorney for the Town Wukitsch inquired as to if it will include the Special Use Permit authority being moved to the Planning Board.

Code Enforcement Officer Conrad stated that this was the issue that they were working on in trying to develop how to handle it with the creation of the Planning Board.

Supervisor Hotaling inquired as to if it is contemplated that the Site Plan Review Law will also have a component of the Special Use Permit review or if it will be separate.

Code Enforcement Officer Conrad stated that it will be the actual amendment to the creation of the Planning Board and added that the Planning Board was also going to do something for alternate members that have already been brought to the Board and sent back for review because of the Section 271 conflict and added that they had to do more research. He continued by saying that they have decided to create a separate standalone Local Law that they have obtained from the Association of Towns to deal with alternates not only on the Planning Board level but the Zoning Board level as well. He concluded

by saying that it will be an Alternates Law that will deal with both Boards and added that the issue is how to get the authority to the Planning Board at this point to take care of the Special Use Permits.

Supervisor Hotaling stated that the Site Plan Review Law is separate, the Alternate Law is a separate standalone and they are still working on whether the Special Use Permit aspect will be woven into the Site Plan Review Law or be a separate standalone.

Code Enforcement Officer stated that was correct and added that this is the direction that they need from Attorney for the Town Wukitsch.

Supervisor Hotaling inquired as to if it is his understanding that the Planning Board will be giving this to the Board as a group and added that the Site Plan has been a long time.

Code Enforcement Officer stated that it is ready and in his office.

Supervisor Hotaling stated that whenever the Planning Board gives approval to forward it to the Town Board with a cover memorandum from the Chairman they will be happy to review it.

Code Enforcement Officer stated that they were waiting to see about the issue with the Planning Board based on Attorney for the Town Wukitsch's review and added that they wanted to keep it simple and if there was a problem they didn't know if there would be a need to go back and create a Planning Board from beginning to end.

Supervisor Hotaling stated that he understood and added that the question had been asked and answered. He reiterated that when it is given to the Town Board it should include a cover letter from the Chairman saying that the Planning Board reviewed the draft, agree with the draft and are forwarding it as a recommendation for adoption by the Town Board.

Code Enforcement Officer stated that he believes that they have that already.

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

Old Ravena Road

Supervisor Hotaling stated that earlier in the day Highway Superintendent Deering had asked that Old Ravena Road be placed on the agenda and added that he is reading the memo for the first time. He continued by saying that Highway Superintendent Deering received a call from the R-C-S Bus Garage concerned with road bank deterioration on Old Ravena Road, which is causing the pavement to separate. He added that the memo also states that it is a potentially dangerous situation and then asked Highway Superintendent Deering if he said it was or if it was the school.

Highway Superintendent Deering stated that he had said it and added that the school has probably said it as well.

Supervisor Hotaling stated that there was a memo dated 10-11-05 attached concerning the problem.

Highway Superintendent Deering stated that this was when he first had sent a memo addressing the issue.

Supervisor Hotaling stated that at that time they authorized an engineering study continued by asking if that was also attached.

Highway Superintendent Deering stated that it was.

Supervisor Hotaling inquired as to what has happened since then.

Highway Superintendent Deering stated that he didn't think that they authorized the engineering study and added that it was proposed for 2006 but nothing has been done.

Supervisor Hotaling asked if Clough Harbor did an engineering study.

Councilman Youmans interjected that it was a proposal for an engineering study.

Supervisor Hotaling inquired as to if Highway Superintendent Deering had put it in his budget.

Highway Superintendent Deering stated that he did for 2006.

Supervisor Hotaling inquired as to if he put in the budget an engineering study to be done by Clough Harbor in the amount that they proposed and whether or not they had funded it.

Highway Superintendent Deering stated that he does not believe that they funded it.

Supervisor Hotaling stated that they now have had another call from R-C-S saying that the shoulder of the road is bad and someone has said that it is a dangerous situation and continued by asking what Highway Superintendent Deering what he is going to do about it.

Highway Superintendent Deering stated that it has to be fixed because it is a safety problem.

Supervisor Hotaling interjected that there is \$250,000.00 in the Highway Budget for road repair and then asked if he would be using some of that.

Highway Superintendent Deering stated that he won't unless he has to.

Supervisor Hotaling inquired as to why he wouldn't and continued by asking why he is dancing around the issue when he could make a decision to fix the shoulder.

Highway Superintendent Deering stated that it is not a permanent thing and added that they have been fixing it but it keeps sliding.

Supervisor Hotaling stated that he has the authority to seek a permanent solution and can do it if it is within a \$200,000.00 range.

Highway Superintendent Deering stated that it probably won't be and added that he can come up with a solution if they can come up with the money.

Councilman Boehm stated that the memo says reevaluation and then asked if it was evaluated before.

Highway Superintendent Deering stated that it was.

Councilman Boehm inquired as to if they have the study of what was done.

Councilwoman Rogers interjected that she believes that Supervisor Hotaling is saying that if they should solve the problem now because it is from 2005, it is going to exceed the \$35,000.00 proposed by Clough Harbor. She continued by saying that he is going to have to put it in a budget to come up with the money and then asked Highway Superintendent Deering if he can come up with a way to fix the road to last until they can get it in the budget next year.

Highway Superintendent Deering stated that they continue to raise the shoulder up when it slides. He added that it is minor but it is going to keep happening and went on by saying that the bridge work is really going to hammer that spot.

Councilwoman Rogers stated that the problem is that he doesn't have \$35,000.00 or more in his budget this year to do that.

Highway Superintendent Deering interjected that they can patch it like they have done in the past and added that something permanent has to be done.

Councilman Boehm inquired as to how often it is patched.

Highway Superintendent Deering stated that it depends on the weather.

Supervisor Hotaling inquired as to how Highway Superintendent Deering would fix it without an engineer.

Highway Superintendent Deering stated that he would do what he's been doing and reiterated that it has to be done right down to the creek.

Supervisor Hotaling inquired as to what he means and what exactly needs to be done.

Highway Superintendent Deering stated that they need to dig it out and put up a wall and added that they also need to put some rip rap and drainage in.

Supervisor Hotaling inquired as to if they didn't spend the \$35,000.00 for the engineering and it was put toward the project, could Highway Superintendent Deering buy \$35,000.00 worth of material and fix it.

Highway Superintendent Deering stated that he could buy some material and added that it would not fix it permanently.

Supervisor Hotaling stated that he was trying to impress upon him that there is \$200,000.00 in a Special Improvement Budget and rather than oil and paving a road that doesn't need it, he can put some of the money toward Old Ravena Road and get it fixed. He added that it's not going to be tag your it every three years by writing a memorandum and saying that something has to be done because they have not done anything and reiterated that there is \$200,000.00 in his budget right now.

Highway Superintendent Deering interjected that he does not believe that it will solve the whole problem and added that it will help but will not solve it because it will still move because it goes from the road to the creek. He continued by saying that he would be willing to try.

Supervisor Hotaling inquired as to what they need to do to stop the problem and wanted to know if they would have to spend \$50,000.00 for guide rails and drive it down to bed rock so that no one can fall off of there.

Code Enforcement Officer Conrad interjected that years ago Boswell Engineering came in at the request of Councilman Schimmel and they did an engineering analysis of the other side of the hill where it goes up and added that as the creek erodes it eats away at the base of the hill and the soil has been fortified by the soil that keeps working its way down. He added that they did numerous things and first they drove sheeting down to bedrock to try and stop the action from continuing and dug out a portion of the dirt that was there, which they called heavy fill and in turn put light fill in place which is well drained and not clay and does not retain water like what is there now and then rip rapped a portion of it. He concluded by saying that it was probably \$50,000.00 that got spent over a couple of years

Supervisor Hotaling stated that he doesn't dispute that and added that they are here now and still talking about why they can't do something about it and reiterated that there is ¼ million dollars in the budget in 2009 for special improvements for roads. He added that if this is the critical area for special improvements in the Town of Coeymans this year they should spend the \$200,000.00 on that rather than keep sending him memorandums once every four years saying that he hasn't done anything about it. He went on by saying that since 2005 there has been close to a million dollars in appropriations for road

improvements in the Highway Department and it has been turned over to Callanans to put blacktop here and there. He continued by saying that if it is the critical area, they should take care of it with the money in the budget and if the money in the budget is not enough and it is still critical he will then have to come back to the Town Board and say that he needs more money and in turn they will have to find more. He concluded by asking Highway Superintendent Deering what the \$200,000.00 is for and added that it is for road improvements.

Highway Superintendent stated that it is for road improvements and added that it is a bank that is taking away a road.

Supervisor Hotaling inquired as to if this would not be qualified as a road improvement.

Highway Superintendent Deering stated that it would help maybe with the sliding and added that he can't guarantee it and continued by saying that he is not an engineer and does not know what is going on underneath. He went on by saying that when the dirt gets wet it slides every time it rains and then it slows down and it stops for a while.

Supervisor Hotaling stated that he does not have a budget with him now and added that he knows that there was approximately \$5,000.00 for engineering services in the Highway Budget and added that he did not recall seeing anything in the budget that said he needed to address \$35,000.00 - \$40,000.00 in engineering for this problem.

Highway Superintendent Deering stated that when the south bridge was done he handed in the problem and in turn nothing was done by the County.

Supervisor Hotaling agreed that they asked the County to do something and added that he remembers having discussion with the County but they didn't do anything.

Highway Superintendent Deering stated that 2005 was not the first time for the problem and added that it has been a problem for as long as he has been with the Town and he has been trying to get something done with it. He went on by saying that Kelt Vosburg had someone from the State look at it and it was millions of dollars.

Supervisor Hotaling interjected that the State isn't going to fix it.

Highway Superintendent Deering stated that Ralph Schimmel got involved with it and reiterated that it was millions then to fix it and added that it would probably cost that much to do it the proper way. He continued by saying that he is just reminding them that it is a problem.

Supervisor Hotaling stated that he is reminding him that he has \$200,000.00 to fix it and do something this year.

Highway Superintendent Deering stated that if he could be guaranteed that it would solve the whole problem he would use it.

Code Enforcement Officer Conrad interjected that they need to get an engineer to look at it.

Highway Superintendent Deering stated that's what he wants to do.

Councilman Youmans stated that they have a proposal from Clough Harbor for \$35,000.00 and then inquired as to if C.T. Male does that type of engineering and if they might look at it for considerably less.

Code Enforcement Officer Conrad stated that he doesn't know about that and continued by saying that they do that type of work.

Councilman Youmans inquired as to if they need a huge study and added that it baffles him in looking at \$35,000.00 for a study that there is a Managing Engineer at \$180.00 per hour, a Senior Engineer at \$125.00 an hour, an Assistant Project Engineer at \$70.00, and

Engineer at \$55.00 an hour and added that it seems to him that it is someone ringing governments.

Supervisor Hotaling stated C.T. Male would be the same thing.

Councilman Conrad stated that Boswell had done a study for the same area and added that it may be as simple as looking at some of the materials for the tests that have already been done and in turn developing a strategy of some sort maybe on a lesser complicated basis to at least try something.

Councilman Youmans interjected that he hears what Highway Superintendent Deering is saying in that it is a bank problem and not just that the road needs to be fixed.

Highway Superintendent Deering reiterated that it is a bank problem.

Councilwoman Rogers asked Highway Superintendent Deering if it would be cheaper to move the road over away from the bank.

Highway Superintendent Deering stated that they might have to buy the barn that sits directly across the road from it.

Councilman Conrad interjected that he can assure them that it would be cheaper to buy the barn.

Highway Superintendent Deering stated that when it first started it was the shoulder and as it got worse it came out into the road. He added that at one time it didn't bother the road but now it is 3-4 feet in the road. He continued by saying that even if they buy the barn to go around, sooner or later it will reach there too.

Supervisor Hotaling stated that if they want to have an engineer study and want C.T. Male to do it they will need to have a motion and added that when the cost comes in for \$35,000.00 to \$40,000.00 the Board will have to take the position that the money will be transferred out of the \$200,000.00 to pay for the study.

Councilman Boehm inquired as to where the information is from when Boswell did the study.

Highway Superintendent Deering stated that he has it at the Highway Garage.

Councilman Boehm inquired as to what the difference would be in using that opposed to paying \$35,000.00 for a new study and whether or not he can use that information and base the repair on that. He continued by saying that rather than reinvent the wheel they should look at the study and what they did and then base their repairs on that and added that as Councilwoman Rogers had suggested, they might want to move the road rather than fighting Mother Nature and the huge erosion.

Supervisor Hotaling inquired as to if they take the barn by Eminent Domain and move the road, whether it will line up with the new south bridge or if it will create another situation.

Highway Superintendent Deering stated that there would be a pretty big turn.

Code Enforcement Officer Conrad interjected that it would be less of a bend that they have with Palange.

Supervisor Hotaling stated that the Town Board also received the memorandum from Highway Superintendent Deering and continued by asking what they wanted to do.

Councilman Boehm stated that they had a number of options, possibly moving the road, looking at the Boswell engineering study and maybe coming up with a practical way to deal with the situation and if those fail, looking to putting it out to bid to some

Engineering Firms to get a decent price because \$35,000.00 back in 2005 is probably now \$50,000.00 today.

Councilman Touchette interjected that the \$35,000.00 was to develop conceptual remedial alternatives

Supervisor Hotaling inquired as to what Councilman Boehm's other option was.

Councilman Boehm stated that they could move the road to avoid the problem and added that the Boswell study was done and they should utilize the study to make repairs to the road.

Supervisor Hotaling inquired as to if the Boswell study was specific to that area.

Code Enforcement Officer Conrad stated that it is for that area.

Supervisor Hotaling inquired as to if they had a repair strategy.

Code Enforcement Officer Conrad stated that they absolutely did.

Highway Superintendent Deering stated that they did and Flach did some work.

Supervisor Hotaling stated that he would think that it went back to the Vic Carrk era.

Code Enforcement Officer stated that Boswell Engineering just did Kruger Road.

Supervisor Hotaling stated that Highway Superintendent Deering had suggested that they use Boswell Engineering for Kruger Road because he is familiar with them and added that it didn't make any sense to use someone else.

Tape changed – Some dialog lost.

Supervisor Hotaling stated that there has been a plan from 91-96 with ideas and strategies of how to fix the problem and continued by asking why it has not been fixed.

Code Enforcement Officer Conrad interjected that it was expensive and they only did one part of it.

Highway Superintendent Deering stated that F.E.M.A. paid for one of the projects and added that it was approximately \$80,000.00.

Councilman Boehm stated that his immediate concern is that the bus garage had complained about safety concerns and continued by asking if there is a way to make it safe for school buses to travel on.

Highway Superintendent Deering stated that the condition depends on the rain and what the creek does.

Councilwoman Rogers inquired as to how many years he has been filling it in.

Highway Superintendent Deering stated that it has been years and years.

Councilwoman Rogers stated that it has been safe and added that they can continue filling it in like they have to temporarily to make it safe for the buses.

Highway Superintendent Deering stated that they can and continued by saying that something still should be done in the future.

Councilwoman Rogers suggested that he dig out the Boswell reports and added that they will start from there.

Councilman Boehm interjected that he would like to see them to know what they are dealing with.

Highway Superintendent Deering stated that has been trying to get it done but there are money problems and added that based on the Boswell Report they are talking millions of dollars.

Supervisor Hotaling stated that Highway Superintendent Deering will provide the Boswell reports to the Town Board.

Councilwoman Rogers reiterated that they will start there.

Councilman Touchette inquired as to if they should schedule discussion for the next meeting.

Supervisor Hotaling asked Highway Superintendent Deering if he can get the reports fairly quickly.

Highway Superintendent Deering stated that he can.

Supervisor Hotaling stated that he doesn't want to schedule it for the next meeting unless they have the report.

Councilman Boehm asked if he can fix it temporarily with asphalt.

Highway Superintendent Deering stated that this is what he has done in the past.

Councilman Boehm inquired as to how soon he can do the repair to make it safe.

Highway Superintendent Deering stated that it can be as soon as they start making asphalt.

Councilman Boehm inquired as to when that will be.

Highway Superintendent Deering stated that he has not heard a date.

Supervisor Hotaling asked Councilman Boehm if he had anything else.

Councilman Boehm inquired as to how Biers Road is going.

Supervisor Hotaling interjected that they are through with the topic of Old Ravena Road and continued by asking if anyone had any other Old Business topics.

Councilman Boehm inquired about Biers Road and whether or not there is a timeline to make the necessary repairs now that they have accepted the road, so it can be utilized by the resident and whether or not the new extension is open.

Highway Superintendent Deering stated that it is not open.

Councilman Boehm inquired as to when it will be.

Highway Superintendent Deering stated that it will be as soon as they get it repaired and the rest of it done and added that he gave Darryl the check and talked to John about the deeds.

Attorney for the Town Wukitsch interjected that he drew up an agreement regarding the Escrow Account and the asked Supervisor Hotaling if he had it.

Supervisor Hotaling stated that if he does he has not seen it yet.

Attorney for the Town Wukitsch stated that he e-mailed it to him.

Supervisor Hotaling stated that he didn't open any e-mails during the day.

Attorney for the Town Wukitsch reiterated that he drew up an agreement regarding the Escrow Account and added that it basically memorializes the creation of the account and provides that Mr. Palange is responsible for any costs associated with the project that exceed \$3,500.00.

Supervisor Hotaling inquired as to if they want to formally approve it, even though he has not presented it, or if they just want to move along with it now that the easements and deeds are done and they have the check for \$3,500.00.

Collectively the Town Board agreed that they should move along.

Supervisor Hotaling asked for a motion to accept Attorney for the Town Wukitsch's Escrow Account Agreement and approve that it be sent out for execution.

MOTION

On motion of Councilman Boehm, seconded by Councilwoman Rogers, accepting Attorney for the Town Wukitsch's work on the easements and the Escrow Account Agreement to collect money for any work exceeding \$3,500.00.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Hotaling stated that he would be getting the Escrow Account Agreement from the e-mail and then asked Attorney for the Town Wukitsch if the execution should be done by the Town Board or Highway Superintendent Deering.

Attorney for the Town Wukitsch stated that it should be the Town Board.

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

NEW BUSINESS

Resignation of Zoning Board of Appeals Member

Supervisor Hotaling stated that he was in receipt of a letter of resignation from Zoning Board Member Pape, which was addressed to himself and Kerry Marsh, Zoning Board Chairman and continued by reading the following:

Dear Sirs:

Please accept this letter as my resignation as a Board Member on the Town of Coeymans Zoning Board of Appeals. It has been a very interesting experience.

We have a wonderful Town with each region having its own unique qualities to offer. There are very few towns with such diversity to offer its citizens. I hope that whoever replaces me will share the same respect for the entire town and its population.

Thank you.

Very truly yours,

Mary K. Pape

Supervisor Hotaling stated that a copy went to each member of the ZBA and then asked for a motion to accept the resignation.

MOTION

On motion of Councilman Touchette, seconded by Councilman Boehm, accepting the resignation of Mary K. Pape from the Zoning Board of Appeals.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Supervisor Hotaling asked if there was any further discussion.

Councilman Boehm stated that he wanted to thank Mary K. Pape for her services to the Town and the Zoning Board of Appeals.

Councilman Youmans stated that he would echo Councilman Boehm's sentiment.

Supervisor Hotaling stated that if anyone knows of someone that would be interested in filling the vacancy, they should encourage them to let him know in some reasonably formal way such as a phone call, short note or some other form of communication.

Albany County Whistleblower Hotline Program

Supervisor Hotaling stated that he had asked the Town Board to review County Executive Breslin's letter and give it some thought and advise him of their desire to explore the offer further. He continued by saying that the offer is that the County of Albany is in the process of procuring the services of an independent provider of Whistleblower Hotline System and continued by reading the following excerpt:

“Such systems are indispensable in promoting a work environment characterized by the highest ethical standards. All individuals that work for or receive services from the County as well as those organizations that do business with it need a convenient, reliable and secure mechanism for reporting any incident they believe may violate the County Code of Ethics. We expect the company we hire will provide just such a solution. We included in the provisions the opportunity for any political subdivision to purchase these services from the resulting contract. Please feel free to contact my office or that of our Purchasing Agent, Karen Smith to learn more about this opportunity.”

Supervisor Hotaling stated that the question before them is whether the Town Board wants him to explore it further with Ms. Storm and if they are interested in pursuing an opportunity to purchase the services of a Whistleblower Hotline System for the Town of Coeymans.

Councilwoman Rogers inquired as to what the price is.

Supervisor Hotaling stated that he didn't have any idea and added that maybe Ms. Storm now knows the purchase price. He continued by saying that he got the impression that they were seeking the services of an independent provider and went on by saying that he's not sure that they had a provider in mind.

Councilman Youmans stated that he would be interested in learning more about whatever program they work out and the potential cost associated with it.

Councilman Boehm stated that he believes it is a good idea and more people would bring to their attention what that they feel is necessary and added that he agrees that they should investigate the opportunity and see what the cost would be.

Supervisor Hotaling inquired as to if he is permitted to contact Ms. Storm to see what stage they are at and whether or not they have identified a vendor and if so what the contract cost might be for the services that they provide.

Collectively the Town Board agreed.

Supervisor Hotaling stated that he will report back to the Town Board.

Review of Updated Emergency Management Plan for Approval and Request Village of Ravenna to Consider the Same

Supervisor Hotaling stated that they had a Workshop presentation by Bill Bruno, Chairman of the Emergency Management Committee who presented to them the Town of Coeymans/Village of Ravenna Comprehensive Preparedness Management Plan, which contains some modifications from the original small handbook copy. He added that subsequent to the Workshop he spoke with Chief Darlington about it, who did not have an opportunity to review it and went on by saying that he was going to come prepared for discussion at the next Town Board Meeting. He then asked Chief Darlington if he had any comments to make on it.

Chief Darlington stated that he had sent an e-mail to Bill Bruno and to date has not gotten a response and added that on page 5 he makes reference to Director of Emergency Management and continued by saying that he is curious as to if it is the position the Board developed at the first of the year when they called it Director of Operations. He went on by saying that he didn't know if it was referring to the Committee Chairman or Director of Operations and added that he thinks that it needs to be clarified.

Supervisor Hotaling stated that the paragraph may need to be retooled in light of their modification that took place between last year and this year relative to the hierarchy. He added he believes that what he is referring to under the old system and he as the Emergency Management Coordinator/Director would coordinate the opening and implementation of the Emergency Operations Center under the oversight of the Supervisor and/or Mayor and would monitor the situation, provide assistance and advise the Supervisor and/or Mayor of operational priorities. He went on by saying that he believes that they maintained that but added a layer of Emergency Management Operations Director as the person who executes it and added that it needs to be retooled in that regard.

Chief Darlington reiterated that he e-mailed Bill Bruno to clarify the position he was referring to in that.

Supervisor Hotaling stated that he believes he is referring to the old way where he would be the guy and then somehow sort out the operational priorities and have them executed. He continued by saying that they have now taken a bit of a different direction and added that his goal was to come to the conclusion that they are ready to send it to the Village. He concluded by saying that he does not believe that they are there yet given the discussion and then asked the Town Board if they agree that it should be tabled until there is a response from Mr. Bruno on a clarification of that paragraph.

Collectively the Town Board agreed.

Supervisor Hotaling stated that hopefully they can have it on the agenda for the next Town Board Meeting in two weeks.

NYS DEC Permit Issued for P&M Brick

Supervisor Hotaling stated that the Town Board has before them a memorandum that summarizes his conversation with Mr. William Clarke, New York State Department of Environmental Conservation Permit Administrator for Region 4, which they had after he had received an e-mail from Mr. Marcuccio who had advised him that DEC had issued a Solid Waste Permit for the proposed P&M C&D Processing Facility and continued by reading an excerpt from the e-mail:

“After reviewing all of the comments we received from the public as well as your last set of comments to us which incorporated some of the concerns expressed by each member of the Board, we believe that those comments have been appropriately addressed.”

He continued by saying after reading that and reviewing the permit and draft permit he didn't find that there was a significant addressing of anything and he e-mailed him back and then read an excerpt from that:

“I respectfully disagree that any of his comments and/or suggestions were addressed. In the proposed permit there is no additional requirement to allow the Town’s enforcement staff to enter the property and inspect the facilities and/or activities associated with this approved processing. There is no, I believe, simple requirement to convey the results of noise studies to the Town’s officials, nor an acknowledgment that P&M would be willing to conduct noise tests, when appropriately requested by the Town, at various locations surrounding the community. Finally, there is no response from DEC with regard to my inquiry pertaining to Part 360-a.15, declaring this activity a “beneficial use” and removing it from the definition of solid waste, which I have been advised, was the designation made by the DEC for the approved, but never commenced, Lafarge Tire Derived Fuel Project. Can you explain why the DEC does not see this process as falling under the aforementioned section of Part 360? Please advise me if I have either misread or misinterpreted your proposed permit”

He went on by saying that he didn’t get an e-mail back from Mr. Marcuccio but did get a call from Mr. William Clarke and he reported the finding of his discussion in a memorandum, which is now before them and added that he wanted them to know that he followed up with all those things with him and is not necessarily in agreement with Mr. Clarke’s assertions that they could not do the things that they had requested except for agreeing that DEC would provide the results of a noise study to the Town of Coeymans when they were undertaken. He went on by saying that he urged Mr. Clarke to go to his powers that be to examine Part 360 related to this process and others around the state acknowledging the advancements in recycling, reprocessing and reuse and trying to parallel it with what appears to be New York State’s efforts to promote activities toward a greener environment. He concluded by saying that he was putting it up for any discussion or concerns that anyone might want to express.

Councilman Boehm stated that they are going to share the results of the noise study and then inquired as to why they wouldn’t do that prior to issuing the permit and added that they would be doing it after the fact.

Supervisor Hotaling stated that he was missing the point and asked that he repeat what he said.

Councilman Boehm stated that he had indicated that DEC would be sharing the results of the noise study.

Supervisor Hotaling stated that in their draft permit and in their final permit there was a requirement for noise studies to be conducted and added in the draft permit he first asked that the DEC consider sending copies of those noise studies to the Town simultaneously when they were being provided to DEC so they could have the same data and in turn could respond to some of the public concern relative to noise. He continued by saying that he expected that it be handled in the final permit, but was not and there is nothing in it that requires they share a noise study. He went on by saying that Mr. Clarke did say that it was not a problem and they would do it and added that in his opinion there are two greater concerns, the first being their inability to go on the site to assist in the oversight of the permit, which would mean if they saw something to report they could report it directly to DEC and continued by reading the following excerpt from his memo to the Town Board

“The DEC does not and has not given local authorities any role in monitoring conditions of the DEC issued permit. In Mr. Clarke’s words, that would be a “delegation of DEC authority”, which DEC would not approve, except in instances where the County Health Department is authorized to monitor public health issues related to, for example SPDES Permits.”

He went on by saying that in the permit the County Health Department is authorized along with DEC to go in the site and added that he does not understand the connection. He added that the Town Board has what he has from DEC and added that they keep in mind that the permit was issued on March 9th, signed by William Clarke. He then asked if there were any comments, or discussion.

Councilman Touchette inquired as to if they plan on taking any action.

Supervisor Hotaling inquired as to what action they can take.

Councilman Touchette stated that they need to apply for a Building Permit.

Supervisor Hotaling stated that he was not following him and inquired as to what he meant by Building Permit.

Councilman Touchette stated that it would be to construct the facility.

Supervisor Hotaling stated that the facility that this would be conducted in is a facility that has already been constructed.

Councilman Touchette inquired about Site Plan Review and Code Enforcement.

Code Enforcement Officer Conrad interjected that for the principal use they are in an Industrial Zone.

Supervisor Hotaling stated that it goes back to the original topic that if they had the Site Plan Review Law, with the change in use from what it was to what it is now, the Site Plan Review Law would have provided an opportunity for that. He added that he took the comments from the Board during the draft permit process and conveyed them to DEC and added that he wanted to make the point that they apparently didn't take the comments seriously but did say that the comments had been appropriately addressed. He concluded by saying that he does not believe that there would be a Building Permit involved in this particular location.

Code Enforcement Officer Conrad stated that he wanted to point out to the Board that Mr. Laraway has supplied copies of the noise levels to him.

Councilman Boehm inquired as to if they were the studies that he did at the property line.

Code Enforcement Officer Conrad said that they were.

Attorney for the Town Wukitsch stated that it was October 2008.

Supervisor Hotaling stated that a condition of the permit is that the permittee shall repeat the October 2008 noise study by no later than 120 days from the effective date of the permit and added that it lists the conditions that the study be conducted under. He added that he had asked that the results be shared with the Town but they did not choose to incorporate that requirement in the permit but did verbally say that they would share the results. He went on by saying that he believes that Mr. Laraway would do the same, like he has done in the past.

Code Enforcement Officer Conrad stated that he wanted to point out that there was one site reading that was one decibel over during a night time reading, which was 58 and added that the Town's DBA at the property line is 100. He added that it doesn't exceed the current Local Law on sound and went on by saying that it appears that it was only over by 1 DBA under the DEC, which is Section 360-1-1.0 and reiterated that it is considerably lower than the Town's. He concluded by saying that he can provide them with the Section 360 regulations.

Supervisor Hotaling stated that he didn't want them.

Code Enforcement Officer Conrad reiterated that they did not exceed them in any point in time other than the one site that was over by 1 DBA.

Supervisor Hotaling asked if there was any other discussion on the matter and reiterated that he raised it to make them aware of the status. He continued by asking if there were any other New Business topics that the Board wished to raise, hearing none he moved to the next item on the agenda.

RESOLUTIONS

Supervisor Hotaling stated that the first resolution deals with an amendment of the 2009 Budget regarding Justice Court grants and is reflective of the grant that occurred over the past couple of years that is to be used in 2009.

RES. #50-09 AMEND 2009 BUDGET FOR COURT RENOVATIONS

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

WHEREAS, the Town of Coeymans Justice Court has received two grants to improve Court facilities, and

WHEREAS, the 2009 Budget did not include these grants, and

WHEREAS, the Town of Coeymans is required to create a budget for the source and use of funds for the Court grants,

NOW, THEREFORE, BE IT RESOLVED, that the 2009 Budget be amended as follows:

Increase Revenue code	A3021	\$49,477.00
Increase Expenditure Code		
A1110.2	Equipment & Capital Projects	\$44,197.00
A1110.4	Contractual	\$ 5,279.59

Supervisor Hotaling stated that the following resolution also deals with grants that were received in the Police Department and then asked Chief Darlington if there was any detail that he wanted to provide.

Chief Darlington stated that he had met with Bookkeeper Chmielewski and Internal Control Officer Purinton and added that they are the Traffic Safety Grants that have already been received. He continued by saying that this is the first year that they received grants for equipment, which was not in their budget.

Supervisor Hotaling stated that it is for accounting purposes for the budget.

RES. #51-09 AMEND 2009 BUDGET FOR POLICE GRANTS

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

WHEREAS, the Town of Coeymans Police Department will receive grants for Buckle Up New York (BUNY); Traffic Safety Detail (DWD); and Select Traffic Enforcement Program (STEP), and

WHEREAS, the 2009 Budget did not included these grant monies, and

WHEREAS, the Town of Coeymans is required to create a budget for the source and use of these funds for the grants,

NOW, THEREFORE, BE IT RESOLVED, that the 2009 Budget be amended as follows

Buckle Up New York Grant (BUNY)

Increase Revenue Code	A3390	\$1,500.00
Increase Expenditure Code		
A3310.1	Personal Services	\$1,000.00
A3310.2	Equipment & Capital Projects	\$ 500.00

Traffic Safety Detail (DWI)

Increase Revenue Code	A1589	\$5,000.00
Increase Expenditure Code		
A3315.1	Personal Services	\$3,000.00
A3315.2	Equipment & Capital Projects	\$2,000.00

Select Traffic Enforcement Program (STEP)

Increase Revenue Code	A3391	\$3,500.00
Increase Expenditure Code		
A3311.1	Personal Services	\$3,000.00
A3311.2	Equipment & Capital Projects	\$ 500.00

Supervisor Hotaling asked Chief Darlington if there was anything else that he wanted to add.

Chief Darlington stated that under the Traffic Safety for \$2,000.00 they purchased a Stalker Radar for the new car.

RES. 52-09 APPROVE MARCH ABSTRACT

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

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

FUND	VOUCHER #	AMOUNT
GENERAL (A)		
General Pre-Pay	514-579	\$1,153,652.28
General	628-701,760-761	\$ 124,860.17
	General Total	\$1,278,512.45
PART-TOWN (B)		
Part-Town Pre-Pay	580-592	\$ 208,045.73
Part-Town	702-707	\$ 2,190.54
	Part Town Total	\$ 210,236.27
HIGHWAY (D)		
Highway Pre-Pay	593-603	\$ 76,332.80
Highway	708-743	\$ 32,287.79
	Highway Total	\$ 108,620.59
SEWER (SS)		
Sewer Pre-Pay	604-620	\$ 9,724.07
Sewer	744-758,762	\$ 8,635.12
	Sewer Total	\$ 18,359.19
CAPITAL PROJ. (H-29)		
Cap. Proj. UV Pre-Pay	621-622	\$ 103,312.50
Cap. Proj. Ultraviolet	759	\$ 2,122.75
	Capital Proj.Total	\$ 105,435.25

	Total for All Funds	\$1,721,163.75
TRUST & AGENCY (TA)		
Trust & Agency Pre-Pay	623-627	\$ 123,434.01
	Trust & Agcy. Total	\$ 123,434.01

Supervisor Hotaling stated that under the Capital Projects UV there were expenditures of approximately \$105,000.00 and added it is the project that they have had a grant awarded to them for about \$265,000.00 and added that it will take approximately \$441,000.00 to accomplish it. He continued by saying that they have submitted their first for reimbursement from the State, which is approximately \$112,000.00 and went on by saying that they were advised that because it contains only costs through December 31, 2008, it has a reasonable likelihood to be paid timely and they were further advised that the \$105,000.00 has charges that are associated with January 2009 and beyond and have less of a reasonable likelihood of being paid timely. He added that they now require the signature of the Budget Director’s Office, even those grant funds that were previously awarded and encumbered and went on by that if they don’t get the reimbursement reasonably timely because of some of their shortfalls in collecting from some of their sewer customers, they might be in a position of having to borrow money again in the Sewer Fund from other funds in the Town, which would be the B Fund. He concluded by saying that he does not want this to happen but they want to be prepared to address the continuation of the UV Project because it needs to be done and added that he hopes that the State of New York holds up their end of the bargain for reimbursement.

CORRESPONDENCE

Supervisor Hotaling stated that there were no correspondence to report and continued with the next item on the agenda.

WORKSHOPS/MEETINGS

- Town Board Meeting – April 13, 2009, 7pm
- Town Board Workshop – April 21, 2009, 6pm
- Town Board Meeting – April 27, 2009, 7pm

ADDITIONAL COMMENTS

Supervisor Hotaling asked if there were any additional comments.

Councilman Boehm stated that he wanted to publicly thank the Chief of Police and the officers who worked on the tragedy case of the young man that was shot and added that as tragic as it was the investigation in working with the State Police was quickly resolved and they arrested a suspect, which alleviated a lot of fear in the community.

Supervisor Hotaling asked if there were any other comments.

Councilman Touchette stated that he felt as though he has to express his disappointment that they are going to allow and encourage the C&D Processing Plant, which is clearly in violation of the Town’s Local Law.

Supervisor Hotaling asked if there were any other comments.

Chief Darlington stated that he wanted to thank the State Police for their assistance with the murder in town and added that they provided 15 investigators as well as 5 forensic

investigators that processed the house. He added that the system that they have is quite amazing and it ultimately led to leads all the way down to Rhinebeck with a majority being in Greene County. He continued by saying that he and Supervisor Hotaling had talked about the Asset Forfeiture Program and went on by saying that he had made contact with the Chief's Association and asked if they could put him in contact with other agencies that do it and in turn they put him in contact with Glens Falls. He added that ultimately they are stuck at the mercy of the District Attorney's Office and was advised that they have to do a Civil Case against the person to seize the money and based on the volume of cases that they are handling he does not see them doing it, rather than in a plea bargain, which takes forever and is minimal. He continued by saying that he wanted to find out if there is a way, much like they are doing the prosecution of non criminal cases, that the DA's Office would allow Martin Burke to initiate a Civil Case on behalf of the DA's Office, the assets for the Town of Coeymans.

Supervisor Hotaling stated that it was a good thought to put in their minds and then asked Attorney for the Town Wukitsch for his initial thoughts knowing his perspective as Attorney for the Town as well as a sitting Justice as to whether there have been any such designations in the past.

Attorney for the Town Wukitsch stated that he is not aware of any and added that it makes sense to him that it could be done that way and added that it is worth exploring.

Chief Darlington stated that Glens Falls advised that there are two ways that it can be done, they can do it through the DA's Office or through the Federal Government, which has a \$200,000.00 threshold and some of theirs aren't reaching that amount and added that either way the DA's Office has to waive out of it.

Supervisor Hotaling asked that Chief Darlington explain the Asset Forfeiture concept.

Chief Darlington stated that they started looking into it because of the Section 8 fraud cases that they have handled with a minimum of \$40,000.00 for each case that they handled. He added that the money was ultimately found to be taken illegally and there might be some jail time and as such it is a huge expense for the Town to investigate as well as manage it. He went on by saying that in speaking with Internal Control Officer Purinton and Supervisor Hotaling they came up with a plan to make the criminal pay for the police services that they use, which would be seizing the house if it is the landlord that is frauding the Town and vehicles or any other assets to offset the cost of the investigation.

Supervisor Hotaling stated that if the Town Board would like to explore the concept further they should have Martin Burke inquire of the DA's Office about trying to receive that authority. He added that he currently is the prosecutor for Town Code, and UTT's and they would be extending the authority to initiating Civil Law Suits for asset forfeitures.

Chief Darlington stated that ultimately the DA's Office gets a percentage of the seizures, which would be a benefit to the County.

Supervisor Hotaling asked the Town Board if they were interested in pursuing it.

Collectively they agreed.

Councilman Youmans stated that he would like to see more information before they move forward.

Supervisor Hotaling stated that the first step is trying to achieve the authority and added that the DA might not grant the authority and they are at mercy of either the DA or the Feds to initiate it. He added that with a \$200,000.00 threshold it is not likely to happen with the Feds and not likely to happen with the DA's Office workload.

Chief Darlington stated that they frequently request seizures, especially in drug cases and added that the assets sit downstairs with no resolution either way.

Supervisor Hotaling stated that this is a unique and creative approach and added that the Town has a prosecutor that is willing to tackle this. He asked that Chief Darlington continue to work on it and report back to them.

Chief Darlington stated that the other thing that he wanted to report is that at 9am on Thursday he will be meeting with F.E.M.A. with regard to the December storm and added that he should have numbers as to how much they will be recovering.

Supervisor Hotaling stated that there is a continuation until July 19th for Highway Superintendent to put in work identifiers for the clean-up.

Chief Darlington stated that they can get an extension if necessary.

Supervisor Hotaling asked that Chief Darlington go over with the Board their first meeting with Sheriff Campbell relative to the Byrne Grant money.

Chief Darlington stated that they recently received notification that the Town of Coeymans has potential to receive approximately \$11,000.00 and added at the initial meeting there was discussion as to what the purpose of the money was for and went on by saying that there seems to be a disagreement between the City of Albany, Police Chief, and Sheriff Campbell. He concluded by saying that he had since followed it up with Chief Apple and was advised that it is for equipment and one of the requests of the Sheriff was for a certain percentage to go back to the Sheriff's Department for incarceration of people from the Town of Coeymans.

Supervisor Hotaling interjected that it was 5%.

Chief Darlington agreed and added that it was \$900.00 and added that discussion also occurred with them about DCJS requiring card scan fingerprinting but the cost well exceeds the allotted amount and they are going to look at another grant for that. He went on by saying that they also discussed video cameras for the cars as well as the 5% for Sheriff Campbell.

Supervisor Hotaling stated that he would not say that Chief Apple and Sheriff Campbell had a disagreement but rather different viewpoints as to how the money could be utilized and added that it was grounded primarily in the fact that of the approximate \$830,000.00 that is available to the County of Albany, \$660,000.00 was designated to go to the City of Albany. He went on by saying that you can see that 5% of \$660,000.00 is a lot bigger than 5% of \$11,000.00, which would be the reason for the different viewpoints at the meeting and added that he hopes that it will be clarified at this weeks meeting,. He continued by saying that they also talked about the Town of Coeymans along with other communities who are designated to receive some money in the Byrne Grant, to tithe over some of that to the Sheriff's Department to assist some of the other Police Departments that were not listed, which was three villages.

Chief Darlington stated that it was Menands, Green Island and Altamont and continued by saying that they were not allotted any funds through the Byrne Grant and added that there was no explanation as to why. He went on by saying that in speaking with Chief Apple he believes that the 5% that he is asking for is going to be distributed back to those villages.

Councilman Youmans inquired as to if the Byrne Grant is an acronym for something.

Supervisor Hotaling stated that it is not and added that it is the name of a Judge and it is a Federal Program that has been in place for years. He then asked if Chief Darlington had any other topics for discussion.

Chief Darlington stated that the Hannacroix Creek plan has been forwarded to F.E.M.A. and they are waiting for the okay from them.

Supervisor Hotaling inquired as to if the seven proposals plus the requests for cost overruns were sent.

Chief Darlington stated that they were and added that SEMO has said that it is a requirement of DEC and they believe it should be paid for and in turn they are waiting for the Federal Government to agree.

Supervisor Hotaling stated that they are supporting the Town's position, which is good news.

Chief Darlington stated that once they get notified they will let the Town know and added that he put some pressure on in advising that the timeline in the creek is limited because of the trout season.

Supervisor Hotaling stated that he believes that they are already behind the eight ball on that.

Chief Darlington stated that he wanted to let the Board know that he will not be present at the next Town Board Meeting due to vacation.

Supervisor Hotaling asked if there were any additional comments.

Code Enforcement Officer Conrad stated that there still seems to be quite a few people who don't know what the Town is doing with the brush and added that there is a representative present from the News Herald who can put a notice in the paper to let the residents know that the Highway Department will be picking up brush.

Councilman Youmans interjected that it has to be associated with the ice storm.

Code Enforcement Officer reiterated that there are still several people asking questions and seem unaware that it is being done.

Supervisor Hotaling stated that they had taken the opportunity at past meetings to talk about that and agreed that it would be a good thing to have it in the News Herald and added that there is 180 days from the declaration of the disaster from the Feds for recovery.

Chief Darlington stated that he will confirm the date because it might be extended.

Code Enforcement Officer stated that he also wanted to address and respond to Councilman Touchette's comment about Code Enforcement and added that as Code Enforcement Officer he cannot say that the C&D is in violation of the Code, He continued by saying that it is not directly in violation of the Code based on the premise that any C&D that comes from within the Town of Coeymans is currently allowed in the process as well as any C&D that comes outside the State of New York. He went on by saying that it is only that material that is brought in from outside the Town within the State of New York that may violate the Law and added that since the permit has just been issued, he would believe that Mr. Laraway is not in violation at this time. He concluded by saying that he would also like to point out that as a past Board Member, they as a Board had collectively looked at the process for others in Town and whether it was right or wrong, collectively they looked at the PDF Facility and Albany Tank and they determined that the original intent of the Importation Law was designed for land filling only and not recycling and added that he would respectfully disagree with Councilman Touchette accusing him of letting something go on that is in violation of the law.

Supervisor Hotaling stated that he didn't think that they needed to have that dialog and added that since Code Enforcement Officer had it, he would offer the opportunity for Councilman Touchette to respond.

Councilman Touchette stated that his comments were based on the legal opinion of the Attorney for the Town and added that it was all he had to say.

Supervisor Hotaling stated that they would leave it at that point for now and asked if there were any additional comments, hearing none he asked for a motion to adjourn the meeting.

ADJOURNMENT

Supervisor Hotaling asked for a motion to adjourn the meeting.

MOTION

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

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time: 8:57pm

Respectfully Submitted,

APPROVED:

Diane L. Millious, Town Clerk